

## Water and Shoreland Management Questions: Who do I turn to?

When it comes to water and shoreland management, it can be confusing to know what agency or local government unit (LGU) to contact and who has regulatory authority over which shoreland activities. In general, it depends on what the activity is – from removing aquatic vegetation to installing septic systems, and every shoreland activity in between, there are multiple entities managing and enforcing the laws that govern these activities. This factsheet outlines the roles of the different agencies and LGUs managing Minnesota's shorelands and helps answer the question, "Who do I turn to?"

### What is a local government unit?

Local government units are general purpose political subdivisions of a state, such as counties, cities, townships, towns and villages. Supplementing these forms of local government are special district government bodies: independent, limited purpose governmental units that usually perform a single function or activity, such as watershed districts and soil and water conservation districts.

### What is the Shoreland Zone?

The shoreland zone is the land within 1,000 feet of a lake and 300 feet of a river or stream.

### Who has regulatory authority?

The Minnesota Department of Natural Resources has regulatory authority of activities or actions that take place **below** the ordinary high water level (OHWL) of a lake or river.

Local government units have regulatory authority of activities or actions that take place **above** the OHWL.

### What is Ordinary High Water Level (OHWL)?

According to the Minnesota DNR, the ordinary high water level is the highest water level that has been maintained long enough to leave evidence on the landscape. Commonly, the OHWL is the point where natural vegetation changes from predominantly aquatic to predominantly terrestrial. For lakes and rivers, the OHWL is the elevation of the bank of the channel.

### When should I contact the LGU?

If you're proposing shoreland activities dealing with the following issues that occur **above** the OHWL, contact the appropriate LGU. You may need a permit.

- structure setbacks
- ice ridge alteration
- clearing of vegetation
- sand blanket/beaches
- landscaping
- any activities regarding wetlands

If you live within the boundaries of a city, contact your city's planning and zoning office. If you are not within the boundaries of a

city, start with the planning and zoning department at your county office. You may be re-directed to a township, soil and water conservation district, or watershed district, depending on who has land use authority over the particular shoreland activity you are proposing. Authority or jurisdiction over activities varies among individual counties, so there is not one clear-cut answer for every situation.

### When Should I Contact the Minnesota DNR?

Contact the Department of Natural Resources for activities regarding the following issues occurring **below** the OHWL:

- docks
- aquatic vegetation issues
- sand blankets/beaches
- ice ridge alteration
- retaining walls
- Riprap

Check the DNR website to determine whether you need a permit.

[www.dnr.state.mn.us/permits/water/answers.html](http://www.dnr.state.mn.us/permits/water/answers.html)

### What Do Different LGUs Do?

**Counties** plan, direct, coordinate, and evaluate all planning and zoning activities within unincorporated areas of the county. Specifically, the County ...

- administers land use (including shoreland) regulations that guide property development within the unincorporated areas of the County
- may manage the local water plan, which identifies existing and potential problems and opportunities for the protection, management, and development of water and related land resources
- may develop objectives and carry out a plan of action to promote sound hydrologic management of water and related land resources.

### Cities

Incorporated cities plan, direct, coordinate, and evaluate all planning and zoning activities within their boundaries. The City can also administer land use (including shoreland) regulations that guide property development within City boundaries.

### Townships

Some Townships also administer land use regulations.

### Watershed Districts

When water management problems become greater than one community can handle, watershed districts are established through a petition process. Thus, watershed districts are partners in solving and preventing water-related problems with the state, counties, cities and soil and water conservation districts. District boundaries follow those of a natural watershed.

### Soil and Water Conservation Districts

SWCDs are political subdivisions of the State. Each is governed by a board of elected supervisors. There are 91 SWCDs in Minnesota, each representing a different county, providing 100 per cent coverage of the state. County SWCDs ...

- work with the public, nonprofit organizations and government entities to help protect water and land resources through the use of conservation practices
- take the lead for the prudent use and conservation of water, soil and associated resources
- serve as a local natural resource information center

### Watershed Management Organizations

Watershed management organizations are based on watershed boundaries and can be organized in three ways:

- as a watershed district
- as a joint powers agreement (JPA) among the cities and townships within the watershed
- as a function of county government, usually administered by the County Planning Department.

A watershed management organization's activities are funded by participating cities and townships. The organizations can receive grants, and they may have taxing authority.

### Lake Improvement Districts

LIDs provide opportunities for landowners to become more involved in lake management activities.

By law, LIDs can ...

- acquire, construct and operate a dam or other water level control structure
- undertake research projects
- conduct water improvement and conservation projects
- construct and maintain water and sewer systems
- serve as local sponsors for state and federal projects or grants;
- provide and finance governmental services
- regulate water surface use.

### What Do State Agencies Do?

**The Department of Natural Resources** manages the conservation and use of Minnesota's natural resources. It issues public waters permits and participates in monitoring groundwater, providing technical analysis of natural resource data, and conducts geological and hydrological mapping for counties and regions. The DNR addresses such issues as aquatic plants, harmful invasive species, water appropriation, dam safety, flood damage, lake and stream hydrology and shoreland management.

**The Minnesota Pollution Control Agency** is charged with protecting, improving and conserving our environment (water, air and land) and enhancing our quality of life. It handles wastewater and stormwater permits, feedlot regulations, groundwater protection, and implementation of the U.S. Clean Water Act. The MPCA participates in monitoring surface water and manages water monitoring data. It deals with sewage treatment systems through its Subsurface Sewage Treatment Systems (SSTS) Program and Individual Sewage Treatment Systems (ISTS) Pro-

gram. The agency also addresses Minnesota's impaired waters (those that fail to meet one or more water quality pollution standards) through implementing Total Maximum Daily Loads (TMDLs) for certain water bodies and participating in watershed and basin management for non-TMDL waters.

**The Board of Water and Soil Resources** assists local governments in managing water and soil resources through comprehensive local water planning, the evaluation of local water management entities' outcomes and performance, and other technical, administrative and financial help. As the state soil conservation agency, the BWSR deals with erosion control and helps local SWCDs handle conservation easements (purchases of land by the state for conservation purposes). It oversees watershed and soil and water conservation districts and provides financial assistance through the State Cost-Share Program. The agency also administers the Wetland Conservation Act and is responsible for helping reduce non-point pollution through the Minnesota Clean Water Legacy Act.

**The Minnesota Environmental Quality Board** coordinates state water management activities and the development of water policy. The EQB oversees environmental review and the overall state water policy coordination including local, regional, State. The EQB also develops the State Water Plan, Groundwater Policy, and Biennial Water Priorities Report.

**The Minnesota Department of Agriculture** seeks an agricultural industry that protects public health and is diverse, profitable, environmentally sound. In regards to water resource protection, the agency regulates fertilizers, generates legislation regarding soils and plants, implements the Minnesota Pesticide Control Act and administers the Agriculture Best Management Practices (BMP) Loan Program.

**The Minnesota Department of Health** is charged with protecting the health of all Minnesotans including the prevention of environmentally induced diseases. In particular, as related to water and shoreland management, the MDH assesses and helps protect the sources of public water systems, sets health-based water standards, ensures compliance with the federal Safe Drinking Water Act, administers several groundwater-related programs, and assists with well management, including new construction and sealings.

### Want to Know More?

<http://www.state.mn.us/portal/mn/jsp/content.do?id=-8494&agency=NorthStar>

Click on the link on the left hand side of the page for Local Government or State Government