

Shoreline Permitting Guidance

Docks/Piers/Floats/Lifts/Buoys

Consider installing a dock, pier, float, watercraft lift or buoy?

The permits you need depend on the design and location of your project. Following the four steps below will help you identify the permits, requirements, and conditions that apply to your project. The term "permit" includes environmental processes, permits, authorizations, certifications, licenses, and approvals.

Besides this guidance document, help is available from many sources including, hiring a qualified consultant, reviewing agency literature and websites, discussing the project with the permitting agencies, and contacting the Office for Regulatory Innovation and Assistance (ORIA).

Free Resources at ORIA include: Talking to staff at our Information Center at (800) 917-0043 or help@oria.wa.gov.

On-line Permit Assistance System Questionnaire (OPAS) at <http://apps.oria.wa.gov/opas/>

Fact Sheets and publications such as:

- Aquatic Permitting at http://www.oria.wa.gov/Portals/_oria/VersionedDocuments/Environmental_Permitting/Aquatic%20Permitting.pdf
- Permit Handbook at <http://apps.oria.wa.gov/permithandbook/>

Step 1: Determine the details for your project then complete a draft SEPA (State Environmental Policy Act) Checklist and draft JARPA (Joint Aquatic Resources Application) Form.

Answering common SEPA and JARPA questions such as project size, materials used, or water depth will give you an idea of what questions agency staff will ask during review and what information you will need for your application. For JARPA and SEPA documents visit <http://www.ecy.wa.gov/programs/sea/sea-reg.htm>.

Step 2: Determine permits required for your project.

When working in or near water, a number of local, state, and federal permits, commonly referred to as aquatic permits, may be triggered by your project.

Step 3: Determine requirements and conditions for each permit and modify your proposal accordingly. If possible, modify your project to meet agency recommendations.

Agencies often have requirements and conditions that must be followed and guidelines that are recommended. If you have questions, contact the agency staff who will review your application. For help identifying your regional contact, call the ORIA information Center.

Tip In some cases, modifying your project design to meet the recommendations will reduce permitting review time.

Tip Verify land ownership. Some shorelines are owned by other third parties. Permission may be required before building a dock or pier. (e.g. shorelines and uplands behind dams and along reservoirs are often owned and managed by Public Utility Districts.)

Buoy A floating object anchored to the bottom of a water body that provides watercraft mooring or marking capabilities.

Dock A floating structure fixed to the shoreline used for moorage of recreational watercraft.

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Department of Natural Resources (DNR) – Aquatic Use Authorization.

DNR Contact: _____

Phone: _____

Email: _____

The public owns most land under water and DNR manages it. Begin your permitting process by contacting the DNR to determine if the land you intend to use is state-owned, available for your proposed project, and if your use of the property is appropriate. If your project is acceptable, the DNR will provide a verbal confirmation. However, you can ask for written documentation. After obtaining all other local, state, and federal permits, return to the DNR to complete the Aquatic Use Authorization.

For **mooring buoy** guidelines visit http://www.dnr.wa.gov/RecreationEducation/HowTo/Homeowners/Pages/aqr_mooring_buoy.aspx. How the buoy is attached to the bottom of a water body, and how it relates to other moorings and structures, are concerns that need to be evaluated by the DNR and local agencies.

Individuals who own residential property next to state-owned aquatic lands may install a **recreational dock** on those public lands for recreational purposes without charge, if they meet all of the following requirements (see WAC 332-30-144):

- The property is physically adjacent to aquatic lands.
- Dock is for moorage of up to four pleasure craft.
- No commercial uses.
- No residential (live-aboard) uses.
- No covered moorage or boat houses.
- No additional uses such as mooring buoys, boat ramps, and watercraft lifts.
- Project must conform to Shoreline Master Program and local ordinances.

Float Anchored off shore platform used for water dependent recreation.

Pier An attached structure fixed to the shoreline used for moorage of recreational watercraft

Local Jurisdictions, County or City – SEPA, Shoreline Master Program, Critical Areas Ordinance, Floodplain Development, Grading and Building.

Local Contact: _____

Phone: _____

Email: _____

Local review considers long-range community planning and development, managing natural resources, and building codes for public safety. Another major consideration is whether your project will interfere with adjacent property owners. Many jurisdictions have specific design requirements for structures in or near water under their Shoreline Master Programs (SMP).

Private, non-commercial docks for single and multiple family residences may be exempt from the requirements of a Shoreline Substantial Development Permit process if the fair market value does not exceed \$2,500 for salt water and \$10,000 for fresh water. Exempt docks still must comply with local SMP guidelines. For the most current information refer to your local jurisdiction or WAC 173-27-040.

Watercraft Lift A device fixed in place or floating used to hoist and moor a watercraft, elevating it above water.

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Shoreline projects often require a **State Environmental Policy Act (SEPA)** checklist. SEPA assesses environmental consequences of a project. Usually, the local jurisdiction will serve as the SEPA lead agency. A well filled out SEPA checklist provides for a more detailed and less timely SEPA administration and review process for agency staff. To receive state and federal permits, you must first complete your SEPA checklist.

Army Corps of Engineers (Corps) – Section 10 and Section 404 permits.

Corps Contact: _____

Phone: _____

Email: _____

The Corps ensures integrity of national waters under Section 404 of the Clean Water Act. The Corps also maintains and protects navigation of those waters under Section 10 of the Rivers and Harbors Act. The Corps consults with other agencies for compliance with Water Quality and Coastal Zone Management, Endangered Species Act, Tribal Trust Issues, National Historic Preservation Act, and the National Environmental Policy Act.

The type of permit issued by the Corps depends on the design and location of your project:

<http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PublicNotices.aspx>

Regional General Permits (RGP): The RGP timeframe is usually less because consultations with some of the other agencies were completed in advance. For example, RGP 1 applies to watercraft lifts.

Nationwide Permits (NWP): The Corps has determined that many activities covered by a NWP have minimal environmental impact. For example 10 applies to mooring buoys and NWP 3 applies to the repair, rehabilitation, or replacement of any previously authorized structure.

Programmatic ESA Consultations: For certain types of work, the Corps has completed consultation in advance for listed fish species under the Endangered Species Act (ESA). The conditions vary by regions across the state. For example, the Lower Columbia River Programmatic Consultation applies to over-water and in-water structures including recreational boating facilities.

Standard Individual Permit: If your project does not meet the terms or conditions of a RGP or NWP, then an Individual Permit may be required. Some structures in water may qualify for abbreviated processing with final authorization in the form of a Letter of Permission.

Tip If a RGP or NWP is available for your type of project and location, it will streamline your permit process. If a RGP or NWP is not applicable, consider if your project meets the terms of a Programmatic

The Department of Ecology (ECY) – 401 Water Quality Certification/ Coastal Zone Management Certification (CZM)

Ecology Contact: _____

Phone: _____

Email: _____

Ecology 401 Water Quality and CZM Certifications may be required depending on what permits are issued by the Corps and the project location. In certain cases, such as the Corps RGP and some NWPs, Ecology review has been completed in advance. In other cases, such as the Corps Individual permit, a separate Ecology review is triggered.

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In all cases the State General 401 Certification Conditions must be met. Certain NWP's must meet additional conditions as found in the Nationwide Specific 401 Certification Conditions at <http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PermitGuidebook.aspx>.

WA Department of Fish and Wildlife (WDFW) – Hydraulic Project Approval (HPA).

WDFW Contact: _____

Phone: _____

Email: _____

WDFW review and approval is needed for all structures proposed and activities conducted in the water. As a result, WDFW reviews applications to ensure the protection of fish and shellfish and their habitats. WDFW has specific requirements for structures in or near water through their HPA. Piling placement, walkway width and length, light transmissibility, skirting, and other requirements may apply.

WDFW may require mitigation for damage to fish life or habitat resulting from project installation and construction. Construction on your project can only occur during designated timeframes or work windows. Contact the Area Habitat Biologist to determine specific requirements for your location and to determine work windows. Area Habitat Biologist contact information is at <http://www.wdfw.wa.gov/conservation/habitat/ahb/>.

Reminder The permitting process takes time. The time to obtain most of the applicable permits may take 6 to 12 months longer depending on the complexity of the project.

Step 4: Submit applications.

- Verify you have permission to use the land under the water. DNR will issue an Aquatic Use Authorization after all other local, state, and federal permits are issued.
- Submit applications for local permits. Use the JARPA where accepted. Usually, the local jurisdiction serves as the SEPA lead agency. Before receiving state and federal permits, you must submit a completed SEPA process, shoreline permits, and other local permits.
- Submit a copy of the JARPA to both the Corps and Ecology. Even though a separate review by Ecology may not be required, submitting to both agencies at the same time is recommended. It will streamline the process if an individual Ecology review is required.
- After completing the SEPA process, submit 3 copies of the JARPA to WDFW. WDFW will not begin review until SEPA compliance is complete.
- After local, WDFW, Corps and Ecology permits are issued; submit 1 copy of the JARPA to DNR for the Aquatic Use Authorization.
- If applicable, submit an application for local building permits. In some cases, local building permits are issued after state and federal permits. In other cases, they are issued earlier.

If you require this document in another format, contact Office for Regulatory Innovation and Assistance. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call (877) 833-6341.