

2/19/91 8E

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.

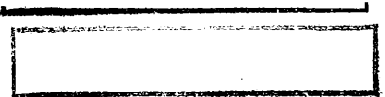
The Washington County Board, the Chisago County Board and the Minnesota-Wisconsin Boundary Area Commission have requested that MN Rules part 6105.0330 be amended to include a slow-no wake zone: 1) in the Afton-Catfish Bar area, and 2) from Taylors Falls to the confluence of the St. Croix and the Mississippi 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.

The Legislative Commission to
Review Administrative Rules

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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.

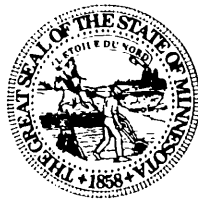
The Minnesota Department of Natural Resources does not anticipate that this rule amendment will have any impact on small business or agricultural land in the area.

JAN. 30, 1991
Date



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

LCRAR



**Legislative Commission to
Review Administrative Rules**

Senator Gene Waldorf
Chair

Maryanne V. Hruby
Director

Representative Peter Rodosovich
Vice-Chair

2/19/91 S.R.
Rec. 3/19/91

March 14, 1991

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

Dear Ms. Twaroski:

I write to request a copy of the Department of Natural Resource's Statement of Need and Reasonableness (SONAR) for recently published rules relating to waters, watercraft speed limit zones.

As you may know, Minnesota Statutes, sections 14.131 and 14.23 now require state agencies to provide copies of SONAR's to the LCRAR when they become available for public review.

If you have not already done so, please send a copy of the SONAR for these proposed rules to:

The Legislative Commission to Review Administrative Rules
Maryanne Hruby, Director
55 State Office Building
St. Paul, Minnesota 55155

Please contact me at 296-1143 if you have any questions.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Michele Swanson".

Michele Swanson
Commission Secretary

