



*State of Minnesota*  
DNR Waters

March 13, 2008

## **DNR General Permit No. 2008-0401, Dock Platforms: Questions and Answers**

**Q: Do I need to get individual authorization for my platform?**

A: No. The authorization is automatic for single, temporary, dock platforms that do not exceed 120 square feet measured separately from the walkway, or 170 square feet if measured including the adjacent walkway and that meet the conditions of the permit. The walkway cannot exceed 5 feet wide.

**Q: Do I need to post a copy of the permit on my property?**

A: No. The permit is widely available, and found on the DNR Waters website and does not need to be posted at individual locations.

**Q: Where can I get a copy of the permit?**

A: You can find a copy of the permit and other relevant information at our website under Recent Developments at: [www.mndnr.gov/waters](http://www.mndnr.gov/waters).

**Q: Do I include the walkway when I measure my platform?**

A: There are two ways to measure. If you measure the platform without the 5-foot wide walkway, 120 square feet is authorized by the General Permit. If you measure the platform and include the adjacent 5-foot wide walkway, 170 square feet is authorized by the General Permit. This should be clear in most cases, but we realize that there may be cases where a judgment call is needed.

**Q: Why was this General Permit issued?**

A: DNR General Permit No. 2008-0401 was issued to address a growing problem and deal with inconsistencies in the existing rules. In parts of the state there has been an increase in the size and number of platforms at the end of docks. Even though there have been regulations on docks for many years, numerous unauthorized platforms have been installed and continue to be marketed. After a year of educating people about relevant regulations and gathering information from the dock industry, homeowners, lake users, natural resource professionals, the resort and real estate industry, and others, a decision was made on what the new General Permit would authorize. General Permit No. 2008-0401 considers many of the concerns that the Department heard over the many months of information gathering. It acknowledges that standard dock sections may be longer than 8' and are manufactured in a variety of shapes and sizes. It suggests that impacts in the lake be kept to a modest area because we are aware that the sprawl of docks, canopies, aquatic plant removal, sand blankets, boat lifts, and other disturbances do affect the near shore ecology of lakes. People wanted different lakes treated differently, so the permit is only effective on lakes with General Development and Recreational Development shoreland classification, and not on other basins or watercourses. Counties and Lake Conservation Districts have the ability to opt out of having the General Permit applicable within their jurisdictions.

**Q: I thought docks were only to be used for reaching navigable depths. Does this General Permit grant additional riparian rights to owners of shoreland?**

A: This permit, as all DNR Public Waters permits, does not grant any additional property rights or interests.

**Q: Are my property rights damaged by this General Permit?**

A: No. Riparian rights are in no way diminished by this permit.

**Q: Do I still need to get local permits?**

A: This permit does not release the permittee from any rules, regulations, requirements, or standards of any applicable federal, state, or local agencies. Local permits may still be needed.

**Q: What is the definition of “detrimental to significant fish and wildlife habitat” in condition No. 14?**

A: There is no definition in Minnesota Rule or Statute. Condition No. 14 and several other Conditions are restatements of items already in MN Rules, Part 6115.0210, subparts 3. and 4. At one scale, significant fish and wildlife habitat will include native vegetation, including emergent plants; often the first kind of vegetation to disappear from the near shore area. Vegetation in these areas provides food, shelter, spawning habitat and nursery areas for many species of fish and wildlife. On a larger scale, by virtue of their designation, all public waters may be considered significant habitat. An obvious abuse would be a dock or dock platform constructed over a posted fish spawning area. Other situations may require professional judgment. “Detrimental” may be construed as reducing the quantity, quality, or distribution of fish and wildlife habitat.

**Q: Condition No. 11 states that the “dock platforms shall be the minimum size necessary to meet the water related needs of the permittee.” What does that mean?**

A: This means that a smaller platform than the maximum allowed under this GP (or no platform at all) may be all that is needed. The intent of this condition is to discourage the use of platforms for non-water related activity, such as barbequing and other activities that are better suited to the land. Some shoreline owners have indicated a platform is needed for water-oriented activities such as supervision of children when the shoreline is unusable due to steep slopes or if it has been restored to a wide buffer of native vegetation.

**Q: Should I go out and buy more dock sections this year to make a 170 square foot dock platform (including my access dock)?**

A: The rules have not changed at this time, and the GP expires in 2012, so the safest decision is to keep the dock 8’ wide or narrower.

**Q: Are you saying I can’t have my 6’ wide dock any more?**

Docks up to 8’ wide are still legal. If you decide to have a platform wider than 8’, then the access dock needs to be no more than 5’ wide.

**Q: What are the effects of structures over public waters?**

A: The research indicates that fragmentation of continuous areas of vegetation and shading of aquatic plants are significant impacts of docks. Another, possibly more significant impact is the activity associated with the dock, such as vegetation control, disturbance of sediment, and the occupation of public waters by watercraft, lifts, and canopies. The more watercraft moored and disturbance of the sediments and aquatic vegetation, the greater the negative impact to the near-shore habitat and ecology. Larger structures, especially when close together, also effectively reduce the amount of lake surface available for public use.

**Q: Is a dock platform a project with minimal impact?**

A: Considering that the rules allow docks up to 8' wide without a permit, and that there is little restricting the activity in most lakes regarding boating, canopies, boat lifts and such, the requirement of the General Permit to limit the walkway to a 5 feet width when a platform is installed means there is the potential to reduce the amount of area covered. Docks and other structures at the water's edge are part of the big picture of cumulative impacts. The landowner's decisions have much to do with the ultimate impact of any shoreline alteration. Condition No. 12 suggests that by restricting the amount of area disturbed by their collective activities, impacts to the lake can be minimized.

**Q: Is this general permit too restrictive?**

A: Not at all. We think it's a good balance of protection of our lake resources with reasonable use by shoreland owners.

**Q: Can every property have a dock platform without a permit?**

A: No. There are several cases where this might be true. The General Permit only applies to lakes with General Development and Recreational Development shoreland classifications. There are many basins and watercourses with docks on them where the permit does not apply. Additionally, if a county or lake conservation district decides to opt out, then the permit is not applicable there. Finally, there are some parcels where a dock platform is simply not a viable option, due to size or shape of the parcel or the shoreline they are located on. Years of low water levels may also impact the feasibility of platforms (or even straight, narrow docks) on a bay with a curving, concave shoreline with a tight radius.

**Q: Why is the DNR spending time on the dock issue when there are so many other important issues such as invasive species and water quality?**

A: The DNR acknowledges the importance of other issues, but has responsibilities that extend to many areas of natural resource protection. The Department's action on other important issues will not suffer due to efforts to address dock issues.

**Q: Is there science defending DNR's position on docks?**

A: There is science, and it's often misunderstood. Much of it has to do with the cumulative impacts of shoreline development. No one is claiming that a dock or two will noticeably harm a lake. When structures continue to grow in number and size, as well as associated activity, there is an adverse impact on the near-shore ecology. As cumulative impacts increase in scope and intensity, it becomes more difficult and costly to regain qualities that have been lost. In addition to the science issue are social issues. It is prudent to limit the public water surface area that is covered by private structures.