

I recently purchased a property & ask what are the rules for putting a dock in, and where to I go for information?

This is a frequent question of new lakefront owners and others purchasing land on a road leading to the lake who may be told (examine deeds carefully before assuming anything) that they have lake rights, and are searching for space along the shore for their dock and hoist. You have to deal with neighbors. Lakefront owners own the shoreline, and have trespass rights. Some associations have common docks. Finding a space to share involves courtesy. Shallow water is a challenge, and long docks require a lot of in-water effort as well as onshore storage area. Longtime users have their traditional spots, so talk with your new neighbors and work courteously to find a mutually acceptable location into which to slip your moorage. Just because you have lake rights, you may not find access easy and unproblematic.

First, know that most property lines end at the mean high water mark. Access into the water involves a myriad of regulations. Below this elevation the State of New York, General Services owns the lake bottom.

Activities on, in, and under the water are subject to State and Federal review by the following agencies as applicable and as required by law: the New York State Department of Environmental Conservation (NYSDEC); the New York State Office of Parks, Recreation and Historic Preservation (NYS OPR&HP); the New York State Office of General Service (NYSOGS); and the United States Army Corps of Engineers (USACE or the Corps). Article 6, Section 75 of the Public Lands Law establishes the terms and conditions for the conveyance of the State's interest on State-owned underwater land. It is the responsibility of the lakeshore owner to obtain any and all State and Federal permits as may be required. NYSDEC and USACE vet requests under a *Joint Application for Permit* Form that can be found on their regulatory websites.

Section 46-a of the New York State Navigation Law has been amended sometimes giving certain villages and towns surrounding some lakes the authority to adopt, amend and enforce local laws, rules and regulations not inconsistent with the laws of the United States, with respect to the restriction and regulation of the manner of construction and location of boathouses, moorings, and docks, including related accessory uses. And then there are the neighborhood 'rules'. Some of the campgrounds and private associations have distinct covenants.

Basically, from a regulatory standpoint, seasonal docks (and hoists) require a renewable USACE general permit. This covers putting in a portable, sectional dock on legs or floats that merely *rest* on the bottom. Most temporary docks are in place from about mid-May to mid-September. Outside this period sudden water level increases may unexpectedly 'remove' your dock! Permanent docks (there are few due to Oneida Lake's ice) are "fill" structures generally seen as a potential navigation hazard, and so require different permitting – as does dredging the bottom. Below is a link for a USACE Regional Permit that authorizes open pile and floating docks. Some of the work authorized under this Regional Permit can be done without the need for the submission of an application to USACE, provided the project meets the terms and conditions identified.

http://www.lrb.usace.army.mil/Portals/45/docs/regulatory/RegionalPermits/2016_87-000-1_Final.pdf?ver=2016-12-09-123452-613