



## PERMIT APPLICATION FINDINGS OF FACT

1/29/2025

**Application Type:** Public Waters Work

**Permit Number:** 2024-3389

**Applicant:** Ben Scharenbroich, City of Plymouth

**Resource:** Lake Camelot (ID #27-099W)

**Location:** T118N-R22W-S3 SWNW; Hennepin County

**Project Description:** The applicant proposes to reconstruct an approximately 800 linear foot boardwalk across Lake Camelot.

**Field Inspection Made:** Yes (November 4, 2024).

**Mitigation Involved:** No.

**Decision:** For the reasons described below, DNR denies public waters permit application 2024-3389.

### FINDINGS OF FACT

#### **A. Background:**

1. The City of Plymouth owns the shoreline of Lake Camelot (DOW #27-099W) and manages the shoreline as a designated city park. Applicant Ben Scharenbroich ("Scharenbroich") is the city's Water Resource Supervisor.
2. Lake Camelot is a public water of the State of Minnesota and was listed on the Public Waters and Wetlands Inventory for Hennepin County dated May 22, 1984, as Public Waters basin #27-099 in accordance with Minnesota Statutes, Section 103G.201 (a).
3. On July 16, 2024, Scharenbroich contacted Area Hydrologist Wes Saunders-Pearce to advise DNR of a park revisioning project for Lake Camelot and obtain regulatory guidance for potentially replacing two boardwalks that traverse the north and south side of the lake.
4. On July 31, 2024, Area Hydrologist Saunders-Pearce emailed Scharenbroich with guidance as follows:
  - a. A DNR public waters work permit for the boardwalks was not found nor was any correspondence directly discussing them. It appears they were both installed between 2002 and 2004.

- b. The north boardwalk appears to serve an essential function of connecting the trail loop. No alternative connection appears feasible and it's waterward encroachment is relatively minimal. Replacing that boardwalk likely would not be found problematic with DNR rules. The south boardwalk, which appears to also have an overlook platform, does not connect upland trail segments. Instead, it provides an optional pathway across the public water, one which does not seem to be a minimum encroachment. Given that, the south boardwalk does not seem to be consistent with DNR's public water rules.
  - c. The city was advised to complete a public waters permit application for replacing the boardwalks. The purpose and need for the boardwalks should be detailed, along with any alternatives.
- 5. Between August 2024 and November 2024 there were three meetings (on August 9, August 19, and November 4) and related emails between DNR staff and city staff. The interactions involved DNR guidance on public water rules, dock standards, and permit application requirements and issues. Email described the city can install additional dock fishing piers without a permit along Camelot's shoreline provided the 8-foot width is not exceeded. Additionally, Camelot is classified as a Natural Environment (NE) lake. The DNR's dock program only allows docks with platforms on Recreational Development and General Environment classified lakes.

**B. Permit Application Review:**

- 6. On November 5, 2024, Scharenbroich submitted public waters work application 2024-3389 to reconstruct a boardwalk traversing the south portion of Lake Camelot.
- 7. The application proposes to reconstruct the entire southern boardwalk. Two boardwalk styles are being considered and the exact configuration of the boardwalk is yet to be determined. Although a boardwalk design was not prepared, the applicant assumed for permitting purposes that 55 cubic yards of excavation would be involved at each abutment.
- 8. The application describes the southern boardwalk was installed between 2003-2004 by city maintenance staff without a DNR permit. The boardwalk was constructed of street signposts, rope and wood. It does not meet slope requirements outlined by the Americans with Disabilities Act (ADA) at the eastern approach and has deteriorating well beyond its useful life.
- 9. The application describes the city installed an asphalt trail around the south side of the lake in 2018 and is currently requesting to replace the south boardwalk to meet the needs of area residents.
- 10. The application proposes two alternatives. One alternative is a "no build" option where the boardwalk is not reconstructed. The other alternative is to replace the boardwalk with docks on the shoreline.
- 11. The application rejects the two alternatives and proposes the reconstructing the boardwalk in order to maintain access across the basin as-is rather than utilize the existing asphalt trail on the south side of the lake.

12. On November 13, Area Hydrologist Saunders-Pearce requested the applicant provide more detail and rationale supporting their application, including justifying how their proposal is the minimal impact solution and would not obstruct riparian rights. Scharenbroich and city parks staff responded by email on November 13 with supplemental information.

**C. Request for Comments:**

13. On November 18, 2024, the permit application and supporting materials were routed for a 30-day review and comment period to LGUs and DNR resource specialists. No comments were received.

**D. Review for Consistency with MN Statutes and Rules:**

14. The reconstruction of a boardwalk on Lake Camelot (#27-099W) is subject to Minn. R. 6115.0210 and 6115.0211 subp. 7B.
15. The project application does not represent prohibited placement of structures. The boardwalk has existed on the wetland fringe for 20 years with no reports of navigation obstruction or water safety hazard. Minn. R. 6115.0210 subp 3(A). The public water wetland is shallow and does not represent significant fish and wildlife habitat. Minn. R. 6115.0210 subp 3(B).
16. The project application does not demonstrate that the boardwalk reconstruction is the minimal impact solution to a specific need. Minn. R. 6115.0210, subp. 5(A). A minimal impact analysis is subject to the particular circumstances and site characteristics involved. (Statement of Need and Reasonableness SONAR-0029, April 1983) The application describes the project purpose is to reconstruct the boardwalk and is needed due to its deteriorated condition. The application states the boardwalk in its current configuration is needed to maintain close access to wildlife viewing for area residents. However, the application states that two dock piers could be located in similar areas where the existing boardwalk traversing the public water. This alternative would provide an opportunity to engage with wildlife albeit from a greater distance than the existing boardwalk. As well, the existing paved trail also allows for wildlife viewing while circumnavigating lake. Replacement of the existing boardwalk is not necessary for local residents to connect with wildlife or to circumnavigate the lake.
17. The project application does not demonstrate that the boardwalk reconstruction represents a minimum encroachment, change, or damage to the environment. Minn. R. 6115.0210, subp. 5(B). There would be an impact to the waterbody as a result of the reinstallation of the boardwalk. Most of the impacts would be in each abutment area and the estimates in this proposal assume a 500 square foot by 3' deep excavation (55 cubic yards) at each abutment, however based on the future design of the boardwalk, there could be additional impacts that are unknown at this time. As well, the application states that two dock piers would be located in a similar configuration to the existing boardwalk traversing the public water provides an opportunity to engage with wildlife albeit from a greater distance than the existing boardwalk. The dock piers represent a minimum encroachment alternative.
18. The project application is consistent with applicable local floodplain and shoreland rules. No comments were received from the applicable LGUs in regard to inconsistencies to floodplain or shoreland ordinances. Minn. R. 6115.0210 subp 5(C).

19. The project application is inconsistent with local land management plans and programs of the local government. Minn R. 6115.02310 subp 5(E). The City of Plymouth has no historic plan guiding the creating of a boardwalk at this public water wetland. The city council adopted a Lake Camelot Park Master Plan on November 26, 2024 which shows the boardwalk removed and replaced with fishing pier docks.
20. The project application does not demonstrate that the public need is documented and outweighs the adverse environmental impact. The boardwalk was built in 2002 which is 10-15 years prior to private development around Lake Camelot. There are no city programs that involve or utilize the boardwalk. Currently the boardwalk users may reside at Trillium Woods, a private retirement community built in approximately 2012 and separated from the lake by Cheshire Parkway. Additional users may reside in Camelot 9 at Begin Oaks, a single-family home subdivision built in approximately 2018. The paved trail around the southern end of Lake Camelot was built in 2018. It provides a direct connection to the Camelot 9 at Begin Oaks development as well as the parking lot trailhead on the southwest side of the lake. Therefore, the boardwalk was not originally constructed to serve the needs of either private development nor does the boardwalk serve any city public programs.

#### CONCLUSIONS OF LAW

1. In order to “conserve and use water resources of the state in the best interests of its people and to promote the public health, safety and welfare,” it is the regulatory policy of the State to “control and supervise activity that changes or will change the course, current or cross section of public waters, including construction, reconstruction, repair, removal, abandonment, alteration, or the transfer of ownership of dams, reservoirs, control structures and waterway obstructions in public waters.” Minn. Stat. § 103A.201, subd. 1. The Legislature directed the DNR to adopt rules to regulate work in public waters. See Minn. Stat. §§ 103G.245, .315.
2. The DNR has authority to regulate work in public waters pursuant to Minn. Stat. § 103G.245.
3. The DNR has the authority to waive a hearing on a public waters work permit application and order a permit to be issued or denied without a hearing. Minn. Stat. § 103G.311, subd. 4.
4. Minn. Stat. § 103G.315, subd. 2 requires that DNR make findings of fact on issues necessary for determination of the permit application considered. Orders by the DNR must be based on findings of fact made upon substantial evidence.
5. Scharenbroich’s proposed reconstruction of a boardwalk in Lake Camelot requires a public waters work permit. See Minn. Stat. § 103G.245, subd. 1; Minn. R. 6115.0190, subp. 5.
6. The Application is complete and Scharenbroich has provided all information required for review under applicable statutes and rules. See Minn. Stat. §§ 103G.245, .315; Minn. R. 6115.0190, .0191.
7. As detailed in the factual findings above, the DNR has reviewed and analyzed the record before the agency in connection with its consideration of applicable factors. See Minn. Stat. § 103G.315, subd. 2.

8. Permit Application No. 2024-3389 does NOT satisfy the requirements set forth in Minn. Stat. § 103G.245 and Minn. R. 6115.0150-.0280. See paragraphs 16, 17, 19 and 20.
9. Pursuant to Minn. Stat. § 103G.315, subd. 6, Scharenbroich has NOT met the burden of proving that plans for the reconstruction of a boardwalk in Lake Camelot is reasonable, practical, and will adequately protect public safety and promote the public welfare. See Minn. Stat. § 103G.315, subd. 3.
10. The proposed project is inconsistent with applicable rules and exceeds a minimum encroachment or change to the environment. See paragraphs 16, 17, 19 and 20.
11. Any Findings of Fact that might properly be termed Conclusions of Law, and any Conclusions of Law that might properly be termed Findings of Fact, are hereby adopted as such.

ORDER

1. DNR hereby waives a public hearing on the Application for Public Waters Work Permit No. 2024-3389 pursuant to Minn. Stat. § 103G.311, subd. 4.
2. Based upon all the files, records, and proceedings in this matter and upon the DNR's Findings of Fact and Conclusions, DNR hereby denies Application No. 2024-3389 for a Public Waters Work Permit for the reconstruction of a boardwalk over Lake Camelot.
3. The applicant or the applicable municipality, watershed district or soil and water conservation district may file a demand for a hearing on the Application in accordance with Minn. Stat. § 103G.311, subd. 5 and Minn. R. 6115.0250, subp. 3 within 30 days after mailing or electronic transmission of notice of this Order.

**Area Hydrologist:** Wes Saunders-Pearce

A handwritten signature in black ink, appearing to read 'Wes Saunders-Pearce', with a long horizontal flourish extending to the right.