



Shoreline Protection Subcommittee Recommendations on Shoreline Alteration Management

June 17, 2025 – FINAL DRAFT

Background

The Subcommittee's purpose was to work collaboratively to identify approaches to improve how various entities regulate and provide technical services for shoreline property owners. To better protect and restore natural shorelines, the goal was to identify management opportunities and strategies to address common shoreland and public water alterations that often result in degraded shorelines.

Shoreline alterations are regulated by the nexus of two different sets of Minnesota Rules. Minnesota Shoreland Management Rules (M.R. 6120) set the minimum shoreland development standards, which local governments can and do amend to higher standards and administer through their zoning ordinances. DNR Public Water Rules (M.R. 6115) include standards and criteria for granting permits to change the course, current, or cross-section of public waters. Thus, local governments regulate shoreline alterations above the ordinary high water level (OHWL) and the DNR regulates those below the OHWL. This nexus creates challenges for property owners and governments.

The Shoreline Protection Subcommittee met several times:

1. September 19, 2024; The purpose was to discuss the mission of the group and to have individuals express the challenges, shortcomings, and barriers of existing state and local regulations, implementations of those rules, and various programs that are designed to protect and restore natural shorelines.
2. December 2, 2024; Emily Javens, DNR, presented a summary of DNR Public Water Restoration Rules, with focus on riprap (M.R. 6115.0215 – 6115.0217). Tom Langer, Carnelian-Marine-St. Croix Watershed District, presented on shoreline assessments conducted by the district.
3. March 7, 2025; Jacob Frie and Tim Crocker, DNR, presented a summary of the DNR Public Water Rules, with focus on sand blankets, ice heaves, and General Permits.
4. April 30, 2025; Jacob Frie, DNR, presented a summary of the DNR Public Waters Rules enforcement process. Rob Haberman, DNR Water Resources Enforcement Officer, joined Jacob in addressing questions from the group.

DNR Public Waters Rules are designed to balance use and conservation of Minnesota's lakes and other public water resources. These rules have many positive components. There is a clear structure to these rules. For example, restoration of public waters (M.R. 6115.0215, Subpart 1), which regulates riprap, states that the goals for projects should improve and protect fish and wildlife habitat, preserve the natural character of shoreline zones, and prevent erosion. The scope (Subpart 2) defines 'restoration' as the repair, reconstruction, or re-creation of essentially natural or native conditions of shoreline and banks. These rules then specify the prohibited activities (Subpart 3) and the necessary criteria where 'no permit' is required (Subpart 4).

After review of DNR Public Water Rules, the Subcommittee concluded that these rules were likely

not a significant barrier in protecting and restoring of natural shorelines. Rather, it was how shoreline alteration rules are expressed to the public, how those sets of rules are administered, or how governments coordinate with each other on projects that often impact areas above and below the OHWL.

For example, regarding DNR administration of riprap rules, there is a requirement for when a permit is not required that many found confusing in the restoration part of DNR Rules (M.R. 6115.0215, Subpart 4, item E). The rule states “to install natural rock riprap and associated filter materials where there is a **demonstrated need** to prevent erosion or to restore eroded shoreline.” [emphasis added]. The Statement of Need and Reasonableness for this subpart of the rule stated, *“This proposed change of emphasis to connect the use of riprap to address erosion problems is reasonable so that the department does not promote landscaping within public waters to the detriment of natural habitat values when there is not a demonstrated erosion problem.”* [January 7, 2002]. The interpretation of “where there is a demonstrated need to prevent erosion.” implies that an appropriate assessment can be made. Pragmatically, how does one administer this requirement consistently and objectively?

The Shoreline Protection Subcommittee identified the primary issues and made recommendations on each:

Primary Issues and Bulleted Recommendations

1. DNR’s riprap, sand blanket, and ice heave rules are regularly misunderstood or ignored and result in inappropriate practices that contribute to habitat loss. They insufficiently promote the use of natural materials to restore shorelines and sustainably maintain natural processes. There needs to be more guidance about natural features and education regarding processes that accelerate erosion.
 - Update DNR websites and fact sheets to emphasize natural shorelines and, where appropriate, the use of bioengineering to stabilize eroding shorelines.
 - Encourage DNR, local governments, SWCDs, and Watershed Districts to seek new opportunities to engage and assist shoreline property owners in natural shoreline protection and restoration activities.
2. There are times and places with inadequate coordination between DNR, local governments, SWCDs, and Watershed Districts on shoreland alteration permits, riprap, sand blankets, ice heaves, and other shoreline alterations.
 - Advance greater coordination between the DNR and local governments on projects or enforcement actions that include issues both above and below the ordinary high water, which also provides opportunities to converse with property owners.
 - Encourage local governments, SWCDs, and Watershed Districts, if applicable, to track and report required notifications, which can provide opportunities for increased coordination.
 - For greater consistency of enforcement on non-compliance of ordinances and rules:
 - Continue to train DNR staff for a consistent understanding of enforcement procedures, how to pursue voluntary restoration, and prepare Restoration Orders.
 - Local governments will train their staff and officials on criteria for granting shoreland variances, how to identify violations, support DNR enforcement activities, and coordinate enforcement with local rule compliance.
 - Members of these governmental agencies should strive to work collaboratively to assist

property owners' efforts to protect and restore natural shorelines. Collaboration could range from regular informal coordination to more formal evaluations that help standardize assessments across agencies.

3. There are limited opportunities to ensure property owners and contractors correctly meet requirements for DNR 'no permit' guidelines, likewise, current administration of DNR 'no permit' requirements also limit discussions with property owners and contractors, which can inadvertently mislead people on the need for local permits.
 - Develop administrative procedures for the DNR 'no permit' requirement and enlist local governments for assistance with these procedures.
4. There are ambiguous or inconsistent criteria used to evaluate 'a demonstrated need to prevent erosion', and there are insufficient governmental processes for consistent decisions and outcomes (e.g., insufficient training, monitoring, and local-state partnerships).
 - Provide methods or a shoreline assessment tool to identify when there is a 'demonstrated need' for riprap.
 - Train DNR staff for a consistent understanding of 'demonstrated need' and alternatives to riprap.
 - Train local government staff on how 'demonstrated need' is determined.
5. There is inconsistent or variable interpretation of rule by local governments, contractors and landowners (as many rules/policies are open to interpretation).
 - Encourage local governments to certify and train contractors that work in the shoreland district.
 - Clarify existing shoreland and floodplain rules on grading and filling in the shore impact zone where a permit may be required by local governments for the installation of riprap and sand blankets.
6. Certain aspects of the DNR General Permit process sometimes act as a barrier to promoting and incentivizing natural shoreline alternatives.
 - Review and find solutions to DNR General Permit barriers.
7. Within public agencies, there has been a loss of shoreline restoration expertise.
 - Build technical capacity for lake habitat, natural shoreline restoration, and bioengineered shoreline designs that would result in coordinated assistance and field-based train-the-trainer workshops to state and local government staff.

Group Membership List

Jay Riggs (Washington Conservation District), Mike Isensee (Carnelian-Marine-St. Croix Watershed District), Tom Langer (Carnelian-Marine-St. Croix Watershed District), Aidan Read (Comfort Lake-Forest Lake Watershed District), Mat Nicklay (Riley Purgatory Bluff Creek Watershed District), Greg Berg (Stearns County SWCD), Tom Nelson (Itasca County SWCD Board Member), Chris Pence (Crow Wing County Environmental Services), Dave Rush (Douglas County Land & Resource Management), Marc Telecky (McLeod County Environmental Services), Jeff Forester (Minnesota Lakes and Rivers Advocates), Lily Carr (Minnesota Lakes and Rivers Advocates), Emily Javens (DNR), Tim Crocker (DNR), Jacob Frie (DNR), Paul Radomski (DNR),

Stacy Zeigler (Leech Lake Band of Ojibwe).