

Big Fork River Plan

A Shoreland Management Plan for the Big Fork River

Prepared by the Big Fork River Board
And Advisory Committee with
Technical Assistance from the
Arrowhead Regional Development Commission

This program was originally funded by the
Minnesota Department of Natural Resources
Itasca and Koochiching Counties
The Cities of Bigfork and Big Falls
Blandin Paper Company and Boise Cascade Paper Group
The Bremer Foundation
United Power, Peoples Telephone Company, Minnesota Power
Northern Itasca Cooperative
And individual contributions

Acknowledgements

The Big Fork River Board expresses their great appreciation
for the efforts of every Citizen Advisory Committee member
and the technical assistance provided by the
“ex-officio” members of the Advisory Committee.

Without their dedication and concern for the River
As well as their commitment of time and local expertise,
The Big Fork River Plan would not have been possible.

Warm thanks to the Department of Natural Resources – Waters
For providing the AutoCAD Base Maps of the Big Fork River
for our use in this Plan.

Re-issued and updated on 27 September, 2005

Table of Contents

Introduction	4
Characteristics of the big fork river and watershed	5
Land use and ownership	5
Uses of the river	5
Big Fork River management planning area	6
Goal of Big Fork River planning	7
Land Use Policy and Management Areas	8
Land Use	8
Forest Land Use Practices	8
Agriculture	9
Public Agency Land Management	10
Private Homesteads/Cabins	10
Land Use Conversions	10
Land Use Management Areas.....	10
Residential	11
Agricultural/forestry.....	11
Urban	11
Industrial.....	11
Natural resource areas	12
Development Standards	22
Private Development Standards.....	22
Planned Unit Developments.....	24
Bed and Breakfasts.....	24
Substandard Use and Grandfather Rights.....	24
Vegetative Alterations.....	26
Shore Impact Zones and Shoreland Alterations	27
Bluff and Steep Slope Recommendations:	28
Subdivision Regulations.....	29
Other Development Standards.....	30
Gravel Pits / Mining	30
Hazardous Waste Sites	30
Stormwater Management	30
Utility Crossings.....	31
Parking lots, Driveways, Roads	31
Connections to the Big Fork River	31
Signs	31
Water Management	32
Water quality policy	32
Wastewater Treatment	32
Individual On-Site Sewage Treatment Systems (ISTS).....	32
Municipal or Industrial Systems	34
Campgrounds.....	34
Abandonment	34
Water Supply	34
Withdrawals.....	34
Measuring and Monitoring Program.....	35
River alterations.....	35

Dredging and Work-Fill in the Big Fork River	35
Out of Basin Diversions	35
Hydro Power / Dams	35
Best management practices for water quality	36
Agricultural and Home Owners	36
Logging and Industrial	36
Urban	37
Special Management Areas.....	39
Historical and Archeological Sites	39
Natural resource protection - exceptional features	40
Wetlands.....	42
Recreational areas	42
Implementation and Future Action	44
Big Fork River Board and Advisory Committee Role	44
Variance Policy	44
State and Federal Consistency	45
Recommended Future Actions of the Big Fork River Board:	45
Appendix	46
Joint Powers Board	46
Cooperative Agreement Between The Big Fork River Board and The Minnesota Department of Natural Resources.....	49
Big Fork River Board.....	52
Organizational Structure	52
Recreational Inventory of the Big Fork River	54

Introduction to the Big Fork River Planning Process

Introduction

Winding north to Canada, Minnesota's Big Fork River remains a vital economic and natural resource to the State of Minnesota, the Arrowhead Region and specifically to Itasca and Koochiching Counties. The River originates at Dora Lake in northern Itasca County and flows for 165 miles through Koochiching County to its confluence with the Rainy River. The River drains a large area of 2,063 square miles and drops over 240 feet. An excellent book on all Minnesota Rivers is: *The Streams and Rivers of Minnesota* by Thomas F. Waters. For information on just how a river or stream "works" Professor Water's book *Wildstream* is an excellent resource. For those folks active on the internet, a good start is: www.shorelandmanagement.org/

Historically, the Big Fork River served as a waterway for Indians, early explorers, fur traders and the first settlers in Northern Minnesota. Economically, the Big Fork River was the site of important logdrives that discharged the native white pine and other valuable timber into the Rainy and the lumber mills on the Lake of the Woods. But this type of activity has since left these waters making it an unsurpassed wilderness area. Both Itasca and Koochiching County have excellent Historical Societies where much additional information can be accessed.

Today the River is largely pristine. Only two major areas of development occur in the Cities of Bigfork in Itasca County and Big Falls in Koochiching County. Use of the River shorelands includes forestry, recreation, farming, residential development (both year-round and seasonal), and commercial use in and near the Cities of Bigfork and Big Falls. Pulpwood and lumbering are the principal industries and are of paramount importance to this region as well as to the State of Minnesota. Tourism is and remains to be of significant importance; fishing, hunting, camping, canoeing and kayaking are all important recreational uses that will continue to stimulate the economy of this area.

Over the next several decades, the Big Fork River will experience increased shoreland developmental pressures in forestry, commerce, and recreation resulting in a need for balanced development. In July 1989, the State Department of Natural Resources revised its Statewide Shoreland Standards. This meant that local shoreland controls had to be revised to be consistent with the new standards. These standards, however, provided for the development of local controls that deviate from the state standards if they are tailored to unique local problems and resource conditions. This provided for a unique opportunity to develop a special shoreland program for the Big Fork River corridor.

The Big Fork River Board (BFRB) was formed in response to the potential classification of the River into a National Wild and Scenic River. In July of 1989, Itasca and Koochiching Counties entered into a Big Fork River Joint Powers Board. In November 1989, the membership of the Joint Powers Board was modified to include representatives from the Cities of Bigfork and Big Falls. It was modified again in 11/27/01 to add additional members.

The purpose of the BFRB is to formulate plans for the area under its jurisdiction and to protect the Big Fork River from uncontrolled and unplanned development through local zoning ordinances, compatible recreational development, donation or scenic easements for critical lands, and wise management of public lands along the River. Of equal importance to the Big Fork River Board are the protection of private property ownership rights and the continued use of the River by both residents and visitors. The management responsibility is jointly shared by the counties and cities exercising land use control and jurisdiction within the River corridor. Management responsibility will be accomplished through this comprehensive management plan for the Big Fork River and will build a foundation for strong local controls.

A Cooperative Agreement between the BFRB and the Minnesota Department of Natural Resources (MN DNR) was developed in March 1990 to communicate, coordinate and cooperate in developing the Big Fork River Management Plan.

A Citizens Advisory Committee, representing a broad base of local interests in the Big Fork River, provides citizen advice to the Board, ensures representation of all local interests, and encourages and facilitates public involvement. The Advisory Committee also sponsors public meetings and hearings, developed the specific provisions of the Plan and makes recommendations to the Board for their approval.

Representatives from local, state and federal land management and regulatory agencies also serve on the Committee as "exofficio" members, providing communication between respective agencies and technical expertise. Exofficio membership was drawn from Koochiching and Itasca County Planning and Zoning, Health, and Forestry Departments; Minnesota Department of Natural Resources, Pollution Control Agency, and Department of Health; the U.S. Forest Service, U.S. Fish and Wildlife Service, and the U.S. Park Service; the U.S. Army Corps of Engineers, the U.S. Soil Conservation Service, and the Minnesota Historical Society.

CHARACTERISTICS OF THE BIG FORK RIVER AND WATERSHED

The Big Fork River watershed unit has a total area of 2,063 square miles and covers 75 miles north to south and a width of about 45 miles. The entire watershed is of generally low relief varying from 1450 feet above sea level at the divide which separates it from the Mississippi River to 1073 feet at the Rainy River.

The Big Fork River flows 165 miles through a variety of aquatic and terrestrial environments. It originates in the moraine lake country of northern Itasca County at Dora Lake flowing easterly to the City of Bigfork. From here it turns northward, transitioning into the "Big Bog" of Old Glacial Lake Agassiz to its confluence with the Rainy River. Here is where we find the two falls, Little America and Big Falls.

Approximately 113 tributary streams flow into the Big Fork River. Many streams are short and are classed as intermittent, flowing only in the spring or periods of heavy runoff. The largest tributary of the Big Fork River is the Sturgeon River, located in Koochiching County.

The entire watershed is covered by glacial drift overlying bedrock. Granite outcroppings are noted in several locations on the river. The soils vary from sand to clayey glacial till in most of the watershed. The low bog areas are comprised of loam overlaying clayey soils.

LAND USE AND OWNERSHIP

The land throughout the watershed is heavily forested except for extensive bog areas mainly in the northern portion. Agricultural development is not extensive although small farms are scattered throughout the River valley. About half of the land is in public ownership, county/state/federal, and about 50% of the River corridor is privately held.

USES OF THE RIVER

The Big Fork River is primarily used for fishing, hunting, trapping, and canoeing. Muskellunge, walleye, smallmouth bass, and northern pike are the most sought after fish species on the Big Fork River. Wild rice harvesting and waterfowl hunting are popular in its upper reaches. Navigation is restricted to small boats and canoes. During normal water conditions, dense growths of submerged aquatic vegetation and many riffles and rapids make navigation with larger watercraft difficult, assisting in maintaining the River's primitive character.

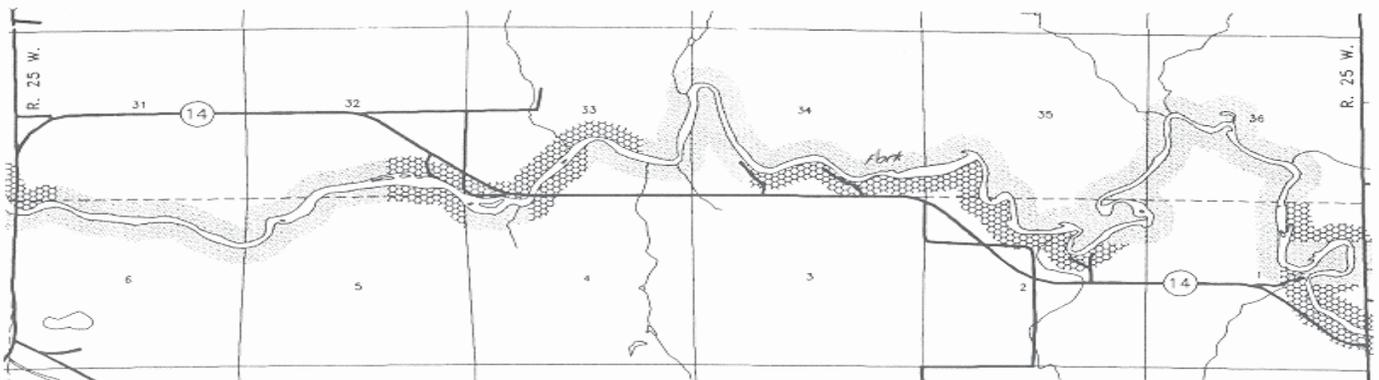
BIG FORK RIVER MANAGEMENT PLANNING AREA

Diagram 1. The Big Fork River Watershed



The Big Fork River is located in northeastern Minnesota in Itasca and Koochiching Counties. The planning area is approximately 165 miles long, beginning at the outlet of Dora Lake, western boundary of S.31, T.150N., R.27W., and continuing to its confluence with the Rainy River at the United States/Canadian Border. (See Diagram 1).

Diagram 2. Definition of the Big Fork River Management Plan Corridor.



The Big Fork River Management Plan Corridor extends 500 feet from the ordinary high water mark on each side of the River and adjacent lands (See Diagram 2). For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel as defined in MN statute **103G.005**.

GOAL OF BIG FORK RIVER PLANNING:

The goal of the comprehensive management plan for the Big Fork River is to establish a baseline of reasonable expectations and a consistent guide for land and water management that retains the quality, character, and aesthetic values of the river.

The Big Fork River Plan will:

1. provide a balanced approach to economic opportunity and natural resource management,
2. protect personal property rights,
3. assure wise use and continued access to the river for multiple use by residents and visitors,
4. preserve and protect archeological and historic values of the River, conduct oral histories,
5. retain and preserve heritage and customs of River use,
6. preserve, protect, and promote the existing culture of the people of the Big Fork River corridor,
7. use "Best Management Practices" for public and private lands,
8. advocate and provide education for wise stewardship of the land and river,
9. preserve and enhance fish and wildlife habitat, water quality and other resource values of the River,
10. insure all members of the public, residents and nonresidents alike, a continuing forum to advise governmental officials of the public's expectation for development and protection of the Big Fork River,
11. reflect a united voice for local control and decision making of the Big Fork River.
12. Continue a citizen based water quality monitoring program.

Land Use Policy and Management Areas

Land Use

In the northern reaches of Minnesota, the Big Fork River traverses the ages of the area's first development. With its present uses and benefits the River will likely serve as an outstanding natural feature of the Northland for generations to come. The River has served both man and nature well, as an avenue for travel and transport, a source of food and fur, more recently, as habitat for both people and animals, and now increasingly, a source of recreation and pleasure. Throughout its known history, the Big Fork has been both a working river and a place of nature, a home for people and a refuge for wildlife.

It is the purpose of the Big Fork River Plan to provide for the continuation of this multiple use, to protect the rights of private ownership, coupled with the responsibility of good stewardship, and also to enhance its opportunities as a public resource, thereby, providing the greatest benefits for the greatest number of people. Although for certain stretches of the River the Plan may prioritize some land uses over others, it is the intent to have the River and its adjacent lands managed as a whole rather than fragmented into conflicting and contradictory purposes. Further, the Plan is User Friendly where inhabitants and visitors alike use the River and its adjacent lands both to sustain life and to perpetuate the area's natural environment and beauty.

The following general land use classifications establish the stewardship principles of land uses that will assure the continuation of the historic nature of the Big Fork River and its shoreline. More specific requirements are included in the "Development Standards" section of the Plan.

Land Use Policy

Forest Land Use Practices

Settlement and industry came early to the Big Fork River corridor due to the River emptying into the Rainy River and being part of the canoe trails of early explorers. Islands of glacial drift that had protruded above the surface of Lake Agassiz were now covered with large stands of native white pine, the preferred timber of loggers, as well as other valuable timber. Because of this abundant natural resource, the Big Fork served as an important log-driving River in early days, discharging vast loads of timber to the Rainy and the lumber mills on Lake of the Woods. Logging began in the Big Fork watershed in the latter half of the 1800's but most occurred in the early 1900's.

Early loggers did not employ current logging standards and they probably were not particularly concerned about the long term effects of timber production. In spite of this extensive logging activity, the Big Fork River corridor today presents an outstanding scenic wilderness experience. Evidence of most scars of the early logging industry has long since healed.

Today, economic activity in the watershed of the Big Fork River is principally logging of second-growth timber, mostly aspen and pine for pulpwood. Voluntary Site-level Forest Management Guidelines offer guidance in the conduct of logging activities to preserve and protect both land and water resources and together with re-forestation practices, demonstrate that today's logger understands the long term values of a balanced approach to economic opportunity and resource management objectives as well as for the continuation of a healthy, multiple use forest.

"Voluntary Site-Level Guidelines", formally BMPs, are to be used to minimize the impact of forestry practices in the corridor. The adoption and use of these guidelines will provide the mechanism for attaining the following water quality goals:

1. Maintain the integrity of the watercourse;
2. Reduce the volume of surface runoff that could potentially flow into the watercourse;

3. Establish filter strips to trap any potential sediment or organic matter that could enter the watercourse;
4. Stabilize exposed mineral soil areas through natural or revegetative means such as riparian corridors (woody shrubs and trees stabilizing banks and shading the river).

These guidelines are summarized in the guidebook: Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers. This book is a common sense approach to continued good water quality for Minnesota. The Minnesota Forest Resources Council can be reached at: (651) 603-0109.

The Big Fork River Plan requires that:

- Voluntary Management Guidelines be used on public and private lands.
- Vegetative management on private lands is also subject to the provisions found in the "Private Development Standards" and "Vegetative Alterations" sections of the Big Fork River Plan.
- Citizens and the Big Fork River Board are jointly responsible for ensuring compliance with these provisions.

Agriculture

"Agricultural Best Management Practices" (BMPs) are actions that prevent or reduce potential non-point source pollution. BMPs are used to minimize the impact of agricultural practices such as pesticides, fertilizers and animal feedlots, on water quality. "Agricultural Best Management Practices" are published by the Minnesota Pollution Control Agency and are required by the Big Fork Management Plan.

Agricultural Use Standards

1. The shore impact zone for parcels with permitted agricultural uses is equal to a line parallel to and 50 feet from the ordinary high water mark.
2. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service.

(Shore and bluff impact zones are defined in the Development Standards" chapter - Shore Impact Zones and Shoreland Alterations sections of the Big Fork River Plan.)

3. Animal feedlots as defined by the Minnesota Pollution Control Agency, where allowed by zoning district designations, must be reviewed as conditional uses and must meet the following standards:
 - a. New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water mark of the River.
 - b. Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water mark or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water mark setback or encroach on bluff impact zones. Owners are strongly encouraged to move back to the 300' setback.
 - c. A certificate of compliance, interim permit, or animal feed permit must be obtained by the owner or operator of an animal feedlot when it is required by State Rules governing feedlots.

4. Use of fertilizer, pesticides, or animal wastes within the River corridor must be applied in such a way as to minimize the effect on the shore impact zone and the River. For most, if not all, the corridor, phosphorus is not usually needed. The addition of these nutrients to the river can be a significant cause of water quality degradation.

Public Agency Land Management

Public lands in the Big Fork River corridor managed by state, county, and federal governments should remain in public ownership.

The public land management agencies should provide for minimum net loss of commercial forest land within the River corridor addressed by this plan. Commercial forest land is defined as upland or lowland capable of producing crops of industrial wood and that is not withdrawn from timber use by statute or administrative regulation. This includes sites capable of producing in excess of 20 cubic feet per acre of annual growth.

Public land management agencies should not allow any new leases of any kind (recreation/hunting lots) within the River corridor other than for public uses. Current leases that are canceled, following due process, or voluntarily terminated, or abandoned may be re-issued at the local unit of government's discretion.

Management Plans developed by the public agencies should incorporate the provisions of the Big Fork River Plan into their respective plans for all those lands the agency administers in the Big Fork River corridor.

Voluntary land acquisition from willing sellers or donations of private land into public ownership shall be accepted by public land management agencies or the Big Fork River Board. Land exchanges within the corridor can be approved on an individual basis after careful review. All parties to such exchanges must be familiar with all provisions of this plan.

Private Homesteads/Cabins

Beyond the criteria established for the common good, it is not the intent of this Plan to infringe on private landowners rights and their ability to use their land.

This Plan should be used to encourage stewardship and wise use of the lands within the River corridor.

Land Use Conversions

The intent of the Big Fork River Plan is to maintain the existing general character of land use within the River corridor. Future development and conversion from current primary use must comply with the River corridor development standards as stated in this Plan.

Land Use Management Areas

The local units of government represented by the Big Fork River Board currently administer zoning ordinances for their respective jurisdictions. The Big Fork River Plan demonstrates the belief that local units of government are best suited to administer these policies and management goals through those zoning ordinances. Therefore, the land use management areas described in this Plan does not intend to replace existing land use: districts but rather, identify overall goals and management strategies for the enhancement of both the human and natural resource base of the Big Fork River. These land use management areas have been developed to reflect the existing character and use of the River.

These management areas are intended to guide local plan implementation and shoreland decision making within the Big Fork River corridor. Local ordinances and/or performance standards will be revised to be consistent with these management areas as necessary. The areas are broadly mapped in the section following and not represent zoning or land use districts. The local units of government will continue to carry out their

specific planning and zoning responsibilities, including but not limited to the issuance of permits, conditional uses, variances, and land use zoning district designations or zoning changes.

The Land Use Management Areas are as follows: Residential, Agricultural/Forestry, Urban, Industrial, and Natural Resource Areas.

RESIDENTIAL

Definition: Areas presently zoned or developed primarily for low to medium density single and two family dwellings.

- Goals:**
1. To provide healthy, safe, and attractive areas which have suitable characteristics for residential development.
 2. To protect these suitable residential areas from uses which would prove detrimental to residential values such as maintaining livestock.
 3. To provide residential areas in which public services are provided to year round residences. –

AGRICULTURAL/FORESTRY

Definition: Areas currently zoned, developed, or capable of supporting agricultural, forestry, or residential uses and intended to maintain low density development.

- Goals:**
1. To encourage forestry/agricultural management and activities and programs in areas best suited for such activity.
 2. To provide for orderly growth opportunities in or adjacent to existing agricultural or forestry areas to meet the economic needs of residents.

URBAN

Definition: Areas within the Cities of Bigfork and Big Falls currently zoned or developed for commercial activities and providing public sewer and water.

- Goals:**
1. To encourage urban-oriented and clustered" development of commercial and residential activities which meet the needs of residents and visitors.
 2. To strengthen and provide growth opportunities in existing commercial areas and discourage scattered or strip development along the River corridor.
 3. To provide opportunities for town homes, condominium developments or other large commercial Planned Unit Developments, otherwise restricted in the Big Fork River corridor.

INDUSTRIAL

Definition: Areas currently providing public services year round and with land available to meet the needs of commercial or industrial establishments.

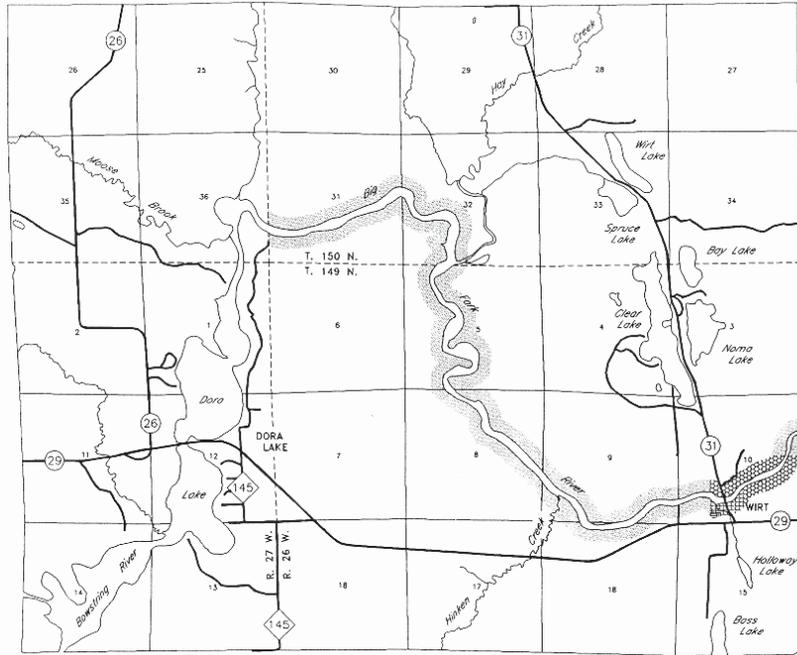
- Goals:**
1. To provide economic opportunity for residents in developed industrial areas.
 2. To develop areas suitable for industrial use and to avoid problems of mixed land use and traffic congestion.
 3. To provide for the possibility of future water dependent light industrial activities.

NATURAL RESOURCE AREAS

Definition: Largely undeveloped areas along the Big Fork River.

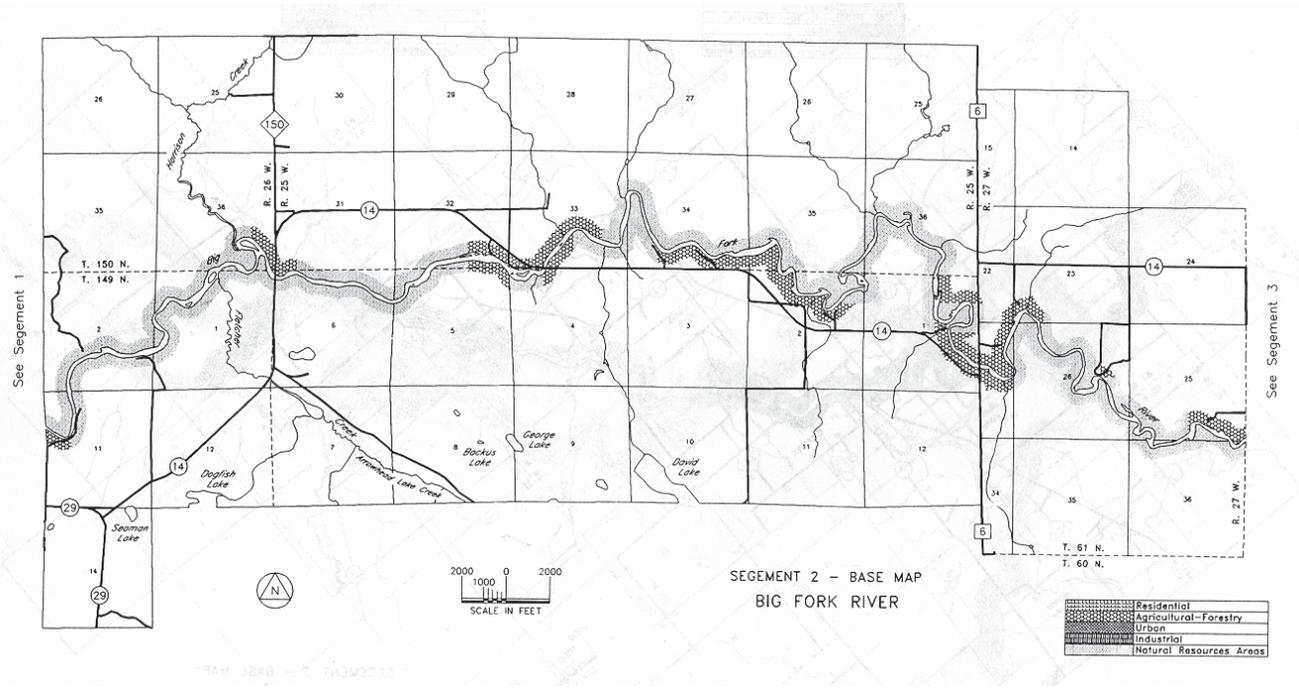
- Goals:**
1. To provide for areas with special emphasis on maintenance and enhancement of the multiple use of forests and associated resources including wildlife, timber production, aesthetics, air, archeological, in the land and waters of the Big Fork River.
 2. To preserve and protect public lands, and to prevent the Big Fork River from being land-locked by private ownership. Exchange of lands between public agencies and/or private agencies is permitted.
 3. To provide areas for public services, public recreation, public access, agriculture and forestry research, memorial forests, and outstanding natural features.
 4. To protect the shoreline of the Big Fork River and areas subject to periodic flooding, where developments would result in hazards to health or safety; would deplete or destroy resources; or would otherwise be incompatible with public welfare.
 5. To further the maintenance of the natural condition of the shoreline; prevent and control water pollution, siltation, and the destruction of fish and wildlife producing areas; and to preserve shore cover and natural beauty.
 6. To preserve the Big Fork River's present natural character, including scenery, geology, vegetation, and wildlife.

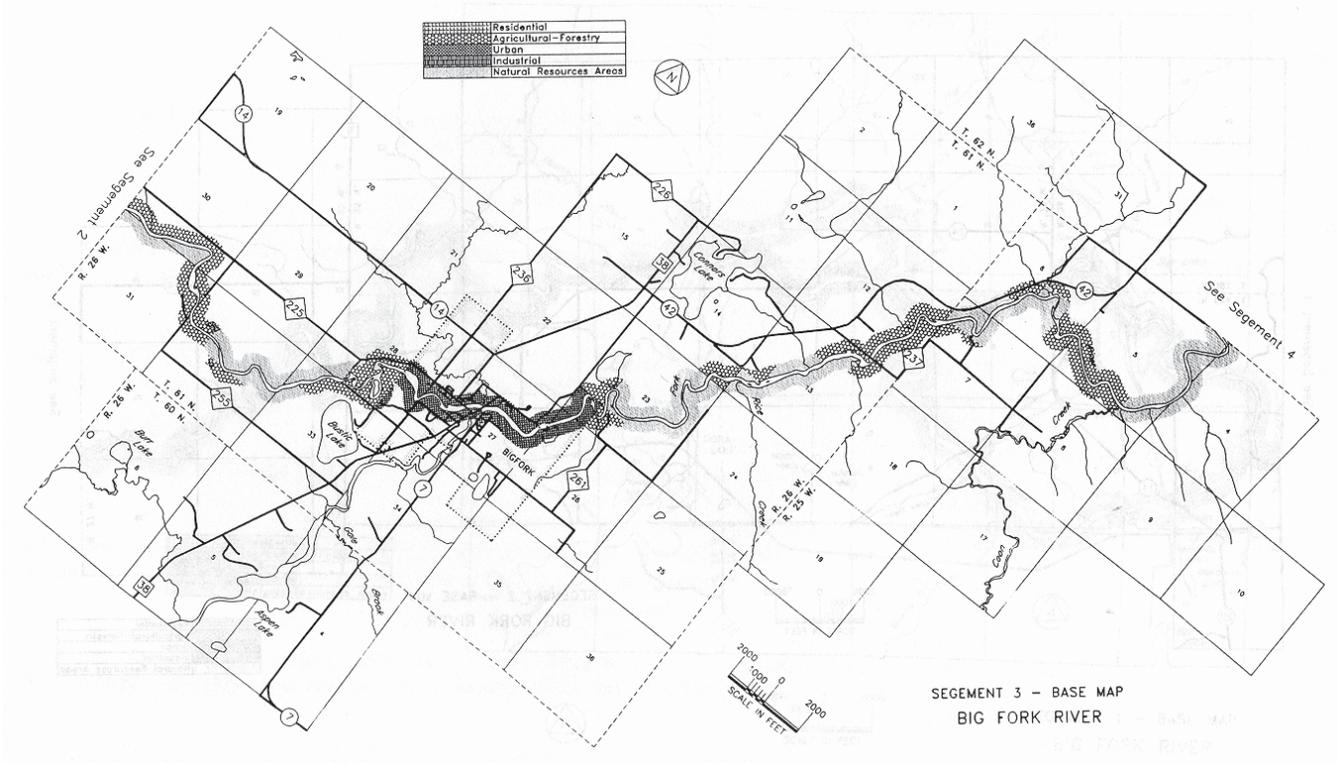
	Residential
	Agricultural-Forestry
	Urban
	Industrial
	Natural Resources Areas

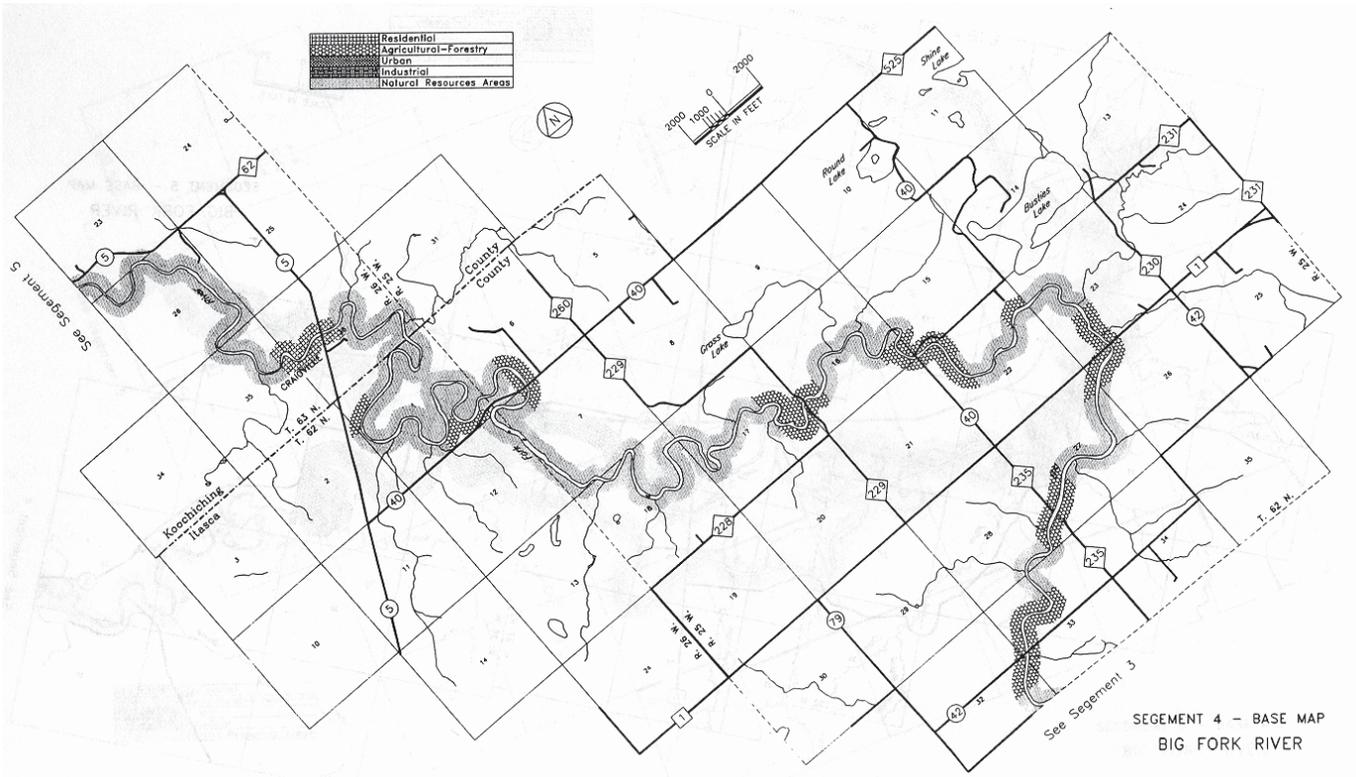


SEGMENT 1 - BASE MAP
BIG FORK RIVER

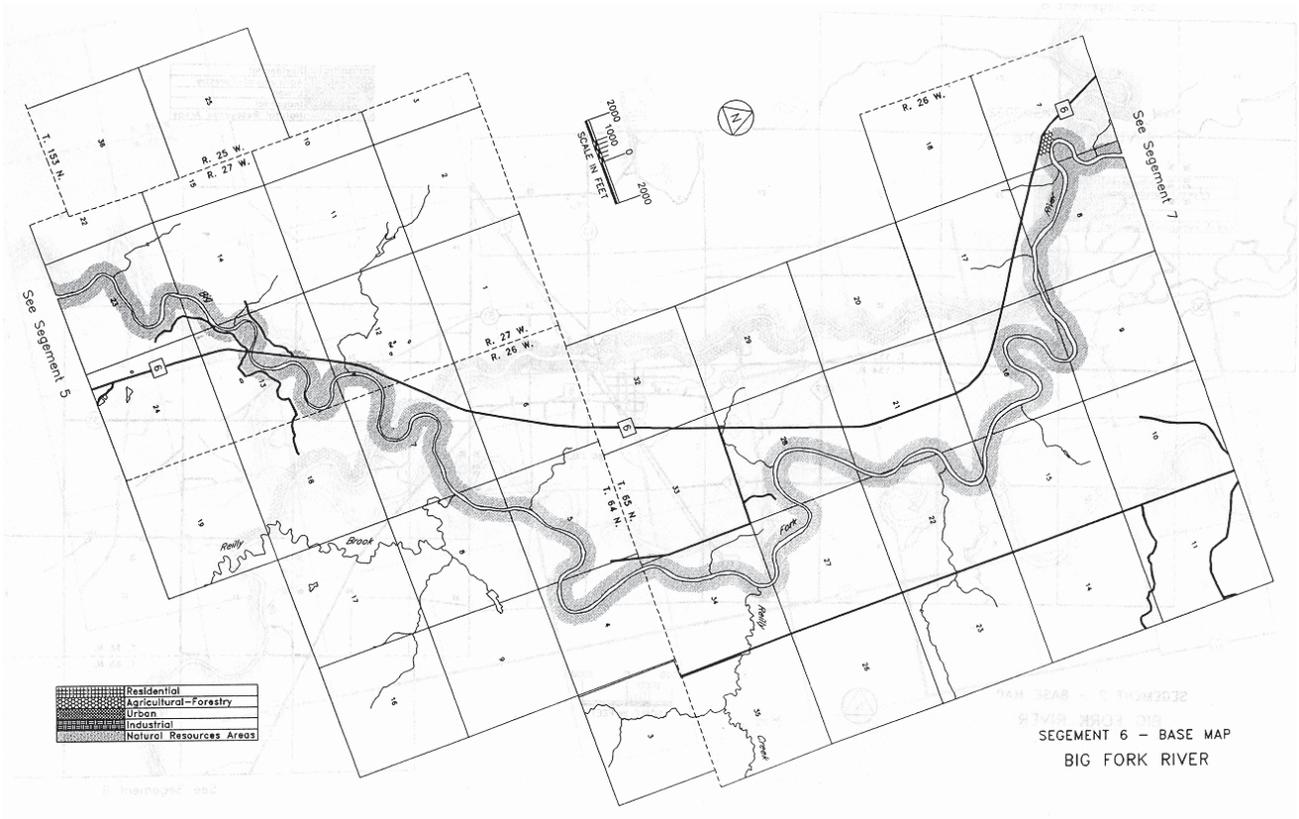
See Segment 2



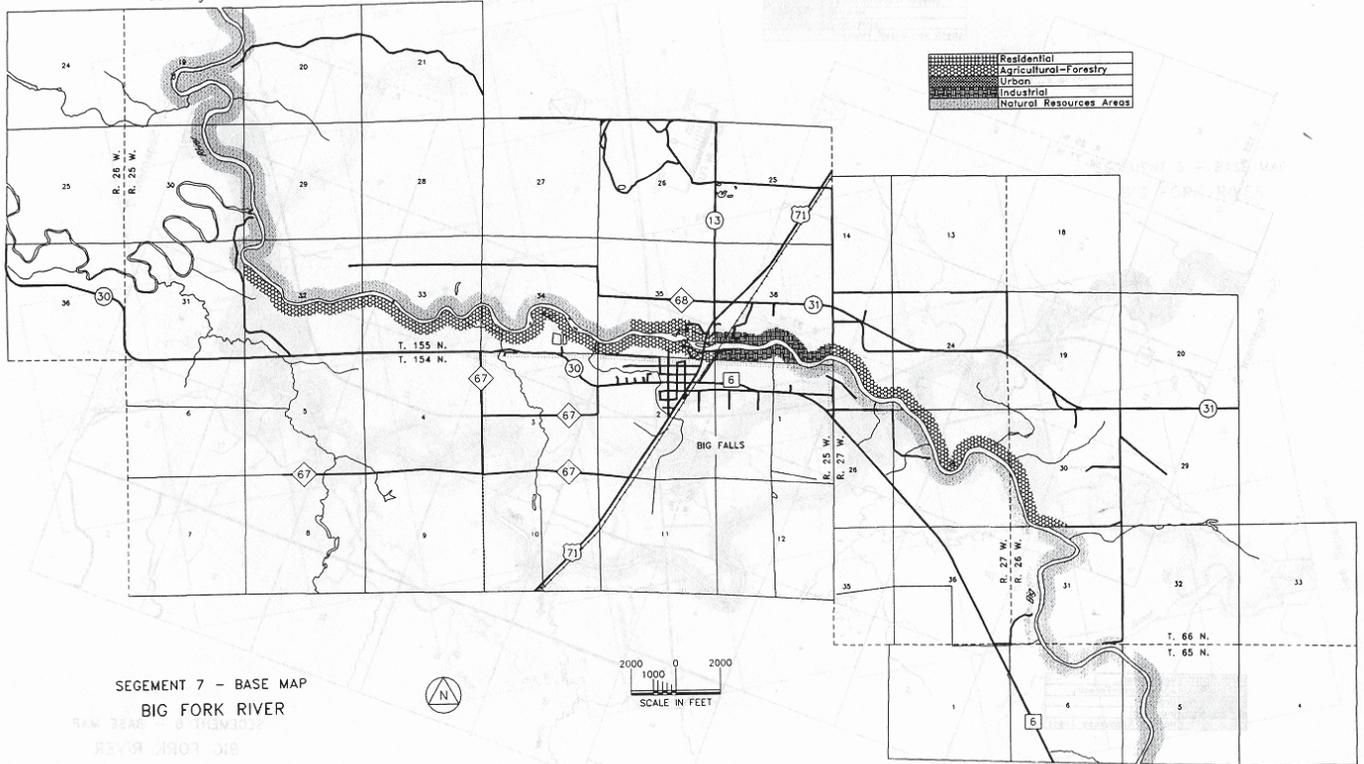






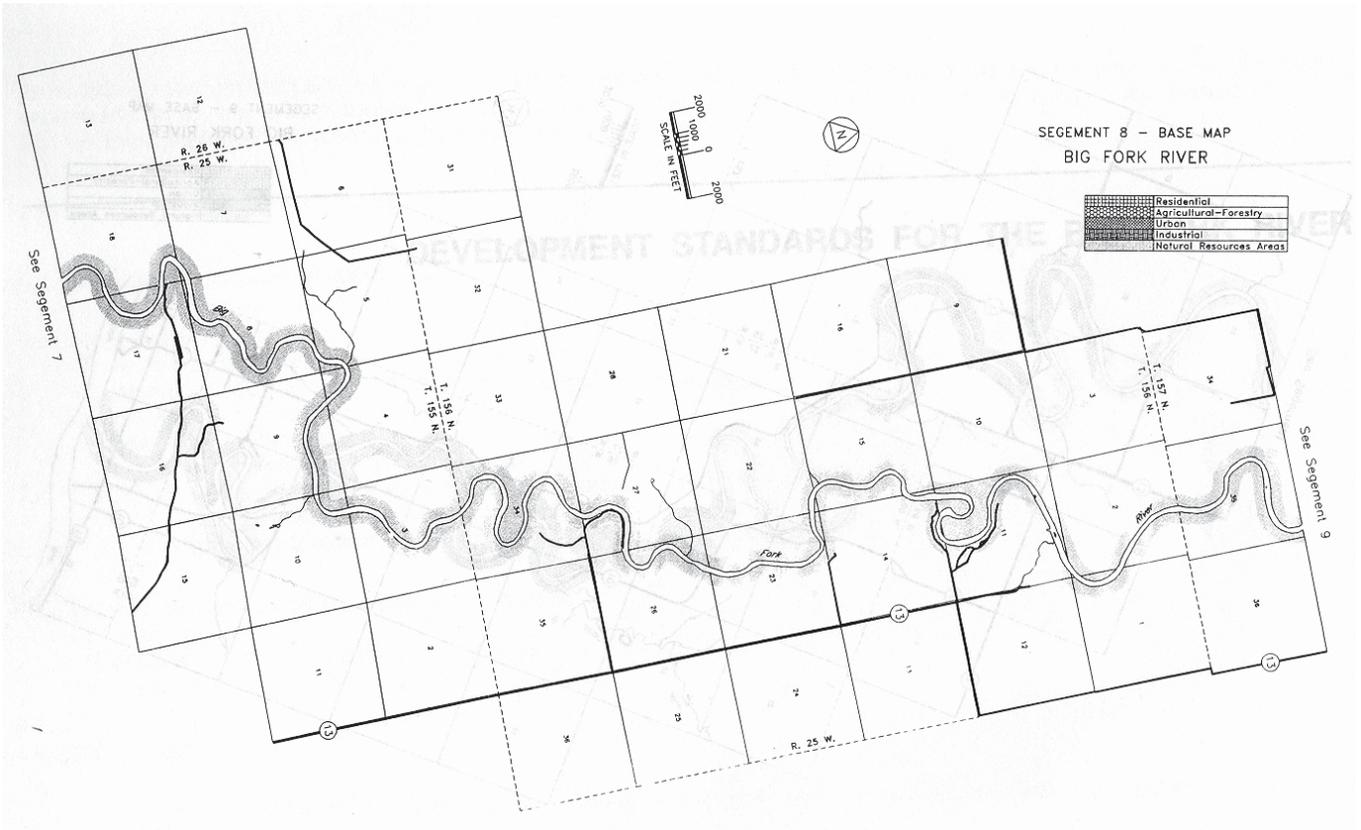


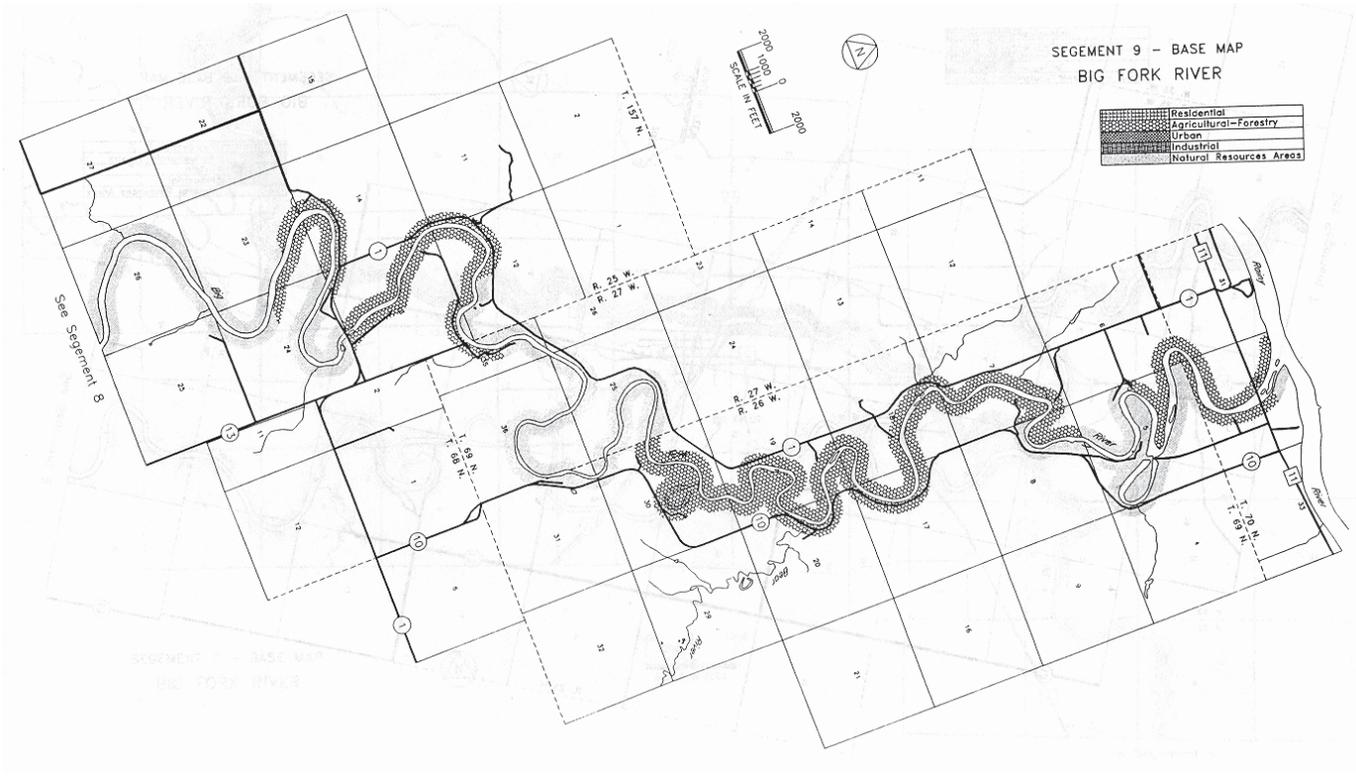
See Segement 8



SEGEMENT 7 - BASE MAP
BIG FORK RIVER

See Segement 6





Development Standards for the Big Fork River

Development Standards

The following minimum standards will apply to private development within the Big Fork River corridor. Cities and counties may adopt requirements which are more restrictive than these standards. The lot area and width requirements apply to lots created after the date the local ordinance is amended to be consistent with this Plan.

Private Development Standards

Lot Size, Lot Frontage and Structure Placement

Rural or non-sewered areas:

330' continuous lot frontage. Minimum lot size is 5 acres.

100' setback (septic set back of 150') from the ordinary high water mark. For watercourses, the ordinary high water level (OHWL) is the elevation of the top of the bank of the channel.

Good vegetative screening

Exterior compatible with landscape

One dwelling unit for each 5 acre lot (including guest cottage)

Duplexes should have double lot sizes.

Triplex and Quads follow Planned Unit Development standards.

In public sewered areas (Cities of Bigfork and Big Falls):

200' lot frontage

100' setback from the ordinary high water mark

40,000 square foot lot sizes

Structural Height

All structures in residential districts in cities, except churches and nonresidential agricultural structures must not exceed 25 feet in height.

High Water Elevations

In addition to setback requirements, local shoreland controls must regulate placement of structures in relation to high water elevation. Where state-approved floodplain management controls exist, structure placement must be consistent with the controls. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-resistant must be determined as follows:

If data is available, the lowest floor should be placed at least three feet above the flood of record. If data is not available, place the lowest floor at least three feet above the ordinary high water mark, or conduct a technical evaluation to establish the flood protection elevation as defined in the State floodplain regulations to determine effects upon proposed construction of flood stages and flood flows.

Water-oriented accessory structures, such as boathouses, may have the lowest floor placed lower than the determined flood protection elevation if the structure is constructed of flood-resistant materials. Electrical and mechanical equipment should be placed above the elevation and, if long duration flooding is anticipated, the structure should be built to withstand ice action and wind-driven rain and debris.

Accessory Structures

All accessory structures and facilities, except those that are water-oriented, must meet or exceed structure setback standards. If allowed by local government controls, each residential lot may have a water-oriented accessory structure or facility located closer to the River than the structure setback if all of the following standards are met:

The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point.

The setback of the structure or facility from the ordinary high water mark must be at least 10 feet.

The structure or facility must be treated to reduce visibility as viewed from the River and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions.

The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.

The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

Any accessory structures or facilities not meeting the above criteria must meet or exceed structure setbacks.

Stairways, Lifts, and Landings

Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design criteria:

Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments.

Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments.

Canopies or roofs are not allowed on stairways, lifts, or landings.

Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.

Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the River assuming summer, leaf-on conditions, whenever practical.

Facilities such as ramps, lifts, or mobility paths for physically handicapped persons-are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of these provisions are in compliance.

Decks

Except as provided in the provisions of "Accessory Structures", decks must meet the structure setback standards. Decks existing prior to the Plan that do not meet setback requirements from the River may be allowed for existing structures without a variance, if all of the following criteria and standards are met:

A thorough evaluation of the property and structure reveals no reasonable location for a deck which meets or exceeds the existing setback of the structure;

The deck encroachment toward the ordinary high water mark does not exceed 15 percent of the existing shoreline setback of the structure from the ordinary high water mark or does not encroach closer than 30 feet whichever is more restrictive; and

The deck is constructed primarily of wood and is not roofed or screened.

Planned Unit Developments

- Planned Unit Developments (PUD's) are permitted in the Cities of Bigfork and Big Falls where public sewer and water are available.
- In other areas, resorts and campgrounds will require a Conditional Use permit to control size, type and activities. A Conditional Use permit shall be granted if it is found that:
 - (1) The conditional use will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity, or neighborhood, nor substantially diminish and impair property values within the surrounding neighborhood;
 - (2) The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses predominant in the area.
 - (3) The location and character of the proposed development are considered to be consistent with a desirable pattern of development for the locality in general;
 - (4) The proposed development and-or land use be consistent and in keeping with the spirit and intent of the Big Fork River Plan.
- Planned Unit Development proposals must adhere to the requirements of the State Shoreland Standards as well as any applicable local ordinance requirements.

Bed and Breakfasts

A Bed & Breakfast is a dwelling in which accommodations are provided or offered to the general public for one (1) or more but not exceeding ten (10) transient guests for compensation. All such establishments shall be duly licensed by all applicable City, County, and State regulations. Bed and Breakfast establishments shall comply with the minimum lot width/area as specified by the zone or shoreland district. Sanitation systems must be adequately sized to accommodate the maximum occupancy. Adequate parking shall be supplied but impervious surfaces must be minimized and any runoff must not be allowed to enter the river directly. Signs visible from the River identifying Bed and Breakfast facilities shall not exceed three (3) feet square.

Substandard Use and Grandfather Rights

Grandfather rights are privileges applied to existing property and to undeveloped, but previously subdivided property. Grandfather rights come into play when a new local ordinance is adopted and property does not meet the new standards. The following information is a broad description and is not intended for legal counsel. For specific questions or information, please consult an attorney.

Existing developments, including undeveloped lots of record that do not meet present shoreland management standards, are considered substandard or non-conformities by Minnesota Statute. It is important to note that all legally established substandard lots, as of the date of the new ordinance, are allowed to continue. This does

not mean that the property owner's rights are lost; it just means that the development plans will be reviewed under the new standards.

There are four major areas where development of property could be grandfathered and considered substandard. They are:

- (1) Legally established land uses, such as commercial use within a residential area, but are not allowed under new zoning ordinance.
- (2) Construction on substandard lots of record.
 - a. Lots of record in the office of the county recorder on the date of the enactment of local shoreland controls may be allowed as building sites without variances from lot size requirements provided: the use is permitted in the zoning district; the lot has been in separate ownership from abutting lands at all times since it became substandard and was created compliant with official controls in effect at the time; and sewage treatment and setback requirements of this ordinance are met.
 - b. If setback requirements cannot be met, then a variance must be obtained before any use, sewage treatment system, or building permit is issued for a lot.
 - c. Combining lots of record. If two or more contiguous lots are under the same ownership and any individual lot does not meet the new lot size requirements, then the lot must not be considered as a separate parcel of land for the purpose of sale or development. The lot must be combined with the one or more contiguous lots to bring as close to standards as possible.
 - d. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setback from the ordinary high water mark provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.
- (3) Additions and expansions to substandard structures.
 - a. All additions or expansions to the outside dimensions of an existing substandard structure that do not meet the setback, height and other requirements would have to be authorized through a variance. Also, if the structure is located in a state designated floodplain area certain flood-proofing requirements will apply.
 - b. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water mark if all of the following criteria and standards are met:
 1. the structure existed on the date the structure setbacks were established,
 2. a thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water mark setback of the structure;
 3. the deck encroachment toward the ordinary high water mark does not exceed 15 percent of the existing setback of the structure from the ordinary high water mark or does not encroach closer than 30 feet, whichever is more restrictive; and
 4. the deck is constructed primarily out of wood and is not roofed or screened. No additional variance will be granted to upgrade the deck.
 - c. Substandard sewage treatment systems.

1. A sewage treatment system not meeting new requirements of the ordinance would have to be upgraded any time a permit or variance of any type is required for any improvement on, or use of, the property. A sewage treatment system would not be considered substandard if the only deficiency is the sewage treatment system's improper setback from the ordinary high water mark.
2. Sewage systems installed according to previous local shoreland management standards in effect at the time of installation may be considered as conforming unless they are determined to be failing – except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered substandard.

(4) Substandard structure damage greater than a certain percent of the market value.

- a. In unincorporated areas, primarily county jurisdiction, the percent damage is set by statute as 50%. Should substandard structure become damaged by wind, fire, hail or other natural perils, greater than 50%, then the structure would have to be reconstructed in conformity with the new ordinance requirements.
- b. In municipal areas the percent damage is set by the city under its ordinance. Should a substandard structure become damaged by wind, fire, hail, or other natural perils, greater than the percent set by ordinance, the structure would have to be reconstructed in conformity with the new ordinance requirements.
- c. If the structure is located in a state designated floodplain area certain flood-proofing requirements will apply before reconstruction is allowed.

Vegetative Alterations

Vegetative alterations necessary for the construction of structures and sewage treatment systems, under validly issued permits for these facilities, are exempt from the vegetative alteration standards in this section. Alterations of vegetation and topography must be controlled by local governments to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat. Public roads and parking areas are exempt from the provisions of this section.

Removal or alterations of vegetation, except for forest management or agricultural uses, is allowed according to the following standards:

1. Intensive vegetation clearing within shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing outside of these areas is allowed if the activity is consistent with the forest management standards in the "Land Use" and "Water Quality" sections of the Big Fork River Plan.
2. Limited clearing, cutting, pruning, and trimming of trees for reasons such as stairways, picnic areas, access paths, live stock watering areas, watercraft access areas, accessory features and a view to the water from the principal dwelling site, is allowed, provided that:
 - a. the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 - b. existing shading of water surfaces is preserved;
 - c. the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

- d. Vegetation that is natural to the area is almost always preferable. The local Soil and Water Conservation District can provide information on specific plants and techniques to enhance water quality and esthetics.

Use of fertilizer and pesticides in the River corridor must be done in such a way as to minimize or prevent runoff into shore impact zone or the River.

Native vegetative planting is encouraged where soil erosion problems exist or in otherwise disturbed areas.

Shore Impact Zones and Shoreland Alterations

"Shore Impact Zone" means land located between the ordinary high water mark of a public water and a line parallel to it at a setback of 50 percent of the structure setback, or according to the Big Fork River Plan structural setback standards, 50 feet.

"Bluff" means a topographic feature such as a hill, cliff, or embankment having **all** of the following characteristics:

- a. part or all of the feature is located in a shoreland area;
- b. the slope rises at least 25 feet above the ordinary high water mark of the River;
- c. the grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water mark averages 30 percent or greater; and
- d. the slope must drain toward the River.

An area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff.

"Bluff Impact Zone" means a bluff and land located within 20 feet from the top of a bluff.

"Steep Slope" means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Plan. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Before grading or filling on steep slopes or within shore or bluff impact zones involving the movement of more than ten (10) cubic yards of material or anywhere else in the shoreland area involving movement of more than fifty (50) cubic yards of material, it must be established by local official permit issuance that all of the following conditions will be met. Additionally, conditions must be considered during subdivision, variance, building permit, and other conditional use permit reviews.

1. Before authorization any grading or filling activity in any Type 2 – 8 Wetland, local officials must consider how extensively the proposed activity would affect the following functional qualities of the wetland:
 - a. sediment and pollutant trapping and retention;
 - b. storage of surface runoff to prevent or reduce flood damage;
 - c. fish and wildlife habitat;
 - d. recreational use;
 - e. shoreline or bank stabilization; or

- f. noteworthiness, including special qualities such as historical significance, critical habitat for endangered plants and animals, or others.

This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approval by other local, state, or federal agencies, such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. Additional evaluations must be made to consider consistency with the Minnesota Wetland Conservation Act.

2. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
3. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.
4. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
5. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service.
6. Fill or excavated material must not be placed in a manner that creates an unstable slope.
7. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater.
8. Fill or excavated material must not be placed in bluff impact zones.
9. Any alterations below the ordinary high water mark of public waters must first be authorized by the Commissioner of the Department of Natural Resources, under Minnesota Statutes, Chapter 103G.
10. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
11. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water mark, and the height of the riprap above the ordinary high water mark does not exceed three feet.
12. Structural setback from the top of a bluff is 30 feet.

Bluff and Steep Slope Recommendations:

- The Big Fork River Board should identify a more suitable definition for "bluffs" and "steep slopes" to better educate the public on the significance of these features.
- The Big Fork River Board should work with the Soil Conservation Service to identify and map bluff and steep slopes areas within the corridor. These maps should be included in local zoning ordinances and identify when an on-site inspection is required prior to permit issuance.

Subdivision Regulations

Land Suitability

Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider the following:

- susceptibility to flooding,
- existence of wetlands,
- soil and rock formations with severe limitations for development,
- severe erosion potential,
- steep topography,
- inadequate water supply or sewage treatment capabilities,
- near-shore aquatic conditions unsuitable for water-based recreation,
- important fish and wildlife habitat,
- presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or
- welfare of future residents of the proposed subdivision or of the community.

Platting

All subdivisions that create five or more lots or parcels must be processed by local governments as plats in accordance with Minnesota Statutes, Chapter 505. Local governments must not record parcels or issue building or sewage permits for lots created after enactment of official controls provided by implementation of the Big Fork River Plan, that are not part of officially approved subdivisions.

Consistency with Other Controls

Subdivisions must conform to all other official controls adopted by local governments as directed in the Big Fork River Plan. Local governments must not approve subdivisions that are designed so variances from one or more standards in official controls would be needed to use the lots for their intended purpose.

In areas not served by publicly owned sewer and water system, subdivisions must not be approved by local governments unless domestic water supply is available and soil absorption sewage treatment can be provided for every lot. Lots that would require use of holding tanks must not be approved.

A lot shall meet the minimum lot size and be free of limiting factors (such as location and type of water supply, soil type, depth to groundwater or impervious layer, slope, flooding potential, and other limiting factors), to allow for the construction of two standard soil treatment systems.

Information Requirements

Subdivision controls must require submission of adequate information to make a determination of land suitability. The information shall include at least the following:

1. topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;
2. the surface water features required in Minnesota Statutes to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
3. adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil boring, percolation tests, or other methods;

4. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; nearshore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities; and
5. location of 100 year floodplain areas from existing maps or data.

“Key-Hole Development/Public Access”

Lots intended as controlled accesses to the River or recreation areas for use by owners of non-riparian lots within subdivisions are prohibited.

Dedications

If local governments require land or easement dedications, they must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

Other Development Standards

Gravel Pits / Mining

All gravel pits within the corridor require a Conditional Use permit.

Processing machinery must be located consistent with setback standards for structures from ordinary high water mark of the River and from bluffs.

An extractive use site development and restoration plan must be developed, approved by the local government, and be followed over the course of operation of the site. This extractive use site development and restoration plan must address dust, noise, possible pollutant discharges, hours, and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.

Surface mining of metallic minerals and/or peat is prohibited within the River corridor.

Hazardous Waste Sites

Hazardous waste sites are prohibited in the Big Fork River corridor.
Private garbage pits are prohibited.

Stormwater Management

Local governments must consider proper stormwater management in all reviews, approvals, and permit issuances under all adopted shoreland management controls and will require adherence to "Urban Best Management Practices." The following general standards are recommended:

- A. Impervious surface coverage of lots must not exceed 25 percent of the lot area.
- B. All soils should be seeded, sodded, mulched, or make use of existing natural drainageways or wetlands to convey, store, filter, and retain stormwater runoff before discharged into the River.

- C. When natural features and vegetation conditions are not sufficient to adequately handle stormwater runoff, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Natural features and vegetation are preferred.

Utility Crossings

Under around installations are recommended where feasible and/or practical.

Parking lots. Driveways. Roads

Placement and design of public or private roads, driveways, and parking areas must take advantage of natural vegetation and topography to achieve maximum screening from view from the River. They must be designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

Roads, driveways, and parking areas must meet 100' structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

Public and private watercraft access ramps, approach roads, and access-related parking area may be placed within shore impact zones provided vegetative screening and erosion control conditions are met.

Connections to the Big Fork River

Excavation where the intended purpose is connection to the Big Fork River, such as boat slips, canals, lagoons, and harbors, is not permitted.

Signs

Signs visible from the River are limited to a size of 3 feet square. They must be non-lighted and must be placed at a minimum distance of 330 feet from another sign.

Water Management

Water Management

The quality of the water in the River is the key to a viable and effective management plan for the Big Fork River. In fact, it can be said that if you do not have clean water, you do not have an effective Big Fork River Plan.

It is the intent of the Big Fork River Plan to maintain or improve the chemical, physical and biological integrity of the Big Fork River.

Some of the many benefits of good water quality are: improved fishing and healthier fish to eat, a superior recreational experience, swimming in all areas of the river without having to worry about health issues, increased property values, a good supply of water for such things as garden watering and of course, it is far easier to treat clean water for uses such as drinking water.

Wetlands play an important role in maintaining and improving water quality, providing natural flood control, stabilizing flow of streams and rivers, and providing habitat for fish and wildlife resources. They contribute to the production of agricultural products and timber as well as providing aesthetic, recreational, scientific, and educational values. Because of the important functions they perform, it is essential that the wetland areas in and adjacent to the Big Fork River be protected.

In the first section the water quality policy for wastewater treatment and water supply will be defined and goals established. Procedures to ensure continued good water quality will be established.

A second section will address major river alterations including such practices as farming, logging, industrial applications and erosion control. Again, procedures to ensure continued good water quality will be established.

The final section will establish the mechanisms where by all concerned people, from occasional users of the River corridor to cabin owners, permanent residents, industry, and resorts, will be given specific ways to ensure the maintenance of good water quality of the Big Fork River.

WATER QUALITY POLICY

Wastewater Treatment

Any premises used for human occupancy must be provided with an adequate method of sewage treatment.

Centralized or collector systems, as well as individual, on-site sewage systems need proper placement, frequent inspection, and regular maintenance to ensure adequate wastewater treatment.

Individual On-Site Sewage Treatment Systems (ISTS)

All private sewage treatment systems must meet or exceed applicable rules of the Minnesota Department of Health and the Minnesota Pollution Control Agency. These rules are found in M.P.C.A. Chapter 7080. Owners of systems have the responsibility to operate the system correctly and to maintain the system properly. An important component of maintenance is the inspection of septic tanks and the removal of the accumulated sludge and scum. As a rule of thumb, septic tanks should be pumped out at a frequency of once every two years for properly designed and operated systems. Maintenance and pumping should be provided by qualified, licensed operators. Owners of individual on-site systems should not use septic tank additives. Additives are of questionable benefit, may cause irreparable damage to the system and cause pollution problems. Septic

system maintenance may be the weakest link in on-site wastewater treatment technology. This problem should be addressed more fully in the future.

Because of costs, lot size, topography, lot owner preference, and other factors, a pit privy can be constructed and used, according to the provisions of Chapter 7080 and county ordinances. Pit privies can only be used for the treatment and disposal of human body wastes. No pumping or other water carrying means will be used.

Should soil conditions or topography be severely limiting, ruling out the construction of an individual on-site wastewater treatment system, a holding tank may then be installed. It must be emphasized that holding tanks will be permitted only as a last resort when other wastewater treatment options are not available.

Wastewater treatment systems must be set back a minimum of 150 feet from the ordinary high water mark and must follow the design criteria identified in the Minnesota Pollution Control Agency Chapter 7080. Sanitary systems do not remove some significant water pollutants such as phosphorus (found in many laundry detergents) and these pollutants will eventually reach the water table or river. For this reason, greater set backs should be used whenever feasible.

Appropriate local permits must be obtained before wastewater treatment systems are installed. The system must be installed by a properly licensed ISTS contractor.

A sewage treatment system not meeting new requirements of the ordinance would have to be upgraded any time a permit or variance of any type is required for any improvement on, or use of, the property. A sewage treatment system would not be considered substandard if the: only deficiency is the sewage treatment system's improper setback from the ordinary high water mark.

Sewage systems installed according to previous local shoreland management standards in effect at the time of installation may be considered as conforming unless they are determined to be failing - except that systems using cesspools, leaching pits, seepage pits or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered substandard.

Local units of government must develop and implement programs to identify and upgrade sewage treatment systems that are inconsistent with design criteria of M.P.C A. Chapter 7080. These programs must include at least one of the following approaches:

- a. a systematic review of existing records to determine which systems in the jurisdiction are nonconforming and requiring reconstruction when practicable;
- b. a systematic on-site inspection program including all properties where adequate record of conformance does not exist, identifying nonconforming or illegal systems and requiring reconstruction when appropriate;
- c. a notification or education program oriented toward convincing substantial numbers of property owners to evaluate their sewage systems and voluntarily upgrade the sewage treatment system, if nonconforming; or
- d. other acceptable programs.

There must be a separation between septic systems and any nearby wells. Minnesota Rules, Department of Health, Chapter 4725 requires a minimum separation distance of 50 feet, unless the well has a casing less than 50 feet in depth and which does not penetrate at least 10 feet of impervious material. Here the separation distance must be 100 feet. Current regulations must be checked for any updates. These are minimum standards, and counties may adopt more restrictive setbacks.

Municipal or Industrial Systems

Municipal and industrial sewage treatment systems are generally much larger than individual on-site treatment systems and normally use surface discharge as final disposal. A municipal sewage treatment system is one that collects liquid waste generated by individual dwelling units and businesses of a city, via a system of sewers. This waste is treated at one central facility. This also includes individual sources of greater than 15,000 gallons per day, collector systems servicing 15 or more sources, or volumes of greater than 5000 gallons per day, and all sewage treatment systems using other than soil absorption or holding tanks. Industrial systems treat only those liquid wastes generated through or as a byproduct of an industrial process and does not include the wastes generated by the human labor force located at a particular plant.

Publicly-owned sewer systems must be used where available.

Water quality must be monitored for acceptable standards prior to discharges to ensure maintenance of water quality in the Big Fork River. This data will be available for public inspection at the local governmental unit overseeing the operation of the facility.

Campgrounds

All campgrounds available to the public in the River corridor shall be inspected and certified to be in compliance with applicable Rules and Laws of the Minnesota Pollution Control Agency and the Minnesota Department of Health. This initial certification shall be completed within one year of the adoption of this Plan. After that, these campgrounds must be inspected and maintained at least annually and more often if necessary to ensure that the sanitary arrangements and drinking water supply, if present, continue to provide no hazard to the public or to the quality of the water in the River. The water quality monitoring program described below will be one of the methods used to ensure compliance.

Abandonment

Before any wells or waste disposal treatment facilities in the River corridor are abandoned, owners shall comply with applicable Federal and State Statutes. Guidelines for the abandonment of wells and waste disposal facilities can be obtained from licensed well drilling companies, from septic contractors, from the Minnesota Department of Health or Minnesota Pollution Control Agency.

Water Supply

Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

Private wells must be located, constructed, maintained, and sealed according to or in a more thorough manner than required by the Water Well Construction Code of the Minnesota Department of Health.

Siting for private wells must meet the separation distance standard from on-site septic systems given in M.P.C.A. Chapter 7080 and discussed in the previous section on septic systems.

Withdrawals

Withdrawals from the Big Fork River of 10,000 gallons per day or 1,000,000 gallons per year must meet the permitting requirements of the Minnesota Department of Natural Resources. Discharges must meet or exceed state water quality standards and must meet permitting criteria of the Minnesota Pollution Control Agency. Once a protected flow level is established for the River, withdrawals will not be permitted that cause the River to drop below this level.

Measuring and Monitoring Program

The importance of high water quality for the Big Fork River cannot be overemphasized. The Big Fork River Plan includes a Water Quality Monitoring Plan. This program is designed to ensure close coordination with other organizations to conserve resources and time. The goals of this program are:

- a.) Monitor water quality of the Big Fork River using chemical and physical indicators of river health.
- b.) Establish a data base of water quality for the Big Fork River, showing trends over the seasons and over periods of time.
- c.) Report results to communities in a variety of forms, from news media to informational programs and to decision making bodies at both the local and state level.
- d.) Build a partnership of schools, community groups, businesses, state and local government committed to maintaining the waters of the Big Fork River as a quality resource value.
- e.) Promote knowledge and good stewardship of the River.

RIVER ALTERATIONS

The overall goal regarding alterations in the Big Fork River shall be to insure the preservation of the natural character of the River, including both the waters and the adjacent shorelands.

Dredging and Work-Fill in the Big Fork River

Any dredge or fill work in the Big Fork River is subject to Section 10 of the Rivers and Harbors Act of 1899 (U.S.C.403) and Section 404 of the Clean Water Act (33 U.S.C.1344). The U.S. Army Corps of Engineers General Permit 001-MN authorizes a variety of activities that are approved or permitted by the Minnesota Department of Natural Resources. No project is valid until it receives a Protected Waters Permit from the Minnesota Department of Natural Resources pursuant to Minnesota Statutes, Chapter 103G.

Activities in Protected Waters covered under Chapter 103G are 1.) filling, 2.) excavation, 3.) placement of structures, 4.) water level controls, 5.) bridges and culverts, intakes and outfalls, 6.) drainage, and 7.) alteration for mining.

Every effort should be made to minimize the use of these permitted activities in the Big Fork River. In those instances where a permitted activity is absolutely necessary, the permit shall require that the project will involve a minimum amount of change or damage and will provide for mitigation that will restore and maintain the character of the River.

Out of Basin Diversions

Diversion of waters to other basins is not consistent with the overall goals of the Big Fork River Plan and is prohibited.

Hydro Power / Dams

Construction of dams for hydropower generation or water diversion purposes- is not consistent with the overall goals of the Big Fork River Plan and is prohibited.

BEST MANAGEMENT PRACTICES FOR WATER QUALITY

Agricultural and Home Owners

Agricultural pollution is frequently generated from non-point sources. This pollution is very complex. The "Best Management Practices" are designed to help the land owner minimize the contribution of any pollutants to the waters of the State.

Non-point source pollution comes from almost everywhere; it even occurs naturally to a certain extent. The amount of pollution from any one spot is usually so small that it would be insignificant if it were the only source. When these small amounts of pollution are combined they can create big water quality problems. In undisturbed areas, the levels of pollutants are low enough that they can be absorbed, diluted, or changed so they usually do not harm water quality. As human activity increases more pollutants are made available and, in addition, the natural process that removes these pollutants can be short-circuited.

"Best Management Practices" in the areas of integrated pest management, nutrient (fertilizer) management, and proper pesticide use can have tremendous benefits to water quality.

It is important to note that while the typical homeowner along the River does not use the large volume of potential pollutants that the farmer uses, they can still cause significant problems by over-fertilizing or using excessive pesticides and herbicides. Label directions should be carefully followed and all use of these materials must be minimized when near the River. None of these materials can be used in the River itself without the specific approval of the Department of Natural Resources. Used petroleum products are another source of pollution that the homeowner needs to control. These products must be disposed at an approved facility.

The handbook on "Agricultural Best Management Practices" for water quality can be obtained from the Minnesota Pollution Control Agency, 520 Lafayette Road, St Paul, Minnesota, 55155.

Logging and Industrial

Voluntary Site-level Forest Management Guidelines contain information that is appropriate for the small land owner who has a woodlot as well as for large logging operations. Potential pollution from logging activities is, like agricultural, primarily from non-point sources. These guidelines must be used in the River corridor to minimize the impact of forestry practices on water quality. The goals of these practices are:

- a.) To maintain the integrity of the River course.
- b.) To reduce the volume of surface runoff originating from an area of forest management disturbance and running directly into surface waters.
- c.) To minimize the quantity of logging debris deposited in stream beds.
- d.) To establish filter strips, to filter sediments, reduce pesticide concentrations, and maintain water temperature adjacent to the River.
- e.) To minimize the movement of pesticides, nutrients, petroleum products and sediment to surface water and ground water.
- f.) To stabilize exposed mineral soil areas through natural or artificial revegetation means.

The forestry activities that are considered to be of most concern for pollution are road development, timber harvesting activities, mechanical site preparation, pesticide application, and prescribed burning and fireline

clearing. The major types of water pollutants that can be generated from forest management disturbances to the forest ecosystem include nutrients, sediment, pesticides, organic matter (including petroleum products), and thermal impacts.

The Voluntary Site-level Forest Management Guidelines can be obtained from the Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota, 55155 or from The Minnesota Forest Resources Council.

Urban

Many people believe that runoff from city areas is fairly "clean" since the amount from any spot is so small. When all these small spots are combined they can cause significant water quality problems. Urban areas have much natural cover removed and many areas are paved with impervious surfaces. This creates more runoff and reduces the opportunity for natural treatment of pollutants. Urban runoff may contain salt, heavy metals, organic chemicals, sediment from construction sites; fertilizer, pet wastes, leaves and grass clippings from residential areas.

There are three main areas to consider when trying to minimize pollution from urban areas. They are: (1) construction site erosion and sediment control, (2) storm water runoff and (3) housekeeping "Best Management Practices". The following paragraphs are a very brief summary of some of the information contained in the Minnesota Pollution Control Agency manual on Protecting Water Quality in Urban Areas. This publication/is available from the Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota 55155, and should be consulted before any construction. This publication should be used by the Cities of Bigfork and Big Falls to determine if there are any existing problems in the Cities and to prevent any problems in the future.

(1) Construction Site Erosion and Sediment Control

Careful planning is necessary to minimize water quality problems due to construction. Some of the steps that need to be considered before starting are:

- a. Topography or "the lay of the land".
- b. Drainage patterns for runoff entering the River.
- c. Soil types will determine how readily the surface will erode and what steps need to be taken to prevent erosion. Soil surveys are available for some areas from county governments.
- d. Ground cover or existing vegetation shall be used to lessen the effects of erosion.
- e. Adjacent areas should be examined to determine how they will receive any runoff and what will happen to any sediment that inadvertently reaches these areas.

Storm Water Management

Storm water has the potential to transport significant amounts of pollution to the River. It is recommended that the Cities of Bigfork and Big Falls conduct detailed surveys, with help from the Minnesota Pollution Control Agency, to determine if it might be necessary to more effectively control storm water.

Housekeeping "Best Management Practices"

There are three areas that have the potential to add excess pollutants to the River.

- (1) Fertilizer management. There are positive and negative aspects to fertilizer use in water quality management. The correct amount of fertilizer applied in landscaped areas can lead to good plant growth and can help reduce the potential pollution by trapping pollutants or slowing their travel to the River. Vegetation on slopes is a very effective measure to halt erosion. Too much fertilizer or improper application, however, can lead to the fertilizer reaching the River. This can be a serious problem and must be avoided. County agents of the Minnesota Extension Service have information that will help in the proper application of fertilizer as do the respective SWCD offices.
- (2) Litter control. A major source of phosphorus in city runoff are leaves and grass clippings. They also use oxygen in the river water as they decay. Other litter that must be controlled are pet wastes, trash, oil, and other chemicals such as weed controllers and pesticides. An effective litter control program depends on public participation and close cooperation of city governments.
- (3) De-icing chemical use and storage. It has been estimated that 80 percent of the environmental damage from de-icing chemical is caused by inadequate storage facilities. All salt piles should be covered with polyethylene if not stored in a shed. All sand-salt piles should be moved to empty salt shed or covered during the spring and summer. Virtually all salt applied for de-icing eventually enters surface or ground water. Any reduction in use that can be achieved by preventing over-application would reduce chloride pollution by an equal amount.

Special Management Areas

Historical and Archeological Sites

The Big Fork River and its tributaries have seen human activity for the past 10,000 years. Successive cultures have used the River and its environs for transportation and as a source of natural resources. The Big Fork served as a major travel route from at least 5000 B.C. to the early 1900's. The mouth of the river was a major crossroads on the North American land mass during this period, where the primary east-west route across the center of the continent met a major north-south route, effectively linking: Hudson Bay with the Gulf of Mexico and the Rocky Mountains with the Atlantic Ocean in a vast water-based trade network.

Archeological sites and standing historic structures from the Paleo Indian, the Archaic, the Woodland, the fur trade, logging, and homestead periods are found along the length of the River. Some of these sites, important records of the past, have already been destroyed by development. Many more of these irreplaceable cultural resources are threatened by future development. Although seemingly insignificant, these meager traces in the ground are our only record of the past ten millennia in the region. Historic and prehistoric archeological sites are irreplaceable national cultural resources. The destruction of an archeological site is comparable to burning a library. Because very little archeological excavation has been done in this region, each site remaining in the Big Fork River valley is especially precious because of the wealth of unknown knowledge they contain.

Protection:

An archeological survey is required on all federal land (or projects involving federal funding) that will have ground disturbing activities. Archeological and historic review by the State Historic Preservation Office (SHPO) is required prior to any construction or development projects on public land where archeological or historic sites are known, or suspected to exist in the Big Fork River corridor.

Any of these areas deemed by the SHPO to warrant further investigation would have to have an on-site archeological survey conducted by a licensed archeologist.

Because of the recognized importance of cultural resources, historic and archeological sites and artifacts on all public lands (federal, state, county, and municipal) are protected by state (Field Archeology Act) and federal (Archeological Resources Protection Act and Protection of Historic Properties Act) laws. All cemeteries (platted or unplatted), burial mounds, and individual graves are protected on all lands, public or private, by the Minnesota Cemetery Act.

Recommended Future Actions:

The general public should be educated as to the importance and protection of archeological sites, subject to available funding for this project. This might be accomplished by special presentations in the various communities on or near the Big Fork River, brochures or similar handouts distributed to all landowners along the river, or by other means.

Because of the recognized value of historical and archeological sites, it is recommended that any development of private land in areas of high archeological site potential, i.e.- within 1/4 mile of any major stream intersection, lake inlet/outlet, major rapids, or known archeological site, should be subject to review by a special heritage preservation commission set up by Koochiching and Itasca counties (see State Enabling Legislation for Heritage Preservation Commissions - 471.193). Such a commission could require that an archeological survey be undertaken before a building permit is issued.

Significant archeological and historic sites (those meeting National Register criteria) should be preserved.

Land trades/exchanges for historic and archeologically significant resources found in private lands should be encouraged or present owners could receive re-numeration for land lost for protection of a significant site. Scenic easements may be a tool to accomplish this re-numeration to willing land owners.

Funding to do archeological surveys of areas with high probability of archeological sites should be pursued in order to inventory and evaluate these cultural resources.

NATURAL RESOURCE PROTECTION - EXCEPTIONAL FEATURES

One of the objectives of the Big Fork River Plan is to establish a framework to maintain the Big Fork River's present natural character, including scenery, geology, vegetation, and wildlife. The Big Fork River Plan defines "Natural Resource Management Areas" in the Land Use chapter and provides management strategies and goals as one means of accomplishing this objective. Resource protection is desirable for both representative as well as for "exceptional" features within the River corridor.

"Representative Features" include vegetation, topography, and wildlife that are typical of the River's character.

"Exceptional Features" include vegetation, topography, endangered species and wildlife which are becoming rare on the River, would be difficult to replace, and those that have particular scenic values.

All residential, recreational and economic uses of Natural Resource Management Areas are permitted to continue at the present level and type. Wise stewardship of the River and corridor is encouraged to maintain the Big Fork River's high quality and standards.

The local governments will require a landowner or land manager to submit for approval a site development plan before undertaking any project within a Natural Resource Area which entails a conditional use, variance, or any other departure from current zoning or land use ordinances. A site development plan may include:

- a.) a description of the site, including property boundaries, existing structures, contours, vegetation, topography, roads, wetlands, outcroppings, and other relevant features.
- b.) a description of the proposed change with illustration if appropriate.
- c.) a description of impact on any exceptional features.
- d.) a list of permits, approvals, variances, waivers, or other official concurrence needed and evidence that they have been obtained or applied for.

The local governments will grant the necessary permits and approvals only where the site development plan is found to be clearly compatible with the policies of the Big Fork River Plan.

As a means of additional protection for exceptional features within the River corridor, the Big Fork River Board and local units of government may consider establishing a "Protected Resource" designation for specific features. On public lands, these designations could be established in cooperation with the government agency having Jurisdiction. On private lands, the protection of natural resources could be established with voluntary cooperation by the landowner through scenic easements or other established incentives.

Scenic Easements

Scenic easements are an opportunity for the Big Fork River Board to balance natural resource management strategies with the rights of private property owners. Scenic easements may be used to provide protection for archeological significant sites or exceptional natural features within the River corridor.

"Scenic easement" is a right to development on a piece of land, less than the fee title, which limits the use of such land for the purpose of protecting the scenic, recreational, or natural characteristics of a river. Unless otherwise expressly and specifically stated by the parties, scenic easements are perpetually held for the benefit of the public, specifically enforceable by its holder or any beneficiary, and binding upon the holder of the servient estate, and the holder's heirs, successors and assigns. Unless specifically provided by the parties, no such easement shall give the holder or any beneficiary the right to enter on the land except for enforcement of the easement. In short, the landowner is paid the value of the property rights he or she has sold and the land becomes protected.

The specific conditions of the easement are negotiated and contracted between the Big Fork River Board and the landowner. It should be noted that scenic easements cannot be acquired without the landowner's consent. Moreover, a scenic easement does not make the land public. Under the standard scenic easement contract, the seller could sell the right to:

- change the topography or alter the landscape;
- build on the scenic easement area;
- place or build structures on the area, except for livestock fencing, legal signs and temporary camping or recreational equipment;
- cut, trim or remove trees, shrubs, bushes, or plants, except to cut lawns and weeds, harvest crops and cut dead or dying trees;
- dump trash, garbage or junk on the area;
- sell any other easements, including road or utility easements.

Scenic easements offer numerous advantages to the landowner and protected land:

- a. The landowner is paid for the development rights he or she sells, although he or she retains the title and most property rights and is able to continue some land uses. Management and maintenance of the land remains a private responsibility.
- b. Scenic easements cost less than purchase in fee title and protection objectives are equally accomplished.
- c. The land remains on the tax rolls, producing revenue for the local tax authority. Future tax assessments, however, may be based on the fact that development rights have been sold.
- d. Scenic easements remain in effect permanently,- providing long-term protection that other land use controls may not.

Recommended Future Actions:

Cooperation is encouraged between local units of government, private landowners and public agencies to adequately protect the natural resource base of the River corridor.

Information and education about natural features of the River and their protector should be developed and distributed by the Board and the local governments, working with the Minnesota Department of Natural Resources, school districts, and others as appropriate.

The Big Fork River Board should establish scenic easements as a management tool for River protection with voluntary private property owners' subject to available funding.

The Big Fork River Board should develop other incentives, such as tax credits or conservation easements, to encourage cooperation from private landowners in the protection and maintenance of the River's natural resource base.

WETLANDS

Wetlands play an important role in maintaining and improving water quality, providing natural flood control, stabilizing flow of streams and rivers, and providing habitat for fish and wildlife resources. They contribute to the production of agricultural products and timber as well as providing aesthetic, recreational, scientific, and educational values. Because of the important functions they perform, it is essential the wetland areas in and adjacent to the Big Fork River be protected.

To do this will require the following:

- 1.) That the wetlands in and adjacent to the Big Fork River corridor be identified and inventoried.
- 2.) Before an alteration of wetlands can occur, the proposed action must first be permitted by the Corps of Engineers, local SWCD and the Minnesota Department of Natural Resources as required.
- 3.) Alteration of wetlands, if permitted, shall require a mitigation program that assures any wetland losses will be off set-by wetland gains, both in terms of actual acreage and to the extent possible, ecosystem function.
- 4.) Federal agencies involved with the Big Fork River and adjoining lands abide by Executive Order 11990 which orders them to avoid impacts to wetlands and establishes a policy of recognizing and enhancing wetland values.

Wetland protection strategies must be consistent with current state requirements.

RECREATIONAL AREAS

The exact time that a canoe was first paddled in the waters of the Big Fork River is not known. What is known, however, is that the native Americans used the stream and its tributaries as a means of transportation long before the first European made his appearance some 200 years ago. While many years have passed, the River continues to be an outstanding canoeing route with unsurpassed wilderness qualities. The Big Fork River experience takes a traveler through parts of the Chippewa National Forest, superb state parks and important historic and archeological sites that provide excellent hunting and fishing. Notable for its free flowing aspect and great remote stretches, the River includes long pools, waterfalls, and swift rapids. The Big Fork River's recreational opportunities are likely to become more appreciated as the wilderness experience is rediscovered. Notwithstanding, there is the inherent danger of the aesthetic and resource values being lost as it becomes more heavily used.

To protect and preserve the excellent water quality, the scenic beauty, and natural resource base of the Big Fork River Corridor, the Big Fork River Board recommends:

- using care and common sense and give due regard for the sensibilities of all who live on and enjoy the river.
- maintenance of the present level and type of recreational facilities.
- limiting growth of recreational facilities.
- any future development of recreational facilities should be compatible with the existing primitive nature of the River.
- notice of any future development of recreational facilities should be sent to the Big Fork River Board for review.

Additionally:

- Concern about the disturbance of aquatic life by motorized use in shallow areas and because of concerns about the safety of people and equipment due the character of the river and the highly changeable levels and conditions, water surface zoning or regulations to reduce conflicts among users of the River or between users of-the River and residents of the corridor will be reserved for future promulgation if and when the need arises.
- regular maintenance of existing facilities be conducted to preserve the water quality and aesthetics of the River.
- as provided in the Development Standards provisions of the Big Fork River Plan, Planned Unit Developments are permitted within the publicly sewerred areas of the Cities of Bigfork and Big Falls. In other areas, small resorts or campgrounds are considered a conditional use through the local unit of government.
- the public's enjoyment of the Big Fork River and adjacent lands is limited to the public waters and designated publicly owned lands within the River corridor. Private lands within Natural Areas of the River corridor do not become public in any sense. Private landowners may grant scenic easements in their land to the Big Fork River Board for purposes of protection or preservation of archeologically significant or outstanding natural features. No such easement shall give the holder the right to enter on the land except for enforcement of the easement; the land does not become public.

Implementation and Future Action

Implementation and Future Action

Big Fork River Board and Advisory Committee Role

The Big Fork River Board was formed under a joint powers agreement in July 1989 between Itasca and Koochiching Counties and later was amended to add the Cities of Bigfork and Big Falls. The purpose of the Board was to develop a management plan for "the Big Fork River and its adjacent lands which would be uniquely tailored to the unique resources of the River corridor. Fundamental to the philosophy of the Big Fork River Board is the belief that local units of government and the people who live, work, and raise their families near the River are most capable of providing a balanced approach to the River's management. Therefore, the Big Fork River Plan will be used as a guide in the revision of local ordinances so they are consistent with the Plan. Local units of government will continue their responsibilities in the administration of ordinances and land use decision making.

The Big Fork River Board will provide an oversight role to Plan implementation as well as an on-going administrative review to local decision making. Local units of government will provide the Big Fork River Board with a thirty-day notice of proposed action so the Board will have the opportunity to review and comment on decisions affecting the River corridor. The Big Fork River Board and Advisory Committee will continue to provide guidance and planning for future issues and concerns, addressing the Big Fork River comprehensively as a resource and not by political or jurisdictional boundaries.

The Big Fork River Board will review and provide comments on certain zoning decisions of cities and counties including:

- adopted or amended ordinances regulating the use of land within the Big Fork River corridor.
- proposed variances from a provision of the local land use ordinance which relates to the zoning dimensions of the Big Fork River Plan.
- proposed conditional use decisions affecting the use of land within the Big Fork River corridor.
- proposed new subdivision plats.
- proposed Planned Unit Development plans.
- proposed recreational facilities for the Big Fork River corridor.
- Environmental Assessment Worksheets.
- Environmental Impact Statements.

The Big Fork River Board will provide education to interested people in the area through publication of materials, newspapers, and through the broadly based Citizens Advisory Committee. The Citizens Advisory committee will continue to serve as a policy advisory to the Board, keeping the Board closely in touch with the feelings and opinions of interested citizens. All citizens are encouraged to communicate to the Board via the Citizens Advisory Committee or directly. Continued participation by people using and enjoying: the Big Fork River is vital to the success of the Plan.

Variance Policy

Variances can only be granted in accordance with Minnesota Statutes when there are particular hardships which make strict enforcement of official controls impractical. A "hardship" as used in connection with the

granting of a variance means the property in question cannot be put to a reasonable use under the conditions allowed by the zoning provisions. Economic considerations alone shall not constitute a hardship if any reasonable use for the property exists under the terms of the ordinance. Granting of a variance may not be contrary to the general purpose and intent of the zoning provisions established by these standards and criteria and must be consistent with the Big Fork River Plan. Granting of a variance may be considered when there are exceptional circumstances unique to the subject property which were not created by the landowner. Granting of the variance will not allow any use which is neither a permitted or conditional use in the land use district in which the subject property is located. Boards of adjustment are encouraged to consider the spirit of the Big Fork River Plan as an integral part of their deliberations and decision making.

State and Federal Consistency

Proposed major state or federal government agency actions (permit decisions and plan approvals) within the Big Fork River planning corridor must first be reviewed by the Big Fork River Board to ensure consistency with the approved Big Fork River Plan.

Recommended Future Actions of the Big Fork River Board:

- Oversee local implementation of the Big Fork River Plan.
- Continue the Water Quality Measuring and Monitoring Program. Develop corrective strategies as needed.
- Inventory and evaluate cultural, historical, and archeological resources. Inventory and evaluate wetlands and bluff areas along the River corridor.
- Develop and disseminate educational materials to inform the residents and visitors about the significance of protecting archeological and/or natural features. Encourage the reading and use of all applicable Voluntary Management Guidelines or BMP's.
- Develop and promulgate educational materials to encourage wise stewardship and wise use of the River and land within the corridor.
- Establish scenic easements as a management tool for River protection with voluntary private property.
- Develop other incentives, such as tax credits or conservation easements, to encourage cooperation from private landowners in the protection and maintenance of the River's natural resource base.
- Identify a more suitable definition for "bluffs" and "steep slopes" to better educate the public on the significance of these features.
- Identify and map bluff and steep slope areas within the corridor to assist local units of government with ordinance administration.
- Consider impacts of watershed activities on water quality.

Appendix

AGREEMENT BETWEEN THE COUNTIES OF ITASCA AND KOOCHICHING TO ESTABLISH A JOINT POWERS BOARD

SECTION I - ESTABLISHMENT

Pursuant to the authority contained in M.S.A. 471.59, it is hereby resolved that Itasca and Koochiching County Boards and the city of Bigfork in Itasca County, and the city of Big Falls in Koochiching County, so hereby establish a Joint Powers Agreement hereinafter referred to as the Big Fork River Board.

SECTION II - PURPOSE

The purpose of the Big Fork River Board shall be to formulate plans for the area under its Jurisdiction; and to protect the Big Fork River from uncontrolled and unplanned development through the preparation and adoption of a comprehensive local zoning ordinances; recreational use of the river and adjacent lands or interest in land; in the public interest; and wise management and use of public lands along the River.

SECTION III - ORGANIZATION

- A. MEMBERSHIP - The membership of the Big Fork River Board shall be composed of two county commissioners, or their designee appointed by each county board; and one elected city official or their designee of the city of Bigfork in Itasca County and Big Falls in Koochiching County, appointed by each city council.
- B. TERM OF OFFICE - The term of office will run concurrently with each member's term on their respective elected city or county office. The chairperson shall serve a term of office of one (1) year.
- C. OFFICERS - The officers of the board shall consist of a chairperson, vice chairperson and secretary/treasurer. The chairperson and secretary/treasurer shall be selected by a majority vote of the Big Fork River Board members,
 - 1. Chairperson: It shall be the duty of the chairperson to preside over all meetings of the Big Fork Board. The chairperson shall have the power to call special meetings at reasonable times with reasonable notice when it is deemed such a meeting is necessary to the conduct of the business of the Big fork River Board.
 - 2. Vice Chairperson: Shall assume all duties of chairperson upon the absence of the chairperson)
 - 3. Secretary/Treasurer: It shall be the duty of the secretary/treasurer to keep, or designate a person to assist in keeping record of all proceedings of the Big Fork River Board; to provide for the proper receipt and distribution of funds; and to per form all other duties normally assigned to the secretary/treasurer of a deliberate body.
- D. VOTING - Each member of the Big Fork River Board shall have one (1) vote.

SECTION IV - MEETINGS

- A. The Big Fork River Board shall meet in regular session on the _____ day of each month at _____.
- B. Special meetings may be held under the circumstances outlined in Section III.C.1.

- C. A quorum shall consist of a majority of the voting Big Fork River Board members.

SECTION V - DUTIES AND RESPONSIBILITIES

- A. The Big Fork River Board shall have the responsibility to prepare a comprehensive management plan for the Big Fork River.
- B. The Big Fork River Board will have the power to develop and recommend a schedule for plan implementation by its member counties and cities, and to provide for the common and consistent administration of essential parts thereof.
- C. The Big Fork River Board will have the responsibility to initiate and maintain a liaison with governmental agencies necessary to complete a comprehensive plan for the Big Fork River within the Jurisdiction of the Itasca and Koochiching Counties, and the Cities of Bigfork and Big Falls.
- D. The Big Fork River Board will have the authority to appoint advisory committees and conduct such public meetings and hearings as are necessary to provide full public review and participation.
- E. The Big Fork River Board shall have the power to contract for services, in the manner prescribed by law; as are necessary for administration of all powers and duties specified in this Section as amended.
- F. The Big Fork River Board will also have the power to accept and disburse funds; and to apply for state, federal or other funds necessary to prepare and implement its plan.
- G. The Big Fork River Board will also have the responsibility to arrange for the audit of its expenditures and disbursements, consistent with state law.
- H. Exercise of these powers and duties will require a majority of the Big Fork River Board voting members.

SECTION VI - AMENDMENTS

Amendments to this agreement will require a majority of all voting Big Fork River Board members, and a majority vote of both the Itasca and Koochiching County Boards of Commissioners, and the Cities of Bigfork and Big Falls, as separate entities.

SECTION VII - EFFECTIVE DATE

This resolution shall take effect and be in force from and after the date of its signing.

SECTION VIII - AUTHORIZATION

IN WITNESS THEREOF, the respective counties and cities by resolution duly adopted by its county boards or city councils causes this agreement to be signed by its designee and attested to all on this day and year signed.

FOR: ITASCA COUNTY BOARD OF COMMISSIONERS FOR:
Doug Carpenter, Commissioner

CITY OF BIGFORK
Karen Lakso, City Clerk

FOR: KOOCHICHING COUNTY BOARD OF COMMISSIONERS
FOR: Don Sandbeck, Commissioner

CITY OF BIG FALLS
Lorraine Nygardd, City Clerk

**COOPERATIVE AGREEMENT
BETWEEN THE BIG FORK RIVER BOARD
AND THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES**

THIS AGREEMENT is entered into by the State of Minnesota, acting by and through the Commissioner of Natural Resources, hereinafter referred to as the "State" and the Big Fork River Board, hereinafter referred to as the "BFRB".

WITNESSETH:

WHEREAS, it is recognized by federal, state, and local officials, as well as private interests, that the Big Fork River is a unique body of water with distinctive shoreland characteristics, deserving of special management attention; and

WHEREAS, the State has been granted certain responsibility for regulation of shoreland development as provided by Minnesota Statutes 105.485 and Minnesota Rules parts 6120.2500 through 6120.3900 pertaining to "Statewide Standards for Management of Shoreland Areas including the Big Fork River; and

WHEREAS, Minnesota Rule Part 6120.2800, Subpart 3 provides flexibility procedures and criteria for local governments to adopt shoreland management controls which are not in strict conformity with the State Standards; and

WHEREAS, Itasca and Koochiching Counties and the municipalities of Bigfork and Big Falls have established a joint powers board pursuant to Minnesota Statutes Section 471.59, to direct development of a Big Fork River Management Plan; and

WHEREAS, the State is authorized by the Laws of 1989, Chapter 335, Article 1, Sections 21 and 266, to provide grant assistance for local governments to develop comprehensive lake by lake or river by river shoreland management strategies that provide a unique plan to guide activities on and adjacent to a lake or river.

NOW THEREFORE, it is agreed by and between the parties hereto:

I. WORK

1. The BFRB will direct the development of a Big Fork River Management Plan in accordance with the flexibility standards of the State Shoreland Management Standards (Minnesota Rule, Part 6120.2800, Sub. 3).
2. The State will participate fully in the development of the plan.
3. The development of the Big Fork River Management Plan will be a participatory process encouraging all interest groups and Individuals to be involved.
4. The BFRB will prepare a model ordinance containing minimum standards and criteria consistent with the Big Fork River Management Plan to guide development along the River. The member units of government will subsequently be obligated to incorporate these minimum standards into local zoning controls within the time frame recommended by the Plan.
5. Work items one through four shall be completed on or before June 30, 1991.

II. GRANT

The State shall pay to the BFRB 50% of all reasonable expenses for the services authorized hereunder or \$30,000, whichever is less, for the Work.

The State agrees upon finalization of this Agreement to forward \$25,000.00 to the BFRB. The final \$5,000.00 will be made after submission of the final document and certification of complete project costs and H costs and Work are satisfactory to the Commissioner of Natural Resources.

III. SPECIAL PROVISIONS

1. The BFRB agrees that in the hiring of common or skilled labor for the performance of any work under any contracts, or subcontracts hereunder, neither it nor any contractor material supplier or vendor shall engage in any discriminatory employment practices as such practices are defined in Minnesota Statutes Section 181.59 and Chapter 363 or in any practices prohibited by Minnesota Statutes Sections 177.42 and 177.43 (1988).
2. The BFRB shall indemnify, protect and hold harmless the State, its agents and employees from all claims or actions which may arise from performance of this Agreement.
3. The books, records and documents and accounting procedures, and practices of the BFRB relevant to this Agreement shall be subject to examination by the Department of Natural Resources and the Legislative Auditor.

IV. TERM

This Agreement shall become effective when all signatures required have been obtained and when the funds have been encumbered by the Commissioner of Finance, and shall continue in effect until June 30, 1991, unless terminated as provided herein.

V. TERMINATION

The State may terminate this Agreement "with cause". With cause shall mean that the BFRB is not performing the Work in accordance with the terms of this Agreement or the Work is not being performed to the satisfaction of the State. If this Agreement is so terminated, the State shall only be liable to pay for 50% of the Work found acceptable.

In the event of termination of this Agreement as heretofore provided the BFRB shall have seven (7) days prior written notice and if the Agreement is being terminated "with cause", the BFRB shall have until the date of termination to show cause why the Agreement should not be terminated. If it is determined by the State that the BFRB's default was beyond its control or it was not otherwise In default, the Agreement shall not be terminated.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement intending to be bound thereby.

BIG FORK RIVER BOARD
Matthew Huju, Chairman

Doris Hanson, Vice Chair

STATE AGENCY OR DEPARTMENT
Assistant Commissioner for Administration

As to form and execution by the
ATTORNEY GENERAL

COMMISSIONER OF ADMINISTRATION

ENCUMBERED BY DEPARTMENT OF FINANCE

SUPPLEMENT NO. 1 TO CONTRACT NO. 29000-53956-01

WHEREAS, the State of Minnesota, Department of Natural Resources has an Agreement identified as Contract No. 29000-53956-01 with the Big Fork River Board; and

WHEREAS, the State and the Big Fork River Board have agreed that additional time will be necessary for the satisfactory completion of the Agreement;

WHEREAS, Provision IV provides:

TERM. This Agreement shall become effective when all signatures required have been obtained and when the funds have been encumbered by the Commissioner of Finance, and shall continue in effect until June 30, 1991.

NOW THEREFORE IT IS AGREED: BY AND BETWEEN THE PARTIES HERETO;

That Provision IV shall be amended to read:

TERM. This Agreement shall become effective when all signatures required have been obtained and when the funds have been encumbered by the Commissioner of Finance, and shall continue in effect until December 31, 1991.

Except as herein amended, the provisions of the original Agreement remain in full force.

BIG FORK RIVER BOARD
Matthew Huju, Chairman

As to form and execution by the
ATTORNEY GENERAL

Doris Hanson, Vice Chair

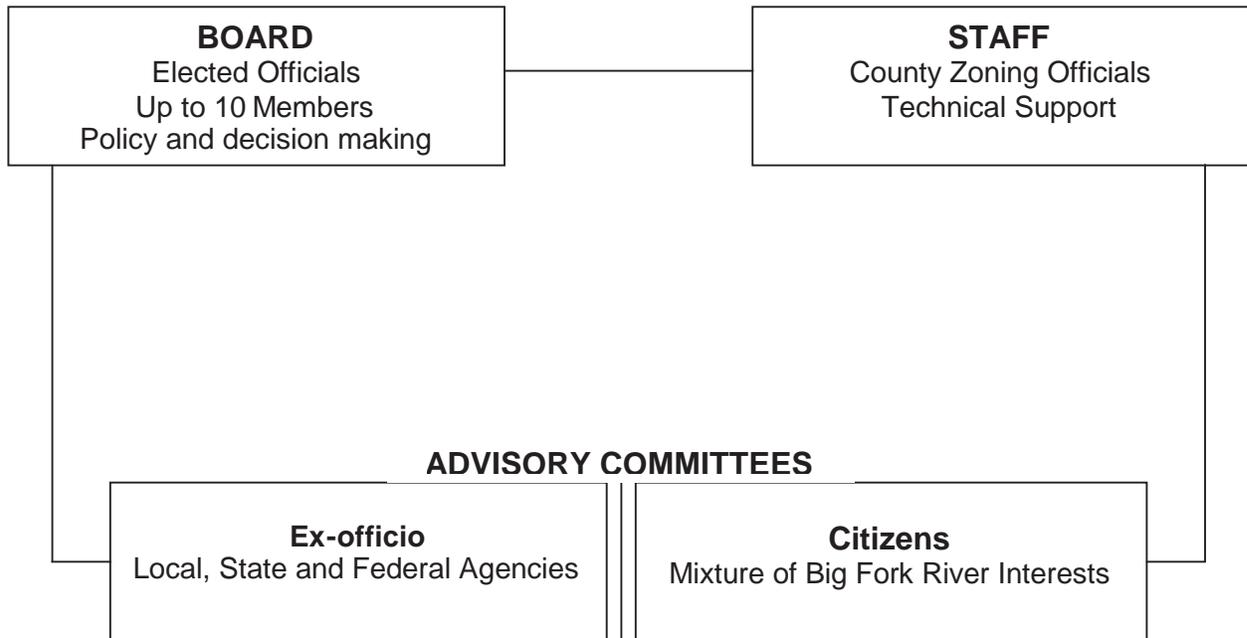
COMMISSIONER OF ADMINISTRATION

STATE AGENCY OR DEPARTMENT
Assistant Commissioner for Administration

ENCUMBERED BY DEPARTMENT OF FINANCE

Big Fork River Board

Organizational Structure



Original BIG FORK RIVER BOARD AND Original COMMITTEE MEMBERS

BIG FORK RIVER BOARD

<u>Representative</u>	<u>Representing</u>
Bill Gordon	City of Big Falls
Doris Hanson	Koochiching County
Matt Huju, Chair	Itasca County
Liz Latterell	City of Bigfork
Lillian Rizzo	Koochiching County
Jay Braford	Itasca County

ARDC Staff

Cheryl Erickson, Senior Planner
 Marlene Bartikoski, Research Assistant
 Debbie Bailey, Secretary

BIG FORK EX-OFFICIO MEMBERS

<u>Representative</u>	<u>Representing</u>
Heidi Bauman	MN Pollution Control Agency
Michael Budak	Minnesota Historical Society
Susan Congrave	Koochiching Co. Public Health
Dick Frost	National Park Service
Terry Greenside	Itasca County Zoning Department
Dennis Hummitzsch	Koochiching Co. Land Commission
Darrell Lauber	Itasca County Land Commission
Bruce Nelson	U.S. Army Corp of Engineers
Dan Retka	MN Department of Natural Resources
Ruth Schuder	Itasca County Public Health
Dan Steward	Board of Soil and Water Resources
Lynn M. Lewis	U.S. Fish and Wildlife Service
Howard Zeman	U.S.F.S. Marcell Ranger District

BIG FORK RIVER CITIZENS ADVISORY COMMITTEE

<u>Representative</u>	<u>Representing</u>
Ralph Aakhus	At Large
John Carlson	Realtor
Kendall Cutler	Hunting
Clent Dreher	Resident
Tom Evenson, Chair	Logger
Jerold Forsberg	Fishing
Larry Kallemeyn	Environmental
Richard Lacher	Environmental
Reynold Lotgren	Forest Industry-Mills
Earl Lund	Historic-Archeological
Marvin Munt	Resident-Agriculture
Doris Olson	Local Rec. Industry/Land Owner
Jack Rajala	Forest Industry/Land Owner
Richard Salmi	Leaseholder
Susan Staples	Resident
Bob Gaines	At Large
Mahlon Waller	Local Rec. Industry/Groups
Raymond Wood	Leaseholder

Recreational Inventory of the Big Fork River

The Big Fork River of Itasca and Koochiching Counties offers recreationalists 165 miles of mostly undeveloped solitude. Of the River, the upper 30 and lower 50 miles are quiet flowing amid wild rice marsh and tamaracks. From the City of Bigfork to Big Falls, the River is remote and punctured with Class I and II rapids along densely wooded banks and rock outcroppings. Class I Rapids are easy, small waves with few obstructions. Class II are rapids with waves up to three feet high. Canoeists must perform some maneuvering when canoeing the Big Fork River.

The purpose of this recreational inventory is to identify land and water based recreational sites on public and private lands within the River corridor. Moreover, the purpose of this inventory is to help determine if the recreational demands of residents and visitors are being met and to set the tone for any future development of facilities. Numbers referenced on the inventory correspond to maps within the Big Fork River Plan. Drive In campsites may provide road access, parking and a launching ramp. Carry In boat accesses have a path, and sometimes steps, leading to the river. Canoe In Only campsites are only accessible from the river. Most campsites are classified as Primitive with amenities including a wood toilet, fire ring and a picnic table.

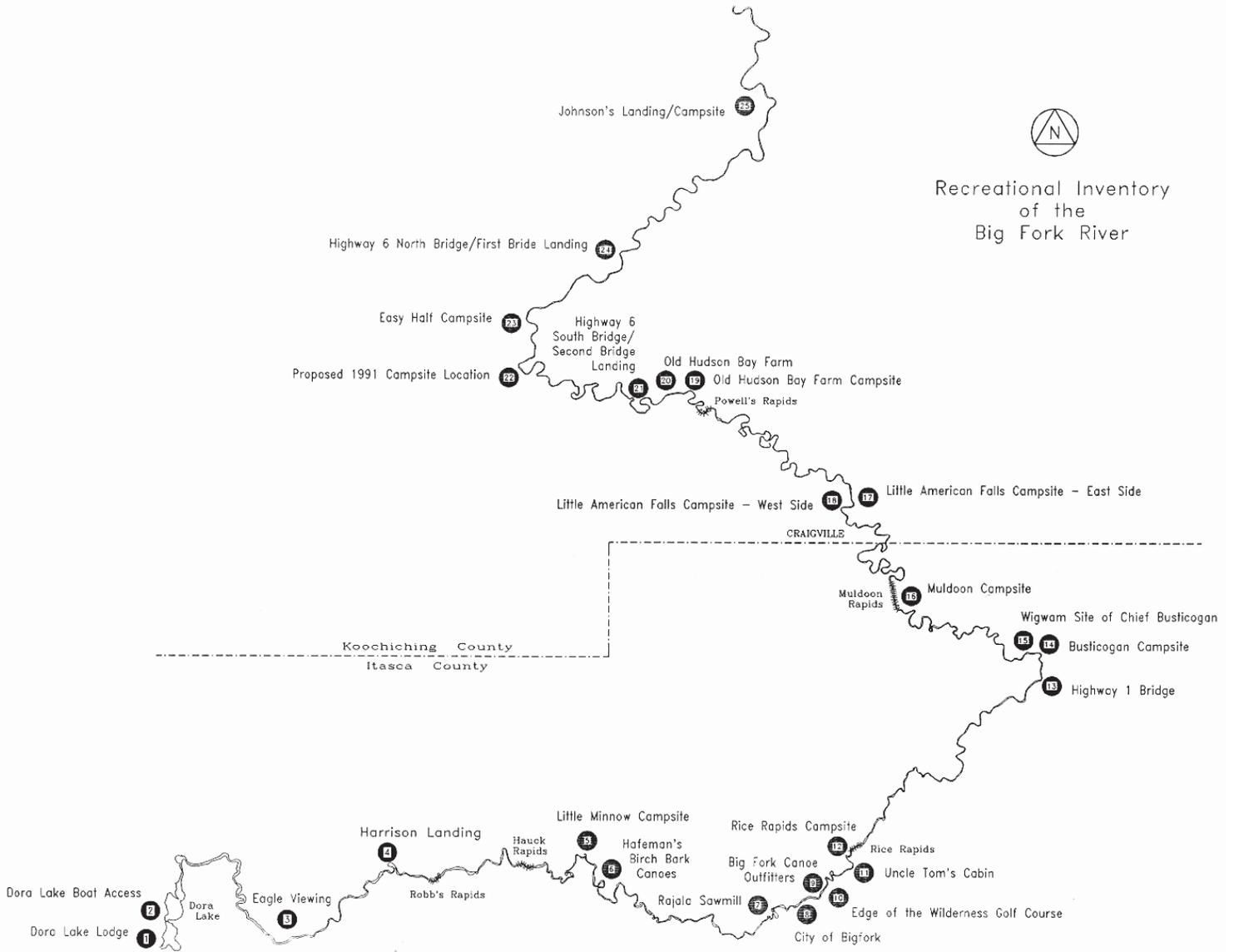
- 1. Dora Lake Lodge, Dora Lake**
Located at the outlet of Dora Lake, privately owned-seasonal lodging with seven modern cabins and primitive campgrounds.
- 2. Dora Lake Boat Access**
U.S.F.S. Concrete boat ramp, amenities include toilet, water and picnic facilities.
- 3. Eagle Viewing**
From Dora Lake to Hauck Rapids, the Chippewa National Forest supports the highest breeding population of bald eagles in the U.S. outside of Alaska because of the ideal nesting and feeding habitat.
- 4. Harrison Landing**
DNR Drive In campsite with earth ramp, amenities include toilet, table, and fire ring.
- 5. Little Minnow Campsite**
DNR Primitive Canoe In Only campsite on State land, amenities include a primitive wood toilet, a fire ring and a picnic table.
- 6. Hafeman's Birch Bark Canoes**
This recreational spot hosts the construction of birch bark canoes using traditional methods. Bill Hafeman's work has been documented and is included in the National Geographic book, "Rivers".
- 7. Rajala Sawmill**
Considered one of Minnesota's largest sawmills and started by John Peterson in 1903, this mill continued operating until 1953 when it was replaced by a modern band mill. The Rajala brothers, who acquired the mill in 1942, continue the family operation today.
- 8. City of Bigfork**
City-owned Concrete boat ramp, amenities include toilet, water, picnic table and camping.
- 9. Big Fork Canoe Outfitters, Bigfork**
The only canoe outfitter for the Big Fork River provides a multitude of services including three and four hour floats, family overnights, shuttle service and rental of canoes, tents, and sleeping bags by the hour, day or more.
- 10. Edge of the Wilderness Golf Course, Bigfork**
Nine hole golf course.

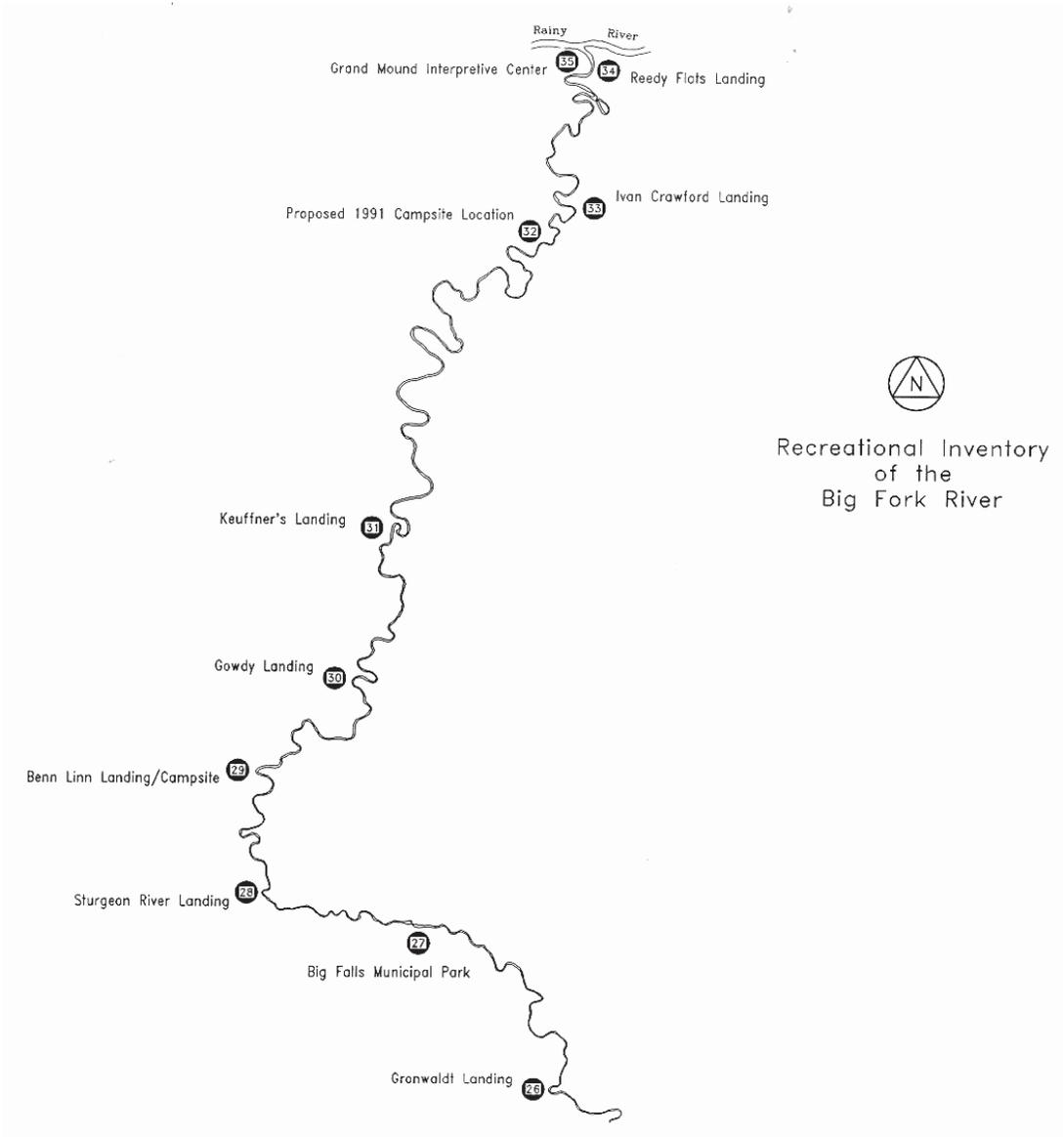
11. **Uncle Tom's Cabin**
A few hundred feet down-stream from the forks of the Rice and Big Fork Rivers on the north bank is the cabin site of Damese "Uncle Tom" Neaveaux credited as Bigfork's first permanent settler in the spring of 1887. This French Canadian was among the first settlers to file a homestead claim, holding squatter's rights until the Homestead Act of 1900. "Uncle Tom" was known to greet, to feed, and to lend a helping hand to any new settlers in the region.
12. **Rice Rapids Campsite**
DNR Primitive Canoe In Only campsite on State land with a primitive wood toilet, a fire ring and a picnic table.
13. **Highway 1 Bridge**
MN-Department of Transportation Carry In boat access with toilet and picnic table.
14. **Busticogan Campsite**
DNR Primitive Canoe In Only campsite on Itasca County land with a primitive wood toilet, a fire ring, and a picnic table.
15. **Wigwam Site of Chief Busticogan**
Accessible by river access only, this recreational spot is downstream of Highway 1 Rapids past Deer Creek. Chief Busticogan is the most noted Chippewa Chief of the North Country who fought two clashes with the Sioux Indians (one at Battle Lake and the other where the City of Bigfork now stands), helped nearby logging settlement in their bout with small pox, and traveled to Washington to present his case of being unjustly dealt with. Rumor is that sometime before his death, Busticogan received a gold payment and he buried it in the vicinity of this wigwam. Apparently, no one ever located it.
16. **Muldoon Campsite**
DNR Primitive Canoe In Only campsite on Itasca County land with a primitive wood toilet, a fire ring and a picnic table.
17. **Craigville (also known as Craig)**
Established in 1924 by James Reid, this tiny "ghost town" was a boisterous service and "recreation" center with several hundred people once living there. This was the place where payrolls were spent by the lumberjacks of the nearby headquarters camp, railroad hoist workers, and the men on their annual month-long spree between logging and driving down the River.
18. **Lime American Falls Campsite - West Side**
Koochiching County owned campsite accessible by river only on the east side of Little American Falls. Amenities include Carry In boat access, toilet, fire ring and picnic table.
19. **Little American Falls Campsite - East Side**
Koochiching County owned access by road, scenic overlook of the falls, tent beds, picnic tables, grills, bench overlook, wood steps down to river, good fishing and one primitive toilet.
20. **Old Hudson Bay Farm Campsite**
DNR classified Primitive Canoe In Only campsite on State land with a primitive wood toilet, a fire ring, and picnic table.
21. **Old Hudson Bay Farm**
A short distance up stream from Highway 6, this old farm site was known by the old settlers and a reference taken from John T. Knight's diary in 1854. "We portaged around small falls (Little American Falls) and within a hour came to a Hudson Bay fur trading post occupied by two white men who were harvesting a supply of potatoes and vegetables against the coming winter".
22. **Highway 6 South Bridge/ Second Bridge Landing**

- DNR Carry In boat access with steps and no amenities.
23. **Proposed 1991 Campsite Location**
Primitive Campsite with fire ring, toilet, tent pad, and picnic table.
 24. **Easy Half Campsite**
DNR classified Primitive Canoe In Only campsite on State land with primitive wood toilet, fire ring, and picnic table.
 25. **Highway 6 North Bridge/ First Bridge Landing**
DNR Carry In boat access with steps and no amenities.
 26. **Johnson's Landing/ Campsite**
Path leading to boat access and DNR Campsite with toilet, table, fire ring and water.
 27. **Gronwaldt Landing**
DNR Carry In boat access with steps and no amenities.
 28. **Big Falls Municipal Park**
Along with the largest waterfalls in the River with a drop of 35 feet, this city park offers recreational uses including picnicking, camping, and showers. It has such facilities as drinking water, picnic tables, fireplaces, toilets, electricity and a boat ramp.
 29. **Sturgeon River Landing**
DNR Drive In campsite with steps, toilet, picnic table and fire ring. .`
 30. **Benn Linn Landing/Campsite**
State-owned campsite. DNR classified as Carry In boat access and Drive In campsite with steps, toilet, picnic table and fire ring.
 31. **Gowdy Landing**
DNR Carry In boat access on State land with earth path and no amenities.
 32. **Keuffner's Landing**
Koochiching County-owned boat access with earth path boat access, toilet, picnic table and camping. DNR classification as Drive In Campsite.
 33. **Proposed 1991 Campsite Location**
Primitive campsite with fire ring, toilet, tent pad, and picnic table.
 34. **Ivan Crawford Landing**
Koochiching County administered Carry In boat access with earth path and no amenities.
 35. **Reedy Flats Landing**
Boise Cascade Owned Concrete boat ramp with no amenities.
 36. **Grand Mound Interpretive Center**
At the confluence with the Rainy River, this recreation spot includes prehistoric Laurel and Blackduck Indian mounds, two-and-a-half mile walking/interpretive trails, and museum.



Recreational Inventory of the Big Fork River





ITASCA COUNTY BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
October 25, 2005

Pursuant to adjournment, the Itasca County Board of Commissioners met on Tuesday, October 25, 2005, in the Itasca County Boardroom with the following members present: Chairperson Russell Klegstad (District #1), and Commissioners Rusty Eichorn (District #4), Catherine McLynn (District #2), Mark Mandich (District #5), and John Dimich (District #3).

Chairperson Klegstad called the meeting to order at 3:00 p.m. with the Pledge of Allegiance.

MINUTES

Commissioner McLynn moved to approve the minutes of the October 11, 2005, County Board Meeting. Commissioner Eichorn seconded the motion. Motion carried. Ayes - Districts #1, #2, #3, #4, #5; Nays - None.

CONSENT AGENDA

Commissioner Mandich moved to pull Consent Agenda #8 (Land Department Reorganization Plan) and Consent Agenda #22 (Forester Reallocation and Job Evaluation) and refer them back to the November 14, 2005 TLM Division meeting, pull Consent Agenda #19 (Revised Offer for County Lease Lot on Caribou Lake) and place it on the Regular Agenda, amend Consent Agenda #24 (ICHHS Staffing - Executive Secretary), and approve the remaining Consent Agenda as delineated below. Commissioner McLynn seconded the motion. Motion carried with the following roll call vote: Ayes - Districts #1, #2, #3, #4, #5; Nays - None.

1. Approve the October 2005 Commissioner Warrants. [\$987,159.80]
2. Approve a Gambling Permit for the Minnesota Deer Hunters Association, West Polk County Chapter, with said gambling to be held on April 28, 2006, at MDHA State Office, 460 Peterson Road, Grand Rapids, MN.
3. Approve a Gambling Permit for the National Sclerosis Society with said lawful gambling to be held at Richies Marcell Inn, 48644 Highway 38, Marcell, MN.
4. Approve minutes of Step III Grievance Hearing (Local 580) held on October 11, 2005.

5. Approve changing the December Transportation and Land Management (TLM) Division meeting from December 19, 2005, to December 12, 2005, at 1:00 p.m.
6. Approve establishing an Elected Post Retirement Health Care Committee for the purpose of reviewing the establishment of an elected official's post retirement health care saving plan. Also, appoint Commissioner Mandich, Commissioner Eichorn, Robert Olson (Coordinator), and two elected constitutional officers to said committee.
7. Approve updated Employee Development Policy language as presented at the September 19, 2005 Itasca County Manager's meeting.
9. Authorize the use of two parking spots (#30 and #31) for the period of November 1, 2005, through March 31, 2006, as an auction item for the Courthouse United Way Campaign.
10. Adopt the resolution to oppose the parole of Audie Lynn Fox. (Resolution #10-05-01)
11. Adopt a Resolution Re: Support for a 25-bed hospital at Ah-Gwah-Ching in North Central Cass County. (Resolution #10-05-07)
12. Approve the update to the Big Fork River Plan as recommended by the Big Fork River Board (BRFB).
13. Approve the application to repurchase tax-forfeited property submitted by Roger M. Tschida because repurchase will promote the use of the lands that will best serve the public interest and approve abatement of taxes to add them back into the system. (Tract located in Lot 3, Section 36, Township 148, Range 29 West, Parcel ID #39-036-4105).
14. Approve the application to repurchase tax-forfeited property submitted by Travis Wiebrand because repurchase will promote the use of the lands that will best serve the public interest and approve abatement of taxes to add them back into the system. (Lot 13, Block 2, Remer DeSchepper Addition, Grand Rapids City, Section 18, Township 55 North, Range 25 West, Parcel ID #91-663-0230).
15. Approve the application to repurchase tax-forfeited property submitted by Travis Wiebrand because repurchase will promote the use of the lands that will best serve the public interest and approve abatement of taxes to add them back into the system. (Lot 14, Block 2, Remer DeSchepper Addition, Grand Rapids City, Section 18, Township 55 North, Range 25 West, Parcel ID #91-663-0232).

City of Bigfork

Regular Meeting January 10, 2006

Members Present: Mayor Amy Tendrup, Jean Lexvold, Amy Pifher, Lonnie Kacon and Dick Salmi

Absent: none

Also Present: City Engineer Julie Kennedy, Public Works Superintendent Mark & Connie Maki, Ann McGarry, Marilyn Salmi, Warren & Caroline Welch, Police Chief Jon Babcock, Jim Manske, Robin Custer, Gene Rajala, Dave Waters, Robert Johnson, Nathan & Virginia Hale, Howard McKinney, Julie Aakhus, and Dan Infanti

Mayor Tendrup called the meeting to order at 7:00 p.m. and announced the results of the closed meeting held on December 13, 2005. At the meeting, a motion was made, seconded and carried with a four to one vote to impose a 15 day suspension on Dave Waters for disciplinary reasons.

Response to Bigfork Concerned Citizens Committee for Tax Relief: Tendrup read a notice that was posted around the city by this committee. Tendrup noted that many of the statements made in the notice were not accurate based on what actually happened at the December 13th meeting. Tendrup clarified that the Council did raise the property tax levy nine percent in order to balance the budget. She stated that the budget committee started meeting in August at public meetings, giving ample opportunity for citizens to be involved in the budget process and to offer input. She reviewed a list of the items that were cut from the 2006 budget in order to help balance it. These items include cuts to maintenance, police, clerk, wages, engineering and legal service budgets. Tendrup noted revenue items that were added to help balance the budget. These items include pledging the liquor store lease and city house sale funds to the general fund, as well as raising water and sewer rates three percent. Tendrup stated that the statements made in the notice that the Council does not care about fiscal responsibility are completely untrue and that the public is welcome to assist with the budget process during the months of August through December.

Salmi was concerned about the plans to purchase public works equipment. Tendrup stated that Public Works Superintendent Mark Maki will explain the plans for funding of this equipment. Salmi was also concerned about the costs of the mound system at the airport. City Engineer Julie Kennedy explained that numbers that she had discussed previously were estimates of what it could possibly cost to fix the system. She noted that any work on the system would be funded completely by the US Army Corps of Engineers and The Bergquist Company just as the original project was. Salmi has talked with Bob Schwartz who is willing to come in and review the system, fix it and will guarantee the work. Kennedy stated that would be a decision the Army Corps would need to make. Kennedy noted that the goal is to get the system back to a subsurface drainage so that we eliminate the need to chlorinate and test the system. With the two meters that have been installed, Kennedy and Maki are narrowing down what the issues are with the system. Later this spring we will know what action needs to be taken to fix it. Kennedy reiterated that the project should at no time be a cost to the City. Salmi was concerned about possible pollution of Connors Lake and lawsuits against the City if that were to happen. Kennedy noted that is why we are working on this issue, to fix the system so that it properly functions as a mound system. Once this is accomplished, there will be no need to test the system any longer and it won't be tied to our City wastewater system permit. Salmi stated that Schwartz would be willing to fix the system and guarantee it. Tendrup stated that any project that the City decides to go ahead with would have to be publicly bid and Schwartz would have the opportunity

Motion by Salmi to allow Waters to attend school. Tendrup wanted to know what the cost would be. Waters stated that some of the classes are free other than travel and meals. Tendrup felt the issue should be turned over to the Personnel Committee for review. Lexvold stated that the City had always allowed Waters to leave for training in the past. Kacon reviewed that both licenses expire in 2007. Waters noted that last time he renewed his licenses, he ran out of time to take the classes and had to borrow time from his water classes to renew his wastewater certificate. *Motion by Salmi to allow Waters to leave work to attend the training, even if he has to pay for the classes himself, seconded by Lexvold, MCU.*

NEW BUSINESS:

Chet Cook – City Real Estate Taxes: Cook had asked to be on the agenda but was not in attendance.

Request for City Volunteers: Tendrup stated that any person interested in volunteering to help out with City tasks should contact the Clerk's office. Due to our budget constraints, any help would be greatly appreciated.

Liquor License Application – Kocian's Family Market: This is a renewal application for 3.2 percent off sale and everything is in order. *Motion by Pifher, seconded by Kacon to approve, MCU.*

Right of First Refusal: Howard McKinney, purchaser of the city house, would like right of first refusal on the city property directly adjacent to the house property. *Motion by Lexvold to grant this, seconded by Pifher, MCU.*

Review of LMCIT Recommendations: A League of Minnesota Cities Insurance Trust Loss Control Consultant had visited with City staff on future plans for the city beach. A letter outlining the League's recommendations had been received. *Motion by Lexvold, seconded by Kacon to follow all recommendations given, MCU.*

Review of Airport Hangar Lease and charges: The lease agreement for the airport hangar has expired and needs to be looked at for possible updates. Storlie checked with other municipal airports to see what they charge for hangar leases and there was no apparent average charge. It was suggested that Storlie check with Cook and Tower airports to see what they charge and how the hangars compare to ours, as well as what the term of their lease agreements is. *The item was tabled until the next meeting in a motion by Lexvold, seconded by Salmi, MCU.*

Review of Big Fork River Plan: The Big Fork River Board has supplied the Council with copies of a revised plan. Tendrup noted that the Board was looking for Council approval of the revised plan. *Motion to approve by Lexvold, seconded by Pifher, MCU.*

Kiosk Property: The Council received a letter from the State of Minnesota informing us that one of the parcels requested is tax forfeit and the State is unable to convey it to the City. The State would be able to grant a limited use permit if the City had plans to use the area for trails, picnic tables, or other similar activities. It was determined that there were no plans for the property at this time and the other two parcels would be sufficient. *Motion to request parcels 30 and 30A from the State of Minnesota by Pifher, seconded by Lexvold, MCU.*

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL OF BIG FALLS, COUNTY OF KOOCHICHING, STATE OF MINNESOTA, INCLUDING ALL ACCOUNTS SUBMITTED BY SAID COUNCIL.

December 12, 2005

The regular meeting of the Big Falls City Council was called to order at 7 p.m. by Mayor Wally Pritchard. Members present were Jon Bibeau, Marta Lindemanis, Scott Gates and Shawn Pritchard.

Commissioner Mike Hanson spoke with the council about County issues. He said that an ATV Club from Northome has approached the county about helping to pursue a new trail. This trail would go through Big Falls. The plans are very preliminary, and much work still needs to be done. The peat project was discussed. At this point, plans are still in the works to clear 80 to 100 acres of wood fiber this winter. The council also discussed the County Forestry office located in Big Falls, and whether or not the office will remain open. Mr. Hanson asked for letters to be written to the county board in support of keeping the office open. The council approved for a letter to be placed in the Ripple asking for community support and letters.

The consent agenda was presented with the following items: November financials and November minutes. Marta Lindemanis noted a change in the November minutes in the liquor store report concerning opening on Sundays during deer season. Clerk to change minutes. *Motion to approve consent agenda by Shawn Pritchard.* Second by Jon Bibeau. Motion carried.

Claims and disbursements were reviewed. *Motion to approve claims and disbursements in the amount of \$59,855.48 by Scott Gates.* Second by Marta Lindemanis. Motion carried.

Teckla Brown gave a liquor store report. She looked into hiring a DJ for New Year's Eve, but the cost this year would be \$745. The council discussed whether or not to hire a DJ, as the past several years have been very quiet at the liquor store, and the DJ cost would probably be more than the profits for the night. The council decided that since one ad had already been run, they would approve hiring the DJ, but left the final decision up to the manager's discretion. Teckla looked into the cost of the internet jukebox, but it is too costly for our small business. The clerk asked if it would be possible to change the official payroll date to the Wednesday following the Saturday shift, rather than Monday morning. Every effort would still be made to do the payroll on Monday, but in some situations it may be necessary for the clerk to have one or two days to complete the payroll. Council approved to change the liquor store official payroll date to every other Wednesday, with pay through Saturday night, beginning January 1st. *Motion to approve the liquor store report by Jon Bibeau.* Second by Scott Gates. Motion carried.

Fire report by Dave Larson. Dave presented papers for the Mayor and Clerk to sign to apply for DNR Forestry 50/50 grant funds. These funds could be used to purchase equipment for the Fire Department. *Motion to approve fire department report by Shawn Pritchard.* Second by Marta Lindemanis. Motion carried.

The council discussed policies for snowplowing hours, and what would be the earliest time in the morning that plowing with the grader may be allowed, due to the noise and lights. *There was a motion by Scott Gates that plowing with the grader may not begin before 4 a.m.* Second by Marta Lindemanis. Motion carried.

Resolution 2005-10, A Resolution Adopting the 2006 General Fund Budget with expenditures of \$155,720, was presented. *There was a motion by Marta Lindemanis to adopt resolution 2005-10.* Second by Scott Gates. Motion carried, with all in favor.

Resolution 2005-9, A Resolution Approving the Final 2005 Tax Levy Collectable in 2006, was reviewed. This levy would be set at \$49,000.00, which is the same as the previous year. *Motion by Shawn Pritchard to adopt resolution 2005-9.* Second by Jon Bibeau. Motion carried with all in favor.

The council reviewed the updated Bigfork River Board plan dated 9/27/05. *There was a motion by Marta Lindemanis to accept the updated Bigfork River Board Plan.* Second by Jon Bibeau. Motion carried. The updated plan will be kept on file at the clerk's office.

The council discussed the annual Airport Capital Improvement Plan. The plan currently on file and planned for completion in 2006 includes improvements to the parking area, and the construction of a bulletin board. The project would be eligible for 60/40 grant funds from MN Dept. of Transportation Aeronautics. The parking area and bulletin board are items that our airport needs to complete to comply with current regulations. The council decided to leave the CIP as is, and plan on doing those improvements in the summer of 2006.

The council reviewed cigarette licenses for the following businesses: LB Foods, Promersberger's Corner and Nita's Corner Bar. They also reviewed a 3.2 on/off sale license for Nita's Corner Bar. *There was a motion by Scott Gates to grant all applied for licenses.* Second by Shawn Pritchard. Motion carried.

The next meeting is set for January 9, 2005 at 7 p.m.

Motion to adjourn by Shawn Pritchard. Second by Marta Lindemanis. Motion carried.

Adjourned.



Mayor



City Clerk

RECEIVED
MAR 31 2006
Environmental Services
Zoning Services

REGULAR MEETING OF THE KOOCHICHING COUNTY BOARD OF COMMISSIONERS

Held on Tuesday, March 21, 2006; 10:00 a.m.

MEMBERS PRESENT: Commissioners Adee, Hanson, Lepper, Briggs, Pavleck

MEMBERS ABSENT: None

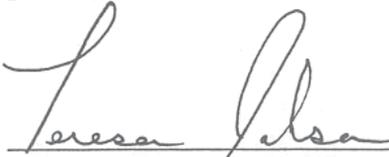
2006/03-40 Motion by Hanson, seconded by Pavleck accepting the recommendation of the Planning Commission to approve the proposed editorial amendments for the Big Fork River Plan. Voting yes: Adee, Hanson, Lepper, Briggs, Pavleck. Motion carried.

CERTIFICATION

STATE OF MINNESOTA
COUNTY OF KOOCHICHING

I, Teresa Jaksa, Clerk to the Koochiching County Board of Commissioners, in and for the County of Koochiching, State of Minnesota, do hereby certify that the records of my office show that the above is a true and correct copy of a resolution adopted by the County Board at their meeting on March 21, 2006.

Date: 3/28/06



Teresa Jaksa, Board Clerk
Koochiching County Board