

Waterways Practitioner Work Group

Meeting 1

September 19, 2024



Water-Dependent Use Zone

- Questions Raised in Listening Session:
 - How is WDUZ calculated? What are allowable uses in the WDUZ?
- DEP's Draft Guidance:
 - Summarize key underlying regulatory requirements
 - Identify prohibited uses in the WDUZ
 - Guide applicants to provide clear and sufficient information in applications showing compliance of proposed uses in WDUZ
- Further Discussion:
 - What information can an applicant provide to support proposals for a nonwater-dependent use in a WDUZ?
 - Questions about the calculation of WDUZ?

Facilities of Public Accommodation

- Questions Raised in Listening Session:
 - What is DEP looking for in evaluating whether an FPA is appropriate?
- DEP's Draft Guidance:
 - Summarize key underlying regulatory requirements
 - Clarify when higher value FPAs may be required
 - Commonwealth Tidelands
 - When seeking extended-term license
 - Guide applicants to provide justification for why a proposed FPA meets the standards
- Further Discussion
 - Activation and informing the public about the space



Extended-Term Licenses

- Questions Raised in Listening Session:
 - What information must be provided to justify an extended-term license? How can the extended-term license determination begin earlier in the licensing process?
- DEP's Draft Guidance:
 - Summarize key underlying regulatory requirements
 - Clarify information DEP needs to determine an extended term is appropriate
 - Guide applicants to provide sufficient information to demonstrate appropriateness of ETL (e.g., resiliency)
- Further Discussion
 - "Other relevant factors" – demonstrate resiliency of the project site and structure to projected sea level rise
 - "Appropriateness of long-term dedication of tidelands to the proposed use(s)"