

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 687

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 4/2
DATE FOR REVIEW 4/10
DATE DUE 4/16

Adopted w/a hearing _____
Adopted w/o a hearing X
Temporary rule _____

Approved 4/3 Disapproved _____ Returned to Agency 4/3 1.0. mail

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____

✓ Rule as Adopted

___ Rule as Proposed

✓ Order Adopting 4.2.81

N/A Notice of Intent to Solicit Outside Opinion

___ Order for rulemaking not submitted - see, Bill Clapp's Statement of Compliance
_____ Date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice of rulemaking
2.5.81 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
2.16.80 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

N/A Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact included in Order Adopting

N/A LCRAR Report or agency Affidavit

N/A Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

✓ Petition for Adoption of a Rule see 1/21/80 Letter from Washington Cty Bd

___ Record (includes ~~transcript or tape, exhibits~~, comments received by agency, ~~requests for a hearing, and other relevant materials~~)

✓ Certificate of Compliance w/Rulemaking Procedures

___ Affidavit of Mailing Notice of Submission to Attorney General

___ Notice of Submission to the Attorney General

✓ Washington County Board approval.

ADMIN 1000 - Rev. 1 78
SF-00006-01

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Joseph N. Alexander, Commissioner
Department of Natural Resources

DATE: 4/13/81

ATTN : A. W. Clapp
Special Assistant Attorney General

FROM : JERRY S. ANDERSON
Special Assistant
Attorney General

PHONE: 6-4692

SUBJECT: In the Matter of the Amendment of the Rules for Lower St. Croix Water Surface Use NR 2220 (Andersen Bay)

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register; this must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

JSA/gy

Enc.

cc: Duane Harves
Susan Robertson

B

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Amendment
of the Rules for Lower
St. Croix Water Surface
Use NR 2220
(Andersen Bay)

ORDER ADOPTING
RULES

Notice of the Commissioner's intent to amend the above-entitled rules without a public hearing was published in the State Register on February 16, 1981, and was mailed to all persons on the list maintained by the agency pursuant to Minn. Stat. § 15.0412 Subd. 4 on February 5, 1981. No requests for a public hearing were received during the comment period. I have reviewed the comments that were received, have determined that the amendment is needed and reasonable, and have received the approval of the Board of Commissioners of Washington County as required by Minn. Stat. § 361.26 Subd. 2(b).

The name of the bay was misspelled in the Notices. The correct spelling is Andersen Bay

NOW, THEREFORE, IT IS ORDERED that the amendment is adopted as proposed, except as to the correction of the spelling error.

Dated: April 2, 1981.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

By Steven G. Thorne, Deputy

JOSEPH N. ALEXANDER
Commissioner

AG Copy. Copy w/ changes

Department of Natural Resources

Adopted Amendments to the Lower St. Croix River Water Surface Use Rules

The rule amendment published in the State Register Volume 5, No. 33, pp. 1256-1257, February 16, 1981 (5 S.R. 1256-1257) are now adopted with the following amendments:

Amendments as Adopted

6 MCAR §§ 1.2220 Lower St. Croix Water Surface Use

d. Restricted speed zones

2. No motorboat shall be operated in excess of a slow-no-wake speed in the following areas:

f. In that area known as ~~Andersen~~ Andersen Bay, located approximately at mile 20.0.

APPROVED AS TO FORM AND LEGALITY

4-11 19 81

WARREN SPANNAUS, ATTORNEY GENERAL

BY Jerry Anderson

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 14 1981
Joan Anderson Growe
Secretary of State
2:33 PM

c. Until July 1, 1986, renewal units which are earned toward supervisory relicensure may be allocated toward clock hours of supervisory continuing education. For every one renewal unit earned and verified by the local committee for continuing education, one clock hour of supervisory continuing education shall be granted. Provisions D.2.b. and D.2.c. of 5 MCAR § 1.05361 shall remain in effect until July 1, 1986, at which time provisions D.2.b. and D.2.c. shall be repealed without further action by the State Board of Education.

3. In the case of a continuing license which has been allowed to lapse:

a. An applicant must provide evidence that 125 clock hours of approved supervisory continuing education have been completed during the five-year period immediately preceding the application for a continuing license in which case a five-year continuing license may be granted, or

b. Where the applicant provides evidence that a position has been offered contingent upon holding a valid license, and demonstrates that there is insufficient time to complete 125 clock hours of approved supervisory continuing education as required in 2.a. of this rule, a two-year, non-renewable license may be granted. Upon expiration of the two-year, non-renewable license, such an applicant must qualify for a continuing license in accordance with requirements stipulated in 2.a. of this rule.

4. Renewal requirements must be met during the five-year period of each continuing license and no clock hours shall carry forward into any subsequent five-year licensure period.

~~E. Effective date: September 1, 1972.~~

Department of Natural Resources

Proposed Amendment of Rule Governing Lower St. Croix Water Surface Use

Notice of Intent to Amend Rule without A Public Hearing

Notice is hereby given that the Minnesota Department of Natural Resources ("department") intends to adopt an amendment to the above-referenced department rule without public hearing because of the noncontroversial nature of the amendment.

The proposed amendment includes that area on the St. Croix River known as Anderson Bay (mile 20) as a slow-no wake zone for watercraft. This amendment is the result of a petition by the Washington County Board and is intended to be effective as soon as the law allows.

Please be advised that you have an opportunity for the 30-day period following publication of this notice and the proposed amendment to submit comments in writing on the proposed amendment and to object to the lack of public hearing on the proposed amendment. Your written comments or request for hearing should be submitted to:

Kim Elverum
Minnesota Department of Natural Resources
Box 46 — Centennial Office Bldg.
Saint Paul, Minnesota 55155
Telephone: (612) 296-3336

If seven or more persons request hearings on the rule amendment, the department will order public hearings in accordance with Minn. Stat. § 15.0412, subds. 4-4f. The department may modify the proposed amendment if modification is supported by data and views submitted in written comments and if no substantial change results from the modification.

If no hearing is required, and the department decides to adopt the amendment as proposed, or as modified if written comments justify modification, the Department will submit to the Attorney General for review of form, legality and substantial change the following documents: this notice with the amendment as proposed, the amended rule as adopted, the order adopting the amendment, any written comments received by the agency, and the department's Statement of Need and Reasonableness supporting adoption of the amendment. Any person may request notification of the date the department makes the submission to the Attorney General. If you desire to be so notified, you must inform the agency in writing during the 30-day comment period.

The department has prepared a Statement of Need and Reasonableness in support of the proposed amendment which is also available from the agency by writing to the address indicated above or calling (612) 296-3336.

The department's authority to promulgate the proposed amended rule can be found in Minn. Stat. §§ 361.26, subd. 2 (1980).

Please be advised that Minnesota Statutes Chapter 10A requires each lobbyist to register with the Ethical Practices Board within five days after he/she becomes a lobbyist. Lobbying includes attempting to influence rulemaking by communicating or

using others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250 per year or five hours per month lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

January 29, 1981

Joseph N. Alexander, Commissioner
Department of Natural Resources

Amendment as Proposed

6 MCAR § 1.2220 Lower St. Croix water surface use.

D. Restricted speed zones.

2. No motorboat shall be operated in excess of a slow-no-wake speed in the following areas:

f. In that area known as Anderson Bay, located approximately at mile 20.0.

Small Business Finance Agency

Proposed Rules Relating to the General Operating Procedures of the Agency and the Making of Pollution Control Loans

Notice of Intent to Adopt Rules without A Public Hearing

Notice is hereby given that the Small Business Finance Agency proposes to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h (1980).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subds. 4-4f. If a public hearing is requested, identification of the particular objection, the suggested modifications to the proposed language, and the reasons or data relied on to support the suggested modifications is desired.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

M. Jean Laubach
Executive Director
Small Business Finance Agency
480 Cedar Street
St. Paul, Minnesota 55101
(612) 296-6616

Authority for the adoption of these rules is contained in Minn. Stat. § 362.53, subd. 4 (1980). Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules, has been prepared and is available from Ms. Laubach upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to a designee of the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of these rules for approval, or who wish to receive a copy of the final rules as adopted, should submit a written statement of such request to Ms. Laubach.

A copy of the proposed rules is attached to this Notice. Additional copies may be obtained by contacting Ms. Laubach.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Department of Natural Resources

Proposed Amendment of Rule Governing Lower St. Croix Water Surface Use

Notice of Intent to Amend Rule without a Public Hearing

Notice is hereby given that the Minnesota Department of Natural Resources ("department") intends to adopt an amendment to the above-referenced department rule without public hearing because of the noncontroversial nature of the amendment.

The proposed amendment includes that area on the St. Croix River known as Anderson Bay (mile 20) as a slow-no wake zone for watercraft. This amendment is the result of a petition by the Washington County Board and is intended to be effective as soon as the law allows.

Please be advised that you have an opportunity for the 30-day period following publication of this notice and the proposed amendment to submit comments in writing on the proposed amendment and to object to the lack of public hearing on the proposed amendment. Your written comments or request for hearing should be submitted to:

Kim Elverum
Minnesota Department of Natural Resources
Box 46 - Centennial Office Bldg.
Saint Paul, Minnesota 55155
Telephone: (612) 296-3336

If seven or more persons request hearings on the rule amendment, the department will order public hearings in accordance with Minn. Stat. § 15.0412, subds. 4-4f. The department may modify the proposed amendment if modification is supported by data and views submitted in written comments and if no substantial change results from the modification.

If no hearing is required, and the department decides to adopt the amendment as proposed, or as modified if written comments justify modification, the Department will submit to the Attorney General for review of form, legality and substantial change the following documents: this notice with the amendment as proposed, the amended rule as adopted, the order adopting the amendment, any written comments received by the agency, and the department's Statement of Need and Reasonableness supporting adoption of the amendment. Any person may request

notification of the date the Department makes the submission to the Attorney General. If you desire to be so notified, you must inform the agency in writing during the 30-day comment period. 8

The department has prepared a Statement of Need and Reasonableness in support of the proposed amendment which is also available from the agency by writing to the address indicated above or calling (612) 296-3336.

The department's authority to promulgate the proposed amended rule can be found in Minn. Stat. §§ 361.26, Subd. 2 (1980). 9

Please be advised that Minnesota Statutes Chapter 10A requires each lobbyist to register with the Ethical Practices Board within five days after he/she becomes a lobbyist. Lobbying includes attempting to influence rulemaking by communicating or using others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

Dated January 29 1981.

Joseph N. Alexander

JOSEPH N. ALEXANDER, Commissioner
Department of Natural Resources

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

In the matter of the proposed
rule amendments for Lower
St. Croix Water Surface Use.

AFFIDAVIT OF MAILING

Kathleen Buttermore, being first duly sworn, deposes and says:

That on the 5th day of February, 1981, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, and with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Commissioner of Natural Resources.

Kathleen Buttermore

Subscribed and sworn to before
me this 5th day of February, 1981.

Karen L. Singer

KAREN L. SINGER
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES MAY 16, 1984

I

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

In the matter of the proposed
rule amendments for Lower
St. Croix Water Surface Use.

CERTIFICATION

I hereby certify that the attached 69 labels and 0 sheets constitute the complete list of persons, associations, and other interested groups who as of 9:00 o'clock am, this 5th day of February, 1981, have requested pursuant to Minnesota Statutes 1980, Section 15.0412, Subdivision 4, that their names be placed on file with the Department of Natural Resources for the purpose of receiving notice of public hearings on proposed rules on the subjects captioned above.

Joseph N. Alexander
Commissioner

BY: Rudy Brewer

Ford Motor Company
Automotive Assembly Division
17000 Oakwood Blvd.
Allen Park, Mich. 48121

Mr. John A. Knapp
Hessian, McKasy & Soderberg
1500 Midwest Plaza Bldg.
Minneapolis, MN 55402

Peter S. Popovich
Peterson, Popovich, Knutson & Flynn
814 Minnesota Bldg.
St. Paul, MN 55101

Gordon Forbes
Minn. Railroads Association
803 Hanover Bldg.
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St. Paul, MN 55101

Kent E. Eklund
Dept. of Economic Development
480 Cedar St.
St. Paul, MN 55101

Bonnie Bannanno-
Room 300
1745 University Ave.
St. Paul, MN 55104

Robert S. Burk
4344 IDS Center
Minneapolis, MN 55402

Marylee Fithian, Exec. Director
Olden & Associates
905 Park Ave. So.
Mpls., MN 55404

Jean Dawson, Editor
The Minnesota Government Report
B-12, Press Room
StateCapitol Bldg.
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T. J. Manthey
Pickands Mather & Co.
1100 Superior Ave. NE
Cleveland, Ohio 44114

Craig Waldron
Lynnette Renneke-Wiest
Region Nine Dev. Commission
410 So. 5th St., P.O. Box 3367
Mankato, MN 56001

Jones, Haugh & Smith Inc.
515 So. Washington
Albert Lea, MN 56007

Robert A. Silvagni, Env. Eng.
U of M-Physical Plant Dept.
200 Shops Building
319 15th Ave. SE
Minneapolis, MN 55455

William G. Haddeland
Minn. Petroleum Council
300 Northern Federal Bldg.
St. Paul, MN 55102

Robert Bollant
City of Winona
City Hall
4th & Lafayette St.
Winona, MN 55987

Richard C. Buske
Dept. of Economic Development
480 Cedar St.
St. Paul, MN 55101

Bruce T. Rowe, Administrator
Community Health Services Board
325 Lake Ave. So., Suite 604
Duluth, MN 55802

Mr. Reynold S. Rahko, Mgr.
Projects Coordinating Division
United Power Association
Elk River, MN 55330

George C. Mastor
General Counsel
MN Gas Company, Legal Division
300 Peavey Bldg.
Mpls., MN 55402

G. V. Welk, Manager
Regulatory Compliance & Services
Northern States Power Company
414 Nicollet Mall
Minneapolis, MN 55401

Philip D. Brick
Pickands Mather & Co.
Suite 811-200 W Superior St.
Duluth, MN 55802

Environmental Law Society
William Mitchell College of Law
875 Summit Ave.
St. Paul, MN 55105

Federal-State Reports, Inc.
5203 Leesburg Pike, #1201
Baileys Crossroads
Falls Church, VA 22041

Gertrude M. James
Anoka Co. Community Health & Social Services Dept.
Courthouse, 4th Floor
Anoka, MN 55303

James C. Shipman
Executive Director
Association of Minn. Counties
2305 Ford Parkway
St. Paul, MN 55116

Wayne H. Olson, Esq.
Olson, Gunn & Seran, Ltd.
315 Peavey Bldg.
730 Second Ave. So.
Mpls., MN 55402

Charles Schaffer
Dept. of Economic Development
480 Cedar St.
St. Paul, MN 55101

Marylee Fithian
Director
Development Disabilities Planni
200 Capitol Square Bldg.
INTEROFFICE

G. Robert Johnson
4344 IDS Center
Minneapolis, MN 55402

Frank Mixa
Executive Director
Lake Mtka. Conservation Distric
402 E. Lake St.
Wayzata, MN 55391

General Mills, Inc.
Attn: J. W. Haun
P. O. Box 1113
Minneapolis, MN 55440

Bob Franklin, City Editor
Minneapolis Tribune
425 Portland Ave.
Minneapolis, MN 55488

Dr. Rollin Dennistoun,Dep. Comr
MN Dept. of Agriculture
90 W. Plato
St. Paul, MN 55107
INTEROFFICE

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7 University Ave.
. Paul, MN 55155

ofessor Robert Synder
8 Classroom-Office Bldg.
iversity of Minnesota
. Paul, MN 55108

ic W. Ingvaldson
36 Midland Bank Bldg.
ls., MN 55401

omas M. Polt
Carthy Bldg.
ota, MN 55934

esident
terstate Power Co.
00 Main St.
buque, IA 52001

rriet Lykken
00 Emerson Ave. So.
ls., MN 55409

nneth Peterson, Exec. Director
IRG
12 University Ave. SE
ls., MN 55414

n Mongoven
1½ Minnesota
midji, MN 56601

n Kadlec
2 Holly Ave.
. Paul, MN 55104

lson French
15 E. 26th St.
ls., MN 55406

ke Lynch
08 N. Savoy Rd.
y, MN 55731

Suite 800
2850 Metro Drive
loomington, MN 55420

Conrad M. Fredin
811 First Nat'l. Bank Bldg.
Duluth, MN 55802

John H. Herman
Suite 930
Ten South Fifth St.
Mpls., MN 55401

Anoka Co. Community Health &
Social Services Dept.
c/o Robert M. Hutchison
Courthouse-4th Floor
Anoka, MN 55303

Donald B. Crassweller
1000 Alworth Bldg.
Duluth, MN 55802

Richard Kramer
1471 Barclay
St. Paul, MN 55106

James Miller, Sr. Attorney
MPIRG
2412 University Ave. SE
Mpls., MN 55414

Steve Chadwick
2904 W. 3rd St.
Duluth, MN 55806

Badger Safe Energy Alliance
Box 68
Durand, Wis. 54736

Steve O'Neil
475 Huff St.
Winona, MN 55987

Betsy Yassman
304½ Carlton Ave.
Cloquet, MN 55720

Suite 200
Minneapolis, MN 55404

Maryann S. Marino, Ph. D.
Koppers Company, Inc.
1201 Koppers Bldg.
Pittsburgh, PA 15219

R. J. Barto
Midland Glass Company, Inc.
P.O. Box 69
Shakopee, MN 55379

Phillips Legislative Service,In
459 Rice Street
St. Paul, MN 55103

J. D. Giallombardo
Buildings & Environmental
Burlington Northern, Inc.
176 E. 5th St., Room 1280
St. Paul, MN 55101

W. J. Licke, General Counsel
Blandin Paper Co.
115 1st St. SW
Grand Rapids, MN 55744

Associated Builders & Contracto
Suite 109
6300 Walker St.
Mpls., MN 55416

Barbara Johnson
1636 Taylor Ave.
St. Paul, MN 55104

Public Interest Advocacy Clinic
Hamline University Law School
St. Paul, MN 55104

Rodney Watkins
105 University Rd.
Cloquet, MN 55720

Loni Kemp
The Minnesota Project
618 E. 22nd St.
Mpls., MN 55404

50 Metro Drive
ite 800
ls., MN 55420

Brad Hoffman
6301 Shingle Creek Parkway
rooklyn Center, MN 55430

State Regulatory Division
5203 Leesburg Pike
Suite 1201
Falls Church, VA 22041

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

Proposed Amendments to
The Rules for Lower St. Croix
Water Surface Use NR 2220
(Andersen Bay)

STATEMENT OF
NEED AND
EVIDENCE

The authority of the Commissioner of Natural Resources to promulgate rules regarding surface water use zoning is found in Minnesota Statutes, Section 361.26. The rules currently in effect on the Lower St. Croix River are identified as Minnesota Rule 6 MCAR § 1.2220.

The Washington County Board, City of Bayport and Minnesota-Wisconsin Boundary Area Commission have all requested that the area on the Lower St. Croix River known as Andersen Bay located near mile 20 be designated a slow-no wake zone.

The Commissioner of Natural Resources proposes to amend NR 2220 to include Andersen Bay as a slow-no wake zone because of the following:

1. Andersen Bay is a long, narrow bay which is sheltered from the winds and does contain a number of docks and moored watercraft. High speed use is not acceptable in a confined mooring area.

2. The width at the entrance to the bay is approximately 1/10 mile or 528 feet. This is about the same width as the Prescott and Hudson Narrows on the River which are currently slow-no wake zones.

3. A swimming beach is located in the bay area. Conflicts between high speed boats and swimmers using this beach have been reported by the public.

It is hoped that the designation of this area as a slow-no wake zone will eliminate much of the conflict on the bay.

Dated Jan 29, 1981

Kim A. Elverum

KIM A. ELVERUM, Boat & Water Safety Coord.
Minnesota Department of Natural Resources

LOWER ST. CROIX MANAGEMENT COMMISSION

MEMBER AGENCIES

NATIONAL PARK SERVICE - U.S. DEPARTMENT OF THE INTERIOR
DEPARTMENT OF NATURAL RESOURCES - STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES - STATE OF WISCONSIN
MINNESOTA-WISCONSIN BOUNDARY AREA COMMISSION (EX-OFFICIO)

Cooperation Between Responsible Management Agencies



LOWER ST. CROIX NATIONAL SCENIC RIVERWAY

February 12, 1981

Kim Elverum
Minnesota Department of Natural Resources
Box 46
Centennial Office Building
St. Paul, MN. 55155

Re: Proposed amendment to water surface use rules
Lower St. Croix National Scenic Riverway

Dear Mr. Elverum:

We appreciate the opportunity to comment on the proposed amendment to the water surface use rules for the Lower St. Croix that would add Andersen Bay to the list of slow-no-wake zones. The proposed rule is reasonable and is needed, as has been discussed a number of times by the Lower St. Croix Management Commission Technical Committee.

The Committee reviewed Washington County's request for slow-no-wake declaration about a year ago and concluded that while it was needed, the non-controversial proposal should be held up while a study was conducted concerning the possible need for rule amendments in another area; then both amendments could be made at once. That study of the slow speed zone in the Page's Slough-Marine on St. Croix area (approximately miles 31-35) was conducted during the 1980 boating season by the Minnesota-Wisconsin Boundary Area Commission, and it has led to the recent conclusion that no amendments to that rule are needed at this time. It is then quite appropriate to go forward with the Andersen Bay amendment.

Andersen Bay is a long, narrow bay that is sheltered from prevailing winds and contains a number of private boat docks adjacent to residences, a very small marina and a public swimming beach. Because it is narrow and contains these other structures and uses, it is not suitable for safe navigation by watercraft moving at anything more than a very slow speed. But because it is sheltered, it has frequently been used in the past by waterskiers seeking to avoid the much choppier surface of the main river in that area. This creates a very dangerous situation, and we have had reports of a number of near-misses involving skiers, ski-boats and swimmers at the Bayport Public Beach. It is clear, then, that some additional regulation is needed in Andersen Bay. The language of the slow speed zone north of mile 31 has presented some enforcement problems, and it is recommended that any additional regulated areas use the slow-no-wake definition, since it is much more easily understood by the public and is more clearly defined and therefore more easily enforced.

COORDINATION OFFICE
Minnesota-Wisconsin Boundary Area Commission, 619 Second Street, Hudson, Wisconsin 54016
Minnesota Telephone (612)436-7131 Wisconsin Telephone (715)386-9444

Since adoption of the existing slow speed and slow-no-wake regulations, our studies have shown that the rules have had the desired effects. Speeding craft and dangerous situations have been reduced. Fully 54 percent of riparian residents in controlled areas feel the area is safer now than before the rules took effect in 1977; 69 percent feel that complaince with the rules was much greater in 1980 than in 1977, the first season the rules were in effect. Riparians have also noticed an increase in fishing, swimming and other passive water activities that were driven from the areas by speeding boats before the rules existed. Shoreline damage caused by wakes from speeding boats has been significantly reduced in regulated areas, according to 61 percent of riparians in regulated areas.

Creation of a slow-no-wake zone in Andersen Bay should have similar effects, particularly with respect to safety.

Very ~~truly yours~~,

Steven P. Johnson
Associate Director

February 18, 1981

Kim Elvrum
Minnesota DNR
Box 46
Centennial Office Building
St. Paul, Mn 55101

Dear Kim

We were delighted to read in the Stillwater Gazette of the possibility of Andersen Bay, on the St. Croix, becoming a slow - no wake zone. We are very much in favor of the ruling.

We have spent many happy hours at anchor, on our sail boat, watching the ducks and geese on the bay, and all the young ones being raised from little balls of fluff. We get so upset when the fast boats come through, especially the ones with skiers, because they just keep going back and forth, and just do not see the wildlife. It is terrible to see the birds and the little ones trying to get out of the way in time, and worse to see some of them killed.

It is such a beautiful, peaceful spot (and on a week-end afternoon there aren't many of those). We are sure the fisherman who try to fish near the mouth of the bay would probably appreciate a little less churning of the water.

We have long felt it should be a restricted area.

Sincerely

Jim and Gwen Berg

Jim and Gwen Berg
502 Edgewood Ave.
Stillwater, Mn 55082

February 19, 1981

Kim Elfrum
MINNESOTA DNR
Box 46
Centennial Office Bldg.
St. Paul, MN 55101

I notice in the local paper that the DNR has been requested to review the status of the Andersen Bay on the St. Croix River to be designated as a slow, no wake zone.

My children do use the St. Croix River for water skiing, but we have found with the heavy boat traffic on the main part of the river, that the Andersen Bay has become the only safe area where they can water ski, without fear of this heavy boat traffic in the main part of the river.

Based on the safety factor involved and the size of the Andersen Bay being very excellent for skiing, I would not recommend that this be designated as a slow, no wake zone.

As I was born and raised in Bayport and have been on the river all my life, I am unable to see the reasoning why the bay area would be set up with this particular designation as proposed.

As far as I know, there have been no accidents in this particular area as a result of the boat activity.

Based on this track record, I would recommend that we do not post the recommended designation of slow, no wake zone in the Andersen Bay of the St. Croix River.

Respectfully submitted,

J. E. Arndt (db)

Joseph E. Arndt

1602 Morningside Road
Stillwater, MN 55082

cc: Sally Everett-Commissioner of Washington County
Art Schaefer-Commissioner of Washington County

Washington County

BOARD OF COUNTY COMMISSIONERS

WASHINGTON COUNTY OFFICE BUILDING • STILLWATER, MINNESOTA 55082

January 21, 1980

RECEIVED
JAN 22 1980
COMMISSIONER'S OFFICE

Joseph Alexander, Commissioner
Minnesota Department of Natural Resources
Centennial Office Building
St. Paul, MN 55155

Dear Mr. Alexander:

The Washington County Board has been petitioned by the City of Bayport to make Andersen Bay, located in the Lower St. Croix River Valley, a no-wake zone. The County Board has examined the request and finds it to be appropriate to designate this area a no-wake zone.

We hereby petition the Commissioner of the Department of Natural Resources to take the necessary action to cause to have the Water Safety Regulations for the Lower St. Croix River amended to include a no-wake zone for Andersen Bay.

Please find attached a survey of the Bay area indicating its location and perimeters. If you have any questions regarding this request, please contact Robert Lockyear, the Planning Coordinator with Washington County, at 439-3220, extension 181.

Sincerely,

A. B. Schaefer, Jr.
Chairman
Washington County Board of Commissioners

/slb

DNR-8

JoE

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

PHONE: (612) 296-6591

File No. 4560

January 31, 1980

A.B. Schaefer, Jr.
Chairman
Washington County Board of Commissioners
Washington County Office Building
Stillwater, Minnesota 55082

Dear Mr. Schaefer:

Regarding your letter of request for surface use controls on Anderson Bay on the St. Croix...

By a copy of this letter, I am referring your request for a slow-no wake zone on the bay to Don Jueneman, our representative on the technical committee of the Minnesota-Wisconsin Boundary Area Commission. This group, as you may already know, has the responsibility for study and coordination of the Lower St. Croix. I am hoping that your request can be included with other recommendations for changes in the surface use regulations from the committee to the respective states.

In addition, I would like to postpone any new water surface regulations or changes in the existing rules until our guidelines for implementation (which were mandated by the legislature) are adopted as a rule. This process should take about 3-4 months, since they must go through public hearings first after the current internal review.

If you have further questions or comments, please do not hesitate to contact either myself (296-6591), Kim Elverum, our boat and water safety coordinator (296-3336) or Don Jueneman (296-8610) our St. Croix River coordinator.

Yours truly,

Joseph N. Alexander
Commissioner

JNA:KAE:ch
cc: Don Carlson, Trails & Waterways
Kim Elverum, Boat & Water Safety Coord.
Don Jueneman, Trails & Waterways
Minn.-Wisc. Boundary Area Commission
Dale Morey, Wisc. DNR

AN EQUAL OPPORTUNITY EMPLOYER

washington county planning department
planning zoning code enforcement

January 27, 1981

Kim Elverum
Minnesota Department of Natural Resources
Box 46
Centennial Office Building
St. Paul, MN 55155

Dear Mr. Elverum:

I am responding to your request a short time ago by phone to support Washington County's request to have the water safety regulations for the Lower St. Croix River amended to include a "no wake zone" for Anderson Bay.

Washington County, in consultation with the city of Bayport, has determined that it would be in the best interest of the community to regulate the speed of watercraft in the area of Anderson Bay to a slow, "no wake zone" to avoid continuing conflicts between water skiers, fishermen and swimmers within Anderson Bay. A public swimming beach in this area creates a considerable amount of activity in the water, and we feel that it would be in the best interests of the safety of the residents of Washington County to designate this area a "no wake zone" to insure proper use of this natural resource.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

Robert J. Lockyear
Planning Coordinator

xc: Dennis W. Scheel, Mayor, City of Bayport
Robert Orth, Sheriff's Department
A. B. Schaefer, Jr., Chairman, County Board
Sally Evert, County Board
RJL/dkr

14900 61st street north stillwater, minnesota 55082 (612) 439-3220

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Amendment
of the Rules for Lower
St. Croix Water Surface
Use NR 2220
(Andersen Bay)

STATEMENT OF COMPLIANCE
WITH RULEMAKING
PROCEDURES

I, Special Assistant Attorney General A. W. Clapp, III, declare that I have examined the rule amendment and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed.

The documents do not include the Order for Notice required by 1 MCAR § 1.203 E. Such a document was not prepared because the rule requiring it was not in effect on January 29, 1981, which is the date on which the Commissioner of Natural Resources signed the Notice.

Dated: April 2, 1981.

A. W. Clapp III

A. W. CLAPP, III
Special Assistant
Attorney General

BOARD OF COUNTY COMMISSIONERS
WASHINGTON, COUNTY, MINNESOTA

Date March 24, 1981 Resolution No. _____

Department Planning

Motion by Commissioner Evert Seconded by Commissioner Scheel

WHEREAS, the City of Bayport requested Washington County to post Anderson Bay on the St. Croix River as a slow no wake area, and

WHEREAS, the County wishing to maintain consistent controls on the St. Croix River, in turn requested the Minnesota Department of Natural resources to amend its water use regulations on the Lower St. Croix River to include Anderson Bay as a slow no wake zone, and

WHEREAS, the Department of Natural Resources has posted the proposed rule change in February 16, 1981, State Register, and

WHEREAS, the 30-day comment period has now elapsed, and

WHEREAS, under Minnesota Statute 361.26 subdivision 2 (B), the Washington County Board must approve the proposed Anderson Bay amendment to the Lower St. Croix River water surface use rules.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board does hereby approve the proposed amendment to the Lower St. Croix River water surface use rules (6 MCAR § 1.220) to include Anderson Bay as a slow no wake zone.

C. A. Riebel

Attest: C. A. Riebel, Deputy Administrator
M. Neal Erdahl
County Administrator

Chairman, County Board

YES		NO	
EVERT	X	EVERT	
FOGARTY	X	FOGARTY	
RYDEEN	X	RYDEEN	
SCHAEFER, JR.	X	SCHAEFER, JR.	
SCHEEL	X	SCHEEL	

State of Minnesota)
County of Washington) SS.

I, M. Neal Erdahl, duly appointed, qualified and acting County Administrator for the County of Washington, State of Minnesota, do hereby certify that I have compared the foregoing copy of a Resolution with the original minutes of the proceedings of the Board of County Commissioners, Washington County, Minnesota, at its session held on the 24th day of March, 1981, now on file in my office and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Stillwater, Minnesota, this 31st day of March, 1981.

County Administrator

By C. A. Riebel