



**Mission: "To Promote the Protection and Enhancement of Detroit Lake."**

**Lake Detroiters Association  
Board of Directors Meeting Notes  
October 14, 2019  
LaBarista Washington Square Mall  
Detroit Lakes, MN**

**Present:** Laurie Olson, Brad Wimmer, John Cox, Linda Wiedmann, Sandy Sprafka, Dick Hecock, Brian Korbel, Matt Pierce, Aaron Tait

**Absent:** Deb Pratt, Rochella Larson, Barb Halbakken Fischburg

**Call to Order**

- The meeting was called to order by President Brad Wimmer
- Quorum established.

**Treasurer's Report**

- Treasurer's report approved as read. (Motion Passed)
- \$600 deposit from the Pavilion is pending.
- Brad will check with Becky at the Museum regarding grant dollars and revenue from LDA logo items, DVD, etc.
- The group discussed donating left over logo items to "Let's go Fishing" – Spring 2020

**Secretary's Report**

- September 2019 Meeting Minutes approved. (Motion passed)

**Beach Captain**

- Beach Captain lead needed for 2020. Sandy Sprafka is interested if additional help is available. Linda will contact Julie Herman
- There are "some open spots" for Beach Captains

**Annual Meeting 2020**

- "Kid Friendly" -? Mini day care option briefly discussed.
- Chairperson – Hold until November Meeting.
- Laurie will contact Shirley at the Shorewood Pub to clarify:
  - Background noise (ie: can games be turned off during the meeting?)
  - Closed to public
  - Sound system capabilities

**Mooring Sites**

- Dick submitted a review of mooring regulations (See attached)
- Brad contacted Rep Paul Marquart to express concern and ask questions regarding regulation of mooring sites.
- Brad will invite the Sheriff to attend our next meeting to answer questions, etc.

**MN COLA**

- John Cox and Linda Wiedmann attended the MN COLA meeting at Thumper Pond. Agenda topics included:
  - Legislative concerns
  - DNR representation
  - LID's (Lake Improvement Districts)
  - Pipeline
  - Wakeboard Boat concerns were addressed. Smaller lakes are experiencing shoreland impacts from Wakeboard Boats
  - "Safe Wakes" organization – addressing Wake Board Boat concerns.
  - The group congratulated LDA on 75 years.

**BC COLA**

- John Cox attended. Agenda items included:
  - Jeff Forester from MN Lakes and Rivers - guest speaker
  - AIS- Angler impact
  - New "State Cabin Tax"

**LDA Directory**

- Options discussed, including online. (Brian and Aaron)

**Articles of Incorporation**

- Imholte Accounting is sending a letter to the IRS to check on the status of the LDA Articles of Incorporation (Brad)

**2019 Annual Meeting\Dues Comments**

- Linda briefly reviewed some of the concerns noted. She will send these out to the group separately.

**LDA BOD Holiday Party**

- Sandy Sprafka offered to host. December 9, 2019

The meeting was adjourned, then opened for an additional agenda item with quorum established.

### **Carl Oberholtzer Honorarium**

There was discussion regarding a “Thank you” for Carl Oberholtzer’s work on the LDA 75<sup>th</sup> Anniversary Celebration. The group motioned to give Carl \$1000 to thank him for his work on the 75<sup>th</sup> Anniversary celebration. (Motion Passed) Linda will have the check ready to present at the Holiday Party in December.

Next Meeting Date: Oct 14, 2019



Respectfully submitted,  
Laurie Olson, Secretary

Attachment: Mooring Sites

### **Regarding Mooring Sites**

I spent some time searching “the net” for descriptions on how various Minnesota communities have coped with houseboats. I was surprised to find very little in the way of controversy. But I did discover some information that may help guide an effort to address the matter on Lake Detroit.

Here are some points for LDA board consideration. :

1. Where houseboats are common in Minnesota, they are generally part of generally accepted local tourist infrastructure – most are rental units, and stored in marinas, as in the case of the St. Croix, Rainy Lake, and Voyageurs NP.
2. The issue for LDA is not so much about houseboats, as it is about the mooring of boats in public waters. On this topic, Minnesota Administrative Rules (under the auspices of DNR) apply. Generally the rules prohibit mooring placement in waters where such

would interfere with navigation or access to private property. DNR also specifies the size, visibility and lighting issues for moorings. In addition no mooring apparatus can be placed by private individuals without a written permit issued by the sheriff of the county which contains the water where the mooring is to be placed. It appears that a Sheriff has considerable leeway in determining whether a mooring will constitute an “undue hazard or illegal obstruction of navigation”.

3. The Becker County Sheriff guidelines for issuing permits for mooring buoys refer to state rules, and generally require that such moorings be located within 100 feet of shore (including the boat’s swing on the buoy). The permits are good for five years.

The Otter Tail Sheriff also applies the 100 foot rule, but also applies a depth criterion – not in waters deeper than 1.5 feet below the draft of the boat to be anchored.

4. Many municipalities have additional regulations on lakes (see Maplewood as an example). I am not entirely sure under what authorities municipalities can supersede county regulations. It is possible that these exceptions are issued under the provisions of the DNR’s **Local Surface Use Zoning regulations**. Statewide, as of 2018, there was a list 31 pages long of such exceptions; most of these have to do with boat speed limits and motor size restrictions, though there are a few that deal with mooring issues.
5. The Lake Minnetonka Conservation District has an elaborate set of rules which deal with dock size, length, and setbacks (from neighbors docks), as well as mooring. Mooring buoys mostly are permitted within an “Authorized Dock Use Area” (generally within 100 feet of shore); but District can authorize mooring areas outside of these “Authorized Dock Use Areas” if they “fulfill a public purpose” (I believe this refers to commercial or municipal docking/mooring facilities). These rules exist outside of DNR jurisdiction.
6. Any watercraft (houseboats, pontoons, sailboats) that have “permanently installed” toilet facilities aboard, must have Coast Guard Approved devices. Holding tanks are required, and MPCA and the Minnesota Department of Health have singular or dual responsibilities for septage disposal, depending upon the nature of the disposal facilities.

It seems that the place to start locally is with the Becker County sheriff. We should find out whether his office has jurisdiction over mooring buoys on Detroit Lake, and if so, whether permits have been issued. If permits have been issued, the next question is whether the existing permitted mooring sites are in compliance with the Sheriff’s policies/rules? (Note: I believe that the three mooring buoys between the pavilion and Edgewater lack proper ID’s, and are set at distances much greater than 100 feet from the shore – e.g. 200 or more feet. There also may be some violations of state regulations as to buoy size and lighting or reflectorization.)

I don’t know how septage is currently off-loaded from Detroit Lake watercraft.

**Dick Hecock – 9-15-19**

**6110.1500 WATERWAY MARKERS** (<https://www.revisor.mn.gov/rules/6110.1500/>)

Subpart 4. **Mooring buoys.** Every buoy placed in the waters of the state for use in anchoring or mooring watercraft may be of any practicable size or shape, but must have at least eight inches extending above the waterline. No anchoring buoy may have a diameter of over 24 inches circular or a width of more than 24 inches if some other shape. No mooring or anchor buoy may be placed in any public water if it obstructs access to any public or private property or creates a navigational hazard. No mooring or anchor buoy may be placed in or upon the water of the state except by public authority or under a permit issued by the sheriff of the county. Every such buoy shall be colored white and shall be encircled by a visible blue band at least one inch wide. Mooring buoys must have a minimum total of 16 square inches of white reflectorization, part of which must be visible from any direction. Mooring buoys, if lighted, shall show a flashing white light.

**6110.1800 PLACEMENT OF TEMPORARY STRUCTURES AND BUOYS IN THE WATERS OF THE STATE.**

Subpart 1. **In general.** No person shall leave any temporary structure not extending from shore, or any buoy or sign in the waters of this state between the hours of sunset and sunrise without first obtaining a permit in writing therefor from the sheriff of the county. Mooring buoys must be placed as provided in part [6110.1500](#), subpart 4. Swimming area markers must be placed as provided in part [6110.1600](#).

Subp. 2. **Permit for temporary structure or buoy.** The sheriff of any county may issue a permit for the placement of any such structure or buoy whenever, in the sheriff's opinion, the structure or buoy will not constitute an undue hazard to or illegal obstruction of navigation. Each structure or navigational buoy placed pursuant to such permit shall have the permit number painted on it and shall have attached either a light visible in all directions, or sufficient reflectorized material so as to reflect light from all directions, which material shall retain 80 percent of its dry weather reflective signal strength when submerged in water.

**BECKER COUNTY SHERIFF** (<https://www.co.becker.mn.us/dept/sheriff/PDFs/Boat%20&%20Water%20Permit.pdf>)

The Sheriff issues "Boat and Water Permits" for temporary water structures. Here is an excerpt from the guidelines.

**TEMPORARY  
STRUCTURE PERMITS**

**SWIM RAFTS**

- Display permit with 3" high numbers on 2 sides of the raft along with reflectors on all four sides.
- No more than 100 feet out from shore.
- Must be removed from the water by October 1<sup>st</sup> of each year.
- Swim raft permits are five year permits.

**SWIM AREAS**

- You can mark off up to 2,500 sq ft, no more than 50 ft along lake frontage.
- Markers need be in place to designate the swim area. You can use bleach bottles with orange paint on each side.
- Place your permit number on the two outer markers.

**MOORING BUOYS**

- Permit number must be displayed on the buoy.
- Must meet state specifications in regard to color and reflectorization.
- Generally must be within 100 feet of shore (including a boat's swing on the buoy).
- Mooring buoy permits are five year permits.

**SKI JUMPS**

- Permit number must be displayed on the jump.
- Jump must be lighted at night and sufficient reflectors displayed to indicate size.
- Jump must be out of major boat traffic areas and not a navigational hazard.
- Ski jump permits are one year permits.

**OTTER TAIL COUNTY SHERIFF** (<https://ottertailcountymn.us/content-page/temporary-structure-guide/>)

"If you intend on placing any structure in the public waters within Otter Tail County for a period of time greater than one day (sunrise to sunset), you are required, by Minnesota Statute 86B.111 Sub. 1, and, DNR Boat and Water Safety Rules, Chapter 6110.1800 Subpart 1, to first obtain a permit from the Sheriff.

In Otter Tail County mooring devices must be within 100 feet of the shore, and in depths no more than 1.5 deeper than the draft of the watercraft to be moored."

## **DNR's LOCAL SURFACE USE ZONING** (<https://www.dnr.state.mn.us/regulations/boatwater/surfaceusezoning.html>)

Regarding this process - called "water surface use management" (WSUM) or "water surface use zoning.", the goal of surface use management is to enhance the recreational use, safety, and enjoyment of lakes and rivers and to preserve them as natural resources of the state.

All water surface use management **starts at the local unit of government - town, city or county**, depending upon where the lake or river is located. Any ordinances proposed by the local unit of government must have a hearing and be approved by the DNR before they can go into effect. To improve the process, any local unit of government that is contemplating restrictions should contact the DNR as soon as possible for assistance in preparing required info.

There are a number of steps to follow when considering surface use restrictions - observation, planning, and monitoring the outcome are important. Other criteria for allowing such special rules involve minimizing adverse impacts on natural resources, and minimizing conflicts between users, and accommodation of multiple uses of lakes.

Important factors which influence what type of controls may be implemented depend upon: the type of water body (lake or river), size, depth and shape of a lake, current and future shoreland development, relationship to other water bodies, environmental factors, accident and safety data, and recreational use patterns. After these are considered, there are a number of options available to address the variables.

Time zoning, Directions of travel, Motor type and size, Speed limits, Area zoning and other are among options.

Effective zoning defines objectives clearly, inventories resources, identifies land uses, appraises political influences, and requires public participation.

**THE MAPLE GROVE CITY Council** will consider the following criteria when reviewing the Water Obstacle permits: • Size, configuration and manner of construction of the proposed water obstacles(s); • The volume of competing watercraft traffic expected for the duration of the permit; • Size, configuration and depth of the lake for which the permit is requested; • The number and location of other water obstacles already in place and others applying for permits; • Any other factors reasonably related to the effect of the applicant's proposed use and maintenance of public health and safety upon the City's lakes.

### **LINK TO LIST OF 2018 "EXCEPTIONS" TO STATE BOATING REGULATIONS**

[http://files.dnr.state.mn.us/rfp/regulations/boatwater/local\\_regs.pdf](http://files.dnr.state.mn.us/rfp/regulations/boatwater/local_regs.pdf) – these have been granted to counties and municipalities to accommodate special problems involving boating. I was involved in the process of obtaining a ban on motorized boating on Lake St.Clair.

### **LAKE MINNETONKA CONSERVATION DISTRICT, excerpts from District Rules and Regulations**

(<https://lmcd.org/wp-cms/wp-content/uploads/2018/10/Current-LMCD-Code-of-Ordinances-Effective-06282017.pdf>)

**(These regs do not require DNR approval – autonomy granted by State legislature).**

Subd. 26. "Mooring" means any buoy, post, structure or other device at which a watercraft may be moored and which is surrounded by navigable water.

Subd. 54. "Special event" means any act or activity on the Lake which will involve: a) the placing of any structures or buoys in the Lake other than in authorized dock use or mooring areas or as authorized by permit issued pursuant to Section 2.07; or

Section 2.01. Authorized Dock Use Area. Subd. 1. Prohibition. No person shall use any area of the Lake outside an authorized dock use area, for docks, moorings, watercraft storage, swimming floats, ski jump storage or diving towers, unless such use is specifically permitted under the provisions of this chapter.

Subd. 2. Description of Authorized Dock Use Area. An authorized dock use area is described as follows: a) Length - The authorized dock use area for sites bordering on the Lake extends into the Lake a distance equal to the site Lake frontage to be measured at right angles to the side site lines and, except as provided herein, shall not extend into the Lake a distance of greater than 200 feet in the case of commercial docks in existence on August 30, 1978, and 100 feet in the case of other docks to be measured on a line parallel to the site side lines as extended into the Lake.

Section 2.04. District Mooring Areas. Subd. 1. Establishment. District mooring areas may be established and maintained in the Lake beyond the authorized dock use areas subject to and in accordance with the provisions of this section. The Board shall permit the establishment of

such mooring areas in only those limited instances in which necessary to fulfill a public service and in which such mooring areas can be established in such a manner as to preserve the use of the waters of the Lake by the general public.

Subd. 10. Structures Not to Obstruct. No dock, mooring, or other structure shall be so located as to obstruct a navigable channel, or so as to obstruct reasonable access to any other dock, mooring area or similar structure authorized under this Code.

### Section 3

Subd. 4. Mooring. No person shall moor, attach or hold in any manner a watercraft to any buoy, other than a mooring buoy, or any other marking device or guide placed in the waters of the Lake pursuant to lawful authority.

### **MARINE SANITATION DEVICES (MSD's) Waste Disposal from Watercraft (including houseboats)**

It appears that onboard sanitary waste systems are considered Individual Sewage Treatment Systems and as such their operation comes under the jurisdiction of MPCA. The **disposal** of the waste material (septage) from such systems, involves either or both the Department of Health and MPCA, depending upon the circumstances. Anyhow, under state law, toilets on board boats must be no-discharge devices. Waste must be retained on board for proper disposal after returning to shore.

A recreational boat with permanently installed toilet facilities must have an operable marine sanitation device (MSD) on board. All permanently installed devices must be U.S. Coast Guard-certified.

There are three types of MSDs. Types I and II MSDs are usually found on large boats. Waste is treated with special chemicals to kill bacteria before the waste is discharged. Types I and II MSDs with "Y" valves that direct the waste overboard must be secured so that the valve cannot be opened. This can be done by placing a lock or non-reusable seal on the "Y" valve or by taking the handle off the "Y" valve. **A Type III MSD, the simplest and most common, consists of holding tanks or portable toilets. It requires only a small storage space and is simple to operate. Type III MSDs have the least effect on the environment since the waste is to be discharged on shore into a local sewage treatment facility.**