



DNREC DIVISION OF
WATER

**General
Permit
Guidance**



Helpful Definitions

Term	Simple Definition
DNREC	Delaware Department of Natural Resources and Environmental Control
USACE	U.S. Army Corps of Engineers
Mean High Water	(a tidal datum) means the point on a bank, tide flat, beach or shore, up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation (non-aquatic), physical markings or characteristics, known vegetation lines, and maybe further identified by tidal gauge data, or any other suitable means delineating the mean height reached by a rising tide.
Mean Low Water	(a tidal datum) means the average lowest point on a bank, tide flat, beach or shore, found during normal tide conditions. This may be determined by physical or biological characteristics, interpolation from mean high water based on knowledge of tidal range for an area or tide gauge information, if corrected to account for local conditions.
Channelward	Toward the deeper, navigable part of a waterbody (away from shore).
Landward	Toward or in the direction of the upland shore (away from channel).
Public Subaqueous Lands	means those subaqueous lands owned by the State of Delaware, including subaqueous lands which were altered or created from non-subaqueous lands by excavation or other means or through loss by natural processes or acts of God.
Private Subaqueous Lands	means any subaqueous lands which are not public subaqueous lands.



Purpose

- A General Permit (GP) is a streamlined authorization issued by the Delaware Department of Natural Resources and Environmental Control (DNREC) through its Wetlands and Waterways Section (WWS). A GP applies to projects requesting authorization for specific activities within existing slips located on tidal subaqueous lands in Delaware.
- Provided that every eligibility criteria described in this guidance presentation is satisfied, and DNREC's screening confirms no impacts to sensitive species or cultural resources, this expedited pathway is available only for:
 - floating kayak docks
 - boating lifts
 - PWC lifts
- When pursuing this authorization, it is important to understand the regulatory requirements and eligibility criteria that apply to your project. This guidance presentation outlines the criteria for the activity types allowed under a GP and explain the application submission requirements, helping applicants better understand and navigate this authorization process.

Introduction

- State and Federal Jurisdiction
- Qualifying Criteria for all Projects

Pre-Application Planning

- Design and Dimensional Limits
- Environmental and Navigational Safeguards

Application Submissions Requirements

- Application Forms
- Submission Checklist
- GP Process Flow



State Jurisdiction

➤ What is the Wetlands and Waterways' jurisdiction, and what do they regulate?

The Wetlands

- State jurisdiction includes all tidal wetlands as well as those non-tidal wetlands that include 400 or more contiguous acres under the Delaware Wetlands Act ([7 Del. Code, Chapter 66](#)) and the state's *Wetlands Regulations* ([7 DE Admin. Code 7502](#)). You can find the official State Wetland Maps from the [State-Regulated Wetland Map Index](#).
- State regulated wetlands protected by law are defined as “those lands lying at or below two feet above local mean high water which support or are capable of supporting” certain plant species that are listed in the law and regulations.
- The types of activities in these wetlands that are regulated, and therefore require a permit, include dredging, draining, filling, construction of any kind, bulk heading, mining, drilling and excavation.

The Waterways

- State jurisdiction includes all tidal waters up to the mean high-water line as well as all nontidal rivers, perennial streams, intermittent streams, lakes, ponds, bays, and inlets up to the ordinary high-water line under the Subaqueous Lands Act ([7 Del. Code, Chapter 72](#)) and the *Regulations Governing the Use of Subaqueous Lands* ([7 DE Admin. Code 7504](#)).
- The activities regulated in these waters include the placement of any structure in, on, over or under subaqueous lands (including docks, piers, buoys, ramps, dolphins, pilings, dams, culverts, bridges, etc.), as well as the laying of any pipeline or utility line (electric, telephone, fiber optic, water, sewer, gas, etc.), bank or channel stabilization structures (rock veins, grade controls, rip-rap, groins, gabions, breakwaters, bulkheads, biologs/vegetation), any dredging, filling, excavating or extracting of materials, or establishing an anchorage for mooring more than two vessels.



Qualifying Criteria for all Projects

This GP is applicable to any recreation or residential facilities within tidal waters subject to 7 Del.C., Chapter 72 and the Regulations Governing the Use of Subaqueous Lands (Regulations). For the overall state requirements, the GP 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 GP must remain fully consistent with the scope, limits, and conditions of the authorization.

Projects on Publicly Owned Tidal Subaqueous Lands

- This GP does not convey any property interest that does not substitute for a required Subaqueous Lands Lease. The applicant must have an maintain a valid lease or other written authorization from the State of Delaware, where applicable.

Projects on Privately Owned Tidal Subaqueous Lands

- This GP 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).



Design and Dimensional Limits

➤ Design and Dimensional Limits Include:

- Only 1 floating dock and or 1 boat lift or 1 kayak float proposed per existing slip on the property.
- The projects includes no more than 6 pilings associated with the boat lift.
- The floating dock does not exceed 6 feet in width and is appropriately sized for the proposed activity.
- No part of the structure encroaches within 10 feet of any neighboring property line, unless written consent from the neighboring landowner is submitted with the application.
- The total channelward extend of all proposed structures (including docks, piers, lifts, etc.) does not exceed:
 - 250 feet from the Mean High Water Line, or
 - 20% 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 at the respective Slip.



Environmental and Navigation Safeguards

➤ **Environmental and Navigation Safeguards Include:**

- Floating structures are designed to always remain off the bottom of the waterway (e.g., chocks/stoppers).
- Structures are set back at least 50 feet from federally authorized channels/projects and at least 10 feet from state-authorized channels/projects.
- Commitment to adhere to DNREC, Division of Fish & Wildlife published waterbody specific time of year restrictions when proposing piling installation or Environmental Review Summary from DNREC Division of Fish & Wildlife.
 - If not yet obtained, request [here](#).



Application Forms from the Wetlands and Waterways Section

- For the GP application, applicants must complete the GP – Floating Kayak Docks, Floating PWC Docks, or Boat Lifts on Tidal Subaqueous Lands Authorization Form.
- The applicant must provide general information such as applicant identification, project location, existing permits, proposed structures, etc.


State of Delaware General Permit – Floating Kayak Docks, Floating PWC Docks, or Boat Lifts on Tidal Subaqueous Lands Authorization Form

Applicant Name:		Address	Phone	Email
Consultant Name:		Address	Phone	Email
Contractor Name:		Address	Phone	Email
Site Address:		Tax Parcel Number:	Nearest Waterbody Name:	
Community/Development Name:			Waterbody width at site:	
Existing Lease/Permit #:	Name on existing permit:		Length of waterfront property line	
Do current dimensions match permitted dimensions?		Will the structure(s) be 10' from all property lines?		Does the proposed activity comply with SPGP-20?
Yes No		Yes No		Yes No
Choose a proposed structure type:				
	<small>Boat Lift</small>	<small>PWC Float</small>	<small>PWC Lift</small>	<small>Kayak Float</small>
Structure Type:	Dimensions (L x W)	# of pilings	Proposed material	Quantity
	<small>Kayak, max 6' width</small>	<small>Max 6'</small>		
Vessel Type	Vessel Length	Vessel width	Vessel draft	Quantity

Applicant Signature: _____ **Date:** _____
I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge. I understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application. I grant Permission to the authorized Department representative(s) to enter upon the premises for inspection purposes during work hours.

Contractor Signature: _____ **Date:** _____
I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge. I understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application.

Owner of Underwater Land's Signature: _____ **Date:** _____
Required for private subaqueous lands prior to submission.

Agent/Consultant Signature: _____ **Date:** _____
I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge. I understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application.



Submission Checklist

- Applicants must include the following components as part of a complete GP application. Submission of all required materials at the time of application will facilitate timely review and authorization issuance:
- Completed General Permit – Floating Kayak Docks, Floating PWC Docks, or Boat Lifts on Tidal Subaqueous Lands Application Form.
 - Written approval from the owner of the underwater lands where the project will occur, or irrefutable evidence that the applicant is the owner.
 - Plan and section view drawings showing mean high water, mean low water, width of waterbody, and an indication that the project occurs at least 10 feet away from neighboring property lines.
 - Certified copy of the deed and a property survey for the project site.
 - Vicinity map showing location and boundaries.
 - 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).
 - A check for the appropriate application fees made payable to the State of Delaware (\$250). If submitting online, have a form of payment ready once applicant has compiled all documents to submit.
 - One copy of the complete application mailed to DNREC, Division of Water, Wetlands and Waterways Section, 89 Kings Highway, Dover, Delaware 19901 or apply online.

[Digital Submission Homepage](#)



Expedited General Permit (GP) and Statewide Activity Approval (SAA) Process Flow

