

LAKE SUPERIOR SHORELINE PROJECTS:

PERMITS

Most shoreline projects and activities on our Lake Superior coast require permits.

Who has a role in protecting our Lake Superior coast?

Everyone has a responsibility to protect our coast. There are numerous federal, tribal, state and local agencies or departments that have a role in protecting Lake Superior.

Most of Minnesota's Lake Superior coast falls under the North Shore Management Board. Local and tribal governments form the board and set standards that are enforced locally.

Who is responsible for getting permits for my project?

The property owner must acquire all necessary permits. Reach out to your local or tribal permitting authority first and determine what permits you need. If working with a contractor or engineer, they may be able to assist you in applying for permits.



Identify who is your local permitting authority (often your city or county) and whether your project may require state or federal permits. Visit their websites to learn about the application process or call their office directly.



Early in the project planning process, contact your local, state, tribal or federal permitting authorities. Discuss your project scope and needs. Meet with them first before submitting any project applications.



Local government permitting authority is landward of the OHWL.

The **Ordinary High Water Level (OHWL)** is an elevation along the shoreland. It is determined by a site visit from the DNR. Speak with your local **DNR Area Hydrologists** (mndnr.gov/waters) to get your OHWL determination.

Ordinary High Water Level (OHWL)

Activities lakeward of the OHWL may require state or federal permits.

Who has permitting authority?

Permitting authority in Minnesota is based on the Ordinary High Water Level or OHWL. Activities that are located landward of the OHWL fall under the local government. Lakeward of the OHWL is the state and federal permitting authority.

Working with Regulators

Property owners planning to do a project on their shoreline will need to work closely with the appropriate regulators.

COMMON TERMS

Floodplain - Land near a river or waterbody that is prone to flooding, mapped by Federal Emergency Management Administration (FEMA) and DNR.

Ordinary High Water Line (OHWL) - An elevation on the shoreland where high water levels have been maintained. Delineated by permanent vegetation line and other evidence of water levels and wave run up.

Permit - An official authorization to conduct work or other activity.

Public Waters - Lakes, rivers and wetlands where the State of Minnesota has regulatory authority. Defined by the DNR.

Regulatory Authority - The responsibility to oversee or regulate or oversee activities.

Setback - Minimum distance between a structure and a protected resource.

Shoreland - Land next to a public water body. Local government shoreland ordinances apply.

Variance - A permit that allows for activities that deviate from current requirements.

Waters of the United States - Water bodies that fall under federal law as defined by the US Environmental Protection Agency (EPA) and US Army Corps of Engineers (USACE).

Wetland - Areas that are saturated with surface or groundwater. Wetlands have characteristic soils and vegetation.

Zoning - Laws that define allowable land use or development for a community.



Plan ahead. The permitting process can take several weeks to months. Reach out to your regulators directly to ask about their timeframe for processing applications. You may need to submit your application well in advance of construction.



Visit the permitting authority's website. Most permit applications need to be submitted online. Many regulatory agencies provide guidance for property owners planning projects on their website.



Stay in touch with your regulators throughout the permitting process. They will reach out to you if they need more information about your project.

DO I NEED A PERMIT?

Most projects that occur along our Lake Superior coast need permits. Permits may come from local, state, tribal or federal governments.



To confirm if permits are needed for your project, contact the appropriate agency or department directly.

The DNR has a [helpful website](https://mndnr.gov/permits/water/needpermit.html) to identify what permits might be needed (mndnr.gov/permits/water/needpermit.html).

Do I need a permit to

... build a structure or building along my shoreline?

A. **Yes.** You will need a local government permit for any construction on your property. If your structure or building will extend below the OHWL, than a DNR public waters permit is required. USACE permit may also be required.

... install a shoreline structure, such as riprap, retaining wall or seawall?

A. **Yes.** You will need a local government permit, DNR public waters permit and USACE permit (if the project is below the OHWL).

... clear vegetation on my shoreline?

A. **Most likely.** You may need a permit from your local government and the DNR (depending on what vegetation is being disturbed and if it below the OHWL).

... plant vegetation on my shoreline?

A. **In most cases, no** permits are required. However, you may need approval of your plans from the DNR, local government or your local Soil & Water Conservation District (SWCD).

... build a boat ramp, dock, stairs or other structure to access my beach or shoreline?

A. **Depends** on the structure and if it meets certain conditions. Many structures do not require DNR public water permits. They may require a local government permit.

... modify, fill or grade my bluff or bank?

A. **Yes.** Grading and construction above the OHWL will need a local government permit. If the project extends below the OHWL, a DNR public waters permit is required. USACE permit may be required.

... remove aquatic vegetation near my house?

A. **Yes.** You need a DNR aquatic plant management permit. This includes any actions to control, remove or apply pesticide to aquatic vegetation.

WHO DO I CONTACT?

Soil & Water Conservation Districts (SWCDs)

Your local SWCD can help advise you on next steps, but do not have any permitting authority.

- **Cook County SWCD**
 - cookswcd.org
 - Phone: 218-387-3647
- **Lake County SWCD**
 - lakecountyswcd.org
 - Phone: 218-834-8370
- **South St. Louis SWCD**
 - southstlouisswcd.org
 - Phone: 218-723-4867

Minnesota Department of Natural Resources (DNR)

State agency responsible for shorelands, protected species and vegetation. Contact the DNR to first determine the location of the OHWL and to see if permits are needed.

- **DNR Water Permits** (mndnr.gov/waters)
 - **DNR Area Hydrologists** (mndnr.gov/waters)
- **DNR Aquatic Plant Management Program** (mndnr.gov/shorelandplants)

Grand Portage Band of Lake Superior Chippewa

Responsible for all land management and shorelands on tribal lands.

- Contact the **Roads and Realty Manager** at roadsandrealty@grandportage.com

US Army Corps of Engineers (USACE)

Lead federal agency responsible for permitting activities on Lake Superior shorelands. Contact the USACE if your project is below the OHWL to determine if a permit is needed.

- **US Army Corps of Engineers St. Paul District** (mvp.usace.army.mil/Missions/Regulatory.aspx)
- **Nationwide Permits** (mvp.usace.army.mil/missions/regulatory/nwp/)
- **Regional General Permits** (mvp.usace.army.mil/missions/regulatory/rgp/)

Local Governments

Always contact your local government to determine if permits are needed for your project.

- **City of Beaver Bay**
 - beaverbaymn.com
 - Phone: 218-226-3251
 - Email: city_beaverbay@lakenet.com
- **City of Duluth Planning & Development**
 - duluthmn.gov/planning-development
 - Phone: 218-730-5580
 - Email: planning@duluthmn.gov
- **City of Grand Marais**
 - ci.grand-marais.mn.us
 - Phone: 218-387-1848
 - Email: cityhall@grandmarais.city
- **City of Silver Bay**
 - silverbay.com
 - Phone: 218-226-4408
- **City of Two Harbors**
 - twoharborsmn.gov
 - Phone: 218-834-5631
 - Email: info@twoharborsmn.gov
- **Cook County Land Services**
 - co.cook.mn.us
 - Phone: 218.387.3630
- **Duluth Township**
 - duluthtownship.org
 - Phone: 218-525-5705
 - Email: PlanningZoning@duluthtownship.org
- **Lake County**
 - co.lake.mn.us/environmental-services
 - Phone: 218-834-8327
- **Lakewood Township**
 - sites.google.com/site/lakewoodtownshipmn
 - Phone: 218-525-4991
 - Email: zoningadmin@lakewoodmn.org