Boat storage structures that are located below the ordinary high-water level (OHWL) of a surface water body have been prohibited in Minnesota since the 1970s. The goal is to limit their private occupation of public waters and encourage the removal of existing structures that do not serve the public interest. However, Minnesota Statutes Chapter 103G.245, Subdivision 4, was amended by the 2006 legislature to address the need for repairs and replacement of boat storage structures that have been in place since 1979.

The legislation allows current boat storage structures to be repaired, replaced, or consolidated if the following six conditions can be met:

1. A Public Waters Work Permit is obtained from the Department of Natural Resources (DNR) and the permit is recorded in the real estate records of the office of the county recorder or registrar of title in the county in which the property is located.
2. The local unit of government that has zoning authority must approve the proposed repair, replacement, or consolidation.
3. Documentation must show that the structure is currently used for boat storage and has been in continuous existence prior to 1979.
4. The boat storage structure must not include guest quarters, habitable space, living quarters, or sewage facilities.
5. The total area of the replacement structure cannot exceed the total area of the in-place structure(s). The height of the replacement structure cannot be increased more than 1 foot unless multiple structures are being consolidated into a single structure and the same roof pitch results in an increased height.
6. Any replacement of materials located below the OHWL must not be toxic to aquatic life.

Permit application process

A permit application can be obtained from the nearest DNR Waters office or from [http://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/applications.html](http://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/applications.html). The application must include a description of the proposed...
repair, replacement, or consolidation project, including the materials to be used and the dimensions of the existing and proposed structure. Please provide a simple sketch of the existing and proposed structure along with photographs from the ends and sides of the structure. Also submit documents identified in items 1 to 6 on the front page of this brochure. The DNR will evaluate your permit application for compliance with the new legislation and will make a decision based on a complete permit application.

**Structures placed above the ordinary high-water level**

Provisions in the new legislation allow, but do not require, the local unit of government having zoning authority to approve a boat storage structure that is at or above the OHWL to replace a boat storage structure below the OHWL if the boat storage structure was in existence prior to 1979. If the local unit of government approves the replacement structure on land, the boat storage structure owner should work with the local unit of government to secure the appropriate permission. Then the existing boat storage can be completely removed from the water without a DNR permit. In some cases, a variance will need to be obtained from the local unit of government.

**Alternatives to boat storage structures**

There are other alternatives with fewer impacts on the environment than boat storage structures. Alternatives are plentiful; make the switch.

- Modern boat lifts come in all shapes and sizes and can fill the need to protect boats on large and small lakes during summer.
- Boat lifts may have fabric canopies or roofs but may not include walls.
- Small storage sheds located above the ordinary high-water level may be allowed by county and municipal shoreland ordinances to store life jackets, minnow buckets, paddles, and other water accessories. These small storage sheds can be screened with vegetation and painted an earth tone color.
- Check local ordinances for setback and other requirements where your property is located.