

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

4/16 MJB

RULE REVIEW CHECKLIST

File No. 1822
DATE RECEIVED 4-10-91
REVIEW DATE 4-19-91
DUE DATE 4-24-91
(~~DIS~~)APPROVED 4-24-91
WITHDRAWN

Docket No. 050009 0575
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 4-16-91
REVISOR (DIS)APPROVED 4-19-91
FILED W/SEC. OF STATE 4/24/91
RETURNED TO AGENCY 4-25-91

✓ Rule as adopted (4 copies)

~~Notice to Solicit~~ Outside Information/Opinion (if applicable)
___ Date published in State Register
___ Comments

~~Petition for~~ Adoption of a Rule

~~Board's Authorizing~~ Resolution
___ Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
86B.211 Statutory Authority
made statement Small Business Statement
___ Expenditure of public money statement
2-14-91 Signature

✓ Statement of Need and Reasonableness (if applicable)
No Statement Small Business Statement
NA Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
Feb 27, 1991 Dated (30)/25 days before adoption
✓ Notice attached indicates it is attached
___ Copy of rule or summary attached

✓ Publication in State Register
March 4, 1991 Date (30)/25 days before adoption

✓ 180-day deadline from:
✓ Effective date of law requiring rule (14.12) (both rules) ~~amendments don't apply~~
✓ ~~end of comment period (§ 14.26)~~ (rules without hearing)
___ effective date of statutory ~~authority~~ (§ 14.29) (emergency rules)

~~Resolution Adopting~~
___ Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
April 5, 1991 Date

✓ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Bill Clapp Name of SAAG representing agency

___ ~~Notice~~ of Submission to Attorney General (if

STATE OF MINNESOTA
Department of Natural Resources

Proposed Amendments to
The Rules for Lower St. Croix
Water Surface Use 6105.0300-.0350

Statement of
Need and
Reasonableness

The Commissioner of Natural Resources is given the authority to promulgate rules regarding water surface use management in Minnesota Statutes § 86B.205. The proposed amendment affects the rules which govern water surface use on the Lower St. Croix River, which are found in Minnesota Rules parts 6105.0300-.0350.

The Washington County Board, the Chisago County Board and the Minnesota-Wisconsin Boundary Area Commission have requested that MN Rules part 6105.0330 be amended to include a slow-no wake zone: 1) in the Afton-Catfish Bar area, and 2) from Taylors Falls to the confluence of the St. Croix and the Mississippi River when the water level reaches 683.0 feet measured at the Stillwater gauge. The Commissioner of Natural Resources proposes to amend these rules to accommodate this request.

A slow-no wake zone in the **Afton-Catfish Bar area** is needed because:

a) boat density is greater than one moving boat per 10 acres of water surface on peak days (one boat for every 7.3 acres) (The policy of the MN-WI Boundary Area Commission is to recommend that a slow-no wake zone be established when boater density is equal to or greater than one moving boat per 10 acres.),

b) of the conflict with traffic from the marinas in Afton crossing the navigational channel to Catfish Bar, and the watercraft traveling up and down stream,

c) there is concern about property damage to boats beached at Catfish Bar caused by wake action,

d) there is conflict with fishing boats anchored in the area,

e) 144 boaters requested by petition, that a slow-no wake zone be established in the area due to concern about boating safety and traffic as a result of the nature of the users and the cross-traffic, and

f) the navigational channel cannot be widened to allow more room for the watercraft.

During times of **high water:**

a) the wake action causes serious shoreland erosion against more erodible soils that are not normally exposed to wave action,

b) the wake action causes property damage to docks, boat houses, boats, etc.,

c) the river currents in the narrows area become stronger and more unpredictable,

d) floating debris enters the river system and creates a collision hazard, and

e) buoys marking hazards to navigation, the channel and no-wake zones are moved off-station by the strong current.

This rule amendment, adopted by the State of Minnesota and a similar amendment adopted by the State of Wisconsin, should assist in slowing the degradation of the shoreland, reduce property damage and reduce the hazards in the riverway.

The Minnesota Department of Natural Resources does not anticipate that this rule amendment will have any impact on small business or agricultural land in the area.

JAN. 30, 1991
Date

Kim A. Elverum
Boat and Water Safety Coordinator
Minnesota Dept. of Natural Resources

DEPARTMENT: Office of the Attorney General **STATE OF MINNESOTA**

OFFICE MEMORANDUM

DATE: May 3, 1991

TO: ANITA BURNS TWAROSKI
Minnesota DNR
500 Lafayette Road

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-6839

SUBJECT: In the Matter of the Adopted Rule Relating to Waters, Watercraft Speed Limit Zones

The above-referenced rule has been approved as to its legality by the Attorney General on April 25, 1991.

Enclosed is your copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

MJC:sc

cc: Bill Clapp
William Brown, Chief Judge
MaryAnn Hruby

4/8
MJC

RULE REVIEW CHECKLIST

File No. 1822
DATE RECEIVED 4-16-91
REVIEW DATE 4-25-91
DUE DATE 4-29-91
(DIS)APPROVED 4-25-91 mjc
WITHDRAWN

Docket No. 05.0009.~~2010~~ 0589
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 4-18-91
REVISOR (DIS)APPROVED 4-19-91
FILED W/SEC. OF STATE
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

Notice to Solicit Outside Information/Opinion (if applicable)
Date published in State Register
Comments

~~Petition for Adoption~~ of a Rule

~~Board's Authorizing Resolution~~
Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
86B.205 sub 9 Statutory Authority
made a statement Small Business Statement
Expenditure of public money statement
1-29-91 Signature

✓ Statement of Need and Reasonableness (if applicable)
no impact Small Business Statement
NA Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
February 13, 1991 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
Copy of rule or summary attached

✓ Publication in State Register
February 19, 1991 Date 30/25 days before adoption

✓ 180-day deadline from:
✓ Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of comment period (§ 14.26) (rules without hearing)
effective date of statutory authority (§ 14.29) (emergency rules)

Resolution Adopting
~~Date adopted~~

✓ Findings of Fact, Conclusions & Order Adopting
April 2, 1991 Date

✓ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Bill Clapp Name of SAAG representing agency

~~Notice of Submission to Attorney General (if applicable)~~

~~Affidavit of Mailing Notice to Attorney General (if applicable)~~

Rules.ac1

Department of Natural Resources

Adopted Permanent Rules Relating to Waters, Watercraft Speed Limit Zones

Rules as Adopted

6105.0330 RESTRICTED SPEED ZONES.

Subpart 1. **Slow speed zone.** No motorboat shall at any time be operated in excess of a slow speed from the dam at Taylors Falls to the sandbars located approximately at mile 31.0.

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

A. at the narrows located approximately at mile 28.6, which is 0.4 miles downstream from the Arcola high bridge;

B. between the Coast Guard navigational buoys designating location of the navigation channel from the railroad swing bridge located at approximately mile 17.3 to the south side of the southernmost island in the chain of islands located at approximately mile 16.5;

C. between the Coast Guard navigational buoys designating the Kinnickinnic River delta narrows from approximately mile 6.6 to approximately mile 6.0;

D. at the Prescott Narrows from the north side of U.S. Highway No. 10 bridge located approximately at mile 0.3 to the confluence of the Saint Croix River with the Mississippi River;

E. within 100 feet of shore (including the shores of islands) and of swimmers, from sandbars located approximately at mile 31.0 to the confluence of the Saint Croix River with the Mississippi River;

F. in that area known as Andersen Bay, located approximately at mile 20.0;

G. from shore to shore in the area known as Afton-Catfish Bar, located approximately at mile 11.4 to 11.8 as measured in the navigational channel, and established by

regulatory buoys; and

H. between the dam at Taylors Falls to the confluence of the Saint Croix River with the Mississippi River, whenever the water level reaches 683.0 feet, mean sea level, as measured at the Stillwater gauge.

Subp. 3. **Exception.** Any motorboat designated for law enforcement shall be exempt from this part in circumstances involving emergencies or violation of law.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAY 1 1991

Joan Anderson Growe
Secretary of State

4:08

APPROVED AS TO FORM AND LEGALITY
April 25 1991
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassidy
SPECIAL ASSISTANT ATTORNEY GENERAL

86B.205 sub 9

Watercraft use rules for local waters. (a) On request of a county, city or town, the commissioner may, after determining it to be in the public interest, establish rules relating to use of watercraft on waters of this state that border upon or are within, in whole or in part,

Notice of Intent

missing E. (11) statement that proposed rule is attached to the notice - there is a somewhat ~~heading~~ summary at the top of the Notice -

4-18-91 Called Bill Clapp - asked him if DNR had mailed SOLAR to LCAR - he said he would get back to me. If they haven't mailed it - they will yes they mailed it

(DNR has 2 boat safety rules)

4-24-91 Bill Clapp going to check if they mailed the rules

4-24-91

Bill Clapp said the rules were mailed with the Notice of Intent to those people on the mailing list.

Patty
4-24-91

Department of Natural Resources

Proposed Permanent Rules Relating to Waters, Watercraft Speed Limit Zones

Rules as Proposed

6105.0330 RESTRICTED SPEED ZONES.

Subpart 1. **Slow speed zone.** No motorboat shall at any time be operated in excess of a slow speed from the dam at Taylors Falls to the sandbars located approximately at mile 31.0.

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

A. at the narrows located approximately at mile 28.6, which is 0.4 miles downstream from the Arcola high bridge;

B. between the Coast Guard navigational buoys designating location of the navigation channel from the railroad swing bridge located at approximately mile 17.3 to the south side of the southernmost island in the chain of islands located at approximately mile 16.5;

C. between the Coast Guard navigational buoys designating the Kinnickinnic River delta narrows from approximately mile 6.6 to approximately mile 6.0;

D. at the Prescott Narrows from the north side of U.S. Highway No. 10 bridge located approximately at mile 0.3 to the confluence of the Saint Croix River with the Mississippi River;

E. within 100 feet of shore (including the shores of islands) and of swimmers, from sandbars located approximately at mile 31.0 to the confluence of the Saint Croix River with the Mississippi River; ~~and~~

F. in that area known as Andersen Bay, located approximately at mile 20.0;

G. from shore to shore in the area known as Afton-Catfish Bar, located approximately at mile 11.4 to 11.8 as measured in the navigational channel, and established by

Approved by Revisor PER

regulatory buoys; and

H. between the dam at Taylors Falls to the confluence of the Saint Croix River with the Mississippi River, whenever the water level reaches 683.0 feet, mean sea level, as measured at the Stillwater gauge.

Subp. 3. **Exception.** Any motorboat designated for law enforcement shall be exempt from this part in circumstances involving emergencies or violation of law.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Waters, Watercraft Speed Limit Zones

AGENCY: Department of Natural Resources

MINNESOTA RULES: Chapter 6105

The attached rules are approved for publication in the State Register

Paul E. Rohde
Senior Assistant Revisor

Department of Natural Resources

Proposed Rule Amendment Relating to Lower St. Croix River Water Surface Use

Notice of Intent to Amend a Rule Without a Public Hearing

(1) **NOTICE IS HEREBY GIVEN** that the Minnesota Department of Natural Resources intends to adopt an amendment to the above-referenced rule without public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in Minnesota Statutes, section 14.22-14.28. Authority for the amendment of these rules is contained in Minnesota Statutes, § 86B.205, subd. 9.

(2) All persons have 30 days to submit comments in support of or in opposition to the rule or any part or subpart of the rule. Comment is encouraged. (3) Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any changed proposed. (8) The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change.

Any person may make a written request for a public hearing within the 30-day comment period. (4) If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number

withdraw their request in writing. (6) Any person requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. (7) If a public hearing is required, the Department will proceed pursuant to Minnesota Statutes, Section 14.13 to 14.20.

(5) Persons who wish to submit comments or a written request for a public hearing should submit them to:

Anita Burns Twaroski
Bureau of Information and Education
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4046

(12) A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from Anita Burns Twaroski.

(9) If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of the submission of this material to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of

the adopted rule, must submit a written request to Anita Burns Twaroski.

(14) The Department does not anticipate that this rule amendment will have any impact on small business or agricultural land in the area.

1-29-91
Date

Rodney W. Sando
Commissioner
MN 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

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

F. Andrew Brewer, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the Department of Natural Resources rulemaking mailing list is accurate, complete, and current as of this 13th day of February, 1991.

That on the 13th day of February, 1991, at the city of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule Amendment Without a Public Hearing by depositing in the United States mail, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

F. Andrew Brewer
Name

Dir., Regulatory & Legislative Svcs.
Title

Subscribed and sworn to before me this 13th day of February, 1991.

Karen L. Singer

Karen L. Singer
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires May 16, 1991

A. M. Twilley
Env. Control & Energy Dept.
Ford Motor Company
Automotive Assembly Division
17000 Oakwood Blvd.
Allen Park, Mich. 48121

[redacted]
General Council
MN Gas Company, Legal Division
701 2nd Avenue S.
Minneapolis, MN 55402

Bob Franklin, City Editor
Minneapolis Tribune
425 Portland Avenue
Minneapolis, MN 55488

Sam Ruhle
Office of Adminis. Hearings
400 Summit Bank Bldg.
310 South 4th Avenue
Minneapolis, MN 55415

[redacted]

Antitrust Division
MN Attorney General's Office
2nd Floor, Ford Bldg.
117 University Avenue
St. Paul, MN 55155

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The Minn. Government Report
B-12, Press Room
State Capitol Bldg.
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Pickands Mather & Co.
Suite 811 - 200 W Superior St.
Duluth, MN 55802

Professor Robert Snyder
248 Classroom Office Bldg.
University of Minnesota
St. Paul, MN 55108

T. J. Manthey
Pickands Mather & Co.
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Cleveland, Ohio 44114

Environmental Law Society
Wm. Mitchell College of Law
875 Summit Avenue
St. Paul, MN 55105

President
Interstate Power Co.
1000 Main Street
Dubuque, IA 52001

Craig Waldron
Region Nine Dev. Commission
410 S. 5th St., P.O. Box 3367
Mankato, MN 56001

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

Harriet Lykken
4600 Emerson Avenue S.
Minneapolis, MN 55409

Harold H. Haugh
Jones, Haugh & Smith Inc.
515 S. Washington
Albert Lea, MN 56007

[redacted]

Ernest N. Wentworth
Route 2, Box 285
Hines, MN 56647

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

Wayne H. Olson, Esq.
Olson, Gunn & Seran, Ltd.
315 Peavey Bldg.
730 Second Avenue S.
Minneapolis, MN 55402

[redacted]

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

Colleen Wieck, PHD, Exec. Director
~~Marylee Fithian, Director~~
Development Disabilities ~~Plan.~~ Council
~~200 Capitol Square Bldg.~~ 300 Centennial Office Bldg.
INTEROFFICE

[redacted]

Bruce T. Rowe, Administrator
Community Health Services Brd.
325 Lake Avenue S., Suite 604
Duluth, MN 55802

Frank Mixa, Executive Director
Lake Mtka. Conservation Dist.
402 E. Lake Street
Wayzata, MN 55391

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

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

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

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

Richard Kramer
1471 Barclay
St. Paul, MN 55106

[redacted]

City of Brooklyn Center
Brad Hoffman
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

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

Minnesota Woodlands
Boise Cascade Corporation
International Falls, MN 56649

Frundt, Frundt & Johnson
117 W. 5th Street
Blue Earth, MN 56013

Badger Safe Energy Alliance
P.O. Box 239
Ellsworth, WI 54011

[redacted]

Timothy Foss
RR1, Box 12B
Grygla, MN 56727

Darlene Olsen
Koochiching County Courthouse
International Falls, MN 56649

Gordon Foss
RR1, Box 12
Grygla, MN 56727

Marcella Gonsorowski
Marshall County
Newfolden, MN 56738

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

Roland Klamar
RR2, Box 75
Gatzke, MN 56724

County Auditor
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Bagley, MN 56621

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Shakopee, MN 55379

Roseau County Auditor
Roseau, MN 56751

Roseau County Board Chairman
Roseau, MN 56751

Phillips Legislative Serv., Inc.
459 Rice Street
St. Paul, MN 55103

Otto Jourdan
Northome, MN 56661

Donald Sanbeck
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W. J. Licke, General Council
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Innis Nesbitt
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International Falls, MN 56649

Public Interest Advocacy Clinic
Hamline University Law School
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Baudette, MN 56623

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Delray Larson
Box 11
Gatzke, MN 56724

Mel Johnson
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Tamarack, MN 55787

Clearwater Co.
Land and Forestry Office
Courthouse
Bagley, MN 56621

[redacted]

Doran Horner
Warroad, MN 56763

~~Doran~~ Korner
Star
Warroad, MN 56763

Karl Kjemperud
Littlefork, MN 56653

SHERMAN WINTHROP
90 E 7TH ST #3200
WORLD TRADE CENTER
ST PAUL, MINN 55101

Albert Boomgoardner
Route 1
Pitt, MN 56665

PEPIN, DAYTON, HERMAN
120 5TH ST SO #2320
MPLS, MINN 55402

Bernie St. Martin
State Public Affairs Dept.
Northern States Power Co.
414 Nicollet Mall
Minneapolis, mN 55409

TOM FRASER
900 2ND AVE. SO., #1100
MPLS., MN 55402

Richard Larson
RR2, Box 182
Mahnomen, MN 56557

Roger Howard
Land Commissioner
Aitkin County Courthouse
Aitkin, MN 56431

[redacted]

John Brooks, Jr.
RR1, Box 115
Gonvick, MN 56644

LOWER SAINT CROIX WATER SURFACE USE

6105.0300 STATUTORY AUTHORITY AND PURPOSE.

These parts are authorized by Minnesota Statutes, section 361.26, subdivision 2, and are promulgated in order to promote the full use by all of the people, now and in the future, of the water surface of the Lower Saint Croix River in a manner consistent with safety for persons and property and with the enjoyment of the scenic and recreational values which caused the river to be designated a national scenic riverway.

Statutory Authority: *MS s 104.25*

6105.0310 SCOPE.

These parts apply to the waters of the Lower Saint Croix River from the dam at Taylors Falls to its confluence with the Mississippi River.

Statutory Authority: *MS s 104.25*

6105.0320 DEFINITIONS.

Subpart 1. **Scope of terms; shall.** For the purpose of these rules the word "shall" is mandatory, not permissive, and certain words or terms shall be interpreted as follows.

Subp. 2. **Mile.** "Mile" means distance in miles above the confluence of the Saint Croix River with the Mississippi River.

Subp. 3. **Motorboat.** "Motorboat" means any watercraft propelled in any respect by machinery, including watercraft temporarily equipped with detachable motors.

Subp. 4. **Slow-no wake.** "Slow-no wake" means operation of a motorboat at the slowest possible speed necessary to maintain steerage.

Subp. 5. **Slow speed.** "Slow speed" means operation of a motorboat at a leisurely speed, less than planing speed, whereby the wake or wash created by the motorboat is minimal.

Subp. 6. **Watercraft.** "Watercraft" means any contrivance used or designed for navigation on water other than duck boat during the duck hunting season, rice boat during the harvest season, or seaplane.

Statutory Authority: *MS s 104.25*

6105.0330 RESTRICTED SPEED ZONES.

Subpart 1. **Slow speed zone.** No motorboat shall at any time be operated in excess of a slow speed from the dam at Taylors Falls to the sandbars located approximately at mile 31.0.

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

A. at the narrows located approximately at mile 28.6, which is 0.4 miles downstream from the Arcola high bridge;

B. between the Coast Guard navigational buoys designating location of the navigation channel from the railroad swing bridge located at approximately mile 17.3 to the south side of the southernmost island in the chain of islands located at approximately mile 16.5;

C. between the Coast Guard navigational buoys designating the Kinnickinnic River delta narrows from approximately mile 6.6 to approximately mile 6.0;

D. at the Prescott Narrows from the north side of U.S. Highway No. 10 bridge located approximately at mile 0.3 to the confluence of the Saint Croix River with the Mississippi River;

E. within 100 feet of shore (including the shores of islands) and of swimmers, from sandbars located approximately at mile 31.0 to the confluence of the Saint Croix River with the Mississippi River; ~~and~~

F. in that area known as Andersen Bay, located approximately at mile 20.0.

G. from shore to shore in the area known as Afton-Catfish Bar, located approximately at mile 11.4 to 11.8 as measured in the navigational channel, and established by regulatory buoys; and

H. between the dam at Taylors Falls to the confluence of the Saint Croix River with the Mississippi River, whenever the water level reaches 683.0 feet, mean sea level, as measured at the Stillwater gauge.

Subp. 3. **Exception.** Any motorboat designated for law enforcement shall be exempt from this part in circumstances involving emergencies or violation of law.

Statutory Authority: *MS s 104.25*

6105.0340 WATER SKIING.

Subpart 1. **Between sunrise and sunset.** No watercraft towing a person on water skis, aquaplane, or similar device shall be operated between sunset and sunrise on the Saint Croix River from the dam at Taylors Falls to its confluence with the Mississippi River.

Subp. 2. **Restricted speed zone.** No watercraft towing a person on water skis, aquaplane, or similar device shall be operated at any time in any zone designated a restricted speed zone under part 6105.0330; provided, however, that any watercraft launching or landing a person on water skis, aquaplane, or similar device by the most direct route to open water shall be exempt from part 6105.0320, subpart 2, item E.

Subp. 3. **At sandbars.** From Memorial Day through Labor Day, inclusive, no watercraft towing a person on water skis, aquaplane, or similar device shall operate after 12:00 noon on Saturdays, Sundays, and legal holidays, from the sandbars located approximately at mile 31.0 to the upper end of the federal nine-foot navigation channel approximately at mile 24.5.

Statutory Authority: *MS s 104.25*

6105.0350 PENALTY.

Any person violating any of the provisions of parts 6105.0300 to 6105.0340 shall be guilty of a misdemeanor.

Statutory Authority: *MS s 104.25*

Department of Natural Resources

Proposed Rule Amendment Relating to Lower St. Croix River Water Surface Use

Notice of Intent to Amend a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources intends to adopt an amendment to the above-referenced rule without public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in Minnesota Statutes, section 14.22-14.28. Authority for the amendment of these rules is contained in Minnesota Statutes, § 86B.205, subd. 9.

All persons have 30 days to submit comments in support of or in opposition to the rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any changed proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change.

Any person may make a written request for a public hearing within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number

withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Department will proceed pursuant to Minnesota Statutes, Section 14.13 to 14.20.

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

Anita Burns Twaroski
Bureau of Information and Education
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4046

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from Anita Burns Twaroski.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of the submission of this material to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of

the adopted rule, must submit a written request to Anita Burns Twaroski.

The Department does not anticipate that this rule amendment will have any impact on small business or agricultural land in the area.

1-29-91
Date

Rodney W. Sando
Commissioner
MN Department of Natural Resources

STATE OF MINNESOTA
Department of Natural Resources

Proposed Amendments to
The Rules for Lower St. Croix
Water Surface Use 6105.0300-.0350

Statement of
Need and
Reasonableness

The Commissioner of Natural Resources is given the authority to promulgate rules regarding water surface use management in Minnesota Statutes § 86B.205. The proposed amendment affects the rules which govern water surface use on the Lower St. Croix River, which are found in Minnesota Rules parts 6105.0300-.0350.

The Washington County Board, the Chisago County Board and the Minnesota-Wisconsin Boundary Area Commission have requested that MN Rules part 6105.0330 be amended to include a slow-no wake zone: 1) in the Afton-Catfish Bar area, and 2) from Taylors Falls to the confluence of the St. Croix and the Mississippi River when the water level reaches 683.0 feet measured at the Stillwater gauge. The Commissioner of Natural Resources proposes to amend these rules to accommodate this request.

A slow-no wake zone in the **Afton-Catfish Bar area** is needed because:

a) boat density is greater than one moving boat per 10 acres of water surface on peak days (one boat for every 7.3 acres) (The policy of the MN-WI Boundary Area Commission is to recommend that a slow-no wake zone be established when boater density is equal to or greater than one moving boat per 10 acres.),

b) of the conflict with traffic from the marinas in Afton crossing the navigational channel to Catfish Bar, and the watercraft traveling up and down stream,

c) there is concern about property damage to boats beached at Catfish Bar caused by wake action,

d) there is conflict with fishing boats anchored in the area,

e) 144 boaters requested by petition, that a slow-no wake zone be established in the area due to concern about boating safety and traffic as a result of the nature of the users and the cross-traffic, and

f) the navigational channel cannot be widened to allow more room for the watercraft.

During times of **high water:**

a) the wake action causes serious shoreland erosion against more erodible soils that are not normally exposed to wave action,

b) the wake action causes property damage to docks, boat houses, boats, etc.,

c) the river currents in the narrows area become stronger and more unpredictable,

d) floating debris enters the river system and creates a collision hazard, and

e) buoys marking hazards to navigation, the channel and no-wake zones are moved off-station by the strong current.

This rule amendment, adopted by the State of Minnesota and a similar amendment adopted by the State of Wisconsin, should assist in slowing the degradation of the shoreland, reduce property damage and reduce the hazards in the riverway.

The Minnesota Department of Natural Resources does not anticipate that this rule amendment will have any impact on small business or agricultural land in the area.

JAN. 30, 1991
Date

Kim A. Elverum
Boat and Water Safety Coordinator
Minnesota Dept. of Natural Resources

Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Natural Resources

Proposed Permanent Rules Relating to Waters, Watercraft Speed Limit Zones

Notice of Intent to Amend a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources intends to adopt an amendment to the above-referenced rule without public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. Authority for the amendment of these rules is contained in *Minnesota Statutes*, § 86B.205, subd. 9.

All persons have 30 days to submit comments in support of or in opposition to the rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any changes proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change.

Any person may make a written request for a public hearing within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Department will proceed pursuant to *Minnesota Statutes*, Section 14.13 to 14.20.

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

Anita Burns Twaroski
Bureau of Information and Education
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4046

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from Anita Burns Twaroski.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of the submission of this material to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to Anita Burns Twaroski.

The Department does not anticipate that this rule amendment will have any impact on small business or agricultural land in the area.

Dated: 29 January 1991

Rodney W. Sando
Commissioner
MN Department of Natural Resources

Rules as Proposed

6105.0330 RESTRICTED SPEED ZONES.

Subpart 1. **Slow speed zone.** No motorboat shall at any time be operated in excess of a slow speed from the dam at Taylors Falls to the sandbars located approximately at mile 31.0.

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

A. at the narrows located approximately at mile 28.6, which is 0.4 miles downstream from the Arcola high bridge;

B. between the Coast Guard navigational buoys designating location of the navigation channel from the railroad swing bridge located at approximately mile 17.3 to the south side of the southernmost island in the chain of islands located at approximately mile 16.5;

C. between the Coast Guard navigational buoys designating the Kinnickinnic River delta narrows from approximately mile 6.6 to approximately mile 6.0;

D. at the Prescott Narrows from the north side of U.S. Highway No. 10 bridge located approximately at mile 0.3 to the confluence of the Saint Croix River with the Mississippi River;

E. within 100 feet of shore (including the shores of islands) and of swimmers, from sandbars located approximately at mile 31.0 to the confluence of the Saint Croix River with the Mississippi River; ~~and~~

F. in that area known as Andersen Bay, located approximately at mile 20.0;

G. from shore to shore in the area known as Afton-Catfish Bar, located approximately at mile 11.4 to 11.8 as measured in the navigational channel, and established by regulatory buoys; and

H. between the dam at Taylors Falls to the confluence of the Saint Croix River with the Mississippi River, whenever the water level reaches 683.0 feet, mean sea level, as measured at the Stillwater gauge.

Subp. 3. **Exception.** Any motorboat designated for law enforcement shall be exempt from this part in circumstances involving emergencies or violation of law.

Board of Podiatric Medicine

Proposed Permanent Rules Relating to Training and Licensing

Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing If 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing If Fewer than 25 Persons Request a Hearing

Explanation of Alternative Notices

The Minnesota Board of Podiatric Medicine (hereinafter "Board") is hereby giving notice of its intent to adopt rules without a public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes* §§ 14.22 to 14.28 (1990). However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to *Minnesota Statutes* § 14.25 (1990), and in order to expedite the rulemaking process should that occur, the Board is at the same time hereby giving notice of the hearing on the proposed rules pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1990). The hearing will, of course, be cancelled if 25 or more people do not request that one be held. Also, the hearing will be cancelled if a sufficient number of people withdraw their requests for a hearing in response to proposed revisions of the proposed rules by the Board. With the comment period closing on March 20, 1991, interested persons may call the Board on March 21, 1991, to ask whether the hearing which is scheduled for March 22, 1991, will be held.

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Podiatric Medicine (hereinafter "Board") proposes to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing. The Board has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* §§ 14.22 to 14.28 (1990).

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.

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Proposed Amendment of the Rules Governing the Lower St. Croix River Water Surface Use

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on February 18, 1991, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, Section 14.14, subdivision 1a and 14.22 on February 13, 1991. (2) The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. (5) No requests for a public hearing were received by the Department.

(7) Twelve letters were received within the time period allowed. Eleven letters commented in favor of both of the proposed slow-no wake zones. One letter opposed the slow-no wake zone in the Afton-Catfish Bar area, but commented in favor of the slow-no wake zone during times of high water.

Mr. Fraser suggests that the Afton-Catfish Bar slow-no wake zone should be in effect only on Saturday and Sunday afternoons, and Holidays. This idea has some merit, however, it could make enforcement difficult and create a confusing situation for the boating public. The widest portion of the slow-no wake zone is on the Minnesota side of the channel where boaters, generally, must travel at a slow-no wake speed due to the rock hazard in this area.

One respondent, who requested that they not be identified, agrees with the proposed rules, but would like to see "heavier penalties and stricter ordinances".

Ms. Krengel supports the proposed rules and would like to see a moratorium on additional slips and marinas on the river. She would like a ban on the "intimidator" type watercraft and stiffer penalties. Again, while Ms. Krengel's suggestions may have some merit, they do go beyond the scope of the rules.

The nine other respondents simply offered their support of the proposed rules.

(8)

Therefore, the above-captioned rule amendment is needed and reasonable, as originally presented.

(7) No requests for notice of submission to the Attorney General were received.

Pursuant to Minnesota Statute § 86B.205, subdivision 9, as required, the department has received approval by resolution from the Washington and Chisago Counties for the above mentioned change.

NOW, THEREFORE, IT IS ORDERED that the proposed amendments to the rule identified as Minnesota Rules parts 6105.0330-.0350, Lower St Croix Water Surface Use, as modified, are adopted this 2nd day of April, 1991, pursuant to authority vested in me by the Minnesota Statutes § 86B.205, subdivision 9. (9)

by Ronald Nargang Deputy

Rodney W. Sando, Commissioner
MN Department of Natural Resources

3-14-91

Dear Ms. Anita Burns Jaworski,

I am writing this letter to let you know that I am very much in favor of the boating rule changes proposed for the St. Croix River.

I have been a resident of the St. Croix Valley for the past twenty years, and have reluctantly witnessed the seemingly gradual destruction of the land along the St. Croix River. Every year more and more boaters use the river and it is taking its toll on the environment.

Last year a friend and I took a canoe trip from Stillwater to Afton on a Saturday afternoon in mid-July. The weather was beautiful and many boaters were out that day. Since there were so many boats we kept out canoeing close to the shore. I couldn't believe the impact from the wake the motor boats created. It was actually a challange to keep our canoe going in one direction.

Not only did all the boats create a constant wake all day, we found many of the boaters themselves to be extremely inconsiderate. When we began crossing the river to the Wisconsin side we were nearly hit by a speed boat racing by, not to mention the fact that we was under constant fear of our canoe tipping from all the large wakes. Once we parked our canoe on an island and started eating lunch, a large boat pulled up with loud music, jet skis and lots of alcholic beverages. Two hours later after witnessing a man drink several cans of beer, they all piled in their boat and headed out onto the river with all the other boaters. It is a freeway along the St. Croix during a nice summer day. I am surprised there are not more collisions and/or casualties.

I believe the St. Croix River Valley and surrounding areas are headed for destruction unless there are stricter ordinances and heavier penalties for boaters in violation of the rules and regulations. It should be a privelege to boat on the St. Croix River, but it is taken for granted.

Also, last summer I witnessed a boat dumping their portable toilet directly into the St. Croix River near the High Bridge (railroad bridge) North of Stillwater. I was totally repulsed and disgusted with what I saw. I tried reporting it by contacting the DNR but couldnt get anyone, it was a Sunday late afternoon.

I don't mean to write such a cynical and negative letter and might add that there are many boaters who do respect the land and other people enjoying the beauty of it. I have seen

done many profound changes over the years and decided to voice all the built up tension I've been living with regarding the use of the St. Croix River.

Again, I am in favor of the slow and no wake zones. This would be a definate step in the right direction toward preserving the land.

I'm not sure who may read my letter but ask my name to be omitted if you plan on printing my opinion.

If you wish to respond to this letter or if there is anything I can do to help the situation, through support, etc., please do let me know by writing me a letter. I would be happy to be part of such a cause. Thank you for your time!

Sincerely,

Mary Kranz

Mary Kranz
P.O. BOX 77
Lakeland, MN 55043

March 14, 1981

Department of Natural Resources
Boat & Water Safety
500 Lafayette Road
St. Paul, MN 55155

RE: 1. Proposal for no-wake during high water
2. Proposal for permanent no-wake zone Catfish Bar area
3. Overall traffic

1. No-wake during high water is long overdue. I've lived at mile 10.5 on the Wisconsin side of the St. Croix for 22 years - since the flood of 1969. I've spent at least half of these years replanting and repairing damage to shoreline caused by wake during high water. Even so, approximately 2 feet of heavier clay-type earth capable of supporting grasses and plants has washed away during this time. This can be proved through tree-root exposure, and old pictures. It's the wake of non-resident boaters causing the damage, particularly when they drive close to shore at high speeds apparently to "see how high the water is". I used to believe they weren't aware of the damage they caused. I've come to believe they don't care.

   About 15 years ago I proposed this regulation to the DNR. The response was it's "too difficult to enforce". It is not. I think each spring you should fine the first five or 10 violators extravagant amounts - say $1,000 - publicize this, especially on television, and you will have no more violations until the next year.

2. The Catfish Bar area is the point at which the "intimidator" kind of boats gear up to race each other down river. I'm not sure a no-wake zone will help to discourage them or if it would just move the problem elsewhere. I would favor a regulation to stop them, period. At the very least they should be required to install mufflers. If one drove a car as noisy as they are, he would be fined or made to repair the car.

3. In recent years it has become impossible to take a smaller boat on the river on weekends. My 14' runabout was once adequate. Sheer density of traffic, too much of it at higher speeds, has put the river out of bounds for the leisurely, puddling about kind of pleasure once enjoyed. I would favor a total ban on additional slips and marinas.

Thank you for this opportunity to express my thoughts.

Elaine Krengel

Elaine Krengel
Rt 3, Glenmont Road
River Falls, Wisconsin 54022

March 15, 1991

Boat & Water Safety Section

RE: ST. CROIX RIVER
NO WAKE ZONES

Sirs,

A permanent no wake zone is long overdue in the Catfish Bar area at Afton. Even on a relatively quiet day it is difficult to "quarter" large wakes by heading change needed when other craft are near. Its almost impossible on heavy traffic days. The result is an unnecessarily rough roll and pitch experience that would be solved by NO WAKE conditions. Collision avoidance as well as ride comfort would be achieved by NOWAKE POSTING.

The TAYLOR FALLS TO PRESCOTT no wake ruling during high water is also a good idea. Even though there are stretches of the river where this may not really be necessary - high water is usually accompanied by more floating debris lifted off shore line areas at such times, creating enough navigation hazard even at slow speed.

Also - while I'm at it. MANY, MANY boaters are not aware of the 100' from any shore NO WAKE rule at un posted areas. finding a way to give this rule more prominence might prove fruitful.

Respectfully yours.

R. D. Hobson
1329 Hillcrest
Stillwater, Mn. 55082

March 10, 1991
2335 Woodbridge No. 154
Roseville, MN 55113

Ms. Anita Burns Twaroski
Boat and Water Safety Section
DNR
500 Lafayette
Saint Paul, MN 55155-4046

Dear Ms. Twaroski:

I am writing in support of the proposal to make the area known as "Cat Fish Bar" on the St. Croix River a slow-no wake zone. The instructional bouys should be placed at the north and south end of the channel makers, four in number marking the port side of the channel.

Thank you for your consideration of this request.

Sincerely,

John W. Deverell

March 6, 1991

Anita Burns Twaroski
Boat and Water Safety Section
DNR
500 Lafayette Rd.
St. Paul, MN 55155-4046

Ms. Twaroski:

As a riparian property owner on the St. Croix and frequent user of the river, I fully support the proposed slow-no wake zone during high water periods and also for the Afton-Catfish Bar area.

I am on the St. Croix from four to seven days a week during open water months and see continuing evidence of erosion due to high wakes. Anything that can be done to alleviate that is commendable. I also fish regularly in the Catfish Bar area and have been pounded in my 14-foot fishing boat by large cruisers flying by more times than I care to recall. A slow-no wake zone would help alleviate that problem in that narrow channel.

I urge the DNR to adopt both proposed rules.

Sincerely,



Karl Bremer
1051 Quixote Ave. N.
Lakeland, MN 55043

The Earle Company
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432 HAMM BUILDING
SAINT PAUL, MN 55102

March 8, 1991

D.N.R.
Boat & Water Safety Section
500 Lafayette Road
St. Paul, MN 55155

Dear D.N.R. Official:

As residents of the St. Croix River we strongly support your two no wake proposals. The Afton area can be dangerous given the number and speed of boats in a condensed area. Also, during high water, wakes wreak havoc with the shoreline and bluff.

Sincerely,

John & Lynn Zeuli

Department of Natural Resources
Boat and Water Safety Section
500 Lafayette Rd.
St. Paul, Minn. 55155

March 9, 1991

To whom it may concern:

As a concerned citizen about the St. Croix River I support your decision to enforce "No Wake Zoning" from Taylor Falls to Prescott during high water.

I also support the decision to make the Afton - Cove area a permanent "No Wake Area".

Thank you for your concern about the bautiful St. Croix.

Sincerely,

Robert R Farrar

23 years of living on St. Croix Riverfront.

Thanks!

J.D. Swan III
RR 3, 177 Glenmont Rd
River Falls, Wi. 54022

Department of Natural Resources
Boat and Water Safety Section
500 Lafayette Rd.
St. Paul, Minn. 55155

March 9, 1991

To whom it may concern:

As St. Croix River Home and Baot owners we support your decision to enforce "No Wake Zoning" from Taylor Falls to Prescott during high water.

We also support the decision to make the Afton-Cove area a permanent "No Wake Area".

We thank you for your concern about the beautiful St. Croix.

Sincerely,

Jim & Tina Swan

Jim and Tina Swan

Environmental & Natural Resource Law Society
William Mitchell College of Law
875 Summit Avenue
St. Paul, Minnesota 55105

March 5, 1991

Anita Burns Twaroski
Bureau of Information and Education
Minnesota Departmnet of Natural Resources
500 Lafayette Road
St. Paul, Minnesota 55155-4046

Re: Proposed Amendments to the Rules for Lower St. Croix Water surface Use 6105.0300-.0350

Dear Ms. Burns Twaroski:

Thank you for keeping our organization informed about the DNR's activities. We support your proposed amendments, especially as they relate to slowing soil erosion.

If our organization can be of any assistance to you or your colleagues please let us know.

Again, thank you.

Sincerely,

Todd G

Todd J. Guerrero
Environmental and Natural Resource Law Society
William Mitchell College of Law

Kim -
Is this something Anita could respond to, or perhaps Miss. Team?
Steve Krich
6-4822



27 Feb. 1991
5866 Hackmann Ave.
Fridley, Mn. 55432

Dept. of Natural Resources
500 Lafayette Rd.
St. Paul, Mn. 55155

Gentlemen:

Regarding your proposal for a no wake zone on the St. Croix River during high and normal water levels, I generally support these proposals. I feel the primary shoreline damage would come from the large cruisers and not the small fishing rigs. Thus perhaps it is the cruisers who should slow down to no wake speeds.

My other concern is what happens when these boats, especially cruisers, exit these no wake zones and enter the Mississippi River area south of Prescott, Wi. and go to full throttle to make up time,all the way to the damn at Red Wing? Now you have large waves crashing the shorelines. Many of these shorelines are not well protected and will suffer erosion damage. I know that the MN.Wi. Boundary Area Commission is looking at this problem also, but I want you to know my feelings on this.

The real problem is, too many cruisers!!

Sincerely,

Clare Grendler

Clare Grendler

February 25, 1991

Dear Madame or Sirs,

I applaud both your courage and your foresight in imposing the "no-wake" zones on the St. Croix River. It seems consistent with the river's status and we must ultimately deal with conservation of our land and waters.

Perhaps this is also a steps toward reducing the importance of machines in our quest for a satisfying life.

Thanks,

Thomas Vogen
4358 Upton Ave. N.,
Mpls., Mn 55412



FREDRIKSON & BYRON
A PROFESSIONAL ASSOCIATION

1100 International Centre
900 Second Avenue South
Minneapolis, MN 55402-3397
(612) 347-7000
FAX (612) 347-7077

FAX TRANSMISSION COVER SHEET

TO: Ms. Anita Burns Twaroski

COMPANY: MN Dept. of Natural Resources FAX NUMBER: 296-0902

FROM: Thomas Fraser DIRECT DIAL NUMBER: 347-7028

DATE: 3-18-91 TOTAL NUMBER OF PAGES (INCLUDING THIS PAGE): 10

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Attorney #: 235

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A PROFESSIONAL ASSOCIATION

1100 International Centre
900 Second Avenue South
Minneapolis, MN 55402-3397
(612) 347-7000
FAX (612) 347-7077

Direct Dial No.
(612) 347-7028

March 18, 1991

BY TELECOPIER

Ms. Anita Burns Twaroski
Bureau of Information and Education
Minnesota Department of
Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4046

RE: Proposed Rules Changes - St. Croix River

Dear Ms. Twaroski:

I am writing to object to the proposed rules changes regarding the St. Croix River. I have no objection to the high water changes, only the Catfish Bar "no-wake" zone. To avoid unnecessary duplication, I incorporate by reference my April 17, 1989 letter to Joe Alexander on this issue.

As stated in my 1989 letter, there is no need for a "no wake" zone. To the extent there is, it is only on the afternoons of Saturday, Sunday, and holidays. This is not a basis for regulating conduct 24 hours a day, 7 days a week.

If a "no-wake" zone is established, it should be limited to these busy periods. I understand that some may believe that it is impossible to do this because a sign cannot be constructed that big or the buoys will not hold signs with this information on it. This seems to be only a technical issue that can be easily solved by labelling the buoys "no-wake" with some smaller print limiting this to specified periods.

To make a blanket "no-wake" zone that covers essentially the entire width of the river at the point of Catfish Bar for

FREDRIKSON & BYRON
A PROFESSIONAL ASSOCIATION

24 hours a day, 7 days a week is unduly restrictive for those residents who must traverse the river regularly to get back and forth from the marina. These trips are taken by Minnesota residents with summer homes in Wisconsin who have no access to their homes other than by boat because there is no road on the Wisconsin side.

I am further informed that the enforcement ability of both Wisconsin and Minnesota is so limited that there will be virtually no enforcement at all in this "no-wake" zone. This presents more of a hazard than the absence of a "no-wake" zone.

For all of these reasons, I request the DNR to reject the proposed rules changes or, at a minimum, limit the time during which the "no-wake" zone is in effect.

Thank you for your consideration.

Sincerely,

Thomas Fraser/clr

Thomas Fraser

TF/clr/0719i
Enclosure

Thomas Fraser
4350 W. Lake Harriet Pkwy.
Minneapolis, MN 55402
April 17, 1989

Mr. Joseph Alexander, Commissioner
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55146

Re: St. Croix River - consideration of "no-wake" zone near Afton, MN

Dear Commissioner Alexander:

On March 3, 1989, Washington County Board Chairman Jorgens wrote to you recommending establishment of a "no-wake" zone near Afton-Catfish Bar on the St. Croix River. A copy of his letter is attached for your convenience. I am writing to object to this recommendation.

My family has had a summer home on the upriver side of Catfish Bar since 1920. The location of our home is marked with the letter "F" on the enclosed diagram no. 1. We have several neighbors on both sides of us, all of whom are Minnesota citizens who happen to have their summer cabins on the Wisconsin side of the St. Croix.

There is no road access to our cabins. The closest we can get by road is approximately 1/2 mile away at the end of Cove Road off County Road F from Hudson. This access amounts only to a path in the woods up a steep hill, meaning that it is of no practical use. Accordingly, most of us gain access to our cabins by boat from the Minnesota side of the river, either from Windmill Marine or Afton Marine. As noted above, this has been going on for nearly 70 years. We commute by boat, typically aluminum fishing boats with small outboards, at all times of the day and night, in sunshine and during thunderstorms.

We learned recently that a movement is afoot to impose a "no-wake" zone in the Afton-Catfish Bar area of the river. We object to the process in this case because of the lack of notice to concerned parties and to the public. We learned of this movement for a no-wake zone only by accident -- too late to have any input at the initial stages. By the time we tracked the process through to Washington County (from the Boundary Commission), we were too late to have our concerns addressed there. Thus, this entire process has been handled administratively by different agencies without any formal notice either to the public or to residents in the area.

On the merits, we object to a zone of this sort because

it is unnecessary and will cause more problems than it will solve.

The reason for the proposed no-wake zone is unclear but presumably some people are concerned about boat traffic congestion. Shore erosion cannot be a consideration because at this point in the river, both banks consist of large sand beaches, as does Catfish Bar. As discussed below, the wave action from the wind is more substantial than boat wakes.

Traffic congestion does not exist at any time on weekdays. The river rarely has more than a few boats on it at any time Monday through Friday. On the weekends there are substantially more boats -- mostly cruisers, houseboats, sailboats, and other slow-moving craft. Moreover, no one could seriously argue that substantial traffic exists at any point other than approximately noon to 5:00 p.m. on these days.

Any no-wake zone at this point in the river is unnecessary for two reasons: first, the river is nearly a mile wide at this point; second, establishment of a no-wake zone to deal with a problem that may exist only for 10 hours each week is like using a shotgun to kill an ant. Moreover, the delineation or "buoying" of any no-wake zone would be difficult and the enforcement more so.

Furthermore, any no-wake zone would substantially restrict the use of the river both for residents as well as the general public. First and foremost, a no-wake zone would impede the residents who must commute across the river to work in Minnesota, buy groceries, buy gasoline at the marina, and otherwise gain access to their car and Afton businesses. Under one proposed version (diagram 2), the no-wake zone would cover the entire width of the river for approximately one mile surrounding Catfish Bar. This would mean that any of us living on the Wisconsin side would have to "idle" across the entire river, even if it is midnight Wednesday in a thunderstorm with no other boat in sight.

Second, a no-wake zone would be very difficult to enforce given the lack of speed restrictions both above and below Catfish Bar and the absence of any obvious reason for such a zone (such as a narrow part of the river or a narrow bridge). While large craft may have no problem idling across a mile wide river, for fishing boats to do so near where powerboats are running creates as many safety problems as it solves.

Third, the no-wake zone unnecessarily restricts use of the river. The Catfish Bar area is often used for waterskiing and other water sports that leave a boat wake. Under at least one version of the proposed zone, such watersports would be effectively prohibited in the Catfish

Bar area and, indeed, even from our own beach.

Fourth, the no-wake zone could not possibly be enforced literally. A good north or south wind on this open stretch of the river creates much more wave action than our boats. But to expect us not to create any wake as we commute across the river is unreasonable when a certain amount of speed is required simply to keep from being blown off course. Moreover, as a former deckhand on the barge line that ran coal barges from Hastings to the NSP plant at Bayport, I know that the turn in the river can not be negotiated by a towboat and barges without a substantial wake that is far greater than that created by any pleasure boat. In fact, in a stiff south wind, the towboat and barges have been known to be blown sideways across the river coming around Catfish Bar -- only a substantial amount of speed (and accompanying wake) will keep the barges on course.

Finally, the no-wake zone, if applied across the width of the river, would create more congestion than there is now. The reason for this is that the two adjoining marinas presently have five "mouths" or harbors to or from which boats will be heading (two harbors at Afton Marina, two harbors at Windmill Marine, and Windmill's gas dock/public launching site). All five of these destination points would be included in a no-wake zone. Forcing boats to idle in this entire area will only lead to more congestion than presently exists because boaters can now accelerate out of the area to get upriver or downriver.

In summary, the problem sought to be addressed by the no-wake zone simply does not exist except perhaps during a few hours on weekends. On balance, the cure would be worse than the malady. At most, a no-wake zone is plausible only in the channel off Catfish Bar (as indicated on diagram 1) and then only for a few hours on weekends.

If a no-wake zone is to be created, a public hearing should be set and appropriate parties notified. The process so far has been purely administrative with little or no notice to those concerned or to the general public. Thus, no zone should be created for the 1989 season, thereby allowing the DNR and other agencies the time to look at this issue thoroughly with appropriate input from all concerned.

Thank you for your consideration of these comments. I would be glad to provide further information or answer any

questions. I can be reached during the day at 347-7028.

Sincerely,

Thomas Fraser

cc: Kim Elverum, MN DNR
St. Croix neighbors

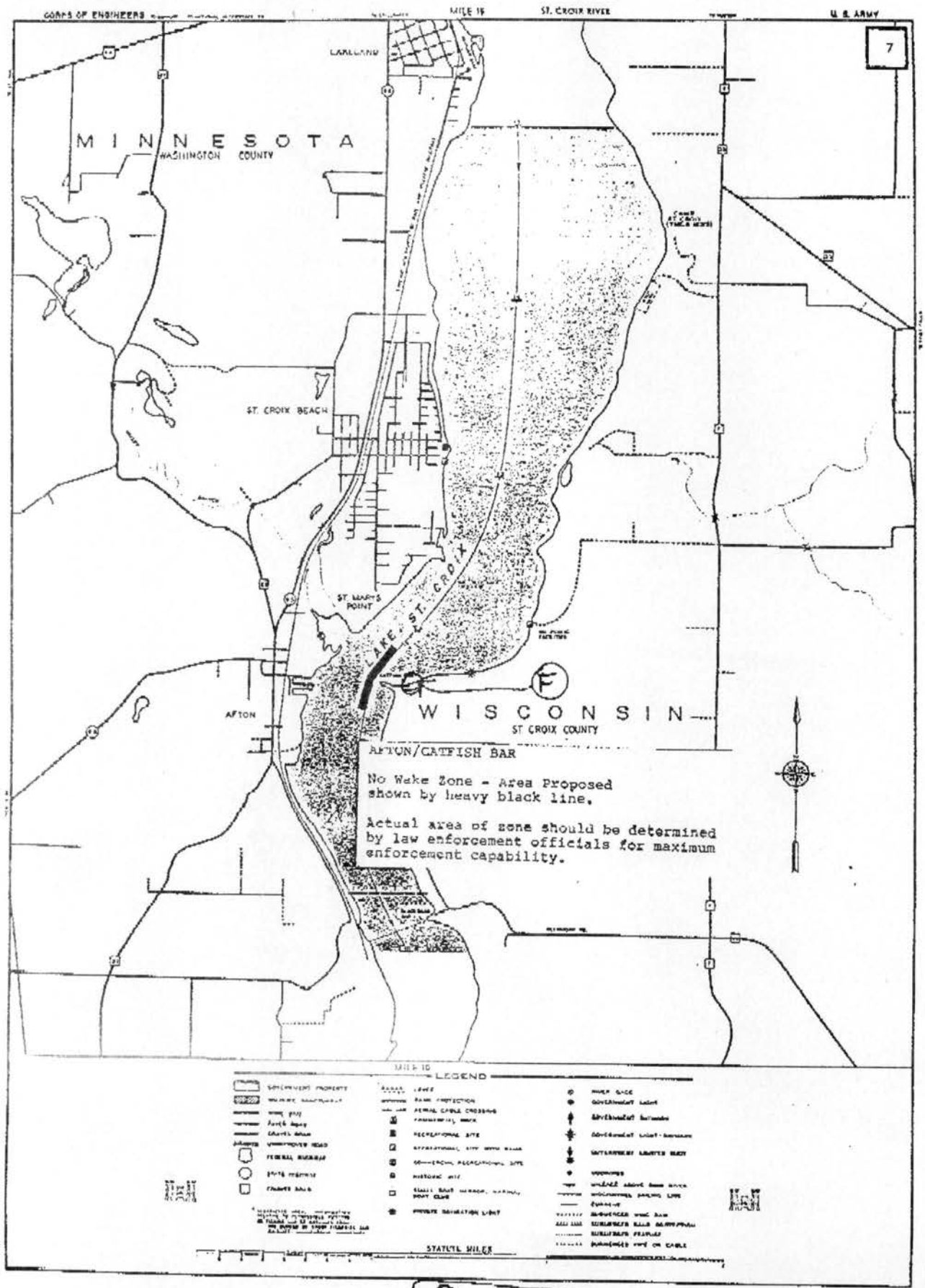
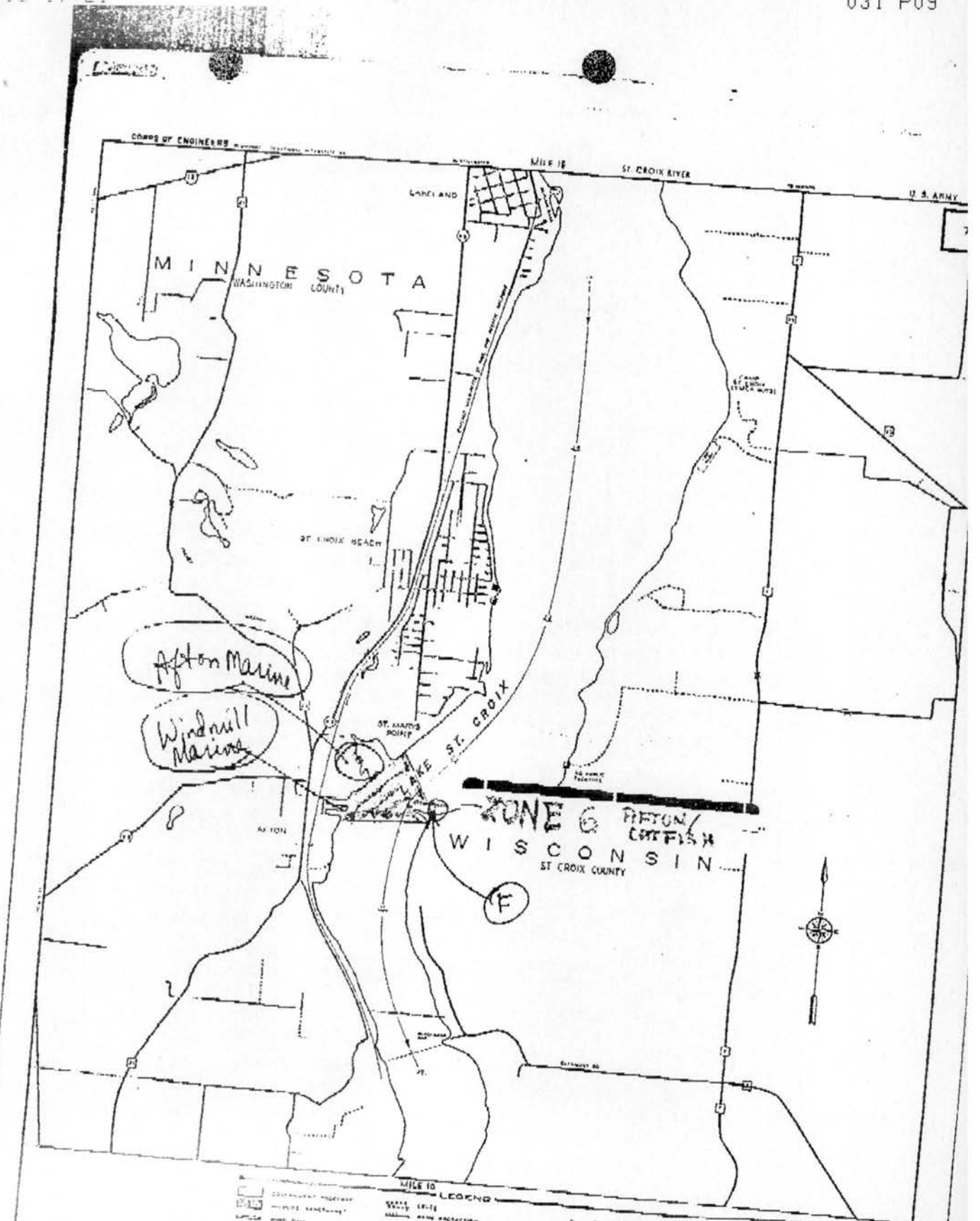

CORPS OF ENGINEERS
MILE 15
ST. CROIX RIVER
U. S. ARMY
7
MINNESOTA
WASHINGTON COUNTY
LAKELAND
ST. CROIX BEACH
ST. MARYS POINT
LAKE ST. CROIX
AFTON
WISCONSIN
ST CROIX COUNTY
AFTON/CATFISH BAR
No Wake Zone - Area Proposed shown by heavy black line.
Actual area of zone should be determined by law enforcement officials for maximum enforcement capability.
LEGEND
STATUTE MILES

Diagram 1



ZONE 6 AFTON/CATFISH

92 Acres

Peak Day - Moving Craft
Per Acre of Water Surface

1983	18.7
1985	9.9
1987	7.3

↓ decreasing!

Diagram 2

WASHINGTON COUNTY

OFFICE OF ADMINISTRATION

GOVERNMENT CENTER
14900 61ST STREET NORTH, P.O. BOX 6 • STILLWATER, MINNESOTA 55082-0006
612/779-5401

Charles J. Swanson
County Administrator
Virginia Dirksen Erdahl
Deputy Administrator
P. Jerome Turnquist
Deputy Administrator
Jeff Hanson
Intergovernmental Relations
Sheila Neubauer
Office Manager

March 3, 1989

RECEIVED
MAR 16 1989
Minn-Wisc Boundary Area Comm.

Mr. Joseph Alexander, Commissioner
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55146

Dear Mr. Alexander:

On February 28, 1989, the Washington County Board of Commissioners considered the matter of establishing a "no wake" zone on the St. Croix River in the Afton-Catfish bar area.

This is to advise you that the Washington County Board of Commissioners fully endorses and recommends approval of the establishment of a "no wake" zone in the Afton-Catfish bar area of the St. Croix River. On behalf of the Board of Commissioners, I would ask that you take whatever formal action necessary to ensure that the new "no wake" zone be established.

Thank you for your consideration, and we look forward to your favorable response.

Sincerely,

John V. Jergens, Chairman
Washington County Board of Commissioners

JVJ:pr

cc: James Trudeau, County Sheriff
Dan McGuiness, MN-WI Boundary Area Commission

Washington County does not discriminate on the basis of race, color, national origin, sex, religion, age and handicapped status in employment or the provision of services.

3-20-91

Anita Twaroski
Boat and Water Safety Section
Dept. of Natural Resources
500 Lafayette Rd.
St.Paul, Mn. 55155-4046

Ms.Twaroski,

I am against a Slow-No Wake zone between Taylors Falls and Prescott during periods of high water. It makes more sense to restrict the speed of the 25 ft. plus cruisers during this time period. It doesn't take a rocket scientist to see that they create the wakes large enough to cause damage to the shore line.

The Slow-No Wake zone makes good sense in the Afton-Catfish Bay area. The combination of the river narrowing and the Marina access would justify the restricted speed zone in this area.

Just a comment, Why not spend more time and effort to restrict the use of alcohol,along with more worthwhile boater safety and education.

Thank You for your time,

E. W. Jones

Eugene W. Jones
47 Maryknoll Dr.
Stillwater, Mn.
55082
439-8108

Department of Natural Recources
Boat and Water Safety Section
500 Lafayette Rd.
St. Paul, Minn. 55155

March 29, 1991

To whom it may concern:

As a concerned citizen about the St. Croix River I support your decision to enforce "No Wake Zoning" from Taylor Falls to Prescott during high water.

I also support the decision to make the Afton - Cove area a permanent "No Wake Area".

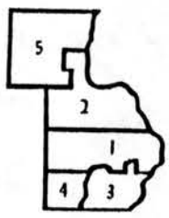
Thank you for your concern about the bautiful St. Croix.

Sincerely,

Laura Ingersoll Johnson

[illegible]

COUNTY OF CHISAGO



Dorothy A. Person
County Coordinator

BOARD OF COUNTY COMMISSIONERS
Chisago County Government Center
313 North Main Street, Rm. 172
CENTER CITY, MN 55012-9663

Phones: (612) 257-1300 • (612) 674-4433 • (612) 462-7999 (Metro)
FAX: (612) 257-0454

Commissioners:
District 1
ROBERT R. ANDERSON
District 2
BOB VANDE KAMP
District 3
THOMAS J. DELANEY III
District 4
BOB GUSTAFSON
District 5
PHIL LEIER

RESOLUTION #89-61

WHEREAS, the Minnesota DNR and the Wisconsin DNR are amending the water surface use regulations for the Lower St. Croix River; and,

WHEREAS, such amendment to water surface use regulations for the Lower St. Croix will enhance public safety by imposing a special emergency rule governing watercraft speeds during periods of dangerously high water;

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Chisago County, State of Minnesota, approves the Minnesota Department of Natural Resources amendments to the State Rule 6105.0330 which imposes a river-wide slow-no wake rule at any time that the river level reaches or exceeds elevation 683.0 at the Stillwater guage; and,

FINALLY BE IT RESOLVED, that a copy of this Resolution be forwarded to the Lower St. Croix Management Commission.

Adopted: December 21, 1989

Thomas E. Greig

Thomas E. Greig, Chairman

Attest: Dorothy A. Person
Dorothy Person
County Coordinator
Clerk, County Board

STATE OF MINNESOTA
Office of County Coordinator
COUNTY OF CHISAGO

I, Dorothy Person, County Coordinator of the County of Chisago, State of Minnesota, do hereby certify that I have compared the foregoing with the original proceedings filed in my office on the 21st day of December, 1989, and the same is a true and correct copy thereof.

Witness my hand and Seal of Office at Center City, Minnesota, this 21st day of December, 1989.

Signed: Dorothy A. Person
Dorothy A. Person - County Coordinator

Revised: April 4, 1991

Chisago County is an equal opportunity employer.

BOARD OF COUNTY COMMISSIONERS
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 91-040

DATE April 2, 1991

DEPARTMENT Sheriff

MOTION BY COMMISSIONER Evert

SECONDED BY COMMISSIONER Hegberg

RESOLUTION CONCERNING BOATING ON THE ST. CROIX

WHEREAS, high water levels along the St. Croix River create certain unique problems and dangers for property owners along the river and for boaters using the river; and specifically:

1) one of the major problems property owners face during times of high water is the damage created by the wakes of boats using the river; and

2) one of the major dangers for boaters using the river during times of high water is the increased amount of debris floating in the river at such times; and

3) most of the problems associated with high water levels on the St. Croix River occur whenever water levels reach 683.0 feet mean sea level as measured at the Stillwater gauge; and

4) a study done by the Lower St. Croix Management Commission indicates that some of the aforementioned problems would be alleviated if State Rule 6105.0330 were amended to provide a river-wide no wake provision any time the St. Croix River reaches or exceeds an elevation of 683.0 feet mean sea level as measured at the Stillwater gauge;

WHEREAS, there is concern about property damage to boats beached at Catfish Bar caused by wake action; and specifically:

1) there is a conflict with traffic from the marinas in Afton crossing the navigational channel to Catfish Bar with the watercraft traveling up and down stream; and

2) there is a conflict with fishing boats anchored in the area; and

3) boat density is greater than one moving boat per 10 acres of water surface on peak days; and

4) 144 boaters requested by petition, that a slow-no wake zone be established in the area due to concern about boating safety and traffic as a result of the nature of the users and the cross-traffic; and

5) the navigational channel cannot be widened to allow more room for the watercraft.

NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Commissioners hereby approves the Minnesota Department of Natural Resources' amendments to state rule 6105.0330 which impose the slow-no wake zones during high water on the St. Croix River and in the Afton-Catfish Bar area.

ATTEST _____
COUNTY ADMINISTRATOR

_____
VICE-CHAIRMAN, COUNTY BOARD

	YES	NO
EVERT	X	
HAUSER	X	
HEGBERG	X	
MCMULLEN	X	
SCHEEL	Absent	

STATE OF MINNESOTA

COUNTY OF WASHINGTON

I, CHARLES J. SWANSON, DULY APPOINTED, AND QUALIFIED COUNTY ADMINISTRATOR FOR THE COUNTY OF WASHINGTON, STATE OF MINNESOTA, DO HEREBY CERTIFY THAT I HAVE COMPARED THE FOREGOING COPY OF A Resolution 91-040 WITH THE OFFICIAL MINUTES OF THE PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS, WASHINGTON COUNTY, MINNESOTA, AT ITS SESSION HELD ON THE 2nd DAY OF April, 19 91. 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 3rd DAY OF April, 19 91.

Charles J. Swanson

CHARLES J. SWANSON
COUNTY ADMINISTRATOR

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of
Amendments to the Rules
For Boating on the Lower
St. Croix National Scenic
Riverway.

DECLARATION
OF COUNSEL

I have examined the above captioned rule amendments, and the supporting rule-making record. I conclude that the agency has followed the requirements of the Administrative Procedures Act and Minnesota Rules ch. 2010.

DATE: 4-15-91

HUBERT H. HUMPHREY, III
Attorney General
State of Minnesota

By: A. W. Clapp III

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Special Assistant
Attorney General
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Suite 200
520 Lafayette Road
St. Paul, Minnesota 55155
Telephone: (612) 296-0686