
ENVIRONMENTAL Fact Sheet



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2009

Permitting of Tidal Docks

In New Hampshire, construction and maintenance of tidal docks have been regulated under RSA 482-A (formerly RSA 483-A) since 1967. The law requires that a wetlands permit be obtained before the dock is constructed. Design considerations have evolved over time to develop consistency with the criteria and requirements developed by the U.S. Army Corps of Engineers and the National Marine Fisheries Service for docking structures.

Docking structures located in tidal waters have unique requirements that dictate their design. They must be built to accommodate the rise and fall of the tide, and withstand wave energy and winter ice flow. They may extend out from high rocky shorelines or from low uplands and across salt marsh areas. Docks may cross vegetated shallows or mud flats. Based on the nature of the tidal system where they are located, they may not provide access to water for the entire tidal cycle.

The following is intended as a guide to develop a complete application to obtain a permit for a tidal dock.

Standard Design of a Tidal Dock

Design: The standard design for a tidal dock consists of a permanent pier, from which a hinged ramp connects to a float, with the vessels berthed around the float. Acceptable variations depending on site conditions include combinations of the above components, such as:

- A **ramp** directly from the shore to a float.
- A **float** or string of floats anchored directly to shore.
- A **permanent pier** alone or with a ladder to a float.

Dimensions: Allowable length is determined by the minimum length needed to reach useable water for at least a majority of the tidal cycle.

Permanent pier:

Length: Maximum of 100 feet for the permanent pier; no more than 150 feet for overall structure.

Width: Maximum of 4 feet for the permanent pier for private recreational docks; wider docks may be allowed for industrial use.

Height: Height of the permanent pier must be at least equal to the width to avoid shading the substrate or vegetation below, e.g., 4 feet wide x 4 feet high.

Ramps are typically pre-fabricated aluminum 3 feet wide by 30 feet long. Wooden ramps with comparable dimensions are acceptable.

The dimensions of a **float** vary depending on its function and location (i.e., at the end of a ramp or as the docking structure itself), but must not exceed a size that provides more slips than allowed for the frontage. Because ramps and floats are removed in the fall to prevent winter ice damage, they are considered seasonal structures for fee purposes only. Under its rules, DES classifies the overall dock structure as a major project in tidal waters.

Slip count: A “boat slip” is defined as a space 25 feet of length by 8 feet of width along a structure to which a vessel can be secured. The number of allowable slips equals two slips for the first 75 feet of shoreline frontage plus one boat slip for each additional 75 feet of frontage. Length of frontage is an average of two distances: the linear (natural navigable) frontage and distance measured pin-to-pin across the water side of the property. Boat slips in tidal waters are generally measured around the floating portion of the dock.

Other Requirements

- Docking structures must be located at least 20 feet from the abutting property line or the imaginary extension thereof into the water. Location of a docking structure closer than 20 feet to abutting property line is allowed if written, notarized concurrence is obtained from the affected abutter(s).
- Decking on permanent piers must provide at least 3/4-inch spacing between boards to prevent total shading beneath the structure.
- The permit approval includes the condition that only one docking structure is allowed on the frontage.
- Older docks whose construction does not comply with current standards may be repaired (with appropriate permitting) without changing the dimensions or configuration. However, if a modification to a non-compliant dock is sought, DES will require that the dock be brought into compliance with current standards.

Calculation of Application Fees

As of July 1, 2007, the minimum fee for a Standard Dredge and Fill Application is \$200.

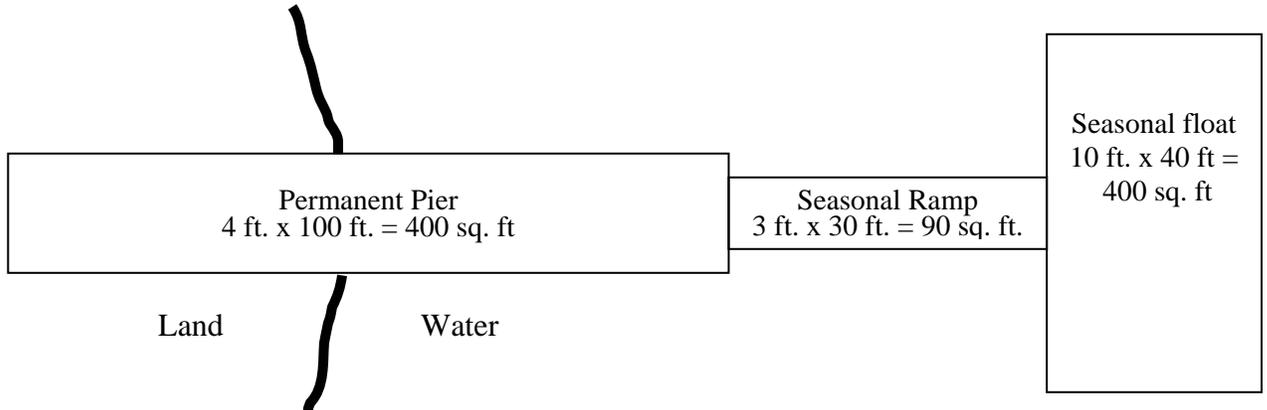
The application fee for a tidal dock is calculated as follows:

To the base fee of \$200 add:

- For a permanent pier, or any other permanent part of the dock, the fee is \$2 per square foot of permanent dock area.
- For the seasonal part of the dock (ramp and float), the fee is \$1 per square foot of seasonal dock area.

The following diagram illustrates a typical docking structure with dimensions. The table provides a breakdown of the fee calculation for a Standard Dredge and Fill application for the illustrated proposed tidal docking structure.

Example in plan view (from overhead):



Item for which fee calculated:	Square footage		Fee per square foot	Fee
Base Fee				\$200
Permanent Pier	400 sq. ft	X	\$2	\$800
Seasonal Ramp	90 sq. ft.	X	\$1	\$ 90
Seasonal Float	400 sq. ft.	X	\$1	\$400
Total Fee				\$1,490

For More Information

For more information or to set up an appointment for assistance, please contact DES Coastal staff at the Pease field office at (603) 559-1500, by email wetmail@des.nh.gov, or go to www.des.nh.gov and choose “Wetlands” from the A to Z List.