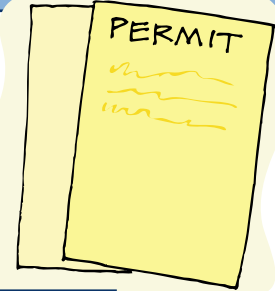


SHORELINE PROJECTS – PERMIT REQUIRED!

Short answers to frequently asked
questions about permits



- Do I need a permit before altering shoreland? Why?
- Who is in charge of permitting?
- Which are the protected waters or wetlands that are restricted?
- What will the permit cost?
- Who can I call if I have questions or a problem related to shoreline permits?
- What are some additional resources related to shoreline permits?

Do I need a permit before altering shoreland? Why?

Shoreland regulations require permits for certain activities. Federal, state, and local regulations are developed to protect the physical, biological, and chemical functions and values of waters and shorelands. Regulations also help protect the rights of the public to use and enjoy clean lakes and rivers. Shoreland owners have the right to build a boat dock or landing to a navigable depth, take water for domestic and agricultural purposes, use land created by lake level changes, take ice, swim, and enjoy the entire lake, marsh, or stream. Some projects do not require permits. Check with the authorities listed in the next question before beginning any project.

Who is in charge of permitting?

Depending on the size, type, and location of the proposed land use, any combination of the following agencies may have jurisdiction:

Local Government Unit - To determine which permits are necessary for a project, begin by contacting your local city, township, or county government office (find your county at "Who to Contact" in the Minnesota Shoreland Management Resource Guide web site). Shoreland and floodplain ordinances are administered by cities in incorporated areas or by the county in unincorporated areas. Contact the county or city environmental services planning and zoning division about any project within 1000 feet of a lake, 300 feet of a stream, or within a floodplain. Additional local government resources you may wish to contact include:

Soil and Water Conservation District (SWCD) - The staff at your local SWCD will be able to assist with your project planning and ensure that you know all the appropriate agencies to contact. <http://www.mn.nrcs.usda.gov/partners/maswcd/maswcd.html>

Watershed District or Water Management Organization - The watershed district or water management organization in

your area may require a project permit under Minnesota Statutes 103B and 103D regarding wetlands, drainage, or stormwater discharge. <http://www.mnwatershed.org>

U. S. Army Corps of Engineers (USACE) - This agency is responsible for Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. If your project involves grading, filling, excavating, or land clearing, contact USACE. Any project with minor impacts may be granted a General Permit or a Letter of Permission. Larger projects will require an Individual Permit. For more information, talk to the Environmental Protection Specialist at USACE. <http://www.usace.army.mil>

MN Department of Natural Resources (MDNR) - MN Statute, Chapter 103G.245 requires a permit prior to any alteration of "Protected Waters and Wetlands," as identified by the MDNR. Any project altering the course, current, or cross-section of protected waters or wetlands is under MDNR jurisdiction. Contact your MDNR Area Hydrologist about regulatory jurisdiction on Minnesota waters (find your MDNR Area Hydrologist at "Who to Contact" in the Minnesota Shoreland Management Resource Guide web site). The MDNR Division of Ecological Services handles concerns with aquatic plants and problems with aquatic nuisance species. Permission must be obtained to remove or tamper with aquatic vegetation growing in public waters. <http://www.dnr.state.mn.us>

U. S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) or Farm Service Agency (FSA) - Alterations that include planting on highly erodible land or digging, filling, or draining wetlands involve USDA programs such as Highly Erodible Land or Wetland Certification (Form AD-1026). NRCS: www.nrcs.usda.gov FSA: www.fsa.usda.gov/pas

Minnesota Pollution Control Agency (MPCA) - The MPCA should be notified of any project that requires a U.S. Army Corps

of Engineers Individual Permit or any project involving five or more acres of grading. The MPCA administers the Section 401 Water Quality Certification Program. <http://www.pca.state.mn.us>

Which are the protected waters or wetlands that are restricted?

Protected waters are all the water basins and watercourses that have been identified on the county-by-county MDNR map and list. Protected wetlands include all Types 3, 4, and 5 wetlands (as defined in U.S. Fish and Wildlife Service Circular No.39, 1971 ed.) that are 10 or more acres in size in unincorporated areas or 2 1/2 or more acres in size in incorporated areas. The terms *protected waters* and *public waters* are used interchangeably for regulatory and legal purposes. The regulatory “boundary” of these waters and wetlands is called the Ordinary High Water Level (OHW), which is determined by MDNR Division of Waters. The maps of protected waters and wetlands, commonly known as Protected Waters Inventory (PWI) maps, are available for viewing at all MDNR offices, local Soil and Water Conservation District offices, local watershed district offices, and many county offices. You can also view them on-line at the MDNR web site: http://www.dnr.state.mn.us/waters/wetlands/pwi/pwi_quad.htm

What will the permit cost?

Permit costs vary depending on the type of permit and location. The permitting agency will tell you if there is a cost for the permit and how much it is.

Who can I call if I have questions or a problem related to shoreline permits?

Check your local telephone listing, the “Who to Contact” section of the Minnesota Shoreland Management Resource Guide Web site, www.shorelandmanagement.org, or the Web sites listed below for:
Your county Soil and Water Conservation District

- www.mn.nrcs.usda.gov/partners/maswcd

Natural Resources Conservation Service

- www.mn.us.usda.gov

Minnesota Department of Natural Resources

- www.dnr.state.mn.us

University of Minnesota Extension Service

- www.extension.umn.edu

Board of Water and Soil Resources

- www.bwsr.state.mn.us

Your county, city, or township Planning and Zoning Department

What are some additional resources related to shoreline permits?

A Local Official's Guide for Handling Shoreland Alterations. 1994.

Minnesota Department of Natural Resources

Lakescaping for Wildlife and Water Quality. 1999. C.L. Henderson, C.J. Dindorf, and F.J. Rozumalski

A Guide for Buying & Managing Shoreland. 1988. Minnesota Department of Natural Resources, Division of Waters

Streambank Erosion... Gaining a Greater Understanding. 1991.

Minnesota Department of Natural Resources, Division of Waters

Wetland Regulation in Minnesota. 2000. Minnesota Board of Water and Soil Resources