

## Dock Issues and Facts

1. Dock rules have always permitted dock to be of sufficient length to reach navigable depth. In some areas, this may require hundreds of feet.
2. Prior to 2002, there was no limit on temporary docks regarding width or platforms.
3. In 2002, the DNR rules were changed to limit temporary docks to 8' wide.
  - a. No notifications were sent to dock manufacturers, retailers, or consumers.
  - b. Many city and county governments continued to operate under pre-2002 rules.
  - c. The rules were not being enforced by the DNR until 2006.
4. In 2006, several people were issued "Cease and Desist" orders by the DNR. They were instructed to make the dock conform to the rules by the following summer. Those orders were later rescinded.
5. On April 26, 2007, in the wake of the resulting uproar confronting the DNR, they issued "General Permit 2007-0586".
  - a. The permit allowed platforms "not to exceed 10.5 feet by 16 feet, or 170 square feet."
  - b. There was nothing specific to indicate if the platform included, or was in addition to, the main dock walkway. This was clarified in a Q&A sheet on May 10, 2007, stating that the platform "may be measured separately from the dock width." In the case of a "T" shape, the dock square footage was to be included in the 170 square feet.
  - c. The "General Permit" expired on November 30, 2007.
6. Throughout August 2007, the DNR held 5 "Open Houses" concerning docks.
  - a. The meetings were held on weekdays, when many lake home owners were not available to participate, since they live out-of-town.
  - b. The best attended was in Nisswa, with 120 people present.
  - c. Other attendance numbers were: Tower-15, Detroit Lakes-26, Grand Rapids-47, and Wayzata-22.
  - d. On October 24, State Representative Larry Howes (R-Walker) hosted a Town Hall Meeting at the Pequot Lakes Senior High School. 103 people attended.
7. The DNR convened the Docks Advisory Committee (DAC) in November, 2007 to make recommendations to the DNR on the re-issue of a General Permit for residential platform docks.
  - a. The DAC was comprised of: (4) DNR personnel, (4) Conservation group representatives, (3) dock company representatives, (1) lake property owners association representative, (1) Real Estate broker, (1) lake home owner, (1) fishing association representative, (1) resort association representative, and (3) alternates.
  - b. The results were given to the DNR for consideration, and a new General Permit was issued.
8. General Permit No. 2008-0401 was issued January 23, 2008.
  - a. The new permit is more restrictive on platforms, allowing only 120 square feet, exclusive of the main dock walkway, or 170 square feet inclusive.

- b. The main dock is restricted to 5 feet in width.
  - c. Condition #11 of the GP introduces the idea of an “Aquatic Impact Area” described as “an area up to 50 feet wide along the shoreline or one-half the width of the lot, whichever is less. The AIA would include dock, platforms, lifts, canopies, and aquatic plant removal. Terminology like “typically”, “generally” and “should” make it clear that this is not a rule, but merely a suggestion. It is possible that this is going to be the next issue that is addressed by the DNR.
  - d. This GP expires in November, 2012.
  - e. Senator Mary Olson has introduced legislation that would limit the new general permit to one year and would require the DNR to undertake rulemaking to establish new, long-term regulations for structures on public waters.
9. Enforcement is an issue that has yet to be made clear. There simply aren't enough Conservation Officers to make an effective attempt at enforcement, and the results of any enforcement are unknown. (Process, fines, appeals, jail?)
10. The General Permit is permissive only. It allows platforms that are more than 8 feet wide in two directions, up to the limits set in the permit. Any dock that is 8 feet wide or less is still governed under the existing rule, and can have a platform 50 feet long or more as long as it is no more than 8 feet wide.

Resources:

<http://www.dnr.state.mn.us/input/issues/docks/index.html>

<http://protectlakes.blogspot.com/>

<http://beltramiswcd.blogspot.com/>