

## **Waterways Practitioners Working Group**

### **November 20, 2024 – Meeting 2**

#### **1. Guidance Documents**

##### **a. FPAs**

- i. More distinction/detail between exterior and interior FPAs; explain different expectations for each
- ii. Project shoreline not the same as high-water mark
- iii. Provide a few examples of FPAs on Commonwealth Tidelands that worked and some that weren't good enough. Examples could be from actual licenses
- iv. Regarding the requirement to provide "water-related public benefits of a kind and to a degree that is appropriate for the site" – can the document provide a framework to help applicants figure out what type of benefit meets this standard?
  1. Does the distance to other FPAs matter, other community needs, etc.?
  2. How do we think on a neighborhood scale so the same public benefit isn't duplicated unnecessarily (e.g., docks, bait stations)

##### **b. Extended Term Licenses**

- i. Need to revise and clarify paragraph at the bottom of page 1 of the guidance.
- ii. Not necessarily related to the guidance document, but why is the standard term 30 years?
- iii. Interest in clarifying the standards for license renewals. In some cases it might be easier to let license lapse and apply for a new license rather than try to apply for renewal.
- iv. Resiliency
  1. Difficult/confusing to adapt existing nonwater-dependent buildings adapt to resiliency requirements / plan for projected sea level rise.

## Meeting Notes

- v. Discussion around Department's practice to not grant 99-year license terms.
    - 1. If we have a policy reason(s) for not going beyond 65 years, we should rely on those reasons rather than the legal reasons around 99 years equating to fee ownership.
  - vi. Delete "exceeding" from last bullet on p. 3 of draft guidance.
  - vii. Discussion of coastal flood models in guidance should mirror language in regulation.
- c. WDUZ
- i. Update reference to high-water mark to include piers (project shoreline not the same as high-water mark)
  - ii. Practitioners want the guidance document to include more guidance on measuring distance from shoreline, particularly when piers are present.
    - 1. We will try to include visuals/graphics in the guidance document
  - iii. Guidance should include the year high-water mark is set as in the regulations.
2. MEPA Concurrent review
- a. In the notice requirement section, we need to clarify what type of "a change" triggers additional notice. E.g., "material change" or "substantial change"?
3. Future topics for discussion
- a. Electronic filing process
  - b. Amendment versus Minor Project Modification
  - c. License renewal process