

**6115.0210 STRUCTURES IN PUBLIC WATERS.**

Subpart 1. **Goals.** It is the goal of the department to limit the occupation of public waters by offshore navigational facilities, retaining walls, and other structures in order to:

- A. preserve the natural character of public waters and their shorelands;
- B. provide a balance between the protection and utilization of public waters; and
- C. encourage the removal of existing structures which do not serve the public interest from the beds of public waters at the earliest practicable date.

Subp. 2. **Scope.** This part applies to the placement, construction, reconstruction, repair, relocation, abandonment, or removal of any structure placed on or in public waters.

Subp. 3. **Prohibited placement of structures.** Placement of structures, temporary structures, and floating structures is prohibited when the structure, temporary structure, or floating structure:

- A. will obstruct navigation or create a water safety hazard;
- B. will be detrimental to significant fish and wildlife habitat. Construction is prohibited in posted fish spawning areas;
- C. is designed or intended to be used for human habitation or as a boat storage structure;
- D. is designed or intended to include walls, a roof, or sewage facilities; or
- E. will take threatened or endangered species listed in chapter 6134 without authorization by the commissioner according to parts 6212.1800 to 6212.2300.

Subp. 4. **No permit required.** No permit is required for the following activities, unless prohibited under subpart 3:

- A. to construct, reconstruct, or install a dock, floating or temporary structure, watercraft lift, or mooring facility if:
  - (1) the structure or mooring facility will not constitute a hazard to navigation or public health, safety, and welfare, as determined by the commissioner;
  - (2) the structure will allow the free flow of water beneath it;
  - (3) the structure or mooring facility is not used or intended to be used as a marina;
  - (4) the structure or mooring facility is consistent with or allowed under local land use controls, as determined by the local government land use authority;
  - (5) the length of the structure is limited to that necessary to accomplish its intended use, including reaching navigable water depths;

(6) the structure, other than a watercraft lift or watercraft canopy, is not more than eight feet in width and is not combined with other similar structures so as to create a larger structure; and

(7) docks placed on rock filled cribs are located only on waters where the bed is predominantly bedrock, which is incapable of accepting pilings;

B. to construct or reconstruct a boat launching ramp if:

(1) privately owned ramps do not exceed 12 feet in width and do not extend more than ten feet beyond the shoreline or into water more than four feet in depth, whichever is less. Excavations five cubic yards or less, and placement of up to five cubic yards of crushed rock, gravel, clean sand, or small stone are allowed to provide a stable base or maintain use of the ramp;

(2) publicly owned ramps do not exceed 36 feet in width and do not extend more than 30 feet waterward of the shoreline or into water more than four feet in depth, whichever is less. Excavations of 200 cubic yards or less, and placement of up to 80 cubic yards of crushed rock, gravel, clean sand, or small stone are allowed to provide a stable base or maintain use of the ramp. The use of coffer dams constructed of metal sheet piling or other portable materials is allowed to construct and maintain public boat launching ramps if all materials are completely removed from public waters within 30 days of completion of the project;

(3) the ramp is constructed of gravel, natural rock, concrete, steel matting, or other durable inorganic material not exceeding seven inches in thickness; and

(4) the ramp is not located on a federally designated wild and scenic river;  
or

C. to remove structures or other waterway obstructions if:

(1) the original cross-section and bed conditions are restored insofar as practicable;

(2) the structure is completely removed including any footings or pilings that obstruct navigation;

(3) the structure is not located on an officially designated trout stream; and

(4) the structure does not function as a water level control device.

Subp. 5. **Permits required; criteria.** Permits are required for the construction, reconstruction, repair, or relocation of any structure or mooring facility on or in public

waters, except as provided under subparts 3 and 4, and a project must meet the following general criteria:

A. the proposed project must represent the minimal impact solution to a specific need with respect to all other reasonable alternatives;

B. the project does not exceed more than a minimum encroachment, change, or damage to the environment, particularly the ecology of the waters;

C. the proposed structure is consistent with applicable floodplain, shoreland, and wild and scenic rivers management standards and ordinances for the waters involved;

D. adverse effects on the physical or biological character of the waters are subject to feasible and practical measures to mitigate the effects;

E. the proposed structure is consistent with water and related land management plans and programs of local and regional governments, provided these plans and programs are consistent with state plans and programs; and

F. except for mooring facilities and boat ramps, all new structures have a title-registered permit, unless a public agency or local governmental unit accepts responsibility for future maintenance or removal.

**Statutory Authority:** *MS s 103G.315; 105.415*

**History:** *8 SR 533; 25 SR 143; 27 SR 529*

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