

RECORDED

June 10, 2021 10:40 AM

MARY SKILLINGS

COUNTY RECORDER

DOUGLAS COUNTY, MINNESOTA

State of Minnesota
County of Douglas
Water Surface Use Ordinance No. 062309A

The County Board of Douglas County hereby ordains that the following act shall be known as the Douglas County Water Surface Use Ordinance. For the purpose of simplicity, this ordinance now includes all of Douglas County's previously adopted water surface use ordinances as well as new provisions. This comprehensive ordinance was adopted by the Douglas County Board of Commissioners on June 23, 2009 and may be amended from time to time, as provided by law. In the future, the dates of those subsequent amendments will be listed at the end of the ordinance. Previously adopted water surface use ordinances shall remain in full force and effect and will be simultaneously repealed in their previous form and re-enacted by this ordinance.

Section 1: **PURPOSE, INTENT AND APPLICATION:** As authorized by Minnesota Statutes Sections 86B.201, 86B.205, and 459.20, AND Minnesota Rules 6110.3000-6110.3800 as now in effect and as hereafter amended, this Ordinance is enacted for the purpose and with the intent to control and regulate, the use of the all waters of Douglas County, Minnesota, said bodies of water being located entirely within the boundaries of Douglas County, to promote its fullest use and enjoyment by the public in general and the citizens of Douglas County in particular; to insure safety for persons and property in connection with the use of said waters; to harmonize and integrate the varying uses of said waters; and to promote the general health, safety and welfare of the citizens of Douglas County, Minnesota.

Section 2: **DEFINITIONS:** Terms used in this ordinance related to boating are defined in Minnesota Statutes Section 86B.005. All other terms used should be interpreted under their commonly accepted definitions taking into consideration the context of their use in this ordinance.

Section 3: **SPEED RESTRICTIONS IN VARIOUS CHANNELS**
No person may operate a watercraft at any time exceeding slow - no wake speed in the following areas:

A. On the "Chain of Lakes" in the following areas:

- i. Channel between Lake Victoria (21-0054) and Lake Geneva (21-0052) located in the Northeast Quarter of Section 21, Township 128 North, Range 37 West.
- ii. Channel between Lake Geneva (21-0052) and Lake LeHomme Dieu (21-0056) located in the Northeast Quarter of Section 9, Township 128 North, Range 37 West.
- iii. Channel between Lake LeHomme Dieu (21-0056) and Lake Carlos (21-0057) located in the Northeast Quarter of Section 32, Township 129 North, Range 37 West.

- iv. Channel between Lake Carlos (21-0057) and Lake Darling (21-0080) located in the Northwest Quarter of Section 6, Township 128 North, Range 37 West.
 - v. Channel between Lake Darling (21-0080) and Lake Cowdry (21-0103) located in the Southeast Quarter of Section 11, Township 128 North, Range 38 West.
 - vi. Channel between Lake Cowdry (21-0103) and Lake Lottie (21-0105), also known as Taylor Lake located in the Northwest Quarter of Section 14, Township 128 North, Range 38 West.
 - vii. Channel between Lake Lottie (21-0105), also known as Taylor Lake, and Stony Lake (21-0101) located in the Southeast Quarter of Section 10, Township 128 North, Range 38 West.
 - viii. Channel between Stony Lake (21-0101) and North Union Lake (21-0095) located in the Southeast Quarter of Section 10, Township 128 North, Range 38 West.
 - ix. Channel between "Big" Darling (21-0080) and "Little" Darling (21-0080) located in the Southeast Quarter of Section 1, Township 128 North, Range 38 West and the Southwest Quarter of Section 6, Township 128 North, Range 37 West.
 - x. At the channel markers for Wharf Bay on Lake LeHomme Dieu (21-0056) located in the Northwest Quarter of Section 5, Township 128 North, Range 37 West.
- B. In the narrows on the east side of Lake Vermont (21-0073) located in the Northeast Quarter of Section 7, Township 130 North, Range 37 West.
- C. Within a 400-foot wide area on Lake Ida (21-0123) over the channel to Schwabs Bay between Breezy Point and Lakeview Point on the main part of Lake Ida, located in part of the Southwest Quarter of Section 14 and the Northwest Quarter of Section 23, Township 129 North, Range 38 West.
- D. Within the channel on Lake Mary (21-0092) between the narrow spit of land and rock shoal that extends from the northwest to the southeast creating the division between the main part of Lake Mary and Little Mary Bay and the south shoreline as marked pursuant to law by the Douglas County Sheriff's Office, located in the west half of Section 17, Township 127 North, Range 38 West.
- E. On Lake Latoka (21-0106) within the narrows between the North (21-010601) and South Bays (21-010602) as shown on the graphic in Exhibit A and as marked pursuant to law by the Douglas County Sheriff's Office, located in of the Northwest Quarter of the Southeast Quarter and the north half of the Southwest Quarter of the Southeast Quarter of Section 27, Township 128 North, Range 38 West.

Section 4:

SPEED AND OTHER RESTRICTIONS ON VARIOUS LAKES

- A. No person may operate a watercraft at any time exceeding slow - no wake speed in the Southwest one-third of Arrowwood Bay of Lake Darling (21-0080) located in the Northwest Quarter of Northeast Quarter of Section 11 and the Southwest Quarter of the Southeast Quarter of Section 2 of Township 128 North, Range 38 West (LaGrand Township) as marked pursuant to law by the Douglas County Sheriff's Office.
- B. No person may operate a watercraft propelled by a motor powered by anything other than electricity (electric trolling motor) within Johnson Bay of Lake Ida (21-0123) as marked pursuant to law by the Douglas County Sheriff's Office located in the Southeast Quarter of the Southeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 22 of Township 129 North, Range 38 West (Ida township).
- C. Stockhaven Lake (21-0246) located in Sections 19 and 30 of Township 130 North, Range 39 West (Millerville Township).
 - i. No person may operate a watercraft at any time on any portion of Stockhaven Lake exceeding slow - no wake speeds.
 - ii. No person shall launch or operate a watercraft at any time or on any portion of Stockhaven Lake if that watercraft contains a motor powered by anything other than electricity. Watercraft launched and powered by electric motors shall still comply with Subpart i., above.
- D. Eiesland Slough (21-0196) located in Section 26 of Township 128 North, Range 39 West (Moe Township).
 - i. No person may operate a watercraft at any time or on any portion of Eiesland Slough exceeding slow-no wake speeds.
 - ii. No person shall launch or operate a watercraft at any time or on any portion of Eiesland Slough if that watercraft contains a motor powered by anything other than electricity. Watercraft launched and powered by electric motors shall still comply with Subpart A, above.
- E. Stony Lake (21-0101) located in parts of the Southeast Quarter of Section 10 and the Southwest Quarter of Section 11, Township 128 North, Range 38 West (La Grande Twp.).
 - i. No person may operate a watercraft at any time less than 150 feet lakeward of the shoreline exceeding slow-no wake speeds and;
 - ii. No person may operate a watercraft at any time exceeding slow - no wake speed within the southwest bay of Stony Lake and as marked pursuant to law by the Douglas County Sheriff's Office; said bay

being located in the East Half of the Southeast Quarter of Section 10, Township 128 North, Range 38 West.

F. North Union Lake (21-0095) located in parts of the Southwest Quarter of Section 2, the Southeast Quarter of Section 3, the East Half of Section 10, and the Northwest Quarter of Section 11, Township 128 North, Range 38 West (La Grande Twp.).

- i. No person may operate a watercraft at any time less than 150 feet lakeward of the shoreline exceeding slow-no wake speeds and;
- ii. No person may operate a watercraft at any time exceeding slow - no wake speed within the north and east bays of North Union Lake as marked pursuant to law by the Douglas County Sheriff's Office; said North bay being located in parts of Northeast Quarter of the Northeast Quarter of Section 10, the Northwest Quarter of the Northwest Quarter of Section 11, the Southwest Quarter of the Southwest Quarter of Section 2, and the Southeast Quarter of the Southeast Quarter of Section 3, Township 128 North, Range 38 West; said East bay being located entirely in the Northwest Quarter of Section 11, Township 128 North, Range 38 West.

G. Lake Victoria (21-0054) located in parts of the East Half and Southwest Quarter of Section 21, Southwest Quarter of Section 22, Northwest Quarter of Section 27, West Half of Section 28 and East Half of Section 29, Township 128, Range 37 West.

- i. No person may operate a watercraft at any time exceeding slow - no wake speed within 200 ft of the MN DNR public fishing pier, measured as a circle with a radius of 200 ft beginning at the point where the fishing pier is attached to the land and extending lakeward, and as marked pursuant to law by the Douglas County Sheriff's Office; said Southwest Bay being located in the Southwest Quarter of the Southwest Quarter of Section 28, Township 128 North, Range 37 West (Alexandria Township and City of Alexandria).

H. A bay (locally known as Boxcar Bay) of Lobster Lake (21-0144) located entirely in the South Half of the Northwest Quarter of Section 26, Township 128 North, Range 39 West (Moe Township).

- i. No person may operate a watercraft at any time exceeding slow – no wake speeds within the bay or mouth of the bay, or in the channel providing access to the bay, as marked pursuant to law by the Douglas County Sheriff's Office.

- A. Legal Description: This section shall apply to that portion of the Long Prairie River described as follows: That part of the Long Prairie River located in parts of Sections 14 and 15, Township 129 North, Range 37 West, Douglas County, Minnesota described as follows: Beginning at the dam at the outlet of the Long Prairie River where it leaves Lake Carlos in the Northwest Quarter of the Southwest Quarter of said Section 15; thence in a generally easterly direction following the thread of said Long Prairie River as it traverses through the Northwest Quarter of the Southwest Quarter, Government Lot 2, the Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter, the Southeast Quarter of the Southwest Quarter, the Southwest Quarter of the Southeast Quarter, the Northwest Quarter of the Southeast Quarter, and the East Half of the Southeast Quarter of said Section 15; thence continuing generally easterly through the Southwest Quarter of said Section 14 as it traverses through the record plat of FIRST ADDITION TO RIVERVIEW and the Southeast Quarter of the Southwest Quarter; thence continuing generally easterly into the Southwest Quarter of the Southeast Quarter of said Section 14 to the easterly right of way line of Miltona Carlos Road and there terminating.
- B. Regulations and Restrictions: On that portion of the Long Prairie River, above-described, the following regulations shall apply:
1. Glass Prohibited: No person shall enter the river, or possess on the river, for any purpose, any glass container of any sort. This includes, but is not limited to, beverage bottles and drinking glasses.
 2. Littering Prohibited: No person shall deposit or leave on the river or its adjacent banks, any refuse, rubbish or garbage of any sort, including but not limited to cans, plastic containers, cigarette or cigar butts, food, packaging materials, or clothing.
 3. Trespass Prohibited: No person shall exit the river onto private property at any point without the express permission of the property owner.
 4. Minor Consumption Prohibited: No person under the age of 21 shall possess or consume alcoholic beverages on the river or be present on the river while evidence of that consumption is still present in that person's body.

Section 6: **MAPS:** Attached to this ordinance as Exhibit A are maps showing the approximate locations of the regulated areas on the various bodies of water. These maps may not reflect the exact location of the regulated areas due to water level fluctuations and are meant as a guide. The above listed legal

descriptions and appropriate signage designate the legally regulated areas.

Section 7: **ENFORCEMENT:** The primary enforcement of this ordinance shall be the responsibility of the Douglas County Sheriffs Department. This, however, shall not preclude the enforcement of this ordinance by other licensed peace officers. The Douglas County Attorney shall prosecute violations of this ordinance.

Section 8: **PENALTIES:** Any person who violates any of the provisions of this Ordinance shall be guilty of a petty misdemeanor, and upon conviction thereof, shall be eligible for punishment up to the maximum penalty provided by state law.

Section 9: **NOTIFICATION/SIGNAGE:** It shall be the responsibility of Douglas County to provide for adequate notification to the public of the restrictions in this ordinance, which shall include the placement of signs and or buoys as required by law.

Section 10: **EXCEPTIONS:** All authorized law enforcement personnel and government resource management personnel, while acting in performance of their assigned duties, are exempt from the restrictions in this ordinance.

Section 11: **EFFECTIVE DATE:** This Ordinance was originally passed by the Douglas County Board of Commissioners on June 23, 2009 and was effective July 1, 2009.

This ordinance was amended to repeal the restriction of watercraft travel through the channel connecting Lake Cowdry to Lake Darling in Section 4.G, to amend Section 8 such that all penalties shall be considered a petty misdemeanor, and to remove Section 11 and replace with the Effective Date wording in Section 12; by the Douglas County Board of Commissioners on November 8, 2011 and was approved by the Commissioner of Natural Resources on April 17, 2012. A copy of the Commissioner's approval is recorded with this ordinance.

This ordinance was amended to add Section 3. D establishing a navigation channel and no-wake zone at the entrance to Little Mary Bay on the southwest side of Lake Mary, and Section 4.G establishing a no-wake zone 200 ft from shore adjacent to the public fishing pier and access on Lake Victoria by the Douglas County Board of Commissioners on June 16, 2015 and shall be in effect upon approval by the Commissioner of Natural Resources. A copy of the Commissioner's approval is recorded with this ordinance.

This ordinance was amended to add Section 3.E, establishing a navigation channel and no wake area at the narrows between the North and South Bays of Lake Latoka, Section 4.B, allowing the use of electric trolling motors in Johnsons Bay on Lake Ida, and Section 4.H, establishing a navigation channel into and out of a bay on Lobster Lake and designating the bay as a no wake area for watercraft, by the Douglas County Board of Commissioners on

April 6, 2021 and shall be in effect upon approval by the Commissioner of Natural Resources.
A copy of the Commissioner's approval is recorded with the ordinance.



Jerry L. Rapp, Chair Douglas County Board

ATTEST:



Heather Schlangen, Coordinator

Exhibit A:

Maps depicting approximate locations of regulated areas on various bodies of water.

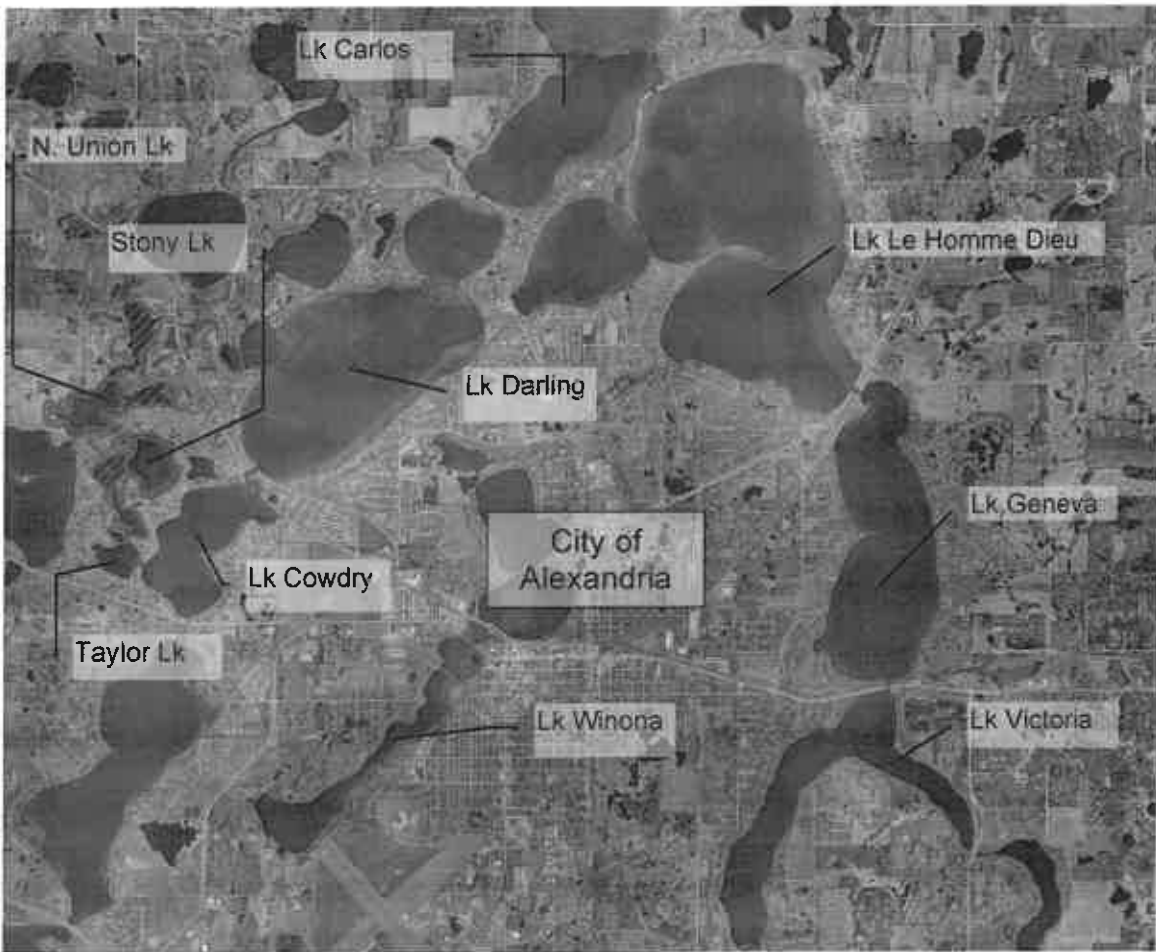


Figure 1. Alexandria chain of lakes including Lakes Victoria, Geneva, Le Homme Dieu, Carlos, Darling, Cowdry, Taylor, Stony, and North Union.



Figure 2. Lake Vermont no wake zone.



Figure 3. Johnson's Bay and the channel to Schwab's Bay on Lake Ida.



Figure 4. Stockhaven Lake near Evansville.



Figure 5. Bays on, and waters near, Lobster Lake where surface water zoning applies.

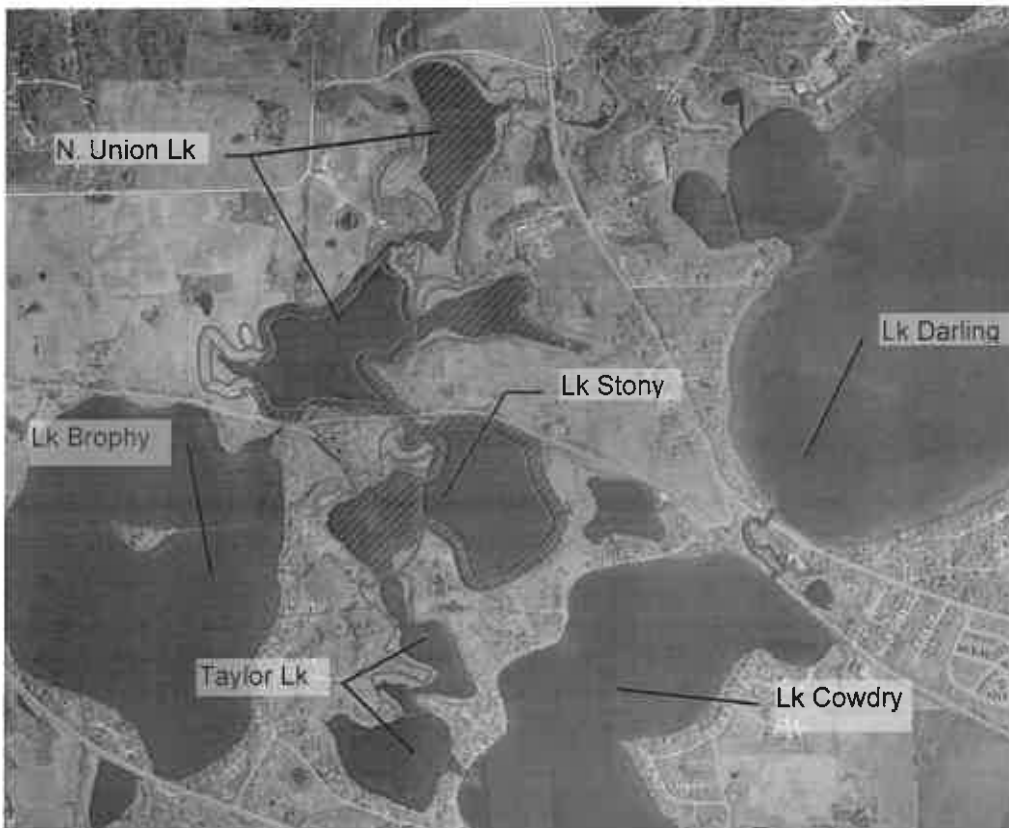


Figure 6. Locations on Lakes Darling, Cowdry, Taylor, Stony, and North Union where surface water zoning applies.

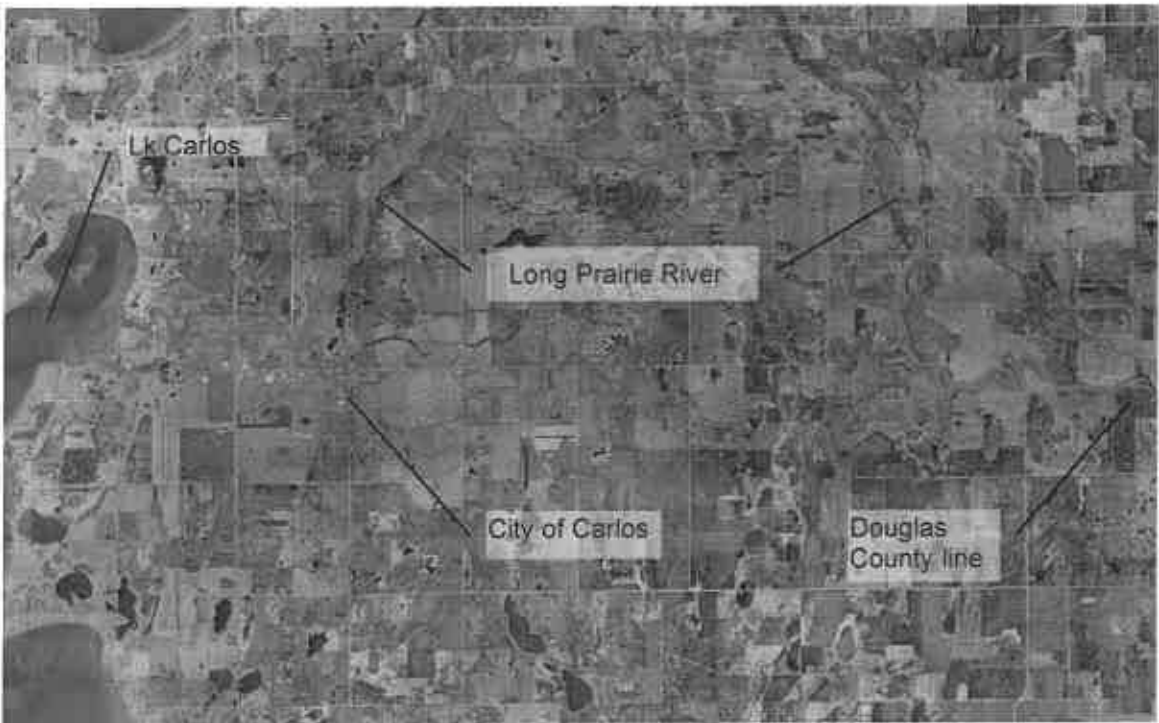


Figure 7. Long Prairie River within Douglas County where surface water zoning applies.



June 5, 2015

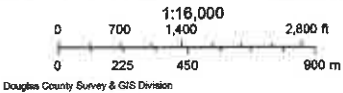


Figure 8. Location on Lake Mary at the entrance to Little Mary Bay where water surface zoning applies.



Figure 9. Lake Mary in Douglas County, MN



Figure 10. Location on Lake Victoria where water surface zoning applies.



Figure 11. Location on Lake Latoka where water surface zoning applies.



Division of Enforcement

June 7, 2021

David Rush
Director
Land and Resource Management
Douglas County
305 8th Avenue West
Alexandria, MN 56308

Dear Mr. Rush,

The Department of Natural Resources (DNR) has completed the review of the materials received from Douglas County requesting to add water surface use ordinances to Lake Latoka, Lobster Lake and Lake Ida.

The following restrictions were considered:

- No wake zone around the channel between the large north bay of Lake Latoka and the south bay
- No wake speed restriction for "Boxcar Bay" on the south side of Lobster Lake
- Allow the use of electric trolling motors within Johnson's Bay on Lake Ida

Upon review, the DNR found your draft ordinance to be a measured and a reasonable response to the existing conditions. I approve your proposed ordinance (Attachment A).

Any changes to the ordinance would have to be submitted to remain valid. Please forward a copy of the final signed ordinance for our official files to LT Adam Block our State Boating Law Administrator. Once it is received, the ordinance will be added to our Minnesota Lake and River Use Restriction Summary. You can forward a copy to LT Block via email at adam.block@state.mn.us.

Sincerely,

**Rodmen
Smith**

Digitally signed by
Rodmen Smith
Date: 2021.06.07 14:08:22
-05'00'

Colonel Rodmen Smith
Chief Conservation Officer/Division Director
Division of Enforcement

Attachment A

cc: LT Adam Block, State Boating Law Administrator
Capatin Pat Znajda, DNR Region 1 Enforcement Manager
LT Jeff Johanson, DNR Region 1, District 3 Enforcement Supervisor
Bill McKibbin, DNR Area Fisheries
Emily Siira, DNR Area Hydrologist
Shawn Donais, DNR District PAT Supervisor
WSUM File