

DNR Docks Advisory Committee Meeting Record

November 8, 2007

1-5pm, Watab Town Hall, Sauk Rapids, MN

Part I. Overview & Introductions

Attending: Roger Landers, Ed Carlson, Russ Sparby, Jim Moe, Henry VanOffelen, Judd Harper, Dan Siems, Patty Gould-St. Aubin, John Forney, Merilee Meyers, Rick Pellitier, Dana Pitt, Jason Moeckel, Tom Hovey, Lt. Tim Knellwolf, Steve Enger, Felicia Barnes

Facilitator: Erika Rivers

Meeting Record: Felicia Barnes

Introductions

Erika reiterated the mission of the committee. Committee members that were not at the last meeting introduced themselves.

The draft meeting record from the November 1, 2007 meeting was approved with a suggestion to add the committee members and their affiliation to the record. When posted on the DNR Web site, a list of participants and their affiliations will be included.

Warm-Up Exercise: Why are You Here

Members were asked to individually think about “What Do You Want from This Process?” and record their thoughts on the participant worksheet. Members were then asked to individually think about and record what aspect(s) the general permit should include to make them feel that they have accomplished what they came to do as part of the DAC. Later, participants were asked to rank the importance of each of these factors (# who see as priority):

- The GP should not be more restrictive than 8 ft. wide (2)
- Easily communicated and enforced (7)
- Clear, concise recommendations based on facts not assumptions (2)
- Protect rights of the fishing public (3)
- Focus on residential not commercial (3)
- Has to be fair to everyone
- Whatever comes out of this process has to take safety issues into consideration (1)
- Has to be reasonable (2)
- Greater definition of dock platform (1)
- Enforce current rules until new rules can be promulgated (6)
- Reduces impacts to littoral zone (1)
- Considers all perspectives
- Understandable and enforceable by COs (4)
- Consistent and effective enforcement (6)
- Better information and education by DNR on the outcome (1)
- Has to be a true compromise
- A 1-year bridge to new rules (3)

- Reasonable access and protects aesthetics and ecological values (9)
- By defining: need, reasonableness and impacts (5)

Positives & Negatives of a General Permit as the approach DNR is Taking

The committee held a discussion on the positives and negatives of a general permit. See items below. The conversation quickly moved into the duration of a new general permit. A show of hands was asked on which of the three options committee members agreed with (number in parenthesis). See “Emerging Consensus” items below. Items were also added to the “Parking Lot” list of other aspects to consider regarding the general permit.

Positives

- Consider navigable depth in the general permit—four feet of water depth as a limit to the length of docks

Negatives

- Some on the DAC felt that lake-type differences in dock sizes would be confusing to the general public and difficult to enforce. Some also felt that this added an unnecessary level of complexity to the GP, since different lake types already have different lot lengths.

Emerging Consensus

- General Permit Duration
 - Up to 5 years, but preferably less (13)
 - One year (3)
 - Until new rules can be promulgated (Spring, 2010) (14)***
Department should commence rulemaking ASAP
- ***Terminal end of dock walkway should not to exceed 4 feet in water depth, or be of sufficient length to moor a watercraft. (All members were in agreement.)***
- ***If a platform is permitted by GP, the walkway extending to it should be no more than 6 feet wide (ADA accessible). (Most present were in agreement.)***

Parking Lot Items

1. Some concern existed around the table about the precedent that members felt would be set for issuing what might be considered an “after-the-fact variance” for platform docks, which is different from a “typical” general permit. The question was raised, “Aren’t we just rewarding bad behavior?”
2. Several also raised concern about the need for DNR to deal with lifts/accessories—which are becoming more prevalent around MN lakes and create a significant footprint over public waters.
3. General consensus is that, whatever the recommendation is for a new General Permit, DNR needs to do a better job at public information and education for docks—both to the general public, and in particular with dock manufacturers and installers
4. Some feel that DNR should go straight to rulemaking and simply enforce the existing dock rules, rather than re-issue a new general permit.

The discussion then changed to what does “reasonable need” mean when trying to obtain an individual dock platform permit (# of participants considering answer “reasonable”):

Individual Permit “Reasonable Need”

- Fishing (4)
- Social Gathering (5)
- Wildlife viewing
- Swimming (1)
- Boat mooring/access (22)
- Safety (4)
- Minimal impacts to all users (4)
- View of lake
- Physical disability (1)

The committee discussed many different platform dimensions to consider in the new general permit.

Ecological Concerns of Terminal Platform

- Shading
- Preclude public use
- Cumulative impacts

Concluding Exercise: Individual Ideas for GP Language

All DAC members were asked to write their preferred language for a GP on a notecard before they left for the evening. The responses are grouped by similarity (See also diagrams).

Square footage limitation for any/all appendages extending from a single walkway

- Authorize total of 200 sq. ft. for any appendage extending off of a straight 6 ft. wide dock. Appendages would not include lifts or watercrafts.
- Exclusive of the “walkway”, which in any event can be as long – i.e., OHW lakeward – as necessary to reach, at its terminus, a water depth of 4’ (navigable depth), a landowner may have without special permit or penalty, an additional 170 sq. ft. of dock sections configured in any manner the landowner desires, provided none of the additional 170 sq. ft. is erected beyond the terminus point of the walkway.
- Any (all) portions of dock outside of the main walkway (perpendicular to shore) must not exceed 160 sq. ft. in total. Main walkway must be 6 ft. or less in width and “ends” at the terminal end or furthest point perpendicular to shore.
- Combined total of 120 sq. ft. outside of a single lakeward extended walkway.

Limit on Platform size, *excluding* the calculation of the walkway

- Platform: A space attached to the end or side of walkway that is no greater than 150 sq. ft., if the walkway is greater than 6’ in width or no greater than 180 sq. ft. if the walkway is 4’ in width.
- General Permit: Walkway extended away from shore no more than 8 ft. in width to extend to navigable water depth of 4 ft. Platform is considered any portion of dock measuring more

than 8 ft. in any direction from the original extension from shore. Square footage of platform cannot exceed 170 sq. ft.

- Just as the general permit is today – 170 sq. ft. for platform.
- A dock may have one appendage that exceeds 8 ft. width and this platform shall not exceed 100 sq. ft.
- Total allowed square footage would also include walkway to keep total impact to the public waters and wildlife. If walkway not included, platform not to exceed 100 sq. ft.
- Platform only – general permit for platform would not exceed 100 sq. ft. not including the walkway. The platform is described as a piece of a dock not part of the general walkway.
- If not just regulate under existing 8 ft. rule, if a general permit is drafted, should allow up to 170 sq. ft. not including walkway. To go to 4 ft. of water depth for mooring boats – length out. Only one dock per platted lot.
- 170 sq. ft. platform at the end – last section is not included as part of the platform.
- If the platform/dock exceeds 8 ft. in width in any direction the total square footage off the main walkway will be limited to 120 sq. ft.

Limit on Platform size, including the calculation of the walkway—if alongside rather than terminal.

- A rectangular shaped configuration that does not exceed 160 sq. ft., includes the walkway that abuts the platform; only one dock per property allowed; must be registered with the state. Temporary until new rules by 2009 preferred, 2010 at latest.
- Walkway terminates at platform and platform no larger than 110 sq. ft.

Next meeting:

Thursday, November 15, 2007, from 1:00-5:00pm, Watab Town Hall

