

Wetland Rules

OVERWATER STRUCTURES IN COASTAL AREAS



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Agenda

1. Background.
2. Similarities/differences with previous rules.
3. Introduction to general criteria.
4. New dock classifications.



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.

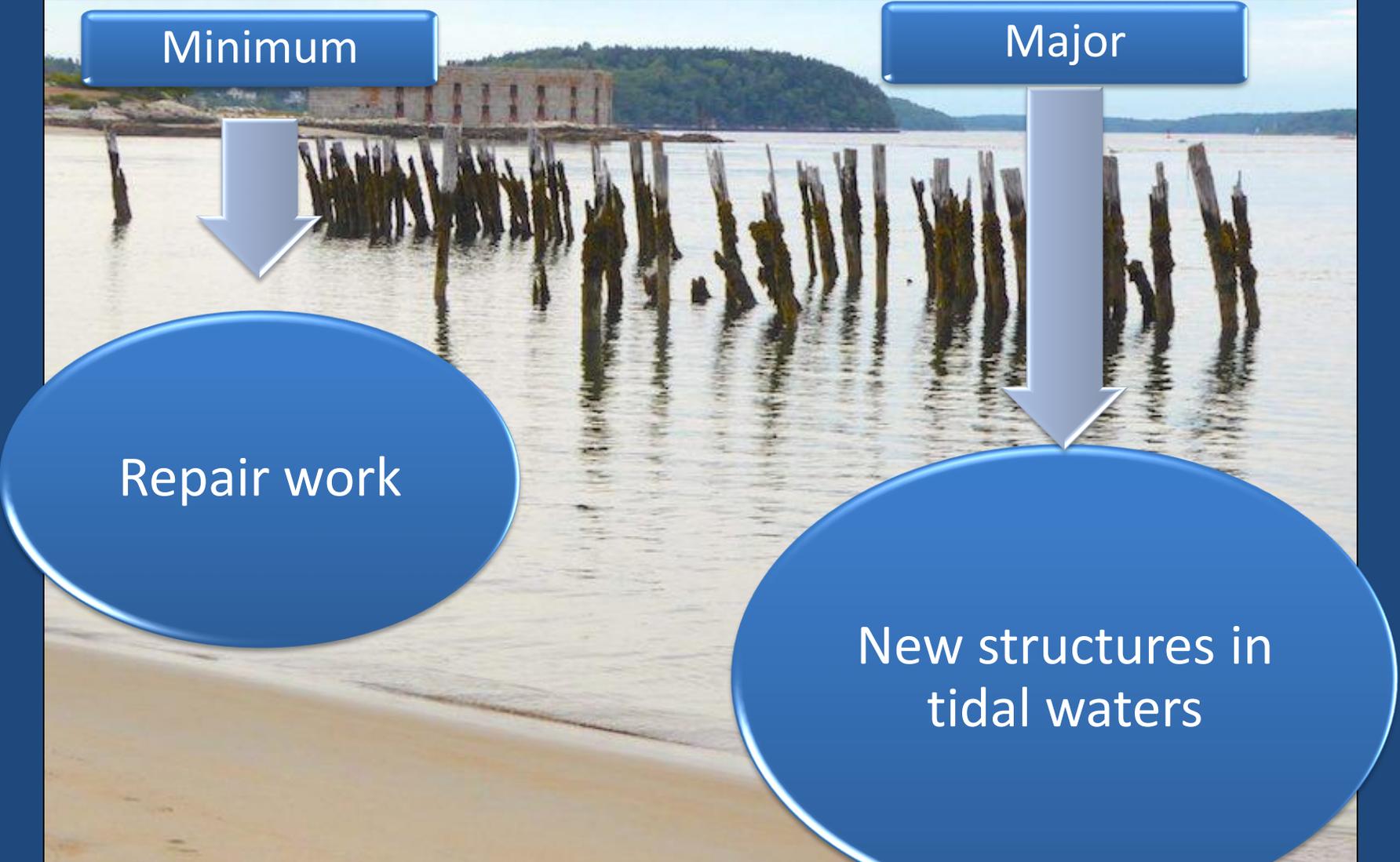
Width: Maximum of 4 feet for the permanent pier for private recreational docks; wider docks may be allowed for industrial use.

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.

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Existing Rules



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New Rules

Minimum

Minor

Major

Repair work

Exceeds minimum
criteria and
requires NHFG,
NHB, or NMFS
review

New structures in
tidal waters

Tidal Dock Project Classifications: Minimum

Maintenance, repair, and replacement in-kind of existing legal docking structures shall be classified as, provided:

- No work is proposed that would be prohibited under RSA 482-A:26;
- No change in location, configuration, construction type, or dimensions is proposed;
- No authorization is required from NHF&G to amend the standard time of year restriction for fish migration

Tidal Dock Project Classifications: Minor

Maintenance, repair, or replacement in-kind of an existing legal docking structure:

- **Exceeds any of the minimum criteria**; or
- Requires review by NHF&G, NHB, or National Marine Fisheries but does not impact a protected species or habitat.

Tidal Dock Project Classifications: Major

- All new overwater structure construction in tidal waters/wetlands.
- Any maintenance, repair, or replacement of an existing legal docking structure that requires review by NHF&G, NHB, or National Marine Fisheries Service and impacts a protected species or habitat.

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Avoidance and Minimization Standards for All Overwater Structures.

- Overwater structures shall be located and designed to avoid impacts to important wetland and coastal resource functions identified in the CFA.
- Overwater structures shall be minimized by using upland boat storage and trailering to a launch point or marina to the greatest extent practicable.

Env-Wt 606.02



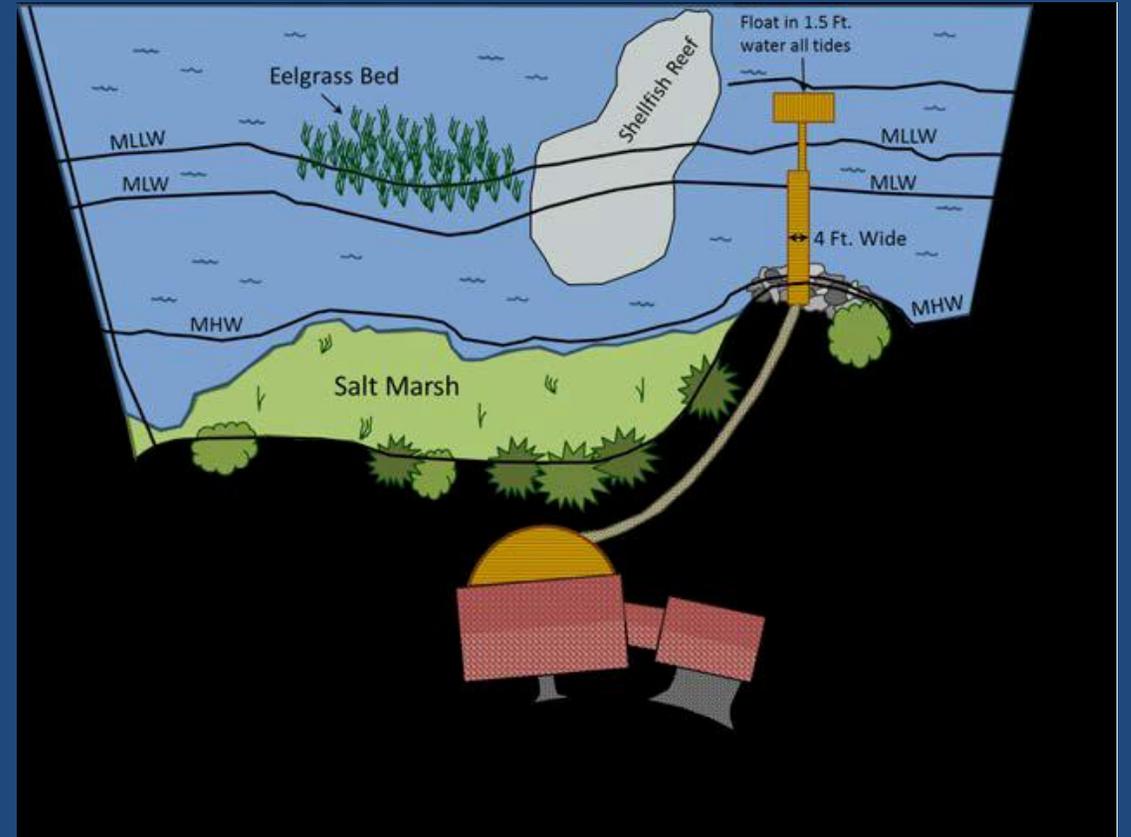
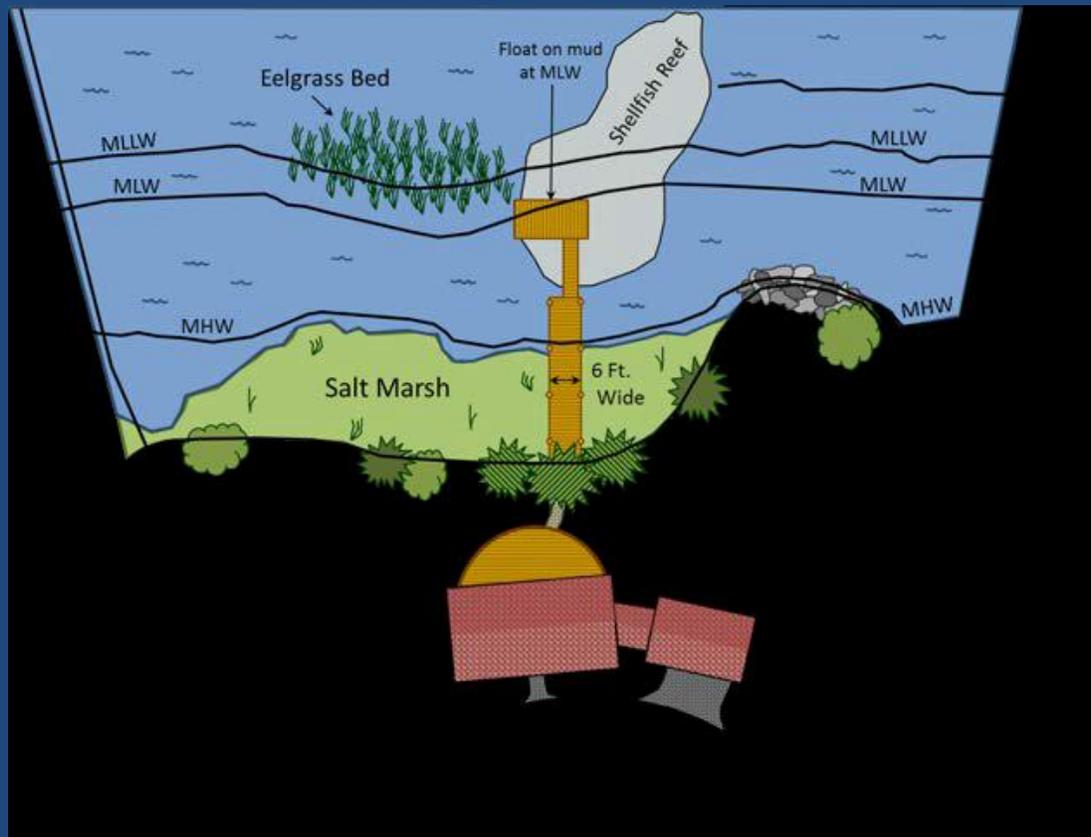
Env-Wt 606 Overwater Structures in Coastal Areas

Wetlands Best Management Practice Techniques For Avoidance and Minimization



Env-Wt 606 Overwater Structures in Coastal Areas

Wetlands Best Management Practice Techniques For Avoidance and Minimization



OVERWATER STRUCTURES IN COASTAL AREAS

New Rules – Similarities with previous rules

Still required to meet the 20-foot abutters rule/statute.

Differences

Three Design Criteria:

- Residential
- Commercial
- Industrial



Env-Wt 606 Overwater Structures in Coastal Areas

Docking Construction Requirements and Conditions. All tidal docking construction shall be subject to the following standard construction requirements and conditions:

- Work shall be done in accordance with the standard conditions in Env-Wt 307
- Installation shall be done **by barge or upland**
- Access by construction equipment on the **high salt marsh with low-ground pressure matting**
- Construction of docks in or **near essential fish habitat shall be subject to review by NHF&G and the National Marine Fisheries Services**

Env-Wt 606.05

Overwater Structures in Coastal Areas

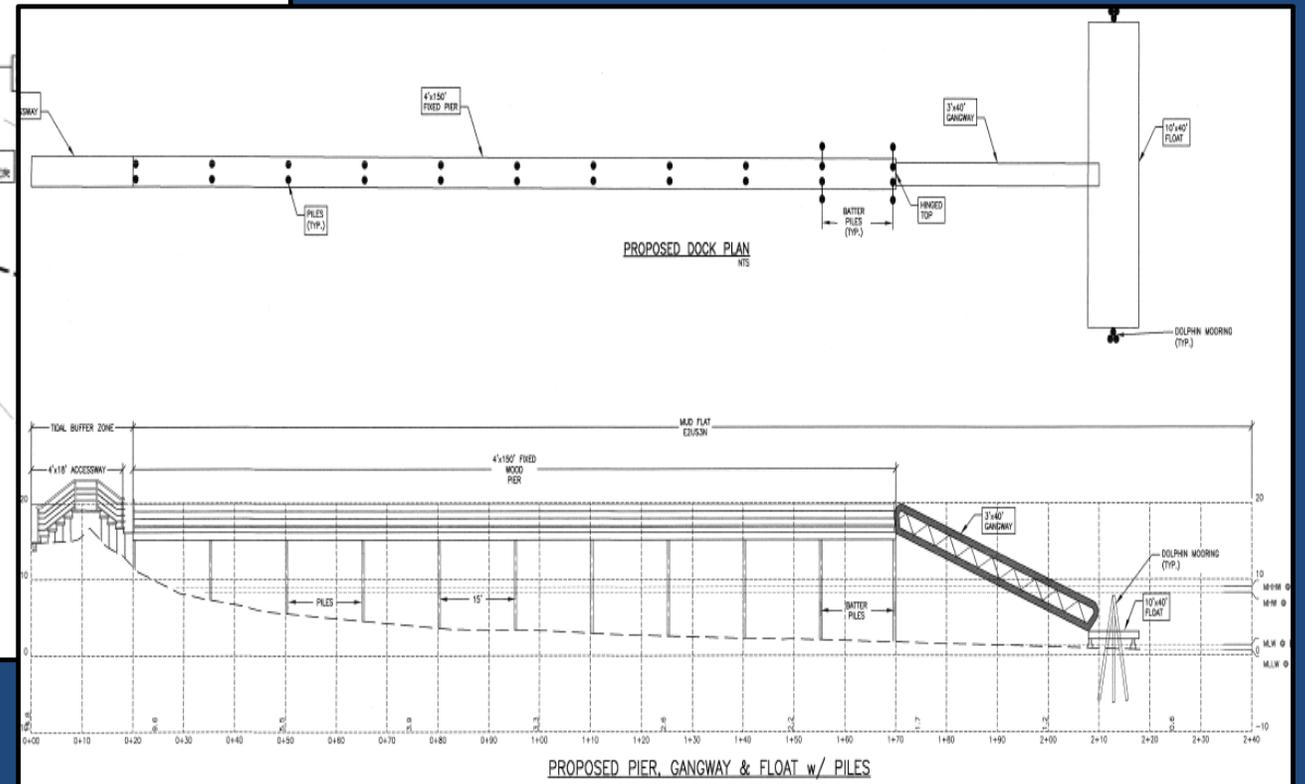
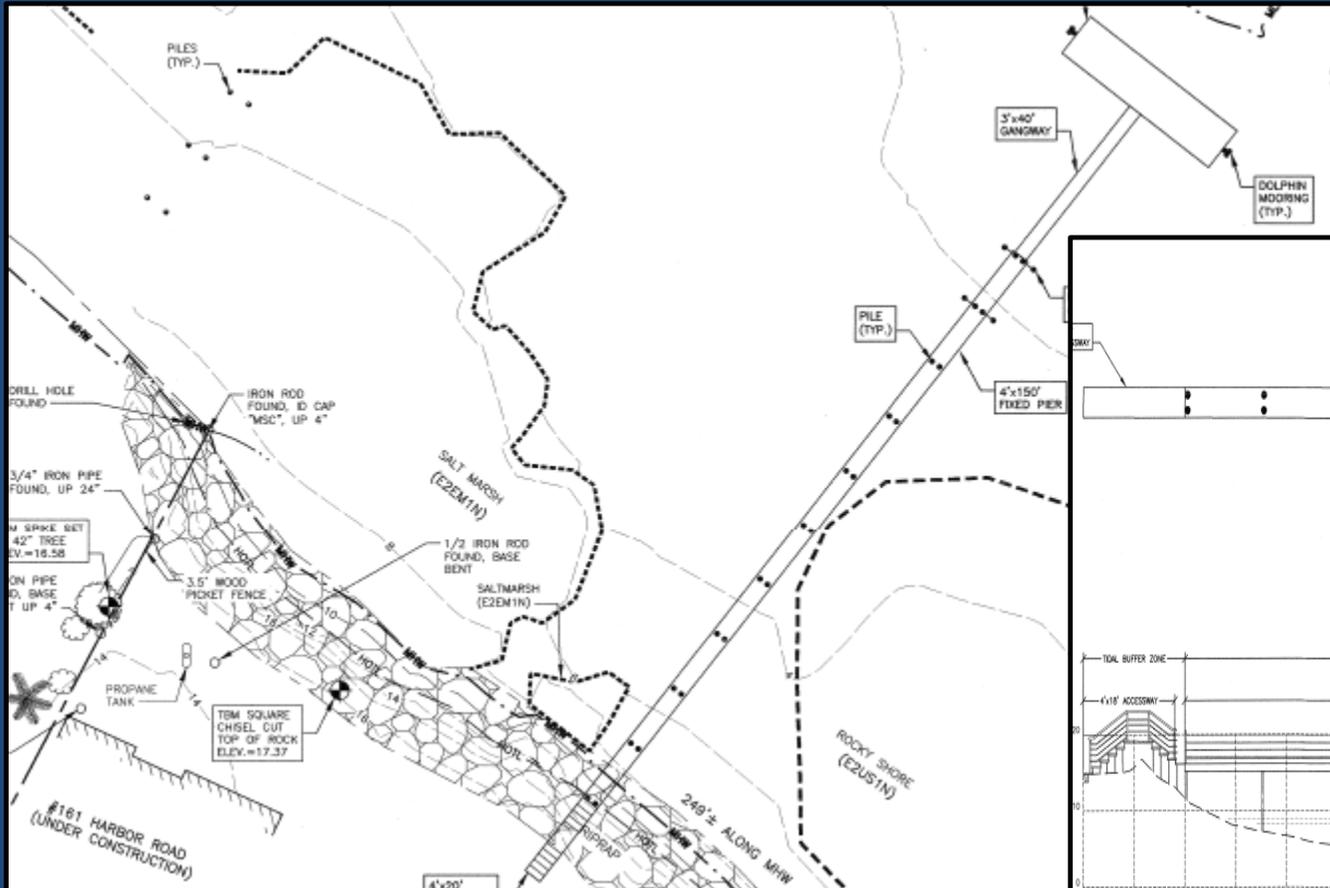
Plan Requirements for All Overwater Structures.

- CFA (minor/major)
- Vulnerability assessment (minor/major)
- General plan requirements (all)
- A plan view (all)
- An elevational view (all)

Env-Wt 606.04

Overwater Structures in Coastal Areas

Plan Requirements for All Overwater Structures.



Overwater Structures in Coastal Areas

Residential Tidal Docks

- For private recreational use associated with one or more private residences.
- Designed which might not result in all-tide access.
- **Ramp and float** portions of residential tidal docks be **seasonal**.
- Preference shall be given to docks serving multiple properties.
- The maximum overall structure length including pier, ramp, and float, measured seaward from the HOTL, shall not exceed the greater of 200 feet or the length needed to reach water of sufficient depth to allow the terminal section of the dock to be floating at mean low water.
- The maximum overall footprint of the entire structure of a residential tidal dock serving a single residence **shall not exceed 1,500 SF seaward of the HOTL; 2,000 SF for shared docks.**



Env-Wt 606.06

Overwater Structures in Coastal Areas



Residential Tidal Docks – Cont.

- The following shall not be approved for residential tidal docks:
 - Lightweight aluminum or similar seasonal pipe docks.
 - Cantilevered or crank-up dock systems.
 - One or more floats, a string of floats, or floating walkways connected directly to the shore.
 - Floats that sit directly on the mud at low tide or on skids that sit directly on the mud at low tide.
 - Boardwalks over tidal marsh to reach a dock.
 - Boathouses located in or over tidal waters/wetlands or over slips dug into the shore.



Commercial Tidal Docks: Marinas

A Master Plan is required for any expansion project other than in-kind repairs:

- A plan of all permanent and seasonal structures.
- An operational plan for management of seasonal structures, including methods and timing of installation and removal and storage locations.
- Spill response action and stormwater treatment plans.
- Consideration for future expansion.
- Designated wash areas .
- The location of and a management plan for:
 - One or more pump-out facilities.
 - Blasting, painting, and hull sanding.
 - Disposal method for oil and other waste products.

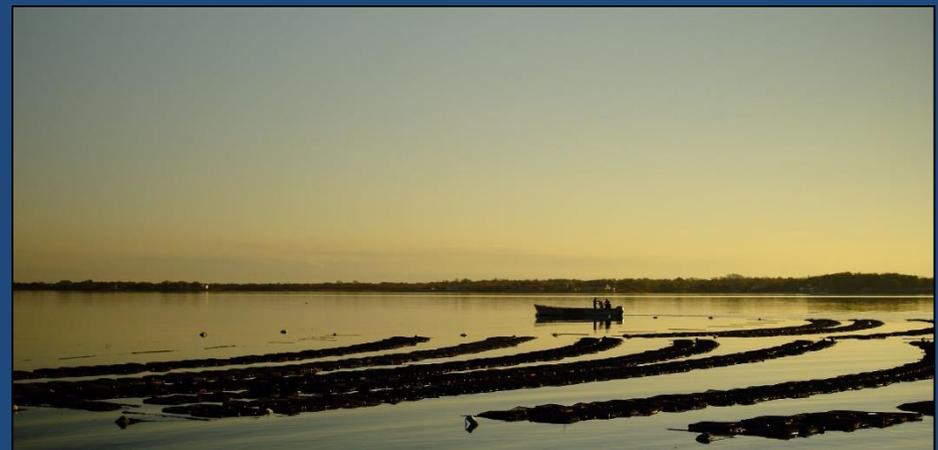


Env-Wt 606.10

Commercial Tidal Docks: Aquaculture at Marinas

- Aquaculture structures installed within existing legal boat slips.
- Aquaculture structures that extend outside the footprint of the originally permitted docking structure and associated boat slip(s) shall:
 - Constitute a modification of the approved docking structure; and
 - A CFA report and vulnerability assessment.
 - If the department approves a proposed aquaculture structure, the department submits the approval to the Governor and Executive Council.

Env-Wt 606.11



Commercial Tidal Docks: Working Waterfront

- The dimensions and configurations of a working waterfront facility shall be based on its use, rather than standard dimensions or configurations. Working waterfront structures may have non-conforming dimensions or functional features that can be retained or modified.
- Modifications of working waterfront structures may include remodeling or repair, or both, so long as the resulting structure has a functionally-equivalent use.
- No modification shall be allowed that changes a working waterfront structure into a dwelling unit or restaurant.



Env-Wt 606.12

Commercial Tidal Docks: Industrial



- An existing conditions, operations/maintenance plans.
- Emergency response plan.
- Consideration for future expansion.
- federal design standards that apply to the proposed project, such as from the U.S. Coast Guard, the U.S. Maritime Administration, and the Maritime Transportation System.

Env-Wt 606.13



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Questions?

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