

Minnesota Department of Natural Resources
Division of Waters

REQUEST FOR COMMENTS

Possible Amendment to Rules Governing Public Waters Permits, Minnesota Rules, sections 6115.0170, 6115.0210, 6115.0211, 6115.0230, 6115.0231

Subject of Rules. The Minnesota Department of Natural Resources (DNR) requests comments on possible amendments to the rules governing structures placed in Public Waters. The DNR is required to develop rule amendments to address issues and concerns raised since the last rule amendment in 2002.

Persons Affected. The amendment to the rules will affect everyone who either uses or has an interest in Public Waters for recreation or business. This would include the general public, as well as shoreland property owners and users. Rule changes are intended to preserve and maintain the natural characteristics of Public Waters, the rights of the public to use the entire surface of Public Waters, and the rights and duties of riparian property owners who place private structures into Public Waters for reasonable use and reasonable access. The primary focus is on the use and placement of structures affecting the course, current or cross section of Public Waters. However, Public Waters Permit Rules may affect the administration and enforcement of other governmental regulations and/or ordinances intended to protect or manage Minnesota's water resources.

Statutory Authority. Minnesota Statutes, section 103G.315 established that the "commissioner shall adopt rules prescribing standards and criteria for issuing and denying water use permits and public waters." Subsequently, Laws 2008, chapter 363, article 5, section 31, requires that, "by January 15, 2010, the commissioner of natural resources shall update rules on structures that are allowed in public waters and the permit requirements for those structures under Minnesota Rules, chapter 6115. The Department of Natural Resources general permit no. 2008-0401 expires on the effective date of the updated rules."

Public Comment. Interested persons or groups may submit comments or information on the development and adoption of possible rules in writing or orally until 4:30 p.m. on November 17, 2008. The DNR intends to make use of one or more advisory committees in the rulemaking process for developing a conceptual framework that will guide the development of rules amendments, and ensure full, open and transparent public participation during all steps of the rulemaking process. There will be an additional opportunity to provide formal comments as part of the rulemaking process after a draft rule revision has been developed.

Rules Drafts. The DNR has not yet prepared a draft of the possible rules amendments.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to:

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500 Lafayette Road
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TTY users may call the Department at 651-296-5484 or 1-800-657-3929.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The DNR is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: 7/21/2008



Larry Kranika, Assistant Commissioner
Department of Natural Resources