

CHAPTER 6140

DEPARTMENT OF NATURAL RESOURCES

BOUNDARY WATERS CANOE AREA

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6140.0100 PURPOSE AND SCOPE.

The purpose of this chapter is to regulate use so as to maintain the primitive wilderness character of the area, particularly the lakes and streams and the lands in the vicinity of the lakes, streams, and portages in a manner which takes into account state laws and administrative and judicial actions and the federal regulation, Code of Federal Regulations, title 36, section 251.85, dated December 15, 1965, and accompanying administrative guides of the Chief of the Forest Service, governing the federal land in the area. The lands and rights owned on the effective date of these parts or thereafter acquired by the state of Minnesota and administered by the commissioner of Natural Resources and the waters of the state within, or substantially within, the Boundary Waters Canoe Area (BWCA) in the Superior National Forest, Minnesota, as formerly designated under REG U-3 Code of Federal Regulations, title 36, section 251.22, and incorporated into the National Wilderness Preservation System under the Wilderness Act of September 3, 1964, shall be administered in accordance with this chapter. (See Appendix A, part 6140.1500, Map of the Boundary Waters Canoe Area for the boundaries of the BWCA, the "portal" zone, the "no cut" zone, and motorized routes.)

Statutory Authority: *MS s 84.027; 84.03; 105.39*

6140.0200 CAMPSITES.

Subpart 1. **Maintenance of site.** Every person camping on state land shall maintain the site in a clean fashion. Human waste facilities shall be used when provided. If none is provided, campers and other users shall relieve themselves at least 100 feet from the shore. Disposal of human wastes in or on public waters of the state is prohibited at all times of the year. Upon vacating the site, each camper shall restore the site as nearly as possible to its natural condition.

Subp. 2. **Cutting live trees prohibited.** No new campsite shall be established, other than by the Department of Natural Resources, by cutting live trees.

Statutory Authority: *MS s 84.027; 84.03; 105.39*

6140.0300 NONBURNABLE FOOD OR BEVERAGE CONTAINERS.

Subpart 1. **Prohibition.** No person traveling over or using state lands or waters within the BWCA shall have in possession any nonburnable food or beverage containers which are not designed and intended for reuse or which have little or no commodity value for reuse, including containers on which deposits are commonly charged by vendors.

Subp. 2. **Reserved rights holders' exceptions.** These prohibitions shall not apply until January 1, 1976, to a holder of rights reserved by a grantor in a conveyance to the United

States to occupy and use the surface only of a tract of land for residential, scientific, educational, or other noncommercial purposes, while the holder of these rights or the holder's agent is traveling to or from such a tract over state lands or waters on a route previously approved in writing by the commissioner.

Subp. 3. **Commissioner's approval after 1975.** On and after January 1, 1976, and until January 1, 1986, the prohibitions contained in this part shall not apply to a holder of such rights who has obtained this written approval from the commissioner previous to January 1, 1976, unless the commissioner terminates the previous approval after making written findings that damage to the primitive wilderness character of the BWCA is greater than any benefits which may result from the authorization previously granted.

Subp. 4. **Procedure for revocation of holder's approval.** Before making any such written findings, the commissioner shall give at least 30 days' written notice of intended action to the holder.

Subp. 5. **Canadian cabin owner's exception.** The prohibitions contained in this part also shall not apply to an owner or lessee of a noncommercial residential dwelling in Canada while traveling to or from the dwelling site across state lands and waters on a route previously approved in writing by the commissioner. The commissioner's approval shall be limited to foods and beverages for the owner's or lessee's own consumption. The commissioner may terminate the previous approval after making written findings that damage to the primitive wilderness character of the BWCA is greater than any benefits which may result from the authorization previously granted or for other good cause.

Subp. 6. **Procedure for revocation of cabin owner's approval.** Before making any such written findings, the commissioner shall give at least 30 days' written notice of intended action to the owner or lessee.

Subp. 7. **Lessees on state portages.** The prohibitions contained in this part also shall not apply to a lessee of the state who operates a mechanical portage on state land at the Loon River or Beatty portages while the lessee is on the leased state land and while traveling to and from the leased state land across state lands or waters on a route previously approved in writing by the commissioner. The commissioner's written approval shall terminate with the termination of the lease, unless previously terminated in writing by the commissioner, and shall be limited to foods and beverages for the lessee's own consumption.

Subp. 8. **Nonprohibited containers.** Except as previously prohibited by this part, food and beverage containers specifically designed and intended for reuse are allowable. All containers, food, equipment, and other objects brought into the BWCA shall be packed out if not completely burned unless the objects are retained on lands of a holder of reserved rights or a lessee of the state by the holder or lessee. No containers, food, equipment, or other objects of any kind shall be deposited on or buried in state lands or waters in the BWCA except as may be authorized to be buried on state land by a lessee of the state. Every person camping in the BWCA shall be responsible for any such trash or litter deposited on or buried at the campsite whether or not by that person.

The commissioner of natural resources shall cooperate fully with federal authorities and private parties in providing suitable trash and refuse collection facilities at major entrance and exit points to and from the BWCA.

Statutory Authority: *MS s 84.027; 84.03; 105.39*

History: *17 SR 1279*

6140.0400 CLOSING OF SITES.

Campsites may be closed to all use and so posted when necessary for site restoration or other reasons. Campsites may be closed to overnight use but remain open for daytime use and so posted. Such postings shall be honored.

Statutory Authority: *MS s 84.027; 84.03; 105.39*

6140.0500 FIRES.

Where fireplaces are provided fires shall be made in them only. In all other cases, fires shall be made on a place containing a maximum amount of inorganic matter, such as rock, sand or gravel. All fires left unattended must be thoroughly extinguished, preferably with water. No living trees or branches shall be cut for firewood. Dead branches removed from living trees must be cut close to the trunk of the tree.

Statutory Authority: *MS s 84.027; 84.03; 105.39*

6140.0600 PENALTIES.

In addition to penalties otherwise provided, any person whose campsite is found to contain physical evidence that parts 6140.0200 to 6140.0400 have been violated or is found violating parts 6140.0200 to 6140.0400, may be denied continued use and enjoyment of the BWCA. Such person may be ordered to return on the person's own power to the person's point of entry by the most direct route and within a specified time, and shall be denied use of the BWCA for 30 days thereafter. Failure to present a copy of the order to leave the BWCA to a Department of Natural Resources Officer in Ely or Grand Marais within 24 hours of the time specified shall constitute a separate offense.

Statutory Authority: *MS s 84.027; 84.03; 105.39*

History: *17 SR 1279*

6140.0700 PERMANENT CAMPS OR STRUCTURES.

No permanent or semipermanent camps or structures may be erected on state land or water except as necessary for law enforcement and administration of natural resources in the area, except in the portal zone established by Code of Federal Regulations, title 36, section 251.85, clause (a)(2) dated December 15, 1965, for harvest and removal of forest products, and except for fish houses, but in no case shall fish houses be allowed after February 28, 1973. (See Appendix A, part 6140.1500, Map of the BWCA.) Each camp shall be provided by or for specific users and shall not be maintained for successive use by a series of campers. All equipment and camping gear must be removed from the BWCA at the end of each current visit.

Statutory Authority: *MS s 84.027; 84.03; 105.39*

6140.0800 ROADS, VEHICLES, AND EQUIPMENT.

Subpart 1. **Prohibition.** All roads and all forms of mechanical transport including but not limited to motors, snowmobiles, and all-terrain vehicles and all mechanized equipment are prohibited except as provided in this part and except as provided by Code of Federal Regulations, title 36, section 251.85, dated December 15, 1965, and accompanying administrative guides. Any such transport or equipment found unattended on state land or water shall be removed at the owner's expense. If not claimed and payment of expenses offered within a reasonable time, it shall be disposed of under state laws governing abandoned property.

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Subp. 2. **Motorized watercraft allowed.** Watercraft equipped with motors capable of propelling the watercraft, and motor driven ice and snow craft are permitted over the following designated routes, which are the same as provided in Code of Federal Regulations, title 36, section 251.85(b)(4)(a) and (b)(7)(a):

A. international boundary route, including the portages commonly used in traversing the international boundary as provided for in the Webster-Ashburton Treaty;

B. Sioux River Route to Loon Lake by way of Little Indian Sioux River, and the Pauness Lakes;

C. Moose River Route to Lac La Croix by way of Moose River, Nina Moose Lake, Lake Agnes, and the Boulder River;

D. Trout Lake Route by way of Trout Lake and Oriniack Lake, including the Pine Lake Loop;

E. Pipestone Bay Route to Basswood Lake by way of Newton Lake;

F. Four Mile Portage Route to Basswood Lake, including Mud Lake and Ella Hall Lake;

G. Wind Lake Route to Basswood Lake by way of Wind Lake and Wind Bay;

H. Ensign Lake Route to Thomas Lake by way of Newfound Lake, Ensign Lake, Ashigan Lake, Gibson Lake, Cattyman Lake, Jordan Lake, Ima Lake and Hatchet Lake, including branch routes by way of Vera Lake to Knife Lake and from Snowbank Lake to Cattyman Lake by way of Parent Lake and Disappointment Lake;

I. Lake Insula Route to Thomas Lake by way of Lakes One, Two, Three, and Four, Hudson Lake, Lake Insula, and Kiana Lake, including the route to Alice Lake from Lake Insula by way of the Kawishiwi River;

J. South Kawishiwi River Route from Birch Lake to the Kawishiwi River, with connecting link by way of Clear Lake;

K. Bald Eagle Route from South Kawishiwi River by way of Gabbro Lake to Bald Eagle Lake;

L. Smoke Lake Route from Sawbill Lake by way of Smoke Lake, Flame Lake, Burnt Lake, Kelly Lake, Peterson Lake, and Baker Lake;

M. Cherokee Route from Sawbill Lake to Brule Lake by way of Ada Creek, Ada Lake, Cherokee Lake, North Temperance Lake and South Temperance Lake;

N. Brule Lake Route from Peterson Lake to Poplar Lake by way of Kelly Lake, Jack Lake, Weird Lake, South Temperance Lake, Brule Lake, the Cone Lakes, Cliff Lake, Wanihigan Lake, Winchell Lake, Gaskin Lake, Horseshoe Lake, Caribou Lake, and Lizz Lake;

O. Tuscarora Lake Route from Round Lake to Tuscarora Lake by way of Missing Link Lake, or direct;

P. Red Rock Lake Route from Sea Gull Lake to Saganaga Lake by way of the Alpine Lake and Red Rock Lake;

Q. Clearwater Lake -- Mountain Lake Route;

R. East Bearskin -- Pine Lake Route by way of Alder Lake and Canoe Lake; and

S. Hog Creek Route to Perent Lake.

Subp. 3. **Ice and snow craft.** In addition, motor driven ice and snow craft only are permitted over the following designated routes, which are the same as those provided in Code of Federal Regulations, title 36, section 251.85(b)(7)(a):

A. Crane Lake, Little Vermillion Lake Winter Portage; and

B. Saganaga Lake Winter Portage in Sections 18-19, T. 66 N., R. 4 W.

Use of ice and snow craft is authorized only during the period November 1 to April 15, and when the ground is covered with snow.

Statutory Authority: *MS s 84.027; 84.03; 105.39*

6140.0900 STORAGE AND TRANSPORTATION OF BOATS AND MOTORS.

Subpart 1. **Prohibition.** No motor or other mechanical device capable of propelling a watercraft through water, boat, or other watercraft, equipment, or dock may be transported over or stored on or moored to state land administered by the commissioner and left unattended except on routes designated in part 6140.0800, and then only during the course of a current visit.

Subp. 2. **Permits.** Boats and motors may be stored on sites approved by the commissioner pursuant to permits issued by the commissioner to persons who before the effective date of these parts, have stored boats on state water or lands administered by the commissioner in connection with commercial services. All such permits shall terminate no later than November 15, 1973, shall not be assigned without the consent of the commissioner, and shall be nonrenewable. The terms of such permits shall be established by the commissioner in a way to maximize the maintenance of the primitive wilderness character of the area. Each permit shall be numbered, which number shall be affixed in the same general place as the boat registration number, shall be for the storage of one boat and motor, if any, and shall authorize use of that boat and motor, if any, on the body of water adjoining the storage area, and any motor route adjoining the storage area. Each permit shall specify the precise location within which each boat and motor, if any, may be stored and used. The quantity of such permits shall be limited to the number of applications made, but in no case shall exceed 50. Each application for a permit shall be accompanied by a sworn affidavit that the specific boat for which a permit is sought has been stored on or near the body of water adjoining the permit location requested. If more than 50 applications are submitted, the commissioner shall encourage joint use applications. The commissioner may charge a reasonable fee for the permit and may provide for permit termination for violation of the permit terms, particularly boat use location. Canoes and camping equipment may be stored at the head of an overland trail during the course of a current visit provided the material is stored out of sight from the waterway.

Statutory Authority: *MS s 84.027; 84.03; 105.39*

6140.1000 OVERLAND TRAILS.

Backpacking is deemed a use compatible with the wilderness management of the BWCA which may alleviate crowding along the waterways and which will encourage enjoyment of inland wilderness and lakes. The commissioner of natural resources may designate and improve a trails system. The commissioner shall solicit the United States Forest Service to enter into a joint management program for trails on state and federal lands as soon as practicable.

Statutory Authority: *MS s 84.027; 84.03; 105.39*

History: *17 SR 1279*

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6140.1100 USE OF WATERS OF THE STATE.

Subpart 1. **Lakes allowing motors.** All limitations on use, transportation, and storage of equipment on state lands in parts 6140.0800 and 6140.0900 also apply to waters of the state during all seasons of the year except that motors may be used on the following lakes which are only partially within the BWCA:

A. those lakes listed in part 6140.0800, subpart 1, which are partially within the BWCA; and

B. Fourtown Lake, T. 65 N., R. 11 W.;

C. Wood Lake, T. 64 N., R. 10 W.;

D. Southfarm Lake, T. 63 N., R. 11 W.;

E. Isabella Lake, T. 62 N., R. 8 W.;

F. Moose Lake, T. 64 N., R. 9 W.;

G. Fall Lake, T. 63 N., R. 11 W.;

H. Homer Lake, T. 63 N., R. 3 W.;

I. East Pike Lake, T. 65 N., R. 3 E.;

J. Tin Can Mike Lake, T. 64 N., R. 11 W.;

K. Ball Club Lake, T. 63 N., R. 1 W.;

L. Tucker Lake, T. 63 N., R. 3 W.; and

M. Big Moose Lake, T. 64 N., R. 14 W.

Subp. 2. **Staking, anchoring, and storing watercraft.** No watercraft may be staked, anchored, or stored on or in waters of the state otherwise than as authorized by this chapter.

Subp. 3. **Amphibious craft.** No amphibious craft of any type and no watercraft designed for, or used as floating living quarters shall be moored to, used on, or transported over waters of the state governed by this chapter.

Statutory Authority: *MS s 84.027; 84.03; 105.39*

6140.1200 AGREEMENTS WITH FEDERAL GOVERNMENT.

Subpart 1. **Joint agreements.** The commissioner shall enter into and execute joint agreements with the federal government for purposes of optimum management and enforcement in the BWCA. The commissioner shall designate a department employee who shall maintain a working liaison with the appropriate federal officials, particularly the Regional Forester, Duluth, and his or her office.

Subp. 2. **Hunting program.** In the event the legislature authorizes the establishment of a special voyageur hunting program in the area, or parts thereof, this chapter shall not be construed to bar it provided the program is consistent with the purposes of this chapter and the authorities on which it is founded.

Statutory Authority: *MS s 84.027; 84.03; 105.39*

History: *17 SR 1279*

6140.1300 SEVERABILITY.

The provisions of these rules shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision, or any other part.

Statutory Authority: *MS s 84.027; 84.03; 105.39*

6140.1400 EFFECTIVE DATES.

This chapter shall be in full force and effect on February 1, 1971, except that those provisions relating to the storage of boats, motors, and equipment shall not be in full force and effect until May 15, 1971, and except that those provisions relating to the possession, use, and disposal of nonburnable food and beverage containers shall not be in full force and effect until May 1, 1971.

Statutory Authority: *MS s 84.027; 84.03; 105.39*

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6140.1500 BOUNDARY WATERS CANOE AREA.

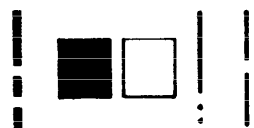
Subpart 1. Boundary Waters Canoe Area guide.

BOUNDARY WATERS CANOE AREA

OF THE SUPERIOR NATIONAL FOREST

PREPARED BY : MINNESOTA DEPARTMENT OF NATURAL RESOURCES

DATE : DECEMBER 29, 1970



 B . W . C . A . BOUNDARY

 STATE LANDS ADMINISTERED BY THE

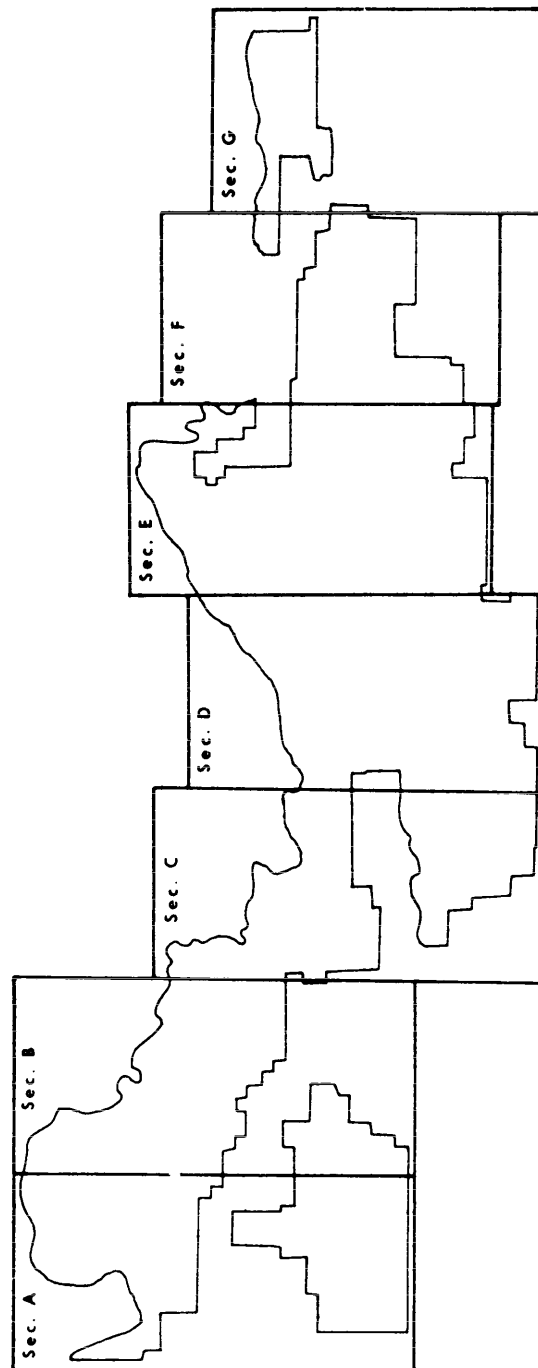
 COMMISSIONER OF NATURAL RESOURCES

 PORTAL ZONE

 NO - CUT (INTERIOR) ZONE

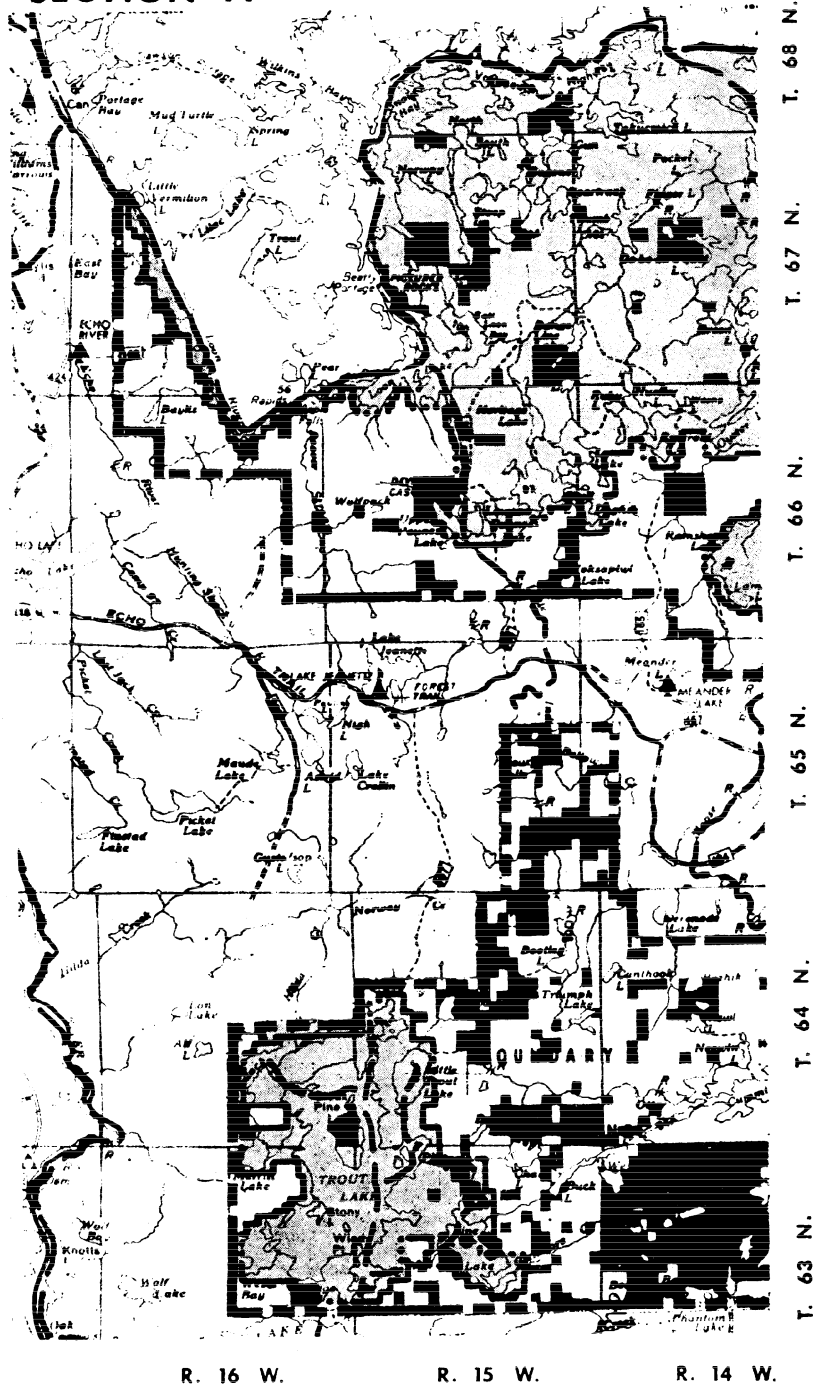
 SNOWMOBILE AND MOTORBOAT ROUTES

Subp. 2. Index to map.

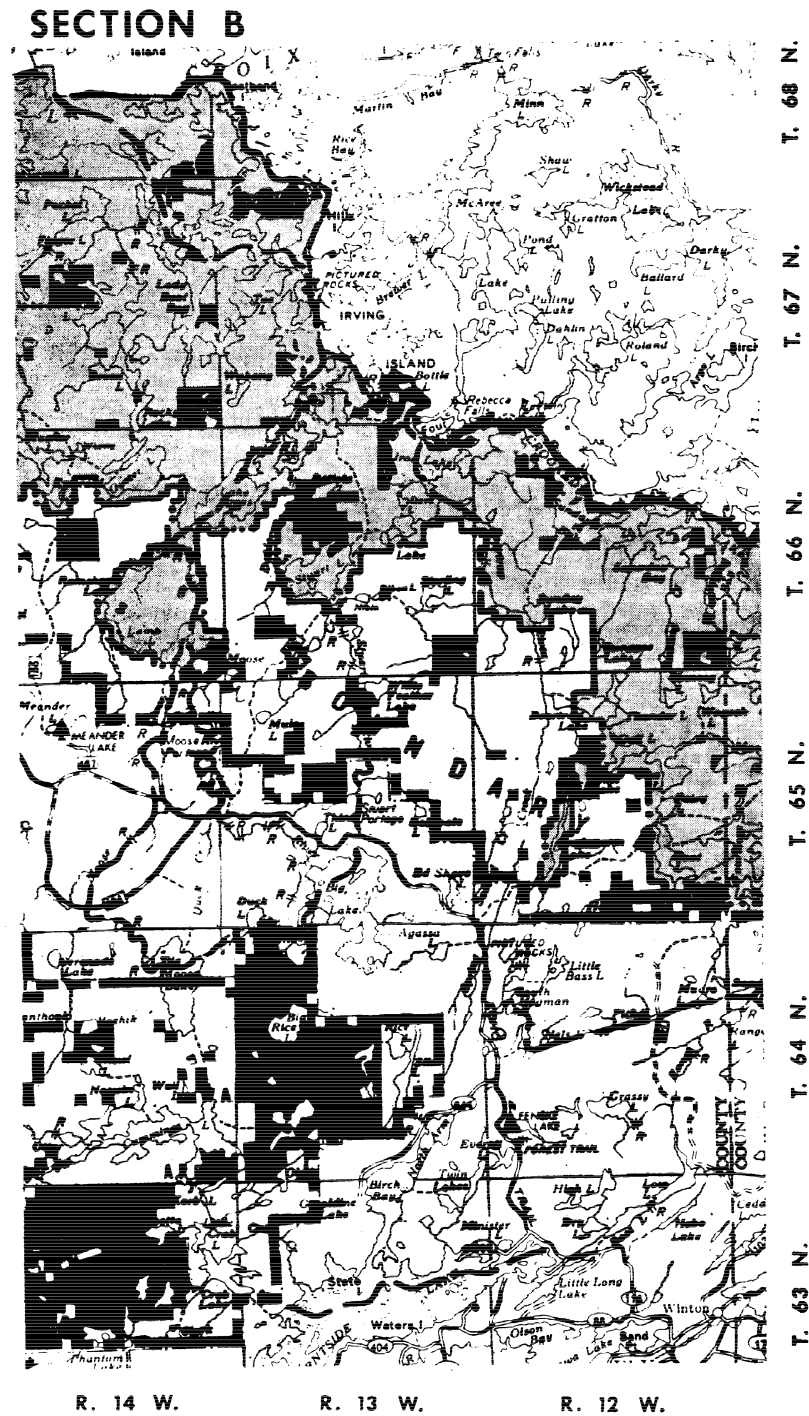


Subp. 3. Section A.

SECTION A

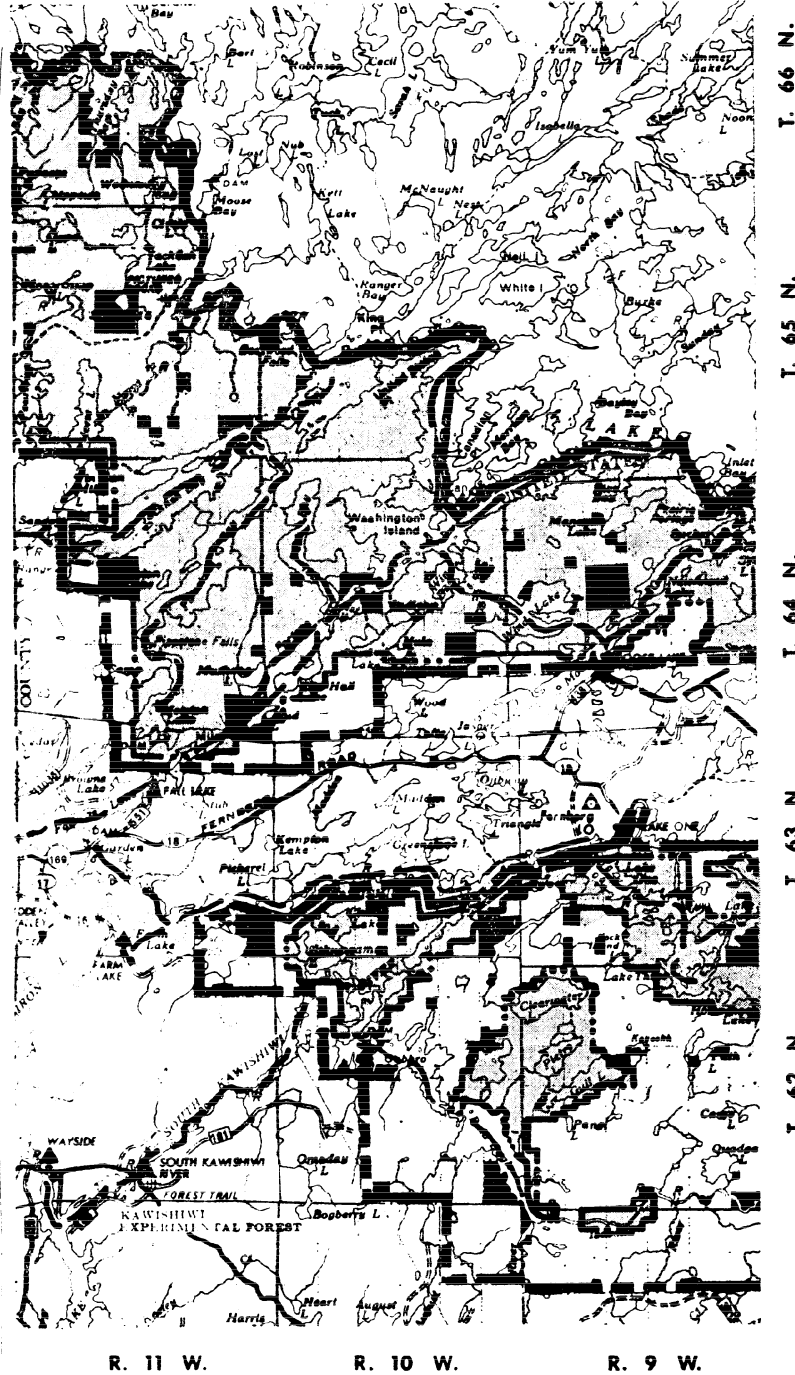


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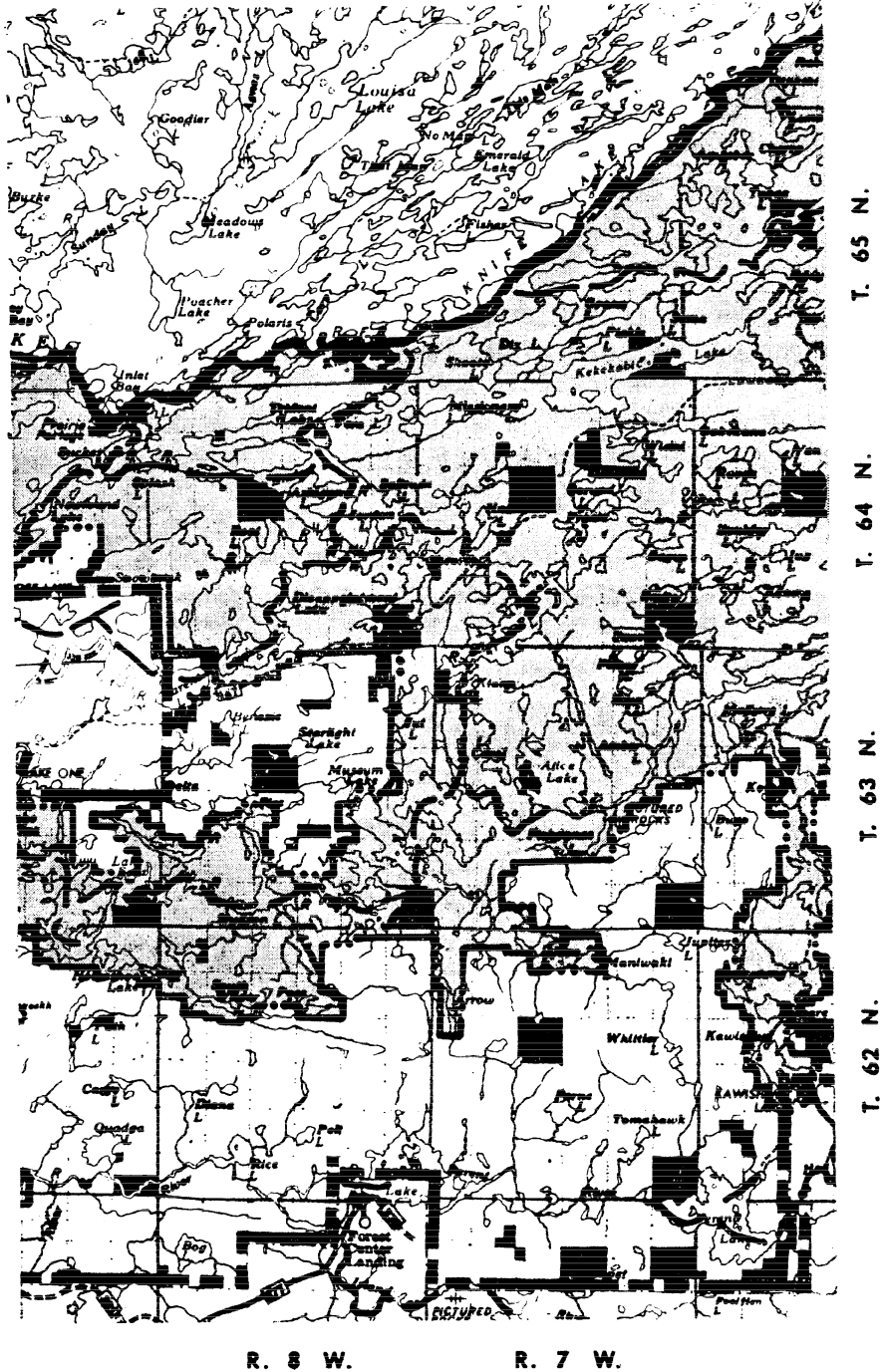
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SECTION C



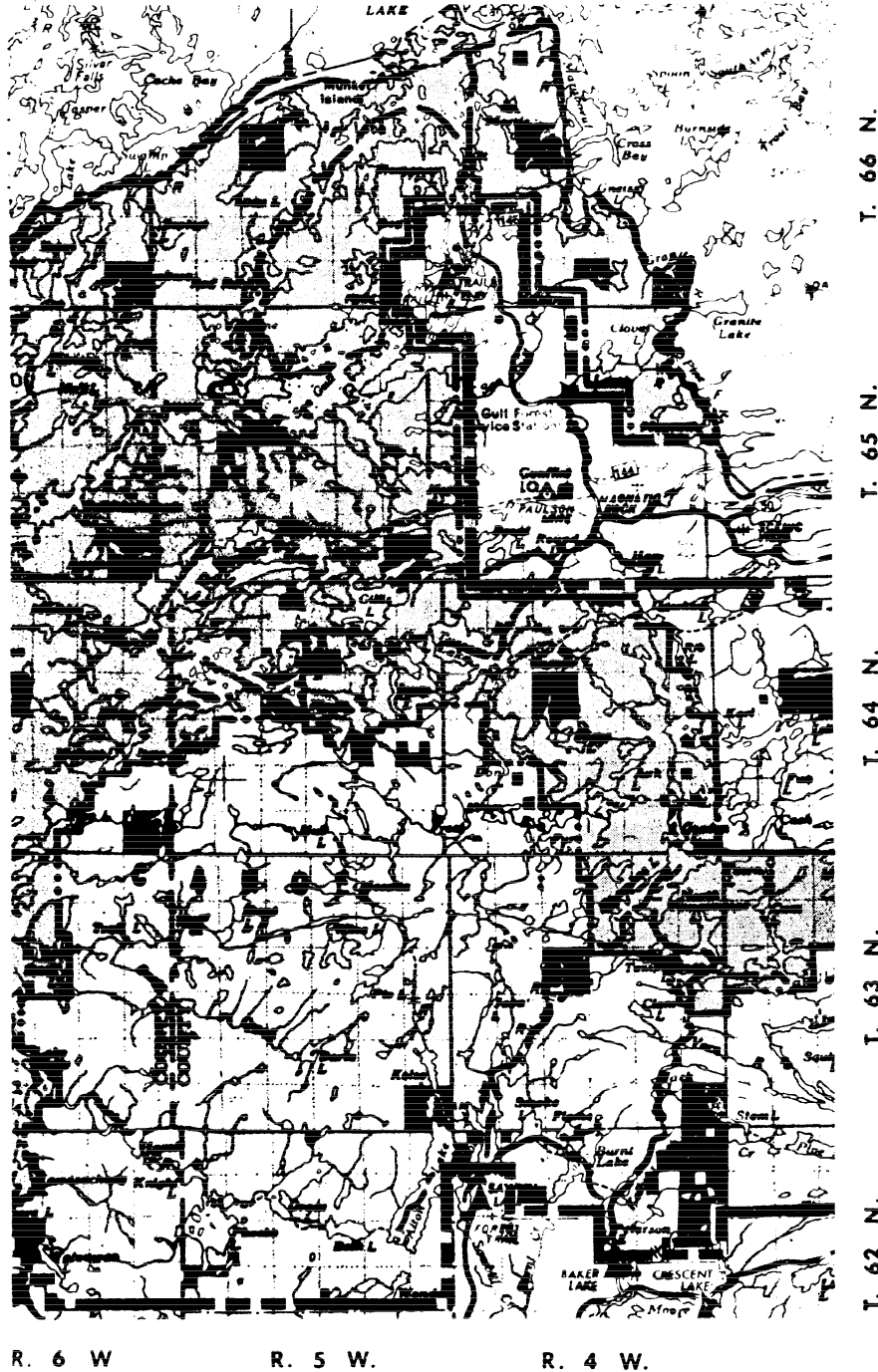
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SECTION D



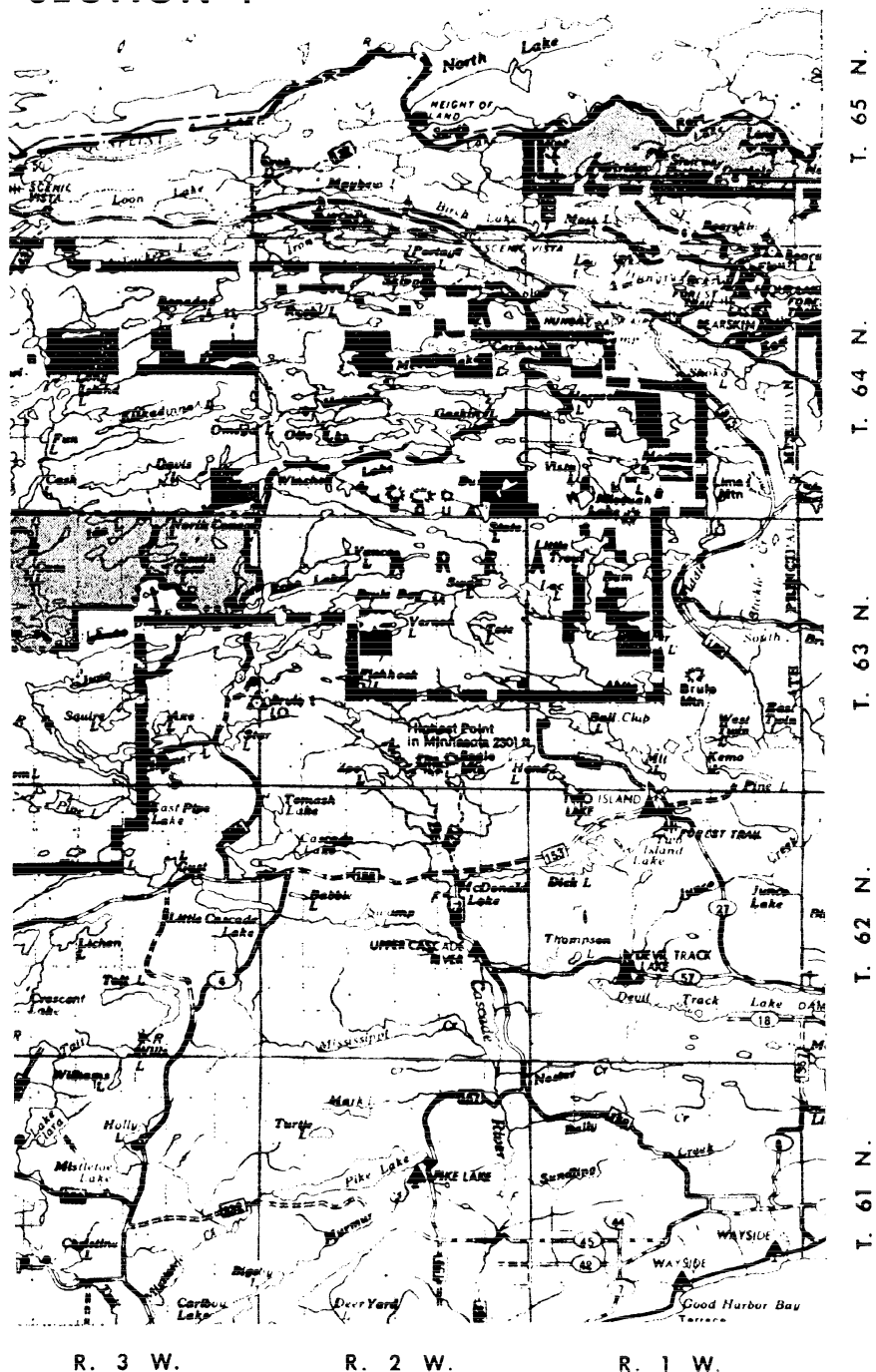
Subp. 7. Section E.

SECTION E



Subp. 8. Section F.

SECTION F

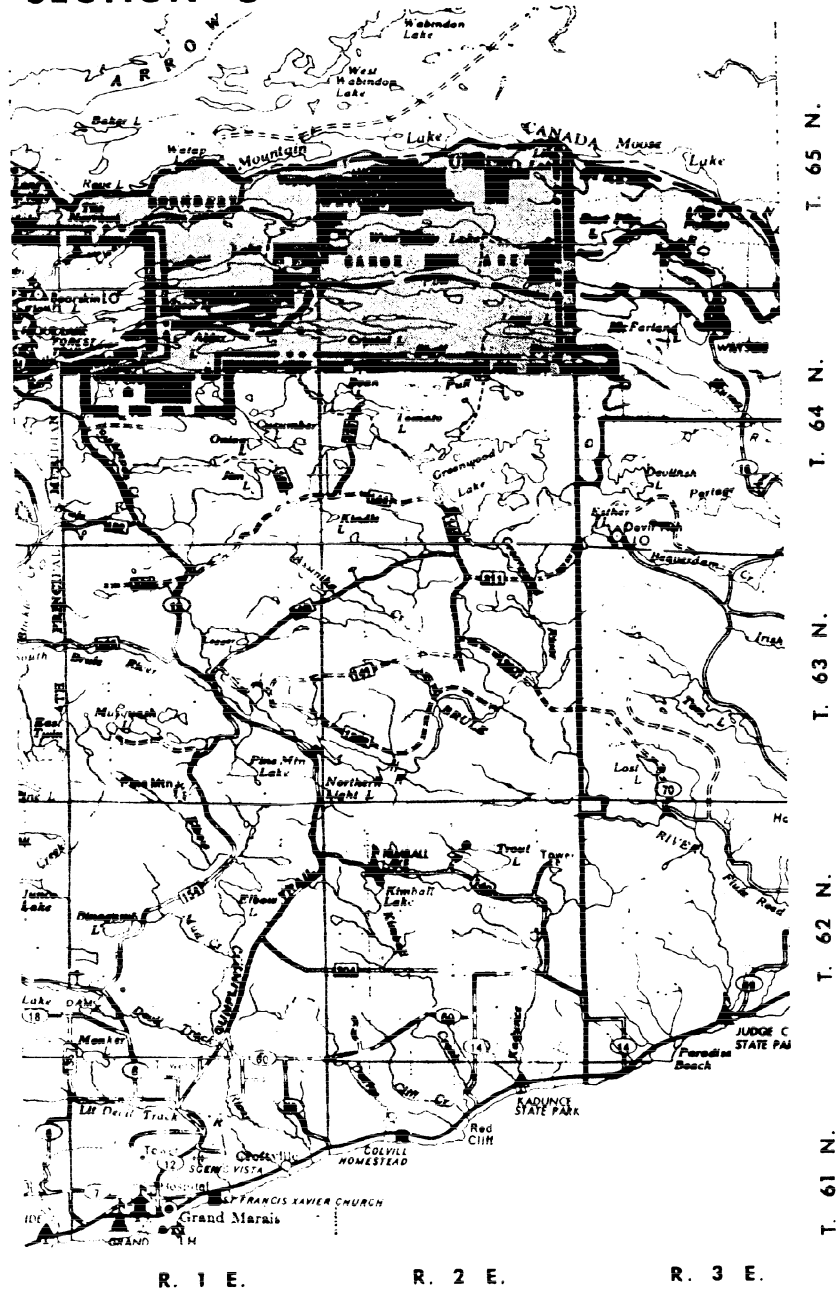


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Subp. 9. Section G.

SECTION G



Statutory Authority: *MS s 84.027; 84.03; 105.39*