



State of Minnesota
Department of Natural Resources
Waters

January 23, 2008

RE: General Permit No. 2008-0401, Authorization of Dock Platforms

To Whom It May Concern:

Following several months of information dissemination, and gathering input from hundreds of lakeshore owners and concerned citizens, recommendations were formed by an advisory group of people from a wide variety of backgrounds, including but not limited to the dock industry, real estate, planning and zoning, and natural resource professionals. These recommendations were then sent to local units of government for the required 30 day comment period. The resulting decision was based on the input from those who commented and participated, and on the Department's goal of balancing reasonable use of the resource with resource protection. This permit is responsive to the needs of the State and allows those docks and platforms that have minimal impact on public waters.

Attached is General Permit No. 2008-0401, which authorizes, under certain conditions, the installation of a single, temporary platform at the lake end of a dock. The dock providing access to the platform shall not exceed 5 feet wide. The platform measured including the last access dock section shall not exceed 170 square feet, or the platform measured separately from the last access dock section shall not exceed 120 square feet, and shall be consistent with all conditions of the permit. Docks and platforms in excess of the general permit dimensions will need either an individual permit or removal.

It should be noted that the general permit for 2007 did not specify the method of measurement, leaving the question open to interpretation. This permit, No. 2008-0401, specifies what dock elements are included in the square footage calculation to eliminate any ambiguity.

This general permit is for use only in lakes that have a General Development or Recreational Development shoreline lake classification. Lakes with a Natural Environment lake classification usually have less than 150 total acres, often less than 15 feet deep, a higher shoreline length to surface water acreage ratio, and fewer dwellings per mile of shoreline, and more sensitive to development impacts. To determine the shoreland lake classification please check with your local planning and zoning office, or check our website at mndnr.gov/waters.

January 23, 2008

Page 2

The general permit also provides that any county or Lake Conservation District may prohibit use of this permit within their jurisdiction. An updated list of counties and Lake Conservation Districts passing resolutions prohibiting use of this general permit will be available at mndnr.gov/waters.

Please be advised that Condition No. 11 states that the owner of a dock platform should limit their total shoreline impact to an area referred to as an Aquatic Impact Area. All structures and shoreline modifications (including docks, platforms, boat lifts, canopies, sand blankets, and aquatic plant removal) should be completely contained in an Aquatic Impact Area. This is defined for this general permit as an area up to 50 feet wide along the shoreline or one-half the width of the lot, whichever is less, and extends waterward to a 4' water depth. Lateral and lakeward encroachment into a Public Water should be only that necessary to achieve water-oriented recreational needs.

Please note that docks and dock platforms exceeding 8 feet in more than one dimension, in excess of this permit must be removed or be authorized by an individual permit. Several lakeshore owners have asked to keep what was "legal before the rules changed". The permit rules have never authorized docks wider than 8 feet. This general permit provides flexibility for lake access while protecting the Minnesota's shorelines.

This General Permit will expire November 30, 2012 or when new regulations regarding structures in public waters take effect.

Please be sure to read all provisions and limitations that are part of General Permit No. 2008-0401. If you have any questions, please contact your Area Hydrologist or Tom Hovey of this office at 651.259.5654 or tom.hovey@dnr.state.mn.us.

Sincerely,

DNR Waters



Kent Lokkesmoe, Director

enclosure

c: Commissioner, Mark Holsten
Division of Fish and Wildlife, Dave Schad
Division of Enforcement, COL Mike Hamm
Division of Ecological Resources, Lee Pfannmuller



PUBLIC WATERS WORK GENERAL PERMIT

**GENERAL
Permit Number
2008-0401**


Pursuant to Minnesota Statutes, Chapter 103G, and on the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made a part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform the work as authorized below:

<p>Public Water Lakes with General Development or Recreational Development shoreland lake classifications Shoreland lake classification information is at: mndnr.gov/waters</p>	<p>County All, Unless Prohibited by Resolution of County Board or Board of a Lake Conservation District</p>
<p>Name of Permittee Governmental Subdivisions and the General Public</p>	<p>Telephone Number (Include Area Code) N.A.</p>
<p>Address (No. & Street, RFD, Box No., City, State, Zip Code) - Various -</p>	
<p>Authorized Work: Install a single, temporary platform at the lake end of a dock. The dock providing access to the dock platform shall not exceed 5 feet wide. The dock platform, measured including the last access dock section shall not exceed 170 square feet, or measured separately from the access dock shall not exceed 120 square feet; and shall be subject to all the conditions and requirements of this permit.</p> <p>Information regarding counties or Lake Conservation Districts prohibiting use of this permit is available at: mndnr.gov/waters.</p>	
<p>Purpose of Permit: Authorization of dock platforms</p>	<p>Expiration Date of Permit November 30, 2012 or when new regulations regarding structures in public waters take effect.</p>
<p>Property Described As: Various. The permittee must own or control the riparian land from which the dock originates.</p>	

This permit is granted **subject to** the following **CONDITIONS**:

1. The **permittee** is not released from any rules, regulations, requirements, or standards of any applicable federal, state, or local agencies; including, but not limited to, the U.S. Army Corps of Engineers, Board of Water and Soil Resources, MN Pollution Control Agency, watershed districts, water management organizations, county, city and township zoning. This permit does not release the **permittee** of any permit requirement of the St. Paul district, U.S. Army Corps of Engineers, Army Corps of Engineers Centre, 190 Fifth Street East, St. Paul, MN 55101-1638.
2. This permit is not assignable by the **permittee** except with the written consent of the Commissioner of Natural Resources.
3. The **permittee** shall make no changes, without written permission previously obtained from the Commissioner of Natural Resources, in the dimensions, capacity or location of any items of work authorized hereunder.
4. The **permittee** shall grant access to the site at all reasonable times during and after construction to authorized representatives of the Commissioner of Natural Resources for inspection of the work authorized hereunder.
5. This permit may be terminated by the Commissioner of Natural Resources at any time deemed necessary for the conservation of water resources of the state, or in the interest of public health and welfare, or for violation of any of the conditions or applicable laws of this permit, unless otherwise provided in the conditions.

6. Construction work authorized under this permit shall be completed on or before the date specified above. The **permittee** may request an extension of the time to complete the project, stating the reason thereof, upon written request to the Commissioner of Natural Resources.
7. In all cases where the **permittee** by performing the work authorized by this permit shall involve the taking, using, or damaging of any property rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the **permittee**, before proceeding, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests needed for the work.
8. This permit is permissive only. No liability shall be imposed by the State of Minnesota or any of its officers, agents or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the **permittee** or any of its agents, employees, or contractors. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person other than the state against the **permittee**, its agents, employees, or contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the state against the **permittee**, its agents, employees, or contractors for violation of or failure to comply with the permit or applicable conditions.
9. Any extension of the surface of public waters from work authorized by this permit shall become public waters and left open and unobstructed for use by the public.
10. Where the work authorized by this permit involves the draining or filling of wetlands not subject to DNR regulations, the **permittee** shall not initiate any work under this permit until the **permittee** has obtained official approval from the responsible local government unit as required by the Minnesota Wetland Conservation Act.
11. Docks and dock platforms shall be the minimum size necessary to meet the water related needs of the permittee. Docks generally should not extend to water depths greater than 4 feet. Typically, all structures and shoreline modifications (including docks, platforms, boat lifts, canopies, sand blankets, and aquatic plant removal) should be completely contained in an Aquatic Impact Area, defined for this general permit, as an area up to 50 feet wide along the shoreline or one-half the width of the lot, whichever is less, and extends waterward to a 4' water depth so that lateral and lakeward encroachment into a Public Water is only that necessary to achieve water-oriented recreational needs. The structures must not obstruct navigation.
12. The structure shall not be constructed with materials that would have a detrimental impact on aquatic organisms or water quality.
13. The structure shall not obstruct navigation or create a water safety hazard.
14. The structure shall not be detrimental to significant fish and wildlife habitat or be located in a posted fish spawning area.
15. The structure shall not have walls, a roof, or sewage facilities, or be used for human habitation or as a boat storage structure.
16. The structure will allow the free flow of water beneath it.
17. Dock platforms on rock filled cribs are not authorized by this general permit.
18. Dock platforms in locally designated sensitive areas are not authorized by this general permit.

Authorized Signature	Title	Date
 Kent Lokkesmoe	Director, DNR Waters	JANUARY 23, 2008

c: Commissioner, Mark Holsten
 Division of Fish and Wildlife, Dave Schad
 Division of Enforcement, COL Mike Hamm
 Division of Ecological Resources, Lee Pfanmuller