

# Critical Areas

## Contacts

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## Purpose

**Only one area has been deemed a critical area in Minnesota. This area is along the Mississippi River in the Twin Cities Metropolitan Area.** It includes an approximate 2-mile portion of the Minnesota River. A map showing the boundaries of the critical area is available at [MN DNR Critical Area Map](#). The [Mississippi National River & Recreational Area](#) was created in 1976, and is administered by the National Park Service MNRRA Office in St. Paul. The Minnesota Department of Natural Resources (DNR) was delegated oversight of the Minnesota Critical Area in 1995.

The purpose of the 1973 law was to create a means of identifying areas which have important historic, cultural, aesthetic, or natural significance to the state and which, if they were developed, could result in irreversible damage to the resources, decrease their value and usefulness, or endanger life and property. The legislature determined that land use plans and ordinances should be prepared by local units of government and that local governments, regional development commissions, and state agencies should work together in managing critical areas.

The Mississippi River and adjacent designated lands from the northern borders of the cities of Dayton and Ramsey to the southern boundary of Dakota County and the boundary of the Lower St. Croix River way in Washington County was initially designated as a Mississippi River Critical Area Corridor in 1976. This boundary corresponds with the 1988 MNRRA boundary. Since 1976, Minnesota Statutes require that all local units of government within the critical area adopt critical area plans and regulations that comply with the standards found within the executive order.

There are four types of districts designated within the Mississippi River Critical Area; a) Rural Open Space, b) Urban Diversified, c) Urban Developed, and d) Urban Open Space, as indicated on the Critical Area Districts map. Guidelines for these four Critical Area districts are defined in Executive Order 79-19 as follows:

- a. Rural open space district. The lands and waters within this district shall be used and developed to preserve their open, scenic and natural characteristics and ecological and economic functions. Presently undeveloped islands shall be maintained in their existing natural state. The transportation function of the river shall be maintained and preserved.
- b. Urban diversified district. The lands and waters within this district shall be used and developed to maintain the present diversity of commercial, industrial, residential, and public uses of the lands, including the existing transportation use of the river; to protect historical sites and areas, natural scenic and environmental resources; and to expand public access to and enjoyment of the river. New commercial, industrial, residential, and other uses may be permitted if they are compatible with these goals.
- c. Urban developed district. The lands and waters within this district shall be maintained largely as residential areas. The expansion of existing and development of new industrial, commercial, and other non-residential or non-recreational uses shall be limited to preserve and enhance the residential character of this district.
- d. Urban open space district. The lands and waters within this district shall be managed to conserve and protect the existing and potential recreational, scenic, natural, and historic resources and uses within this district for the use and enjoyment of the surrounding region. Open space shall be provided in the open river valley lands for public use and the protection of unique natural and scenic resources. The existing transportation role of the river in this district shall be protected.

## **Threshold Criteria**

If a proposed MnDOT project falls within a critical area we must determine whether our work is consistent with the surrounding community's Critical Area Plan, or applicable regulations governing the critical area if there is no plan.

## **Prepared Statement**

An appropriate "No effect" statement is most often tailored for each specific instance when a project will be located in a critical area. If a project is not in a critical area, the "no effect"

box on the checklist may be checked or the following statement can be used: "The proposed project is not located with a designated critical area."

## **Relationship to the HPDP**

Environmental documents utilized in the environmental review process must include coverage of this subject as follows:

### **Class I Projects (EIS Projects)**

#### **Scoping Document**

Indicate whether the proposed project will or will not fall within the limits of a "critical area" and if critical area involvement will result in a significant impact.

#### **Scoping Decision Document**

If inconsistencies between a proposed project and a Critical Area Plan exist, the affected Critical Area should be indicated as an issue that will be discussed in the Draft EIS.

#### **Draft Environmental Impact Statement (DEIS)**

Indicate whether the proposed project will fall within the limits of a critical area and discuss any inconsistencies with the surrounding community's Critical Area Plan. If inconsistencies between the proposed project and the plan exist, discuss alternatives and mitigative measures to resolve them.

#### **Final Environmental Impact Statement (FEIS)**

Describe how the preferred alternative will encroach upon the designated critical area, and if project is consistent with the Critical Area Plan. Mitigation may be appropriate.

### **Class II Projects (Categorical Exclusions)**

Project Memorandum: Indicate whether the proposed project will or will not fall within the limits of a "critical area", and how the project will relate to the Critical Area Plan, if one exists.

### Class III Projects (EA Projects)

Environmental Assessment or Environmental Assessment Worksheet: Indicate whether the proposed project will fall within the limits of a critical area and discuss any inconsistencies with the surrounding community's Critical Area Plan. If inconsistencies between the proposed project and the plan exist, discuss alternatives and mitigative measures to resolve them.

Findings of Fact and Conclusion: Indicate that any encroachment upon the designated critical area will be mitigated or avoided.

### Agencies Involved

Activity	Involved Agencies
Scoping	The member agencies of the DNR and Metropolitan Council, local units of government.
Document Review	DNR, Metropolitan Council, local units of government.

### Legal Basis

Description	Code
1973 Critical Area Act	<a href="#">Minnesota Statute 116G of the 1973 Critical Areas Act</a>
Mississippi River Corridor	Executive Order No. 130 (MEO 130)

### Guidelines / Regulations

If a proposed MnDOT project falls within a critical area, MnDOT should determine if the project is consistent with the surrounding community's Critical Area Plan if one exists. MnDOT should work with the community to resolve any inconsistencies. References to MnDOT's involvement with critical areas must be carefully documented in appropriate environmental review documents.

Work in the critical area may also trigger the need for a 4(f) evaluation.

### Helpful Links

**National Park Service**

[Mississippi National River and Recreation Area \(MNRRA\) Comprehensive Management Plan](#)