



State of Delaware-Department of Natural Resources and Environmental Control- Division of Water – Wetlands and Waterways Section

GENERAL PERMIT:

Floating Kayak Docks, Floating PWC Docks or Boat Lifts on Tidal Subaqueous Lands

Permit Number: _____

Associated Lease/Permit Number: _____

Effective Date: _____

Expiration of Construction Authorization: _____

I. AUTHORITY AND PURPOSE

Pursuant to the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department") under 7 Del. C. Chapter 72 and § 7205, and in accordance with the Regulations Governing the Use of Subaqueous Lands, the Department, through its Division of Water, Wetlands and Waterways Section, hereby issues this General Permit for the placement and installation of specific minor structures as detailed herein.

This General Permit confers authorization for the installation of:

- One (1) floating personal watercraft (PWC) dock within an existing slip not exceeding six (6) feet in width and properly sized for the proposed activity, and
- One (1) floating kayak dock within an existing slip not exceeding six (6) feet in width and properly sized for the proposed activity, and

- One (1) boat lift/PWC lift within an existing slip, supported by no more than six (6) timber pilings, on tidal subaqueous lands within the State of Delaware, subject to the conditions and limitations herein.
- One (1) PWC lift within an existing slip, supported by no more than six (6) timber pilings, on tidal subaqueous lands within the State of Delaware, subject to the conditions and limitations herein.

II. LIMITATIONS OF AUTHORIZATION

This General Permit does not extend to, nor shall it be construed as authorizing:

- a. The installation of structures composed of solid fill.
- b. Floating docks proposed within submerged aquatic vegetation.
- c. Non-residential projects within the Delaware River, Delaware Bay, the Nanticoke River, or their tributaries.
- d. This General Permit further shall not be utilized in lieu of required authorizations for projects associated with other regulated activities under DNREC jurisdiction, including but not limited to Subaqueous Lands Leases.
- e. This General Permit shall not be used to authorize new use or occupancy of tidal subaqueous lands where no prior DNREC Subaqueous Lands Lease or Permit exists.

III. DEPARTMENTAL DISCRETION

The Department reserves the right to require, on a case-by-case basis, an application for a Permit or Lease where it determines, in its sole discretion, that the activity may have the potential to result in significant adverse impacts to environmental resources, public navigation, or the public interest generally.

IV. ELIGIBILITY

This General Permit shall apply exclusively to the installation of the structures outlined above, provided that all conditions and criteria set forth herein are met:

Such installations shall be restricted to non-commercial, recreational uses located on tidal subaqueous lands regulated under Chapter 72 of Title 7 of the Delaware Code.

For projects located on public subaqueous lands, this General Permit does not convey any property interest and does not substitute for a required Subaqueous Lands Lease. The permittee shall possess and maintain a valid lease or other written authorization from the State of Delaware, where applicable.

For projects located on privately owned tidal subaqueous lands, this General Permit may only be utilized where a valid DNREC-issued Subaqueous Lands Permit already exists for the use and occupancy of those lands (e.g., portions of the Lewes and Rehoboth Canal).

This General Permit does not authorize new use, expansion, or occupancy of tidal subaqueous lands, does not modify existing permit or lease conditions, and does not supersede private property rights. All activities conducted under this General Permit must remain fully consistent with the scope, limits, and conditions of the underlying authorization.

V. GENERAL CONDITIONS

1. This General Permit shall expire on December 31, 2031.
2. Construction authorized herein must be completed within one (1) year of the issuance date specified on Page 1. Reauthorization will be required thereafter and subject to all applicable application fees.
3. The permitted structures shall be maintained in accordance with this Permit. Abandonment does not relieve the permittee of maintenance obligations unless formal modification or relinquishment is approved by the Department.
4. The permittee shall provide access to Department representatives for inspection purposes, as deemed necessary to ensure compliance.
5. All activities authorized herein shall conform to plans submitted to and approved by the Department. Deviation from approved plans without prior written approval constitutes a violation.
6. Floating structures must not rest on the waterway bottom. Design and construction must include measures to maintain flotation (e.g., chocks, stoppers).
7. No structure (boat lift or floating dock) shall exceed twenty percent (20%) of the waterway width as measured from mean low water line to mean low water line and shall not exceed 250 feet channelward of the mean high-water line.
8. No encroachment within ten (10) feet of an adjacent property line, including property lines extended is permitted unless written consent from the adjacent landowner has been provided to the Department.
9. The use of creosote-treated materials or other pollutant-leaching construction elements is strictly prohibited.
10. Construction activities shall not involve dredging, filling, or any other bottom-disturbing actions unless such activities are expressly authorized.
11. All construction-related materials and waste shall be managed to prevent discharges to waters and wetlands.
12. Best management practices for erosion and sediment control must be implemented and maintained for the duration of construction.
13. Navigation and riparian access must not be impeded during or following construction.

14. The permittee shall retain a copy of this General Permit and approved plans on-site during all construction activities.
15. Any modification to the authorized project requires prior written approval from the Department.
16. A Post-Construction Contractor's Completion Report shall be submitted electronically within ten (10) calendar days of project completion.
17. This General Permit does not authorize future modifications or repairs without separate written authorization.
18. Non-compliance with any term or condition may result in permit revocation and enforcement action by the Department as established in this permit.
19. All permitted structures shall be subject to review and reauthorization at the time of subaqueous lands lease renewal.

VI. SPECIAL CONDITIONS

All work authorized under this General Permit is issued pursuant to the Delaware Subaqueous Lands Act (7 Del. C. Chapter 72) and must be conducted in accordance with the plans approved by DNREC.

The work authorized by this Permit is subject to the terms and conditions of the attached Department of the Army Permit Number NAP-SPGP-20 or appropriate federal authorization.

This permit does not relieve the permittee of the responsibility to obtain any additional Federal, State, or local authorizations.

This permit grants no property rights, exclusive privileges, or immunity from damage claims arising from its use.

VII. TIME OF YEAR RESTRICTIONS

The activities authorized under this General Permit are *de minimis* in nature and, as such, do not require Time of Year (TOY) restrictions. Notwithstanding this determination, this General Permit does not exempt the permittee from compliance with any TOY restrictions or seasonal limitations that may be imposed under separate authorizations issued by other local, state, or federal agencies.

VIII. ENFORCEABILITY

The permittee must comply with all terms and conditions of this permit, all applicable provisions of 7 Del. C. Chapters 60 and 72, and all regulations duly promulgated thereunder. Any violation of 7 Del. C. Chapter 72, any regulation adopted thereunder, any condition of this permit (or any other permit issued pursuant to 7 Del. C. § 7205), or any order of the Secretary shall be subject to enforcement pursuant to 7 Del. C. §§ 7205(d) or 7214, in accordance with 7 Del. C. §§ 6005, 6013, or both.

The permittee is hereby notified that such enforcement may include:

1. Civil Penalties for either completed or continuing violations, as provided in 7 Del. C. §§ 6005(b)(1), (2);
2. Injunctive relief, such as an injunction or temporary restraining order, may be sought in the Court of Chancery where there is substantial likelihood that a violation will reoccur, a violation is continuing, or a violation is threatening to begin, as provided in 7 Del. C. §§ 6005(b)(1), (2);
3. Administrative Penalties following written notice and an opportunity for a hearing under 7 Del. C. §§ 6006–6009, as provided by 7 Del. C. § 6005(b)(3). Failure to pay assessed penalties or Department expenses after appeals have been exhausted may result in civil action by the Secretary to collect the amounts due, including interest, attorneys' fees, and costs;
4. Department Expenses incurred by the Department in responding to the violation, as provided by 7 Del. C. § 6005(c). Such expenses include, but are not limited to, investigation, abatement, cleanup, restoration, hearings, legal costs, equipment, contractual assistance, and associated salary and overtime costs;
5. Penalties may be tripled for a permittee designated a "chronic violator" under 7 Del. C. § 7904 at the time the violation occurred, as provided by 7 Del. C. § 6005(e); or
6. Criminal Penalties, as provided in 7 Del. C. § 6013.

Nothing in this permit limits the authority of the Secretary to take enforcement action for violations under any applicable Delaware statute or regulation. The Secretary may also issue a cease-and-desist order to permittee as provided by 7 Del. C. § 7215, and endeavor by conciliation to obtain compliance, as provided by 7 Del. C. § 6005(b)(2).

IX. APPROVAL AND AUTHORIZATION

IN WITNESS WHEREOF, and pursuant to the authority granted under 7 Del. C. Chapter 72, the undersigned hereby approves and authorizes the issuance of this General Permit.

{Staff Member}

Wetlands and Waterways Section

Division of Water

Department of Natural Resources and Environmental Control