

Permitting for Private, Non-Commercial Freshwater Docking Structures

Projects involving dredge, fill, or placement of structures on, or within, the banks and lakebeds of surface waters require wetlands permitting from the New Hampshire 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.

Wetlands permitting is required for all new docking structures and modifications of docking structures, including seasonal and permanent docking structures, and all boat and jet-ski lifts. Wetlands permitting *may* also be required for repairs of docking structures unless they have a valid registration pursuant to RSA 482-A:3, IV-a(b). Wetlands permitting is not required for devices attached solely to the sides or surfaces of docks for the purpose of securing lines for existing boat slips, such as cleats, whips, or tie-posts, and diving boards, slides, and ladders that are not a navigational hazard.

Boat Slip Limitations

The size and number of boat slips on a property is regulated by state law. A boat slip is the volume of water in which a boat is secured to a dock. The size of a boat slip 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, six feet wide, and three feet deep. For waterbodies greater than 10,000 acres, a boat slip is a volume of water 25 feet long, eight feet wide, and three feet deep. Note that only one lake in New Hampshire is greater than 10,000 acres: Lake Winnepesaukee. State rules allow for as much as two feet of navigation space between a boat slip and any other boat slip or structure. Water depth is measured at the normal high water mark (Figure 1).

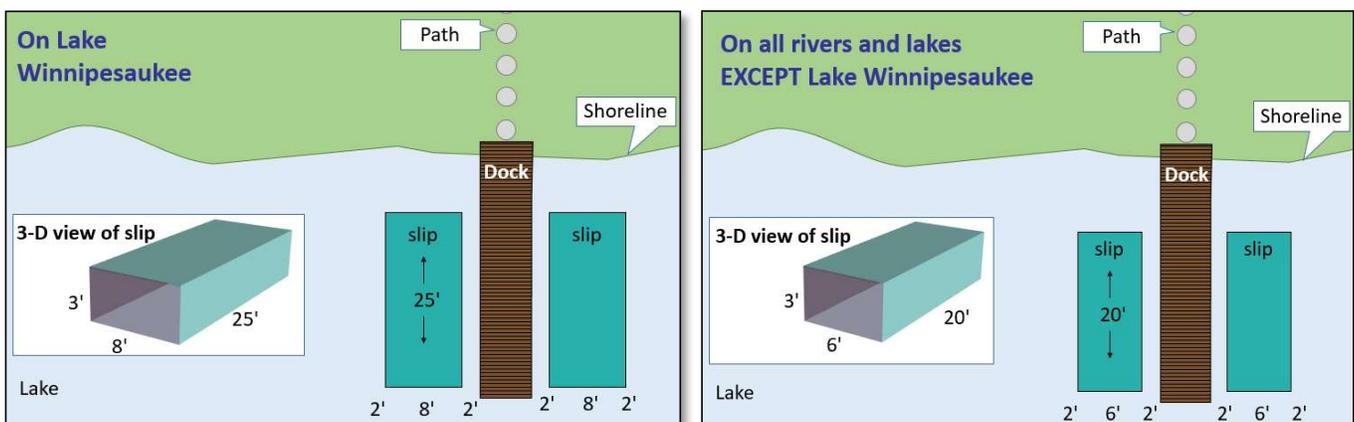


Figure 1 - Boat slip dimensions.

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 (Figure 2).

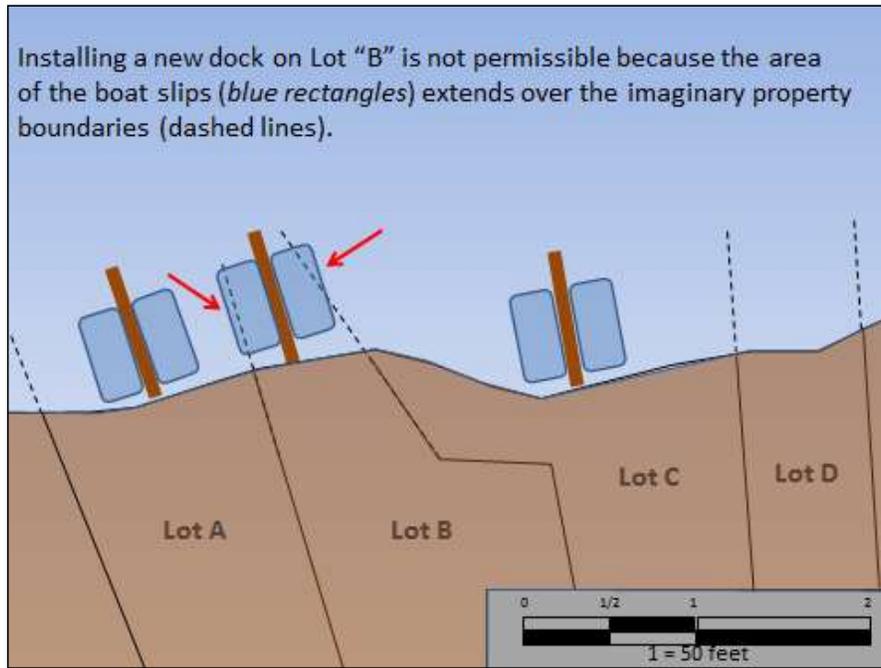


Figure 2 - Boat slip area extending over imaginary property boundary.

The quantity of boat slips permissible on an applicant’s shorefront property is based on the average length of shoreline frontage on the subject waterfront lot (Table 1). Shoreline frontage is determined by taking the average of the length of a straight line drawn between the points where the side property lines intersect the reference line and the length of the natural frontage between the same points.

LIMITS ON BOAT SLIPS	
Shoreline Frontage	Boat Slip Maximum
Less than 75 feet	A single 4-foot × 24-foot dock. Must have a butter’s consent if the dock will be placed closer than 20 feet to a butter’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 1 - Limits on boat slips.

Dock Size Limitations

The use of seasonal docking structures is required wherever possible because they pose no impact to the rights of the public during the non-boating season. A seasonal dock is a docking structure that is 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, crank up docks, floating docks, PWC lifts and watercraft lifts.

A permanent dock is a docking structure in which the docking structure or its supports, or both, are designed to remain in place year-round. Permanent docking structures are only permissible on waterbodies greater than 1,000 acres in size and only when applicants can demonstrate that existing conditions inhibit the safe maintenance of a seasonal structure.

The allowable size and capacity of docks 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 waterbody on which the docking structure will be located, and whether the dock will be seasonal or permanent (Table 2).

DOCK MAXIMUM STANDARD DIMENSIONS		
Freshwater Waterbodies	Shoreline Frontage Less Than 75 Feet	Shoreline Frontage 75 Feet or Greater
Lakes and ponds less than 1,000 acres	4 feet x 24 feet (seasonal only; permanent structures not allowed)	6 feet x 30 feet (seasonal only; permanent structures not allowed)
Lakes and ponds 1,000 acres or larger	4 feet x 24 feet (permanent or seasonal)	6 feet x 40 feet (seasonal) 6 feet x 30 feet (permanent)
Navigable rivers	4 feet x 24 feet (seasonal only; permanent structures not allowed)	6 feet x 30 feet parallel to shore (seasonal only; permanent structures not allowed)

Table 2 - Standard dimensions of docks. Docks shall not exceed the dimensions listed in this table.

New docks or additions to existing docks must be located at least 20 feet from abutting property lines, including the imaginary extensions of those property lines over the water. Moreover, any boat secured to a dock may not extend beyond the extension of the abutter's property line.

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. This letter must grant permission for the new docking structure to be placed within 20 feet of his/her property line (Figure 3).

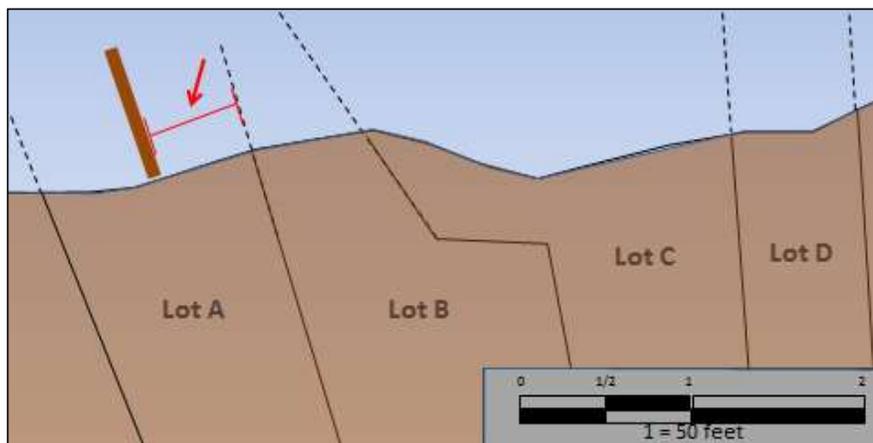


Figure 3 - Dock setback from property lines and the imaginary extension of property lines over the water. Installing a new dock on Lot "A" is permissible without abutter consent because the dock will be located more than 20 feet from the abutter's property boundary, including the imaginary property boundary that extends over the water (dashed line).

Docking structures may be perpendicular or parallel to the shoreline or extend at some other angle into a water body, depending on the needs of the landowners, factors related to safe navigation, and the difficulty of construction. However, the standard configuration for a docking structure in a watercourse is parallel to the shoreline.

Exceptions to the standard size and configuration criteria can be permitted. 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.

Installation of New Seasonal Docks

Seasonal docks are the preferred design because they pose the least environmental impact on public waters. The installation of a new seasonal dock may be exempt from permitting, provided that a notification is sent to the NHDES, and **all** criteria listed below are met:

- The dock will be the *only* docking structure on the frontage.
- The dock will be located on a lake or pond.
- The dock will be constructed to be removed during the non-boating season.
- The dock will be removed for a minimum of five months during the non-boating season.
- The dock will be configured to be narrow, rectangular, and perpendicular to the shoreline.
- The dock will be no more than six feet wide by 30 feet long if the water body is under 1,000 acres.
- The dock will be no more than six feet wide by 40 feet long if the water body is 1,000 acres or larger.
- The dock will be located on a parcel that has at least 75 feet of shoreline frontage.
- The dock will be located at least 20 feet from an abutting property line or imaginary extension of the property line over the water.
- The dock will be installed in a manner which requires no modification, regrading, or recontouring of the shoreline, such as installation of a concrete pad for construction of a hinged dock.
- The dock will be installed in a manner which complies with the Shoreland Water Quality Protection Act (RSA 483-B).
- The dock will not be installed in a location that is in, or within 100 feet of, a municipally designated prime wetland.

The [Seasonal Dock Notification For Lakes and Ponds Statutory Permit-by-Notification \(SPN\) form](#) should be used for this notification. If the project does not meet all the criteria listed above, the installation of a new seasonal dock may be permitted by submitting a [Wetlands Permit by Notification \(PBN\)](#). To qualify for a PBN, the project must meet the criteria listed in the [Installation of a New Seasonal Dock Permit-by-Notification Checklist](#) and in the PBN form. A seasonal dock that does not meet the criteria for a Seasonal Dock Notification For Lakes and Ponds or PBN **may** be permitted through an [Expedited \(EXP\) Minimum Impact Permit Application](#) or [Standard Dredge and Fill Wetlands Permit Application](#).

Installation of New Permanent Docks

Permanent docks can be supported by piles or cribs within the water or can be cantilevered from the bank or breakwater. 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, islands accessible by boat only, and commercial or public use. Permanent docking structures may only be permitted with a [Standard Dredge and Fill Wetlands Permit Application](#).

Installation of Stairs to Permanent or Seasonal Docks

Stairs to the dock can be constructed without wetlands permitting provided they are no wider than six feet, they are constructed over the bank in a manner that does not require regrading or recontouring of the land, and no portion extends over or under water. However, please note that a Shoreland Permit may be required. Alternative dock access designs may be permissible with a wetlands permit.

Repairing Existing Docks

If an 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,” meaning not in standing or flowing water, 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.

Any repair resulting in impacts to legal, permanent docking structures “in the wet,” meaning while the impact area is submerged, including repairs to cribs, piles and all other underwater support structures requires wetlands permitting unless the structure has a valid [registration](#) pursuant to RSA 482-A:3, IV-a(b). The repair or replacement of voluntarily registered docking structures in non-tidal waters is exempted from the permitting process. Registrations are valid for five years after which they must be renewed to remain valid. If owners choose not to use this voluntary registration process, or if their projects do not qualify for this process, they will need to use one of the options that are available to obtain a Wetlands Permit which must be recorded at the appropriate county Registry of Deeds Office. Repair permits may be obtained through PBNs if all criteria listed in the [Repair of an Existing Legal Docking Structure PBN Checklist](#) and in the [PBN Application Form](#) are met or permitted with an [Expedited \(EXP\) Minimum Impact Permit Application](#) or [Standard Dredge and Fill Wetlands Permit Application](#).

Swim Rafts and Moorings

Swim rafts and moorings are not subject to NHDES wetlands permitting, however, they must be installed in accordance with all applicable state laws and rules adopted by the New Hampshire Department of Safety. More information is available on the [Department of Safety’s Mooring Program website](#).

Aquatherms, Circulators and Similar Devices

Aquatherms, circulators, and similar devices used to inhibit the natural production of ice on public waters are not subject to NHDES wetlands permitting, however, they must be installed in accordance with all state laws and rules adopted by the New Hampshire Department of Safety, more particularly, NH RSA 270. Registration forms are available from towns.

More Information

For more information, please visit the [NHDES Docking Structures Webpage](#) or contact the NHDES Wetlands Bureau at [\(603\) 271-2147](#).