

6106.0150 VEGETATION MANAGEMENT STANDARDS.

Subpart 1. **Purpose.** The purpose of this part is to establish standards that:

- A. sustain and enhance the biological and ecological functions of vegetation;
- B. preserve the natural character and topography of the Mississippi River Critical Corridor Area; and
- C. maintain stability of bluffs and steep slopes and ensure stability of other areas prone to erosion.

Subp. 2. **Applicability.** This part applies to:

- A. shore impact zones;
- B. areas within 50 feet of a wetland or natural drainage way;
- C. bluff impact zones;
- D. areas of native plant communities; and
- E. significant vegetative stands identified in local governments' adopted plans.

Subp. 3. **General provisions.**

A. Intensive vegetation clearing is prohibited, except for the following activities, which are allowed by local permit:

- (1) clearing vegetation that is dead, diseased, dying, or hazardous;
- (2) clearing to prevent the spread of diseases or insect pests;
- (3) removal of invasive non-native species;
- (4) restoration and erosion control management activities consistent with a plan approved by the local government or resource agency; and
- (5) the minimum necessary for development that is allowed as an exception under part 6106.0180.

B. The following activities are allowed without a permit:

- (1) selective vegetation removal, including removal for those activities listed under item A, subitems (1) to (3), and removal for other purposes provided that vegetative cover remains consistent with the management purposes of districts under part 6106.0100;
- (2) maintenance of existing lawns, landscaping, and gardens;
- (3) removal of vegetation in emergency situations as determined by the local government;
- (4) right-of-way maintenance for public facilities meeting the standards of part 6106.0130, subpart 4; and

(5) agricultural and forestry activities meeting the standards of part 6106.0110.

C. Local governments must not restrict the height of ground cover vegetation in the areas listed under subpart 2, items A to E.

Subp. 4. Permit process.

A. Local governments must regulate intensive vegetation clearing activities identified in subpart 3, item A, through a permit process.

B. Local government may create a new administrative permit process or use an existing one for intensive vegetation clearing. Appeals of local government decisions on permits are subject to Minnesota Statutes, section 462.357, subdivision 6.

C. Local governments may delegate the permitting responsibilities described in this subpart to a resource agency or other qualified agent as determined by the local government.

D. Local governments must require permit applicants to submit information as needed to evaluate permits for consistency with the standards and requirements of this part and parts 6106.0080, subpart 6, and 6106.0160.

E. Local governments must grant the permit, deny the permit, or grant the permit with conditions necessary to achieve the purposes of this part, as provided under subpart 5.

Subp. 5. Permit conditions. In reviewing and approving permit applications, the local government must ensure through permit conditions that the following performance standards are met:

A. development is sited to minimize removal of or disturbance to natural vegetation;

B. soil, slope stability, and hydrologic conditions are suitable for the proposed work as determined by a professional engineer or resource agency;

C. clearing is the minimum necessary and designed to blend with the natural terrain and minimize visual impacts to public river corridor views;

D. any native plant communities removed are replaced with vegetation that provides equivalent biological and ecological functions. If replaced, priorities for restoration are stabilization of erodible soils, restoration or enhancement of shoreline vegetation, and revegetation of bluffs or steep slopes visible from the river;

E. all other vegetation removed is restored with natural vegetation to the greatest extent practicable. Priorities for replacement are the same as under item D;

F. any disturbance of highly erodible soils is replanted with deep-rooted vegetation with a high stem density;

G. vegetation removal activities are conducted so as to expose the smallest practical area of soil to erosion for the least possible time; and

H. other conditions as determined necessary by the local government to achieve the purpose of this part.

Subp. 6. Vegetation restoration plan requirements.

A. Reestablishment of natural vegetation is required:

- (1) as a condition of permits under subpart 5, items D and E;
- (2) upon failure to comply with this part; or
- (3) as part of the planning process for subdivisions under part 6106.0170.

B. The vegetation restoration plan must:

(1) include vegetation that provides suitable habitat and effective soil stability, runoff retention, and infiltration capability. Vegetation species, composition, density, and diversity must be guided by nearby patches of native plant communities;

(2) be prepared by a qualified individual as defined by the local government;
and

(3) include a maintenance plan that includes management provisions for controlling invasive species and replacement of plant loss for three years.

C. The local government must issue a certificate of compliance after determining that the restoration requirements of item B have been satisfied.

D. Vegetation management and restoration activities must be guided by Native Vegetation Establishment and Enhancement Guidelines, incorporated by reference under part 6106.0090.

Statutory Authority: *MS s 116G.15*

History: *41 SR 799*

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