

ENVIRONMENTAL Fact Sheet



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2016

Permitting for Freshwater Docking Structures

Projects involving dredge, fill or placement of structures on, or within, the banks of surface waters requires a Wetlands Permit from the Department of Environmental Services (NHDES) Wetlands Bureau. The law authorizing NHDES to regulate these activities, RSA 482-A, took effect in 1967 and initially only regulated construction of permanent structures in tidal waters. In 1969, the law was expanded to include permanent and commercial structures in fresh water and, in 1978, the law was amended again to include all seasonal docking structures.

Dock Size Limitations

A wetlands permit is required for all new docking structures, including seasonal and permanent docking structures, and all boat and jet-ski lifts. The use of seasonal (removable) structures is preferred because they pose the least impact to public waters. Permanent docking structures are only permissible on waterbodies greater than 1,000 acres in size and only when applicants can demonstrate that conditions exist that inhibit maintaining a seasonal docking structure. The allowable size of a dock is based on several criteria. These criteria include the number of boat slips that will be provided, the amount of shoreline frontage on the parcel, the size of the lake on which the docking structure will be located and whether the dock will be seasonal or permanent. **Table 1** below provides a summary of these criteria.

STANDARD DIMENSIONS OF A DOCK		
Freshwater Waterbodies	Shoreline Frontage 75 feet or Greater	Shoreline Frontage Less Than 75 ft.
Lakes less than 1,000 acres	6 feet x 30 feet (seasonal)	4 ft. x 24 ft.
Lakes 1,000 acres or greater	6 feet x 40 feet (seasonal) 6 feet x 30 feet (permanent)	
Navigable rivers	6 ft. x 30 feet parallel to shore	

Table 1- Standard dimension of docks

New docks or additions to existing docks must be located at least 20 feet from abutting property boundaries, including the imaginary extensions of those property boundaries over the water. If an applicant proposes to place docking structures within 20 feet of an abutter's property line or the imaginary extension of the property line over the water, the applicant must provide a signed, notarized letter from the adjacent property owner granting permission for the new docking structure to be placed within 20 feet of the adjacent property line. See **Figure 1** below.

Exceptions to the standard size and configuration criteria (site specific constraints) are permitted when there is a demonstrated need. For instance, a longer dock may be permissible if the applicant can demonstrate the water depth, at standard dock length, is too shallow to safely dock a boat.

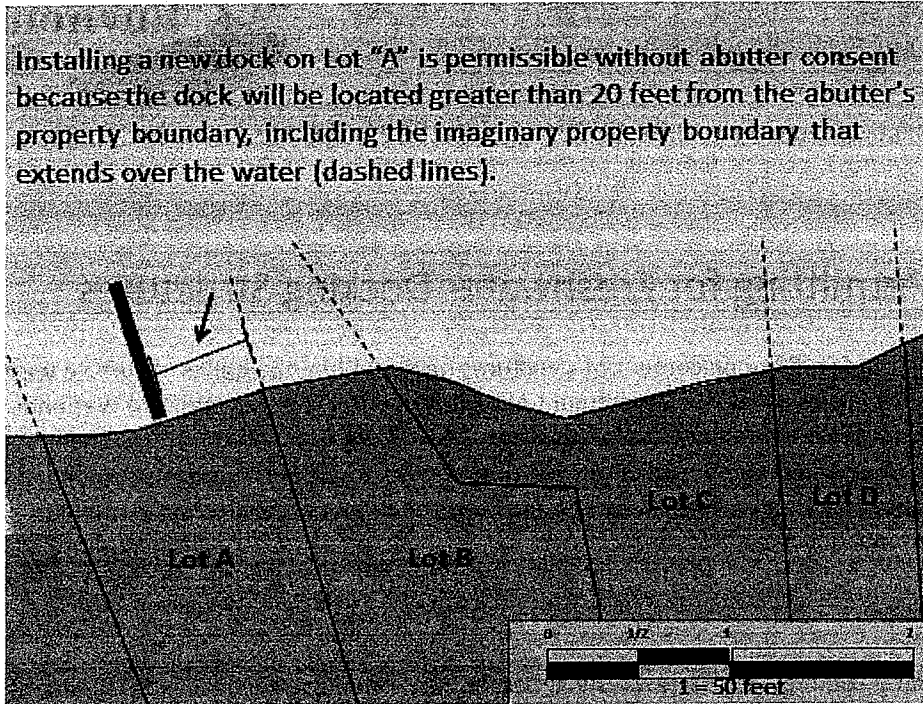


Figure 1 – Dock setback from property lines and the imaginary extension of property lines over the water.

Boat Slip Limitations

The quantity of boat slips permissible on an applicant's shorefront property is based on the total length of shoreline frontage on the subject waterfront lot. Shoreline frontage is determined by taking the average of the distances of the actual natural navigable shoreline footage and the straight line distance drawn between the property lines. Each is measured at the normal high water line. See Table 2 below:

LIMITS ON BOAT SLIPS	
Shoreline Frontage	Boat Slip Maximum
Less than 75 feet	A single 4 foot x 24 foot dock. Must have abutter's consent if the dock will be placed closer than 20 feet to abutter's property line.
75 feet to 149 feet	2 Slips
150 feet to 224 feet	3 Slips
225 feet to 299 feet	4 Slips
300 feet to 374 feet	5 slips

Table 2 – Limits on Boat Slips

A boat slip is the volume of water in which a boat is secured and boat slip size is a predetermined, waterbody dependent, volume of water. For waterbodies 10,000 acres or less, a boat slip is a volume of water 20 feet long, 6 feet wide, and 3 feet deep. For waterbodies greater than 10,000 acres, a boat slip is a volume of water 25 feet long, 8 feet wide and 3 feet deep. Water depth is measured at the normal high water mark. At no time can a new docking structure be permitted when the applicant's proposed boat slip area would extend over the imaginary property line extending over the waterbody. See Figure 2 below:

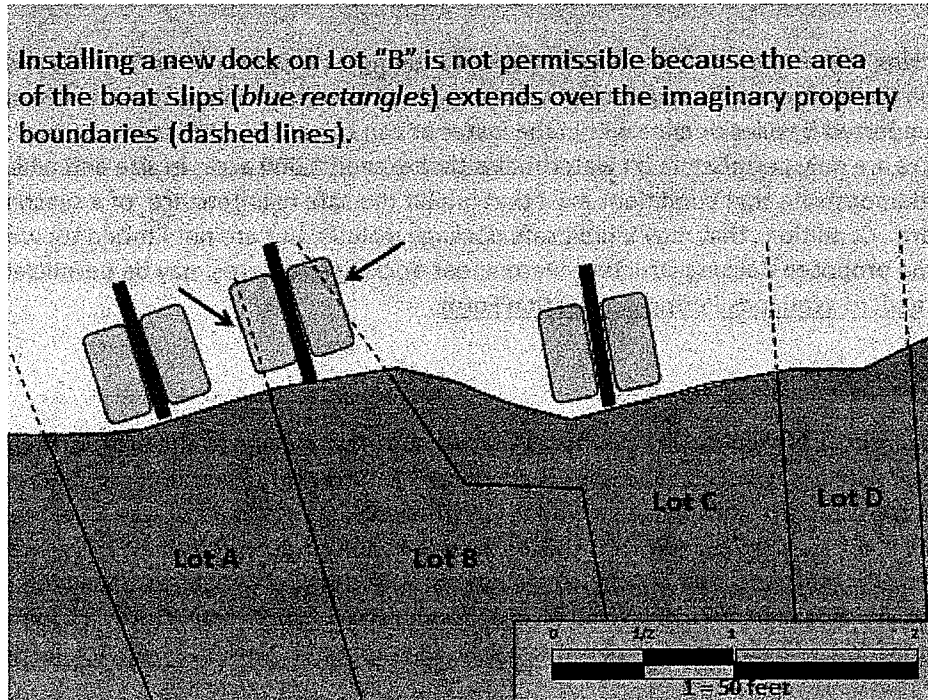


Figure 2 – Boat slip area extending over imaginary property boundary

Permitting

Seasonal docks are the preferred design because they pose the least environmental impact on public waters. "Seasonal Docks" are defined as being designed and constructed such that the structure and all associated supports can be completely removed from the surface water and its bed during the non-boating season, including, but not limited to: pipe docks, floating docks and watercraft lifts.

A seasonal dock on a lake or pond may be permitted by submitting a Seasonal Dock Notification Form to the NHDES Wetlands Bureau if **all** of the criteria listed below are met:

- The proposed dock will be the only docking structure on the frontage.
- Constructed to be removed for a minimum of 5 months during the non-boating season.
- Configured to be narrow, rectangular, and perpendicular to the shoreline.
- No more than 6 feet wide by 40 feet long if the water body is 1,000 acres or more; no more than 6 feet wide by 30 feet long (or less) if the water body is under 1,000 acres.
- Located on a parcel that has at least 75 feet of shoreline frontage.
- Located at least 20 feet from an abutting property line or imaginary extension of the property line over the surface water.
- Constructed in an area that results in no impact to wetlands along the shoreline.
- Installed in a manner which requires no modification, regrading, or recontouring of the shoreline.
- Installed in a manner which complies with the Shoreland Water Quality Protection Act (RSA 483-B).
- Not installed within or adjacent to NH Prime Wetlands.

If a property has less than 75 feet of shoreline frontage, a single, seasonal dock, measuring 4 feet x 24 feet may be permitted with a Standard Wetlands Permit Application Form. This is classified as a minimum impact project type and may receive an expedited review time. Docks constructed on freshwater rivers may be permitted by submitting a Standard Wetlands Permit Application Form.

Stairs to the dock can be constructed without a permit provided they are no wider than 6 feet and they are constructed over the bank in a manner that does not require regrading or recontouring of the land. Alternative dock access designs are permissible with a wetlands permit.

Permanent docking structures are defined as all docks, including its supports, or both and are designed to remain within the bank or surface water bottom throughout the non-boating season. Permanent docks can be supported by piles or cribs within the water or can be cantilevered from the bank. Permanent docks are only permissible on waterbodies that exceed 1,000 acres in size and when applicants can demonstrate that conditions exist that inhibit the safe maintenance of a seasonal docking structure. Conditions that may inhibit safe dockage include, but are not limited to: wave height at the area of the proposed docking structure. Permanent docking structures may be permitted by submitting a Standard Wetlands Permit Application Form.

Repairing Existing Docks

If the existing, legal dock is repaired in such a way that results in **no** change to the pre-existing footprint (size, location and configuration) and the work is conducted in "**the dry**", a wetland permit is not required. It is permissible to repair those portions of permanent docks below full lake level that are exposed and in the dry during **draw down** without a wetlands permit provided there is no excavation of the lake bed. Projects that propose impacts to legal, permanent docking structures below the normal water line, including repairs to cribs, piles and all other underwater support structures, requires a Wetlands Permit. These projects may be permitted with a Standard Wetlands Permit Application Form.

More Information

For more information on docks, please use the online interactive tool, "Determine if a Permit is Required to Repair or Install a New Dock" or contact the NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095, (603) 271-2147; or visit the NHDES Wetlands Bureau's home page: <http://www.des.nh.gov/wetlands>.