

APPENDIX D AUTHORIZING LEGISLATION AND CRITERIA FOR NEW UNITS

This appendix provides detail of the authorizing legislation for each park system, along with criteria for new units that are included in *Minnesota Laws*.

Minnesota State Parks

Minnesota Statutes Chapters 85 and 86A, the Outdoor Recreation Act of 1975, authorize and govern the creation and management of the system. The act identifies state parks, recreation areas, waysides, and state forest campgrounds as part of Minnesota's outdoor recreation system, which is designed to accommodate the outdoor recreation needs of all citizens of Minnesota. The act also designates DNR as the managing agency for these units. According to the act:

A state park shall be established to protect and perpetuate extensive areas of the state possessing those resources which illustrate and exemplify Minnesota's natural phenomena and to provide for the use, enjoyment, and understanding of such resources without impairment for the enjoyment and recreation of future generations. (*Minn. Stat. §86A.05, subd. 2 (a)*)

State parks shall be administered... to preserve, perpetuate, and interpret natural features that existed in the area of the park prior to settlement and other significant natural, scenic, scientific, or historic features that are present. Management shall seek to maintain a balance among the plant and animal life of the park and to re-establish desirable plants and animals that were formerly indigenous to the park area but are now missing. Programs to interpret the natural features of the park shall be provided. Outdoor recreation activities to utilize the natural features of the park that can be accommodated without material disturbance of the natural features of the park or the introduction of undue artificiality into the natural scene may be permitted. Park use shall be primarily for aesthetic, cultural, and educational purposes, and shall not be designed to accommodate all forms or unlimited volumes of recreational use. Physical development shall be limited to those facilities necessary to complement the natural features and the values being preserved. (*Minn. Stat. §86A.05, subd. 2 (c)*)

Only the Legislature can create, expand, or change the boundaries of state parks, recreation areas, and waysides. *Minn. Stat. §86A.05, subd. 2(b)* contains the criteria for new state parks and states:

(b) No unit shall be authorized as a state park unless its proposed location substantially satisfies the following criteria:

(1) Exemplifies the natural characteristics of the major landscape regions of the state, as shown by accepted classifications, in an essentially unspoiled or restored condition or in a condition that will permit restoration in the foreseeable future; or contains essentially unspoiled natural resources of sufficient extent and importance to meaningfully contribute to the broad illustration of the state's natural phenomena; and

(2) Contains natural resources, sufficiently diverse and interesting to attract people from throughout the state; and

(3) Is sufficiently large to permit protection of the plant and animal life and other natural resources which give the park its qualities and provide for a broad range of opportunities for human enjoyment of these qualities.

State recreation areas are designed to "provide a broad selection of outdoor recreation opportunities in a natural setting which may be used by large numbers of people."
(*Minn. Stat.* §86A.05, subd. 3.)

Metropolitan Regional Parks and Trails

The Metropolitan Council's initial authority to prepare a Regional Recreation Open Space Policy Plan is the 1967 legislation that created the Metropolitan Council. *Minn. Stat.* §473.145 states in part:

The Metropolitan Council shall prepare and adopt... a comprehensive development guide for the metropolitan area. It shall consist of a compilation of policy statements, goals, standards, programs and maps prescribing guides for an orderly and economic development, public and private, of the metropolitan area. The comprehensive development guide shall recognize and encompass physical, social, or economic needs of the metropolitan area and those future developments which will have an impact on the entire area including but not limited to such matters as land use, parks and open space land needs, the necessity for and location of airports, highways, transit facilities, public hospitals, libraries, schools, and other public buildings. (Emphasis added.)

In 1974, more specific park and open space legislation came into being with the passage of the Metropolitan Parks Act (*Minn. Stat.* §473.147) which states in part:

Subd. 1. The Metropolitan Council after consultation with the Parks and Open Space Commission, municipalities, park districts and counties in the metropolitan area, and after appropriate public hearings, shall prepare and adopt a long-range system policy plan for regional recreation open space as part of the metropolitan council's development guide..... The policy plan shall identify generally the areas which should be acquired by a public agency to provide a system of regional recreation open space comprising park district, county and municipal facilities, which together with State facilities, reasonably will meet the outdoor recreation needs of the people of the metropolitan area and shall establish priorities for acquisition and development... The policy plan shall include a five-year capital improvement program, which shall be revised periodically, and shall establish criteria and priorities for the allocation of funds for such acquisition and development. The legislature in each bonding measure shall designate an anticipated level of funding for this acquisition and development for each of the two succeeding bienniums. (Emphasis added.)

Regional recreation open space means:

"land and water areas, or interests therein, and facilities determined by the metropolitan council to be of regional importance in providing for a balanced system of public outdoor recreation for the metropolitan area including but not limited to park reserves, major linear parks and trails, large recreation parks, and conservatories, zoos, and other special use facilities." (*Minn. Stat. §473.121 Subd. 14*)

The Metropolitan Parks Act, (*Minn. Stat. §473.147*), plus a 1974 companion act creating a Metropolitan Parks and Open Space Commission (*Minn. Stat. §§473.301-351*), established the basis for Council management of a planning and funding process directed at building a regional park system for the metropolitan area. The Regional Recreation Open Space Policy Plan helps guide and fulfill the legislative purpose of the regional recreation open space system as stated in *Minn. Stat. §473.302*:

The legislature finds that the pressure of urbanization and development threatens valuable recreational open space areas in the metropolitan area at the same time as the need for such areas is increased. Immediate action is therefore necessary to provide funds to acquire, preserve, protect and develop regional recreational open space for public use.

Minn. Stat. §473.351, Metropolitan area regional park funding, became law in 1985 and states that the state will finance at least 40 percent of operating and maintenance costs for the Metropolitan Regional Parks and Trails System. *Minn. Stat. §473.351* states:

Subdivision 1. Definitions. The definitions in this subdivision apply to this section.

(a) "Implementing agency" means the counties of Anoka, Washington, Ramsey, Scott, Carver, Dakota, the city of St. Paul, the city of Bloomington, the Minneapolis Park and Recreation Board, and the Hennepin County Park Reserve District.

(b) "Operation and maintenance expenditures" means the cost of providing for the operation and maintenance of waters, lands, and facilities that are a part of the metropolitan area regional park and open space system, including but not limited to, the provision of fire, police, maintenance, forestry, rehabilitation expenses pertaining to routine care, and the allocation of the administrative overhead costs of the regional park and open space systems.

(c) "Operation and maintenance money" means money appropriated by the legislature to the commissioner of trade and economic development for distribution by the Metropolitan Council.

(d) "Regional recreation open space systems" means those parks that have been designated by the Metropolitan Council under section 473.145.

Subd. 2. Metropolitan Council obligation. Annually before August 1 the Metropolitan Council shall distribute grant money received from the commissioner of natural resources to fund the operation and maintenance expenditures of the implementing agencies for the operation and maintenance of regional park and open space systems. The Metropolitan Council shall annually report to the legislature the amount distributed to each implementing agency and

its estimate of the percentage of operation and maintenance expenditures paid for with operation and maintenance money.

Subd. 3. Allocation formula. By July 1 of every year each implementing agency must submit to the Metropolitan Parks and Open Space Commission a statement of the next annual anticipated operation and maintenance expenditures of the regional recreation open space parks systems within their respective jurisdictions and the previous year's actual expenditures. After reviewing the actual expenditures submitted and by July 15 of each year, the parks and open space commission shall forward to the Metropolitan Council the funding requests from the implementing agencies based on the actual expenditures made. The Metropolitan Council shall distribute the operation and maintenance money as follows:

- (1) 40 percent based on the use that each implementing agency's regional recreation open space system has in proportion to the total use of the metropolitan regional recreation open space system;
- (2) 40 percent based on the operation and maintenance expenditures made in the previous year by each implementing agency in proportion to the total operation and maintenance expenditures of all of the implementing agencies; and
- (3) 20 percent based on the acreage that each implementing agency's regional recreation open space system has in proportion to the total acreage of the metropolitan regional recreation open space system. The 80 percent natural resource management land acreage of the park reserves must be divided by four in calculating the distribution under this clause.

Each implementing agency must receive no less than 40 percent of its actual operation and maintenance expenses to be incurred in the current calendar year budget as submitted to the parks and open space commission. If the available operation and maintenance money is less than the total amount determined by the formula including the preceding, the implementing agencies will share the available money in proportion to the amounts they would otherwise be entitled to under the formula.

Subd. 4. Implementing agency control. This section does not affect, change, alter, transfer, or modify the governance, administration, jurisdiction, or control of the implementing agencies over the parks, water, lands, and facilities they presently or in the future may administer, govern, or control, nor the employment relationship between the implementing agencies and their present and future employees.

Subd. 5. Repealed, 1987 c 404 s 191

Subd. 6. Restriction. A metropolitan area regional park receiving grant money for maintenance and operation costs must agree:

- (1) to sell or promote licenses, passes, or registrations required to engage in recreational activities appropriate to the park or the site of the park when a building on the park site is staffed and open to the public; and

(2) to provide drinking water supplies adequate for the recreational uses of the park. Each implementing agency must consult with groups representing users of its parks to determine the adequacy of drinking water supplies.

HIST: 1Sp1985 c 13 s 355; 1987 c 312 art 1 s 26 subd 2; 1987 c 404 s 177; 1993 c 172 s 83.

Greater Minnesota Regional Parks

Two sections of Minn. Stat. Chapter 85 relate to Greater Minnesota regional parks: *Minn. Stat.* §§85.019 and §§85.50 to 85.52. These sections are presented below.

Minn. Stat. §85.019 requires the Commissioner of Natural Resources to administer local matching grant programs for parks, recreation areas, and trails.

Minn. Stat. §85.019 Local recreation grants.

Subd. 1. Definition. For purposes of this section, "unit of government" means a county, statutory or home rule charter city, or town.

Subd. 2. Parks and outdoor recreation areas. The commissioner shall administer a program to provide grants to units of government for up to 50 percent of the costs of acquisition and betterment of public land and improvements needed for parks and other outdoor recreation areas and facilities.

Subd. 3. Repealed by amendment, 1995 c 220 s 68

Subd. 4. Repealed by amendment, 1995 c 220 s 68

Subd. 4a. Natural and scenic areas. The commissioner shall administer a program to provide grants to units of government and school districts for the acquisition and betterment of natural and scenic areas such as blufflands, prairies, shorelands, wetlands, and wooded areas. A grant may not exceed 50 percent or \$500,000, whichever is less, of the costs of acquisition and betterment of land acquired under this subdivision. The commissioner shall make payment to a unit of government upon receiving documentation of reimbursable expenditures.

Subd. 4b. Regional trails. The commissioner shall administer a program to provide grants to units of government for acquisition and betterment of public land and improvements needed for trails outside the metropolitan area deemed to be of regional significance according to criteria published by the commissioner. Recipients must provide a nonstate cash match of at least one-half of total eligible project costs. If land used for the trails is not in full public ownership, then the recipients must prove it is dedicated to the purposes of the grants for at least 20 years. The commissioner shall make payment to a unit of government upon receiving documentation of reimbursable expenditures. A unit of government may enter into a lease or management agreement for the trail, subject to section 16A.695.

Subd. 4c. Trail connections. The commissioner shall administer a program to provide grants to units of government for acquisition and betterment of public land and improvements needed for trails that connect communities, trails, and parks and thereby increase the effective length of trail experiences. Recipients must provide a nonstate cash match of at least one-half of total eligible project costs. If land used for the trails is not in full public ownership, then the recipients must prove it is dedicated to the purposes of the grants for at least 20 years. The commissioner shall make payment to a unit of government upon receiving documentation of reimbursable expenditures. A unit of government may enter into a lease or management agreement for the trail, subject to section 16A.695.

Subd. 5. Powers; rules. The commissioner has all powers necessary and convenient to implement this section, including the authority to adopt rules for the program under chapter 14.

HIST: 1993 c 172 s 35; 1994 c 643 s 48; 1995 c 220 s 68; 1996 c 407 s 35; 1998 c 404 s 35; 1999 c 231 s 102-104; 2000 c 492 art 1 s 40; 2002 c 393 s 42,43.

In 1999, *Minn. Stat.* §85.50-52 authorized Stearns, Benton, and Sherburne counties to coordinate regional parks and trails through a joint powers agreement.

Minn. Stat. §85.50 Definition.

For purposes of sections 85.50 to 85.52, "central Minnesota regional parks and trails plan" or "plan" means a recreational park and trail plan in the counties of Stearns, Benton, and Sherburne that includes, at a minimum, existing regionally significant parks and trails that are identified in the plan under a local unit of government jurisdiction and includes newly developed parks and trails or trail connections to communities, parks, or public open space.

HIST: 1999 c 65 s 1

Minn. Stat. §85.51 Planning; coordination.

Plan development, adoption, and amendments shall be coordinated with the counties of Stearns, Benton, and Sherburne by an appropriate regional parks and trail coordination board that is created under a joint powers agreement.

HIST: 1999 c 65 s 2

Minn. Stat. §85.52 Grants; priorities.

The Regional Parks and Trail Coordination Board under section 85.51 may administer grants from the United States, the state, or other sources to develop, enhance, or maintain the central Minnesota regional parks and trails plan, and must dispose of grant money in accordance with the acceptance of any agreement or contract.

In developing, enhancing, and maintaining the plan, the Parks and Trails Coordination Board must develop priorities for expenditure of grant money.

HIST: 1999 c 65 s 3