

# Water Access: Boat Storage Structures



## WHAT ARE THE RULES FOR BOAT STORAGE STRUCTURES?

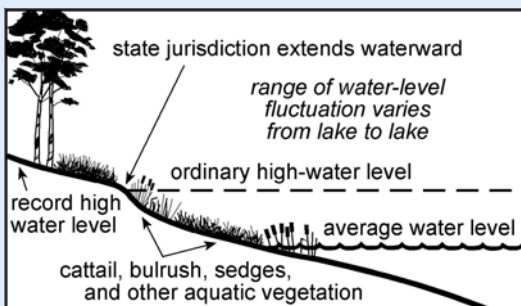
Construction of new boat storage structures is *not allowed* below the ordinary high-water level\* (OHWL) of public waters.

Repair or reconstruction of existing boat storage structures requires an individual permit from the Department of Natural Resources (DNR). It is recommended that you discuss your proposed repair or reconstruction project with your local DNR Area Hydrologist. See contact information on the reverse side.

If you have questions concerning the contents of this information sheet, contact your local DNR Area Hydrologist. See contact information on reverse side.

## ARE OTHER PERMITS REQUIRED?

Other governmental units (federal, state, city, county, township, and watershed authority) may require a permit for that portion of the project within their jurisdiction, which usually involves work above the OHWL. It is advisable to contact them.



Shoreline cross section.

\*For lakes and wetlands, the OHWL is the highest elevation that has been maintained as to leave evidence on the landscape. It is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

## Are boat storage structures allowed over public waters?

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.

**Boat storage structure:**  
*a structure used for storing boats or float planes.*

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



Example of a boat storage structure.

# Water Access: Boat Storage Structures



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.

Existing boat storage structures; new ones are not allowed.

©2008 State of Minnesota, Department of Natural Resources.  
Prepared by DNR Waters. Based on Minnesota Statutes 103G, Public Waters Work Permit Program Rules Chapter 6115.

## DNR Contact Information



DNR Waters website lists Area Hydrologists:  
[www.dnr.state.mn.us/waters](http://www.dnr.state.mn.us/waters)

DNR Waters in St. Paul: 500 Lafayette Road, St. Paul, MN 55155-4032, (651) 259-5700

## DNR Information Center

Twin Cities: (651) 296-6157  
Minnesota toll free: 1-888-646-6367  
Telecommunication device for the deaf (TDD): (651) 296-5484  
TDD toll free: 1-800-657-3929

This information is available in an alternative format on request. Equal opportunity to participate in and benefit from programs of the Minnesota Department of Natural Resources is available regardless of race, color, national origin, sex, sexual orientation, marital status, status with regard to public assistance, age, or disability. Discrimination inquiries should be sent to Minnesota DNR, 500 Lafayette Road, St. Paul, MN 55155-4049; or the Equal Opportunity Office, Department of the Interior, Washington, DC 20240.