

# Mounting Development Threatens Area Lakes

## The COLA Call

by Ed Mutsch

The previous two columns of this series dealt with aquatic invasive species (AIS) and the threat they pose to Hubbard County's most valuable resource, namely its watersheds and associated lakes, rivers and wetlands. But other threats loom ahead. High on the list of such threats is development, much in evidence in recent years, and certain to continue at an accelerating pace as projected north central Minnesota population growth proceeds at a rate 2-3 times that expected for the state as a whole. This increasing population pressure on our water resources will greatly increase the risk of their impairment from such concomitants as AIS infestation, non-point source pollution from soil and chemical run-off, and shrinking wetland acreage.

While some might consider it necessary, even desirable, to curb population growth in order to protect our lakes and rivers, such an option is clearly not practical. However, it is practical for Hubbard County citizens to insist that the county's shoreland regulations be updated to reflect current reality, thereby enabling the county to cope with the population juggernaut and minimize its adverse impacts. Such an update is timely and overdue. First, some background.

A strong 1960s/1970s economy, with improved roads, more campgrounds, and excellent resorts combined to dramatically increase recreational use of Minnesota lakes. Seasonal cabins appeared in ever greater numbers in largely uncontrolled fashion. The increasingly apparent adverse impacts of this uncontrolled development led to the passage of the 1969 Shoreland Management Act which in turn led to DNR-promulgated shoreland rules in 1970 which

established minimum statewide standards for development within defined distances from lake shores and river banks. These shoreland rules were administered through county zoning ordinances which could be as strict or stricter than statewide standards. The rules, which initially applied to unincorporated lands were extended to municipalities in 1973.

Shoreland development continued strong. Soon, the construction of permanent homes and the conversion of seasonal cabins to permanent homes began to outpace the construction of seasonal dwellings, with the result that more people were using the lakes for longer periods, bringing ever growing pressures on water resources. This growing pressure, combined with a growing ecological understanding of the need and means for controlling adverse impacts on these resources, prompted the 1989 establishment of an upgraded set of shoreland management standards.

The pace of development continued to accelerate and take its toll on the recreational suitability of the state's waters, leading Governor Pawlenty in 2003 to declare a Clean Water Initiative, one element of which involved a five county (Aitkin, Cass, Crow Wing, Hubbard, Itasca) pilot project to develop a set of updated shoreland regulations which could then be made available for the voluntary adoption, wholly or in part, by all Minnesota counties. The task was accomplished through the year-long efforts of a DNR-led Advisory Committee comprised of 34 individuals representing a broad range of the constituencies with stakes in preserving and protecting the quality of Minnesota's waters, i.e., developers, resort owners, realtors, county commissioners, municipalities, county COLAs, and lake associations. The result was the December 12, 2005 publication of "Minnesota's Alternative Shoreland Management Standards" (ASMS). Citizens were subsequently encouraged to attend any of a number of open meetings held to inform the public about ASMS and to respond to questions. Each county board was encouraged to study the standards and adopt those elements appropriate to its particular situation.

Since publication of the ASMS, very few counties have adopted very few of its recommendations. Hubbard County made some revisions to its shoreland standards in July 2006, but this was done in response not to the ASMS, but rather to prompting from the new Environmental Services Office (ESO) administrator to clarify certain language ambiguity in the existing standards and effect some minor upgrades.

The local level lethargy ultimately led Minnesota Waters (MW) and the Minnesota Center for Environmental Advocacy (MCEA) to petition the DNR to use the ASMS as the basis for statewide rulemaking. The DNR refused, stating that it could not in good faith take what was initially represented as a voluntary effort and move to force it on Minnesota's 87 counties, most of which harbored within their borders water resources very different from those of the five counties involved in formulating the ASMS. While MW and MCEA pondered whether to mount a legal challenge to the DNR's refusal, the Minnesota legislature rendered

the question moot by directing the DNR to begin by January 15, 2008 a rulemaking process for updating its shoreland management standards.

This legislative directive will almost certainly lead many county boards to temporize on updating shoreland standards until the DNR intent becomes clear. Hence, the COLA Call: since DNR does not need to publicize a plan before early 2008; since whatever approach it adopts will definitely involve a long time line; since counties are free to adopt more rigorous standards than any statewide standards; and since the prominence of Hubbard County's water resources justify more rigorous standards, citizens should contact County Commissioners to urge them to immediately proceed to update the Hubbard County shoreland regulations, and to provide increased ESO resources to expedite the task.

Accelerating development not only puts pressure on our water resources, but brings a growing demand for permits, variances, conditional use applications, land platting, septic system inspections, wetland oversight, etc., all of which fall on the ESO office. A major update of county shoreland regulations will necessitate yet another major time commitment. Our Hubbard County quality of life is at stake. Let's protect it!

We will next deal with specific elements, some drawn from the ASMS, that should be incorporated into updated Hubbard County shoreland ordinances. Anyone interested in the ASMS document can go to <http://www.google.com/>, then type 'Minnesota's Alternative Shoreland Management Standards' in the search box.

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