

General Permit Instructions and Qualifying Criteria

Delaware Department of Natural Resources and Environmental Control (DNREC) Division of Water Wetlands & Waterways Section

INSTRUCTIONS FOR GENERAL PERMIT: Floating Kayak Docks, Floating PWC Docks, or Boat Lifts on Tidal Subaqueous Lands

OVERVIEW:

This General Permit only applies to projects requesting authorization for floating kayak docks or boat lifts within existing slips, located on ***tidal subaqueous lands*** in Delaware.

Additionally, this expedited pathway is available only for floating kayak docks not exceeding 6 feet in width and sized appropriately for the activity, and boat lifts/PWC lifts supported by up to six (6) pilings, provided every eligibility criterion below is satisfied and DNREC's screening confirms no impacts to sensitive species or cultural resources. Construction may not begin until written DNREC authorization is issued.

APPLICABILITY:

Any recreational or residential facilities within tidal waters subject to 7 Del. C., Chapter 72 and the Regulations Governing the Use of Subaqueous Lands (Regulations).

Qualifying Criteria for Projects Seeking to Utilize General Permit

A. BLANKET CRITERIA:

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.

Projects must be able to comply with the requirements of the appropriate Department of the Army Permit.

B. DESIGN & DIMENSIONAL LIMITS

- Only one (1) floating dock and or one (1) boat lift or one (1) kayak float proposed per existing slip.
- The project includes no more than six (6) pilings associated with the boat lift.
- The floating dock does not exceed six (6) feet in width and is appropriately sized for the proposed activity.
- No part of the structure encroaches within ten (10) feet of any adjacent property line, unless written consent from the adjacent landowner is submitted with the application.
- The total channelward extent of all proposed structures (including docks, piers, lifts, etc.) does not exceed:
 - 250 feet from the Mean High Water Line (MHWL)
 - 20 percent of the total width of the waterway, whichever is less.
- Boat lifts are located in water with a minimum depth of 1.5 feet (18 inches) at Mean Low Water (MLW) at the respective slip.

C. ENVIRONMENTAL & NAVIGATIONAL SAFEGUARDS

- Floating structures are designed to always remain off the bottom of the waterway (e.g., chocks/stoppers).
- Structures set back at least 50 feet from federally authorized channels/projects and at least 10 feet from state-authorized channels/projects.
- Must adhere to DNREC, DFW statewide time of year restriction **March 1 to October 15** when proposing piling installation. Alternatively, an individual Environmental Review Summary from DNREC Division of Fish & Wildlife can be requested at <https://dnrec.delaware.gov/fish-wildlife/conservation/reviews/>

D. APPLICATION REQUIREMENTS

Before starting construction, applicants must submit the following to the Wetlands & Waterways Section:

- Authorization Form – Completed General Permit – Floating Kayak Docks, Floating PWC Docks, or Boat Lifts on Tidal Subaqueous Lands Authorization Form.
- Include:
 - Written approval from the owner of the underwater lands where the project will occur, or irrefutable evidence that the applicant is the owner.
 - Project Drawings – Scaled plan and section-view drawings.
 - Property Documentation – Current deed and property survey of the lot where the project is proposed.
 - Payment – If submitting by mail, include a check payable to the State of Delaware for the appropriate fee (see below). If submitting online, pay via the online portal.
 - Every application shall be accompanied by the nonrefundable application fee established by the General Assembly. This fee shall cover the costs of handling and evaluating the application, and other expenses of administering the subaqueous lands program.
 - Evidence that:
 - A permit was previously issued by DNREC, or
 - The structure was built prior to July 1969 (the adoption of 7 Del. C., Chapter 72).

E. APPLICANT RESPONSIBILITIES

- Regulatory compliance – Follow all applicable federal, state, and local laws, permit conditions, and setback requirements; ensure structures do not hinder neighbors' access.
- Qualified contractors – If the owner will not perform the work, DNREC strongly recommends hiring an experienced marine contractor familiar with Delaware standards (state licensure is not presently required).
- Ineligible projects – If any criterion below is unmet, the application will be rejected and will need to be resubmitted using the correct application and will be subject to DNREC's standard review timeline.

FEES:

- All activities covered by this General Permit – \$250

Payment options:

- Check (payable to State of Delaware)
- Online payment portal

REVIEW AND APPROVAL PROCESS:



PERMIT TERM:

Issue Date: March 3, 2026

Expiration Date: December 31, 2029
