

CONSTRUCTING YOUR DOCK

Can I build the dock myself?

The individual(s) constructing the dock are not required to hold specific qualifications. However, when making the decision of who will build your dock it is important to note that the dock must be properly constructed according to the Cabinet approved plans to be in compliance with Permit conditions. Failure to adhere to the approved plans will result in enforcement action and penalties may apply.

What mitigation is required during construction?

The active Permit will include mitigation requirements specific to the approved works. The following are general mitigation requirements applied to all coastal works:

- All works should be carried out to have the least possible deleterious effect on the marine environment and in particular steps should be taken to prevent pollution of waters by silt and associated contaminants.
- In order to reduce turbidity and other environmental impacts, the DOE prefers piles to be driven or hammered in place, rather than water-jetted or drilled.
- Turbidity should be mitigated through installation of silt screens of sufficient depth and length to fully enclose the work area. Works should not commence without such screens securely anchored. The screens must be maintained to the satisfaction of the DOE and remain in place throughout construction and until the water contained in the screen has cleared to the same appearance as the water immediately outside of the screen.
- Works must stop during periods of inclement weather or in the event the silt screens are not securely anchored, are damaged or comprised, or are not effectively containing the turbid water.

- The Permitted Area within which all work must be carried out is typically the dock footprint as shown on the approved plans. All machinery used during construction must operate within this area and in a manner that minimises environmental impact.

- Stockpiled material associated with the dock’s construction should be suitably contained or stored in a location away from the water’s edge in order to avoid leaching of sediments as a result of run-off from wave action, rain and drainage.

What does it mean if my dock is unauthorised?

Your dock is considered unauthorised if it is unpermitted or is not in compliance with the permitted design (ie: length, width, location, etc.). You will be required to submit an after-the-fact application for the unauthorised dock. Applications refused by Cabinet may result in an order to remove the structure. After-the-fact applications that receive approval will be subject to twice the normal royalty fee and may incur additional penalties.



Photo 2: The above dock is cantilevered from the canal wall and therefore does not require pilings. A similar technique should be used for swim and fish cleaning platforms on ocean front docks.

What should I be aware of during the construction of my dock?

As the applicant, you should monitor the work often as it is ultimately the Permit holder who is responsible if the dock is constructed improperly or illegally. It is also advisable to have the contractor sign the Permit to make him partially liable for decisions he may make without your knowledge which may not be in compliance with your Permit.

Beware of contractors who tell you that additions or alterations can be made without Cabinet approval. While some items may seem minor, it is in your best interest to check with the DOE to determine if a Coastal Works Permit is required for any changes you wish to make.

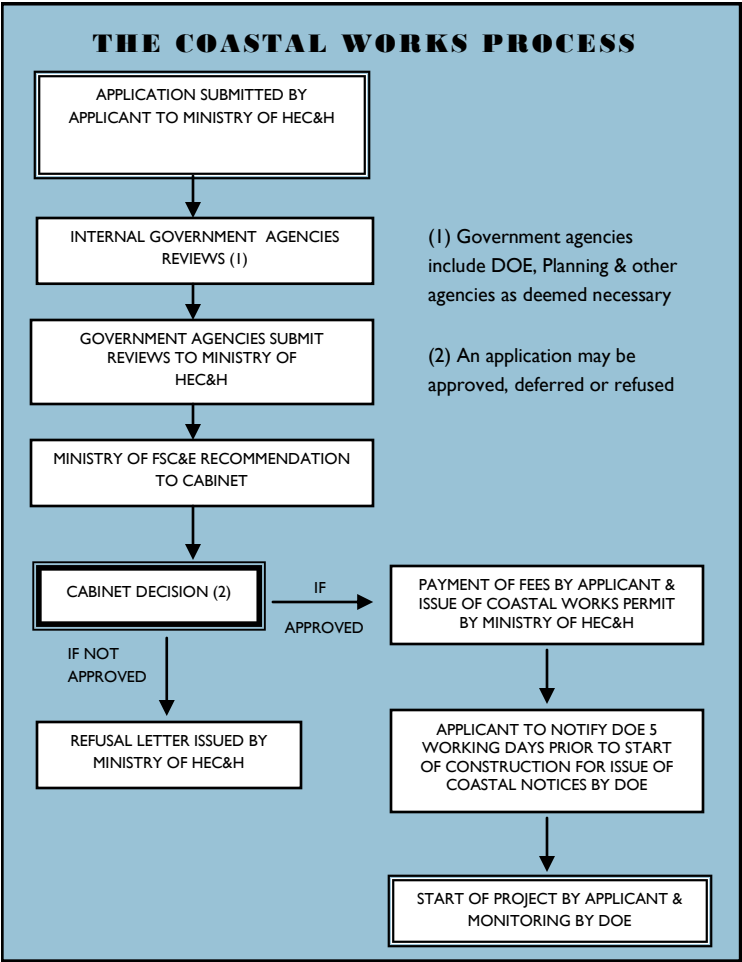
Be sure your current Coastal Notices are posted correctly; one by the road and one by the coast. This lets others know that the structure is authorised. Failure to post the Notices will result in enforcement action by the DOE.

Carefully monitor the operations and your contractor’s activities. Be sure the contractor minimizes impacts to vegetation and properly maintains silt screens. Also ensure he keeps the area free from garbage and construction debris.

You must allow the DOE reasonable access to the site, both by land and sea, for the purpose of monitoring the construction work.

As a Coastal Works Permit holder you and/or your contractor on your behalf must comply with verbal or written requests from the DOE regarding reducing environmental impact during construction or immediate cessation of work if the work is causing an unacceptable environmental impact. If the DOE stops works, construction may only resume when authorised by the DOE upon satisfactory correction of work methods to prevent further environmental damage.

Contact the DOE immediately if you believe that the construction of your dock may be out of the scope of the approved, permitted dock design. Docks built out of scope of the approved design may result in enforcement action.



MAINTENANCE OF YOUR DOCK

What maintenance obligations am I as dock owner responsible for?

Ongoing obligations include maintenance of the structure to a reasonable safe standard. Cabinet reserves the right to serve notice to the Permit holder to remedy the structure if ongoing obligations are not carried out.



Photo 3: Enforcement action may result if a dock is not maintained to a safe standard or if the damaged dock is impacting the natural environment.

What happens if a storm or other natural event destroys my dock?

Previously authorized docks damaged by hurricanes or storms can be rebuilt without the issuance of a new Coastal Works Permit provided the following conditions are met:

- The Ministry must be informed of the applicant’s intention to rebuild the previously approved dock. Application forms for dock reconstruction are available at the Ministry and the DOE.
- The structure must be rebuilt to the same dimensions as previously approved and permitted.
- The approved location, footprint and plan area of the structure must remain unchanged.
- Subject to the above requirements, the applicant will receive a letter from the Ministry advising that reconstruction can commence.
- The DOE must be notified of the commencement of works to allow for issuance of Notices and monitoring.

No additional fees are incurred to rebuild a previously licenced/permitted structure providing that all above conditions have been met.

If you wish to relocate, add square footage or change the configuration of the dock, you will need to apply for a new Coastal Works Permit.



Photo 4: Removal may be necessary if a damaged dock is creating a navigational hazard. The Port Authority can advise on this. A Coastal Works Permit is required for works on the seabed.

DESIGN AND CONSTRUCTION GUIDELINES FOR DOCKS



Cayman Islands Government Department of Environment

Cayman Islands Environmental Centre
P.O. Box 10202
580 North Sound Road, George Town,
Grand Cayman KY1-1002, Cayman Islands
Tel: 345-949-8469 Fax: 345-949-4020
E-mail: doe@gov.ky Website: www.doe.ky

Ministry of Health, Environment, Culture & Housing

Government Administration Building
George Town, Grand Cayman KY1-9000, Cayman Islands
Tel: 345-244-2204 Fax: 345-945-0941



INTRODUCTION

This brochure should serve as a guide to help those wishing to construct a dock on Crown-owned Land through the Coastal Works Permit application process.

This guide should be read in conjunction with the Application for a Coastal Works Permit for Docks.

BEFORE YOU BEGIN

Where may I construct my dock?

Docks may be constructed adjacent to your property along most of the coastline and most canals. Docks will not be permitted along Seven Mile Beach. Your dock should be located such that it does not create a navigational hazard or cross the projected line of side property boundaries. Where possible, your dock should be sited over hard bottom or sand rather than seagrass.

Do I need a Coastal Works Permit to build a dock?

A Coastal Works Permit granted by Cabinet is required if you plan to construct a dock over waters at or seaward of the mean high water mark or over Crown-owned canals such as Governor's Harbour, Lime Tree Bay, Safe Haven and Snug Harbour/Hyatt Canal. Those wanting to construct over canals which are not Crown-owned require permission from the Central Planning Authority and must contact the Planning Department for information regarding that application process.

What do I have to do if I want to make additions or changes to an existing dock?

A new Coastal Works Permit is required if the alterations to an existing dock will expand the dock footprint beyond the area originally licensed (e.g.: addition of a swim platform, mooring piles) or if different construction materials or methods will be employed. A Coastal Works Permit may not be required if the area of the dock will not use additional square footage of Crown Land (i.e.: ladders, cabanas). It is advisable to check with the Department of Environment (DOE) before additions are constructed to determine if a Coastal Works Permit is required.

How do I apply for a Coastal Works Permit?

If you require a Coastal Works Permit for constructing a new dock or altering an existing dock you must submit an application for approval to the Ministry of Health, Environment, Culture & Housing (HEC&H). The coastal works application can be obtained from the Ministry at the Government Administration Building, the DOE at the Cayman Islands Environmental Centre, or at <http://doe.ky/resources/brochures/>. There is no fee associated with submitting an application.

Should I tell my neighbour that I am applying for a Coastal Works Permit to build a dock?

Open communication between the applicant and his or her neighbours is encouraged. The Permit application requires that the applicant notify all waterfront property owners within 500 linear feet from either side of the boundaries of the proposed dock (see application item 19). Advertisement in a local newspaper for two consecutive weeks is also required (see application item 18). Neighbours or other individuals with questions or concerns can review the plans and full application at the Ministry of HEC&H Letters of concern or objection may be sent to the Ministry within 21 days of the notification being advertised.

What purpose(s) may my residential dock serve?

The DOE encourages applicants to coordinate with their neighbours to construct multi-family or shared residential docks in order to alleviate construction costs and impact on the environment.

A residential dock may not accommodate fuel dispensing facilities or other installations conducive to harmful run-off. Live-aboard and commercial vessels are not permitted to use residential docks.

Fish feeding activities are not permitted from residential docks.

DESIGNING YOUR DOCK

What size and design can my dock be?

Your dock should be sized for its intended use. Docks constructed along the coast should extend to the 4 foot depth contour or as necessary to allow boat access. Docks constructed along a canal may not extend more than 6 feet into the canal. Cantilevered docks constructed on suitable canal walls do not require pilings and often meet the needs of residential dock owners (photo 2).

Docks with a 'T' or 'L' shaped ending may be considered for approval.

The dock should not block or impede public access to or along the beach. To achieve this the structure should be terminated between the mean high and low water marks and steps or a ramp should be used to reach the beach level (see Photo 1).

The dock shall not substantially impede the natural flow of water. Construction of solid fill structures is discouraged for this reason.

If located over seagrass habitat the dock must be elevated at least 4 feet above high water level and must have at least 1/2 inch spacing between boards in order to allow light to penetrate. These dimensions and seabed bottom type should be indicated on construction plans as noted in item 22 of the application form. Figures 1 and 2 provide examples.

If the dock is located in a Replenishment Zone or Marine Park it must be constructed to maintain at least 1 foot of clearance between the top of seagrass beds and bottom of deepest part of proposed boat or motor to be used in the area in order to avoid prop wash and scarring. Use of mooring piles or buoys are encouraged as alternatives or complements to docks located over seagrass.

Ladders to access the water from the dock for swimming are encouraged. Swim or fish cleaning platforms should be cantilevered. Steps integrated into the footprint of the dock are preferred over protruding steps.

If a cabana is proposed for the dock it should be made of biodegradable material, especially for the roof.

Prior to submitting the Coastal Works application, applicants are encouraged to consult with the Department of Environment regarding potential impacts of the proposed dock and means to mitigate such impacts.

Can my dock be a floating dock?

Floating docks are discouraged over seagrass as they restrict sunlight access. Floating docks are permitted over hard bottom or sand. The floating dock must be safely and securely attached to the seabed and constructed to withstand local wave and wind conditions, or have removable components.

Does my dock require lighting?

Standard dock lights are discouraged by the DOE in turtle nesting areas as they may impact hatchling safety. Contact the DOE to determine if your property is a turtle nesting beach and for details of Turtle Friendly Lighting options, or see <http://doe.ky/marine/turtles/turtle-friendly-lighting/>.

APPROVAL FOR YOUR DOCK

Do the construction plans submitted with my application need to be professionally drawn and printed?

Construction plans required as part of the Coastal Works application must be certified by an engineer, architect, or surveyor. Prior to submitting the application, ensure that the information requested in item 22 of the application form is included on the plans. See Figures 1 and 2 for example illustrations of required seabed profile and plan view of habitat features.

Construction plans can be submitted on 11X17 paper or as AutoCAD files in lieu of full sized drawings.

What happens when Cabinet makes a decision?

If Cabinet approves the application, a Coastal Works Permit is issued to the applicant by the Ministry. The Permit is a legally binding document which contains specific conditions on how the works must be carried out. Permits are activated and enforceable once they are signed by the Ministry and Permit holder and agent (if applicable) or contractor. Permit holders are encouraged to have their contractor sign the agreement as well in order to share liability.

Do I have to obtain permits or authorization from other agencies once I have obtained a Permit from the Ministry?

The Coastal Works Permit requires the applicant to notify the DOE five working days prior to commencement of works. The DOE will then issue two Coastal Notices to the applicant. Works shall not commence without these notices displayed.

Where do I display the notices issued by the DOE?

These notices must be visibly displayed on site, one near the area of coastal construction and the other by the roadside.

If notices are not visible Conservation Officers may suspend works until notices are produced.

Can I extend the expiration date of my Permit?

Typically, Coastal Works Permits for dock construction are activated for a twelve month term. The Permit holder is required to re-apply should he fail to commence or complete works within the duration of the activated Permit.

What fees will be applied?

There is no fee associated with submitting a coastal works application. If the application is approved, Cabinet may impose the following fees:

Royalties for use of Crown property:

CI\$2.50 per square foot for private docks built on canals

CI\$5.00 per square foot for other private docks

Royalties for commercial docks are double that of a private dock of same area.

Mitigation for damage to natural resources:

A mitigation fee is applied when a structure is located in a Marine Protected Area or impacts sensitive marine resources (e.g. damages or shades seagrass).

CI\$10.00 per square foot for a Marine Protected Area

CI\$8.00 per square foot for other sensitive areas

Administrative and monitoring fees:

A fee is applied for review of the application and monitoring of the approved construction works. This fee is normally in the order of \$300-\$500.

Fees for approved after-the-fact applications will be doubled.

Figure 1:

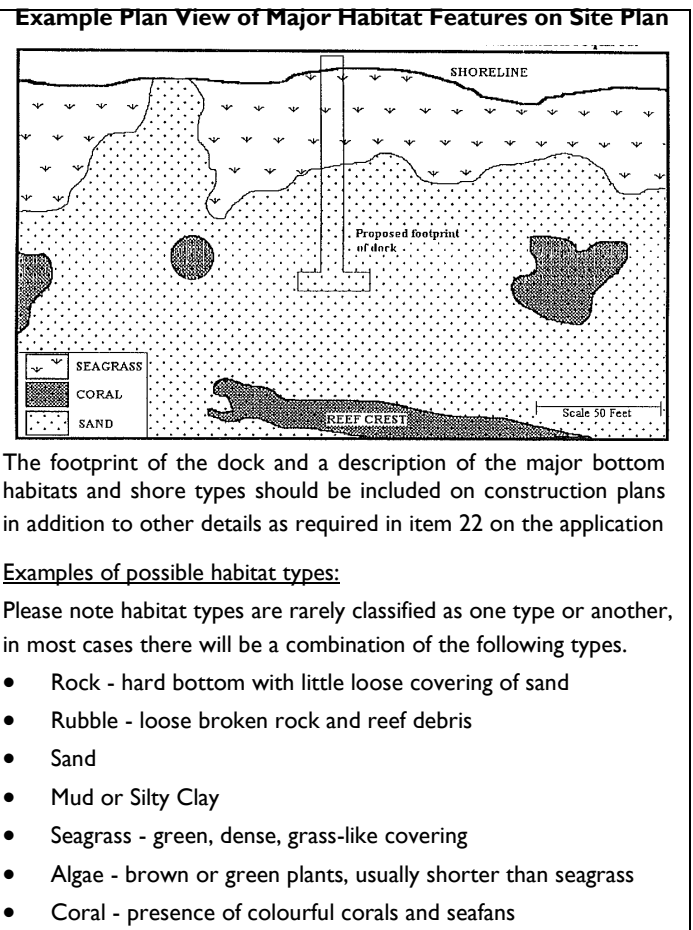
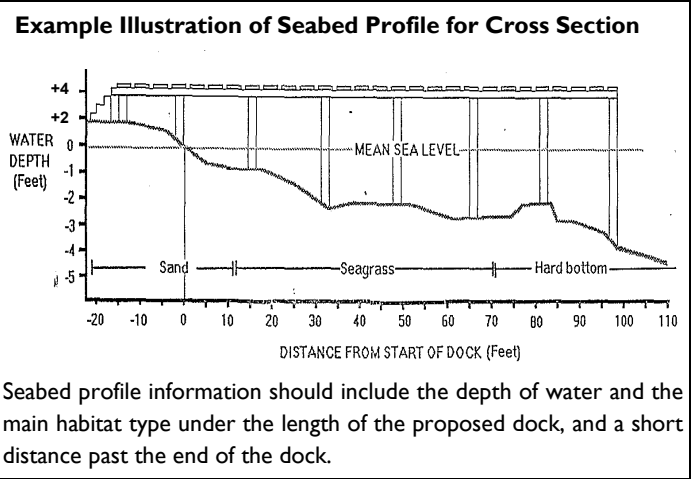


Figure 2:



Seabed profile information should include the depth of water and the main habitat type under the length of the proposed dock, and a short distance past the end of the dock.



Photo 1: Good example of a dock design which does not block pedestrian access between the low and high water marks.