Residential Docks and Piers: Integrating Science, Policy and Management

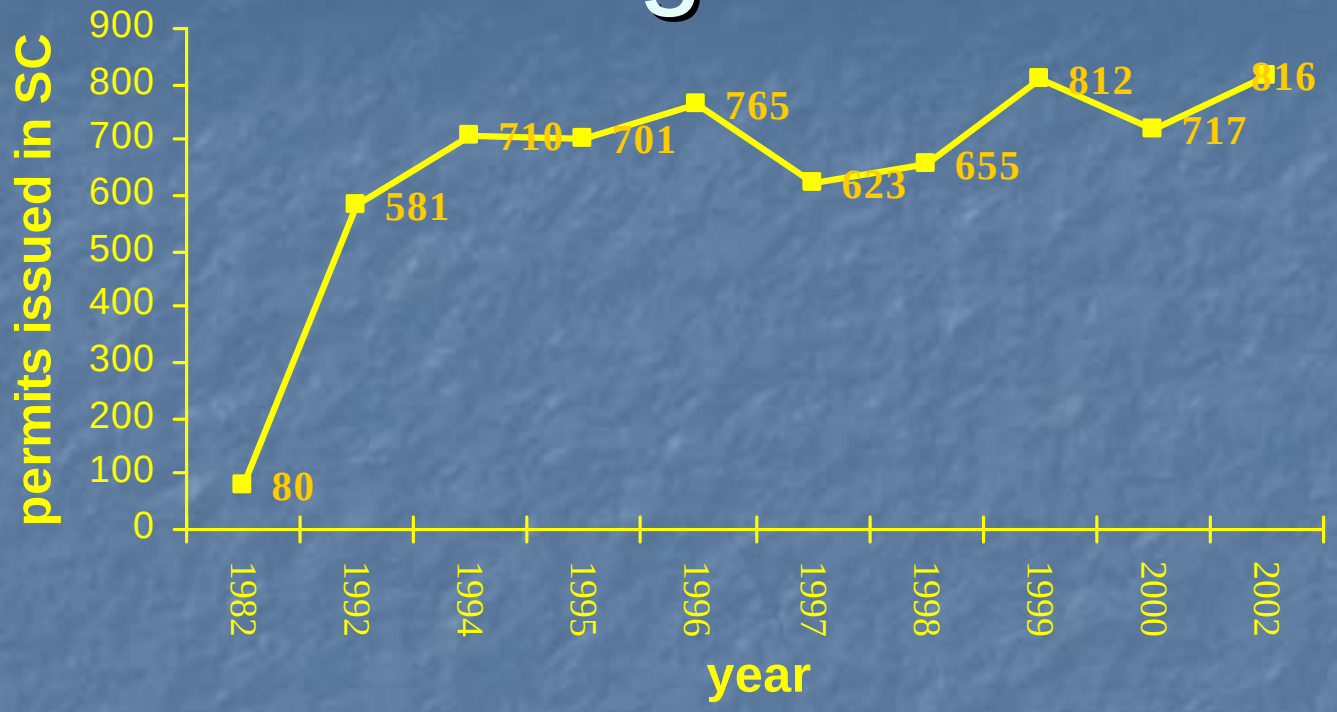
Management Tools

Allison Castellan
Office of Ocean and Coastal Resource Management
Coastal Programs Division

Background

- Growing population intent on living near the coast.
- Desire for immediate access to water by private docks.

Background



- Dock authorizations most frequently sought permit from coastal managers.
- Docks permitted per year:
  - GA = 300+
  - FL = 600+
  - NC = 900+
  - SC = 700+

Background

To ensure that additional docks:

1. Don’t unreasonably harm the environment,
2. Provide reasonable waterfront access if desired, and
3. Don’t unreasonably affect public access, navigation or other uses.

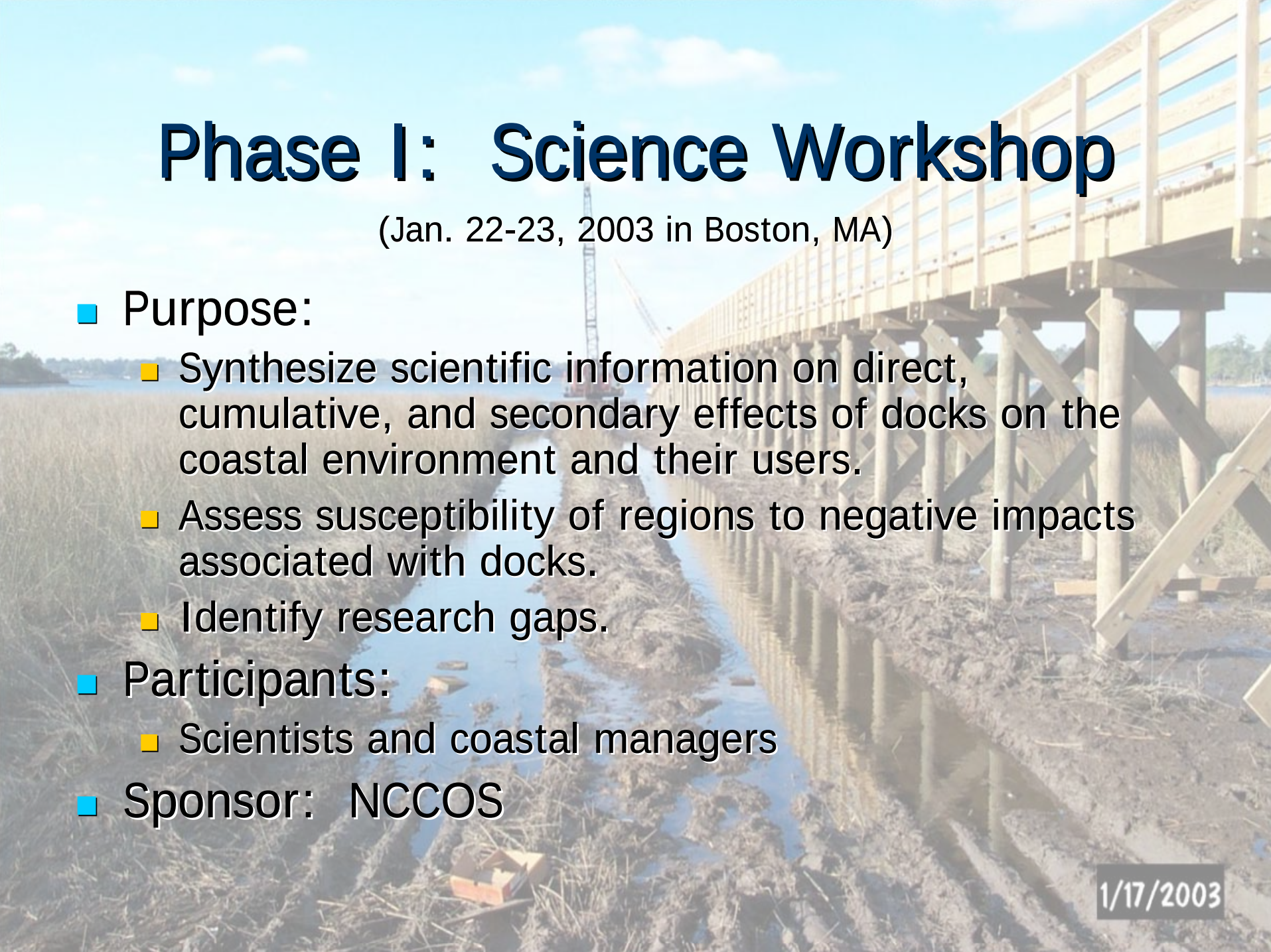
Managers want better understanding of:

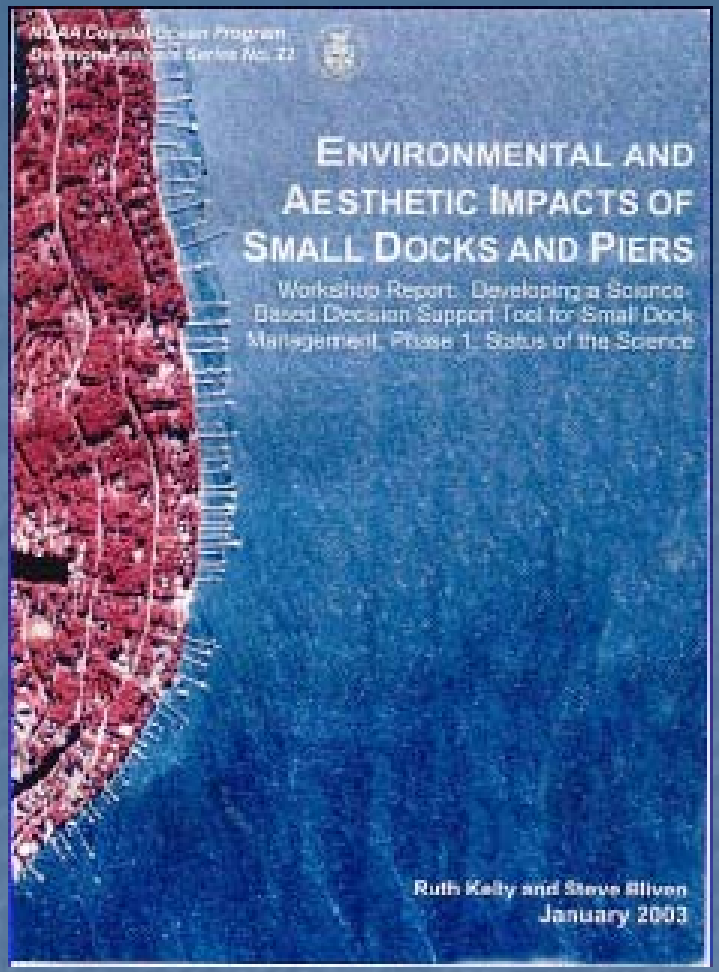
1. Individual and cumulative impacts of docks, and
2. Suite of regulatory and non-regulatory management techniques they can employ.

Phase I: Science Workshop

(Jan. 22-23, 2003 in Boston, MA)

- Purpose:
  - Synthesize scientific information on direct, cumulative, and secondary effects of docks on the coastal environment and their users.
  - Assess susceptibility of regions to negative impacts associated with docks.
  - Identify research gaps.
- Participants:
  - Scientists and coastal managers
- Sponsor: NCCOS





Proceedings from the Science Workshop available at:
http://www.nccos.noaa.gov/publications/notables.html

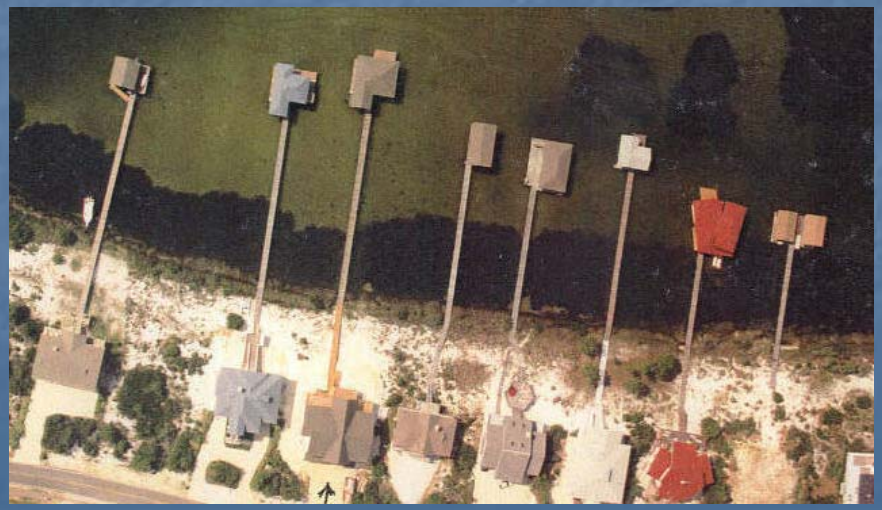
Phase II: Management Workshop

(Nov. 18-19, 2003 in Durham, NH)

- Purpose:
  - Compile and evaluate available tools (e.g. planning, regulatory, design and construction) for dock and pier management.
  - Initiate planning for regional meetings to inform coastal managers and planners about what was learned during national workshops.
- Participants:
  - Coastal regulatory, planning and outreach staff, engineers
- Sponsors: OCRM, NCCOS, CSC

Regulatory Techniques

- State level
  - Police Power
  - Public Trust
  - Ownership
  - Tax Law
  - Contract Law



- Local Level
  - Zoning Overlays
  - Subdivision Control
  - Building Codes
  - Ordinances
  - Harbor Master Control
  - Dock Registration

Regulatory Techniques

- New ideas for Regulation and Management
  - Incentives (subsidies, tax reduction)
  - Disincentives (displacement/occupancy fees)
  - Heightened Scrutiny (EISs, ACECs)
  - Burdens of Proof (show need for dock)
  - Permits-by-rule (de minimus impacts, standard plans)
  - Density/timing (zoning, seasonal restrictions)
  - Plan Consistency (CZM plan, municipal harbor or coastal plans, local master plan)

Planning and Zoning Techniques

- The issue isn't an individual dock or even a handful of docks but the increasing "sprawl" of multiple docks.
- Must consider cumulative impacts (env. and social) of docks if full build out reached.
- The first dock permitted opens the way for many.
- Case-by-case reviews of individual docks don't address "sprawl" or cumulative impacts.

Planning and Zoning Techniques

- Need a more comprehensive management scheme with strong planning/zoning approach.
- Planning/Zoning should:
  - Have well-defined boundaries
  - Be based on community values
  - Be fluid and updated/renewed regularly

Planning and Zoning Techniques

- Types of Plans:
  - Local CZM Plans
  - Harbor Management Plans
  - Regional Plans
  - SAMPs (e.g. Pleasant Bay, MA; Ashley River, SC)

Planning and Zoning Techniques

- Plans should:
  - Establish limits for docks and areas where growth is ok.
  - Encourage community docks.
  - Promote marinas as alternative to individual docks.
  - Consider managing groups of docks as "marinas."

Next Steps

- Database of Dock Management Techniques
- Outreach
  - Regional Workshops
- Aesthetics White Paper

The Database

- GOAL: Compile regulatory and non-regulatory techniques for dock and pier management.
- Searchable, web-enabled database.

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Dock and Pier Management Database

State: North Carolina

Previous State | Find Item | Next State

OVERVIEW | REGULATORY PROGRAMS | PLANNING AND ZONING | LEASING | ACQUISITION | SITING CRITERIA | DESIGN CRITERIA | CONSTRUCTION CRITERIA | MISCELLANEOUS

GENERAL CONTACT INFOMRATION FOR DOCK AND PIER MANAGEMENT

	LEAD AGENCY FOR DOCK AND PIER MANAGEMENT :	SECONDARY AGENCY	OTHER AGENCY
AGENCY	DENR		
CONTACT:			
PHONE #:			
E-MAIL			
WEBSITE:			

CONTEXT FOR DOCK AND PIER MANAGEMENT

Number of docks/ piers in state:

Number of docks and piers permitted annually: 800

Number of shoreline miles: 3375

Definition of docks and piers:

Dock: any structure with <10 slips (>10 slips is a marina). A "T" : Any portion of a dock or pier (either fixed or floating) extending form the main structire that is 6ft or less in width is a T or finger pier.

Overall Policy on Docks and piers:

Structures in AECs that would have a substantial likelihood of causing pollution of state waters and closing shellfish resources are prohibited; Structures that have no significant adverse impacts on fishery resources, water quality, or adjacent wetlands, are permissible. Significant adverse impacts include but are not limited to: impacts that would impair water quality standards, increase shoreline erosion, alter coastal wetlands or SAV,

General Description of Management Programs:

Under CAMA state permits all activities in Areas of environmental concern (AECs), which cover almost all coastal waters, and shorelands (about 3% of all land) in the 20 coastal counties--the states coastal zone. There are four categories of AEC: estuarine and ocean system; ocean hazard system; public water supplies and natural and cultural resources. Permits outside this area are handled by the NC Department of Environment and Natural Resources.

NCCMP issues a major permit for certain docks and piers, which requires applicants to provide application to adjacent landowners by certified mail and calls for a 30 public notice period. Permits expire on December 31 three years after issuance. Certain docks and piers can obtain a general permit, which has blanket public notice. Applicant must still obtain signed statements of no objection form adjacent landowners. General permits can be issued only for private, noncommercial docks and piers. State recently (2002) repealed exemption for certain docks and piers meeting minimum criteria. Hardly ever used.

State conducts site visits before and during construction of structures. It also conducts quaterly aerial surveys to detect unpermitted activities; and

Record: 1 of 4

*NOT REQUIRED If available,provide latest numbers of docks and piers permitted annually

NUM

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Dock and Pier Management Database

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State: North Carolina

PLANNING AND ZONING PROGRAM SUMMARY

	Primary Auhtority/Program	Secondary Auhtority/Program	Other Auhtority/Program
Title of Authority/Program	Local special area planning process		
Legal Basis	no formal structure, local option		
Level Applied	local		
Brief description of planning Auhtority or Program	Develop SAMPs for specific areas that can address dock issues. SAMPs can establish limits for docks and can exclude docks from some areas. SAMPs can also place specific design and placement criteria on docks.		
Assessment Methodology:			
AUTHORITY ADDRESSES:			
Siting Aspects	☑ [Check for YES; blank for NO]	☐	☐
Design Aspects	☑	☐	☐
Construction Aspects	☑	☐	☐
ADDRESSES IMPACTS FROM:			
The Structure	☑	☐	☐
Contaminants	☐	☐	☐
Boat operations	☐	☐	☐

Record: 1 of 4

Does the auhtority address/manage the construction practices for docks and piers

NUM

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State: North Carolina

DESIGN CRITERIA FOR DOCKS AND PIERS

Length:
The shortest of the following:
- the established pier length along same shoreline for similar use; or
- not within any navigation channel; or
- Not greater than 1/4 width of natural water body, man-made canal, or basin measured form waterward edge of vegetation;

Height:
At least 3 ft above wetland substrate as measured form bottom of decking of all walkways, piers, T's, and associated structures

Width:
6ft by right/rule. Need a major permit for >6ft.

Total Sq Ft:
NO total max SQFT --instead NC uses a combination of pier length plus sq ft covered by boathouses and a limit of 4 sqft per linear foot of shoreline for Ts, finger piers,

Orientation:

Plank Spacing

Pile size and placement:

Railings:

Floats/ floating docks:
Size is dependent on type permit issued
- floats up to 200 sqft exempt
- floats between 200-400 sqft are allowed under general permit;
- grater than 400 sq ft major permit and combined are of Ts, finger piers, decks and platforms must not exceed a total area of 4 X linear ft. of shoreline

Boathouses:
- Boat houses are allowable only on lots with 75 ft of linear shoreline.
- Total sqft (as measured form the greates exterior dimensions) must be <=400sqft. Anyhting grater would require major permit.
- Top half of boathouse can be enclosed with sides extending down 1/2 height of walls.
- Piers docks decks platforms and boathouses

Boat hoists:
- For a general permit owners can have up to 2 boat lifts the combined area cannot exceed 400 sq ft.
- A jet ski lift counts as one lift;
- A boat lift may be covered by a boathouse or left uncovered.
- boatlifts/boathouses exceeding 400 sqft would require major permit review

Enclosures:

Roofs:

Record: 1 of 4

Form View NUM

Regional Workshops

- Purpose:
  - Educate wider audience about information learned during two national workshops.
  - Improve communication on dock and pier issues within Region.
- Audience:
  - Mixed where possible (i.e. coastal managers, NGOs, contractors, consultants, decision-makers, public).
- Resources:
  - NERRs, SeaGrant, CMPs, NEPs
  - Model PowerPoint Presentations

Aesthetics White Paper

- Consider aesthetics during permitting and when developing plans/zoning overlays.
- Need to ensure that statutes/regulations address aesthetics.
- White Paper:
  1. Where aesthetic standards work best
  2. How to research statutory language
  3. Existing programs that review aesthetics
  4. Analysis techniques/tools
  5. Case studies

The End