

Order of Saint Benedict Policy and Saint John's University Policy
Effective July 1, 2010

Use of the Lakes, Streams, and Waters located at Saint John's

Welcome to the lands of Saint John's Abbey. The Abbey has owned and cared for this site since 1856. In keeping with our Benedictine values, the monastic community is pleased to share our home with you where you may observe nature and be physically and spiritually refreshed. As a guest on this private property, please be respectful of our policies and this land which we consider sacred. Thank you.

Policy Statement

- Motorized watercraft and other motorized vehicles may not be transported across Abbey property for use on Lake Sagatagan, Stumpf Lake, Gemini Lakes or other waters adjacent to Abbey land.
- Using the Abbey shoreline for fishing, swimming and other activities is a privilege. Users must adhere to Abbey policies.

Additional Policy Statement Information

- This policy applies to all students, residents, employees and visitors of Saint John's.
- This policy applies to all areas of the inner, developed SJU campus.
- This policy applies to all areas of the outer, undeveloped Abbey forest and lands.

All navigable waters in Minnesota are, by law, open to public use; however public users do not have a right to cross private land to access public waters. Private shoreline owners in Minnesota may restrict any and all access on their lands, even if it means limiting access to public waters.

On any of the lakes or waterways which are partially or completely within the property lines of the Order of Saint Benedict (hereafter referred to as Saint John's Abbey), there are no water access points available for general public use. This includes the ditches of County Road 159. Based on a Minnesota court opinion which also applies to County Road 159, only the "road bed" may be accessed for public travel or use as the public never bought the road or right-of-way when Stearns County took over the use of the road. The county may use the right-of-way for maintenance, but the general public may be restricted from the ditches and right of way by the landowner which remains Saint John's Abbey.

Use of Saint John's Abbey land to access public waters is a privilege, not a right. The following policies apply to anyone using shoreline owned and controlled by Saint John's Abbey to reach public waters:

General:

1. The Order of Saint Benedict assumes no liability for the personal actions or personal property of anyone using Saint John's property. Any use is at the user's risk.
2. Saint John's Abbey's land is privately owned and the Abbey may restrict access across its land to anyone at any time for any reason.
3. Pets are not allowed. See separate pet policy.
4. All Minnesota laws must be observed.

Fishing:

1. Fishing from shore must not interfere with other Abbey and University activities.
2. No garbage, discarded line, unused bait, or dead fish are to be left on Saint John's property.
3. Fishing is not allowed in designated swimming areas.
4. People fishing should avoid creating erosion on lake shores.

Watercraft:

1. Only non-motorized canoes, sailboats, and rowboats may be transported across Saint John's Abbey land for entry into lakes through Saint John's shoreline. Any such non-motorized watercraft owners planning to be on a lake for more than 12 hours must apply and receive a special boat permit issued by Life Safety Services. The permit is to be visibly displayed on the boat prior to entering the water. Electric and non-electric watercraft motors shall not be transported on Saint John's property for use on any lake within Saint John's property. (Life Safety Services and other law enforcement are exempted.)
2. Students, staff and guests may bring private rowboats and canoes on campus for use on lakes, provided they register the watercraft with Life Safety Services and obtain and display the permit. Watercraft not owned by the Order of Saint Benedict may be moored only in areas designated by Life Safety Services and only from May 1 to October 1.
3. Watercraft may not enter the designated swimming areas.

Snowmobiles and off-road vehicles (ORVs):

1. Snowmobiles, ORVs or other motorized vehicles are not allowed on or across Saint John's land.

Winter Fish Houses:

1. Fish house owners who plan to transport their fish house across Saint John's Abbey land and plan to leave the fish house on the lake for more than 12 hours must apply and receive a special permit issued by Life Safety Services. The permit is to be visibly displayed on the fish house prior to entering the lake. The fish house must be transported over the ice without motorized assistance.
2. Only electric and hand augurs may be transported across Saint John's Abbey land for use on the lakes accessed through Saint John's shoreline.
3. No cleaning of fish and/or disposal of remains is allowed on the grounds or the lake.

Swimming:

1. Saint John's Abbey's beach is not a public beach, and users may be asked for identification.

2. Swimming is allowed only at the designated student beach, and only when a Lifeguard is on duty.
3. Swimming at the student beach is only allowed for College of Saint Benedict, Saint John's University and Saint John's Prep School students, employees, guests, event/camp attendees, monastic members and Arboretum members. These individuals may bring their family members and/or a limited number of guests, but must remain at the beach with their children under 16 and/or their guests. Anyone under 16 (including Prep Students) must be accompanied by a parent, responsible adult, or event/camp staff.
4. No swimming beyond the marked boundaries.
5. Only monastic members may swim in the monastic beach area.
6. At the student beach:
 - no glass containers
 - no activities hazardous to oneself or others, e.g. no diving off of the dock, horseplay, etc.
 - no use of soap, detergents or shampoo
 - no changing of clothes (this is allowed only in structures designated for such use)
 - while in the water, only Coast Guard approved air mattresses, inner tubes, or other flotation devices are allowed.

Diving and Snorkeling:

1. Specific authorization is required from Life Safety Services for transport of scuba diving, snorkels and other diving gear for use in any of the lakes within Saint John's Abbey property.

Educational Uses:

1. Students and/or teachers wishing to use the lakes for classes or research must follow procedures established by the Abbey to assure safety, resource sustainability, and removal of gear upon completion.

Reason for Policy

Private Property:

The land of Saint John's Abbey is private property and is the permanent home of the monastic community as well as the home of many students for much of the year. As the owners, the Abbey has set forth these rules for the use of their property.

Connection to Saint John's:

Since the shoreline and the beach are privately owned and space is limited, the Abbey requires that beach and shoreline users have a connection to Saint John's and to understand that they are guests of Saint John's.

Safety:

The lakes within Saint John's boundaries are relatively small. Restricting the use of motorized watercraft creates a safer environment for other users of the lake (swimmers, crew team, canoeists, kayakers, etc.) and is more ecologically friendly to the lake (no gas/oil or erosion

issues from motors or motorized vehicles.) With limited beach attendants on staff, restricting access and requesting children be accompanied by their parents is for the safety of all swimmers.

Respect:

Respect for the natural surroundings is important. Quiet areas and tranquil settings are less common all the time. Saint John’s is a spiritual place and the monks who live here feel it is important to provide a peaceful setting for those who live here and those who come here.

Wildlife:

Habitat preservation is an issue. Saint John’s has been designated a Minnesota State Game Refuge since 1933. Wild animals and waterfowl in the Refuge do not need the extra stress that they experience when loud or speedy motors intrude on their habitat.

Liability:

Saint John’s is private property, not a public park. All use of Abbey land and lakeshore is at the individual’s own risk.

Other Options:

There are many nearby lakes where people can use motorized watercraft.

Special Situations

The Director of Life Safety may approve exemptions.
Life Safety uses a motorized boat for safety, rescue and security purposes.

Rates, Fees, or Penalties

Fee for Saint John’s permit for watercraft or fish houses: Free

Watercraft and fish houses which do not conform to the policy restrictions are subject to impoundment. Impounded items will be returned after proof of ownership and payment of a \$35 fee for release and \$5 per month storage fee. Unclaimed property will be considered abandoned after 30 days.

Contacts

Subject	Contact	Phone	E-mail
Policy Enforcement	Life Safety Services	320-363-2144	LSaftey@csbsju.edu
Permits for watercraft & fish houses	Life Safety Services	320-363-2144	LSaftey@csbsju.edu

Educational or special use permits	Abbey Land Manager	320-363-3163	Arboretum@csbsju.edu
Policy Modifications	Abbey Forest & Lands Committee	320-363-3163	Arboretum@csbsju.edu
Corporate Responsibility	Saint John's Abbey Treasurer	320-363-3167	sjainfo@osb.org

Procedures & Forms

In support of this policy, the following procedures and forms are included:

Potential Exemptions to Policy:

- Apply to Life Safety Services (320-363-2144) at least 10 days in advance of needing an exemption.

Educational or Special Recreational Use Requests:

- Apply to Abbey Land Manager (320-363-3163). See Arboretum website for details. www.csbsju.edu/Arboretum

Definitions

Public Waters is defined in MN Statutes 103G.005, Subd. 15.

Order of Saint Benedict, Saint John's Abbey, Saint John's or Abbey all refer to the monastic community legally named Order of Saint Benedict.

Policy History

Approved by:

Saint John's Abbey Treasurer on 14 June 2010
 OSB Forest and Lands Committee on 14 June 2010
 OSB Senior Council on 29 June 2010

Endorsed by:

Saint John's University on _____
 Saint John's University Regents on _____

- Saint John's Abbey owns and controls the land and retains the right to modify its policies at any time. Minor amendments and corrections endorsed by the Abbey Forest and Lands Committee and approved by the Abbey Treasurer may be made as needed.

- Some version of a “No Motorized Watercraft” rule has been in place for decades.
- In 1975, the Minnesota Supreme Court held that MN Statute 160.05 giving the public access to any roadway publically maintained for at least six years was constitutional. For roads that were not originally purchased from the private owner, it also held that the public’s right to use such roads is limited to that portion of the road actually used for travel. The court rejected the argument that the public’s interest extended the full width of the right-of-way. The land under County Road 159 was never purchased from Saint John’s by the county and so meets this standard.