

# **Temporary Recreational Structures**

**Programmatic Biological Evaluation  
Temporary Recreational Structures  
Version: 13 October 2000**

**The activities described in this section require individual informal or formal consultation with the National Marine Fisheries Service (NMFS) if such work may affect listed or proposed fish species under NMFS jurisdiction.**

**1. Summary of Activity:**

a. In All Freshwaters *excluding* Columbia River mainstem: Placement of temporary buoys, markers, small floating docks, and similar devices or structures that are for recreational use during specific events such as water skiing competitions and boat races, provided that: work is done within the approved work window, no work is done over or adjacent to vegetated shallows (except where such vegetation is limited to State-designated noxious weeds) or spawning habitat for listed or proposed fish species, no large woody debris is removed, such devices and structures do not exceed 4 per acre, any small floating docks are no larger than 400 square feet in size and multiples (no more than 4) are spaced at least the distance of the longest dock length, no new piling is driven, all wooden components are pre-painted and dried prior to installation and no treated wood is used, such devices and structures remain in the water no longer than 60 days, such devices and structures are removed within 15 days after use has been discontinued, such devices and structures are anchored securely, flotation shall be completely contained to prevent breakup, and the anchor and anchor lines do not drag. [from NWP 11]

b. In the Columbia River mainstem *including* Snake River and Baker Bay: Placement of temporary buoys, markers, small floating docks, and similar devices or structures that are for recreational use during specific events such as water skiing competitions and boat races, provided that: work is done within the approved work window, no work is done over or adjacent to vegetated shallows (except where such vegetation is limited to State-designated noxious weeds) or spawning habitat for listed, proposed or forage fish species, no large woody debris is removed, such devices and structures do not exceed 4 per acre, any small floating docks are no larger than 400 square feet in size and multiples (no more than 4) are spaced at least the distance of the longest dock length, no new piling is driven, all wooden components are pre-painted and dried prior to installation and no treated wood is used, such devices and structures remain in the water no longer than 60 day, such devices and structures are removed within 15 days after use has been discontinued, such devices and structures are anchored securely, flotation shall be completely contained to prevent breakup, and anchors are installed so that anchor lines do not drag. [from NWP 11]

c. In Marine/Estuarine Waters *excluding* Baker Bay: Placement of temporary buoys, anchors, markers, small floating docks, and similar devices or structures that are for recreational use during specific events such as water skiing competitions and boat races, provided that: work is done within the approved work window, no work takes place over or adjacent to vegetated shallows or spawning habitat for forage species, no large woody debris is removed, such devices and structures do not exceed 4 per acre, any small floating docks are no larger than 400 square feet in size and multiples (no more than 4) are spaced at least the distance of the longest dock length, no new piling is driven, such devices and structures remain in the water no longer than 60 days, such devices and structures are removed within 15 days after use has been discontinued, flotation shall be completely contained to prevent breakup, and such devices and structures are anchored securely, and the anchors installed so that the anchor lines do not drag. [from NWP 11]

**2. Programmatic Description:** Individual permits (IPs), letters of permission (LOPs), and Nationwide Permit 11 (NWP 11) may authorize the placement of temporary recreational structures into navigable waters of the U.S. in Washington State. These can include temporary buoys, markers, small floating docks, and similar structures placed for recreational use during specific events such as water skiing competitions and boat races or seasonal use, provided that they are only in the water for a maximum 60 days and are removed 15 days after use has discontinued. At Corps owned and operated reservoirs, the reservoir manager must approve each buoy or marker individually. In Washington State, the Corps does not own all the land within the reservoirs at Corps facilities, so this activity is not tracked. This programmatic biological evaluation applies only to such activities that are limited in scope and location, do not involve placing piling, remain in the water for only a maximum of 60 days, and will be removed 15 days after use has discontinued. Work that cannot be designed or constructed to fit under this biological evaluation must go through individual informal or formal ESA consultation with the USFWS. All temporary recreational structures, including those described in this section, require individual informal or formal consultation with the National Marine Fisheries Service (NMFS) if such work may affect listed or proposed fish species under NMFS jurisdiction.

**3. Project Location:** In all navigable fresh and marine/estuarine waters, only in the counties of Washington State where the National Marine Fisheries Service and U.S. Fish and Wildlife Service have concurred that the project is not likely to adversely affect listed fish species and designated critical habitat and will not jeopardize proposed fish species or destroy or adversely modify proposed critical habitat.

**4. Project Description:** This programmatic biological evaluation does not cover any interrelated and/or interdependent work activities in any of the designated critical habitat areas, except those activities distinctly specified.

a. In all Freshwaters in Washington State excluding Columbia River mainstem: Placement of temporary recreational structures, such as floating docks and log booms; buoys; markers; and similar devices that are for recreational use only.

b. In the Columbia River Mainstem in Washington State including Snake River and Baker Bay: Placement of temporary recreational structures, such as floating docks and log booms; buoys; markers; and similar devices that are for recreational use only.

c. In Marine/Estuarine Waters in Washington State excluding Baker Bay: Placement of temporary recreational structures, such as floating docks and log booms; buoys; markers; and similar devices that are for recreational use only.

## **5. Project Construction Description:** <sup>1</sup>

a. Placement of buoys as aids to navigation during recreational activities: Temporary buoy or marker placement whether in freshwaters, the Columbia River, or marine waters is relatively the same.

1. Equipment used: The equipment used includes the vessel to place the temporary buoy or marker (discussed under access), the buoy, the anchor, and the anchor line or cable. For small temporary buoys, the buoy is a maximum of 4-foot radius (some as small as 1 foot radius). The anchor is made of fully cured concrete or steel, with a maximum weight of 200 pounds for small anchors and an average weight of 500 pounds for larger anchors. Small anchors are no larger than 2 feet high and 3 feet wide, and large anchors are no larger than 4 feet high and 2-1/2 feet wide. Sometimes anchors are 55-gallon drums filled with concrete, sand, or the like and then sealed. The line from anchor to buoy is either a combination of chain and nylon rope or chain and cable. The temporary buoys or markers are generally made of either styrofoam or plastic - some may be inflatable. The length of line for small or large temporary buoys varies based on the scope needed. The scope determines the ratio of length to depth based on currents in the waterbody. The minimum would be 10-feet deep; the maximum would be approximately 200-feet deep. Therefore, the average scope is a ratio of 20:1 line length to depth.

2. Access: Access to the temporary buoy or marker location may be from small boats or from a "Buoy Tender" or barge and tug. A "Buoy Tender" is an open decked vessel with a mounted crane used for buoy placement. The buoy tender is at a minimum 65 feet in length. Barges may be as long as 500 feet, length of barge used depends on depth of buoy placement and size of buoy. The tug boat is a maximum of 60 feet in length with engine power equivalent to an 100-foot

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<sup>1</sup> Information about project construction methods provided by personal communication with John Pell, Navigation Expert, Corps of Engineers, Regulatory Branch, and Eric Winters, Chief of Floating Plan, Corps of Engineers, Navigation Branch on February 16, 2000.

long pleasure vessel. For smaller buoys, a smaller vessel averaging 22 feet in length may be used.

3. Placement: A temporary buoy is placed at a minimum depth of 10 feet at low water (fresh or marine). The maximum depth could be as much as 200 feet or more, such as for temporary race course markers in the Puget Sound (sailboat races). For typical placement of larger temporary buoys from a buoy tender, the anchor is connected to a “trip wire” or “chalk” (a tripping device) on the side of the boat, the chain/nylon rope is “faked” or folded back and forth along the deck of the vessel, and the buoy is tied off along the same side of the boat as the anchor. The vessel is brought to a stop or an extremely slow speed. The anchor is lowered to be partially suspended in the water before release, minimizing splash disturbance. The “trip wire” is released, dropping the anchor allowing the chain/nylon rope to thread into the water and finally untying and releasing the buoy. If released with a crane versus a “trip wire”, the anchor is also partially suspended in the water before completely released.

Temporary log booms and floating docks may be placed by individual property owners without benefit of an attached anchor, but rather, may be tied with nylon rope or a combination of nylon and chain to bulkheads or permanent structures, such as docks, piling, markers or buoys. Only temporary log booms that use untreated logs are covered under this programmatic biological evaluation. Temporary floating docks are generally constructed of untreated wood and are small enough to drag out of the water during inclement weather for storage on the uplands until summer returns.

Temporary water skiing jumps are generally made of wood and may be painted before placement in the water so skiers easily see them. The temporary jumps are generally anchored with a 500-pound weight on each corner positioned so that the jump moves a little, but not a lot. The anchors do not move, but the temporary ski jump must move in response to wave action and skiers skiing over them while jumping.

4. Timing: The placement of the temporary recreational structures occurs in a matter of minutes. The anchor drops at a rate of 10 feet per second, no matter the size. These temporary structures typically stay in place a minimum of 1 or 2 days to maximum of 2 months. Any temporary structure that will be in the water for longer than 2 months (60 days) will not be covered under this programmatic biological evaluation. The exception to this 60-day condition may be the temporary placement of a buoy with signage alerting citizens of temporary shellfish closure areas. The impacts and conditions for temporary tideland markers are covered under this programmatic biological evaluation for “Tideland Markers”. Removal of the temporary structure is dependent on when the levels of contaminants within the shellfish reach an acceptable level for human consumption, so these may remain for the duration of the closure period. All work is done within the approved work windows when listed, proposed or forage

fish are least likely to be present. If other listed or proposed species are present (i.e., bird species), additional work windows may apply.

**6. Action Area Description:** The action area includes all navigable fresh and marine/estuarine waters in Washington State. This programmatic biological evaluation does not cover any interrelated and/or interdependent activities in any of the designated critical habitat areas or areas used by listed or proposed fish species, except those activities distinctly specified. Therefore, there is no interrelated and/or interdependent work in any upland or wetland areas that would be considered designated critical habitat.

a. For Fresh waters in Washington State *excluding* the Columbia River mainstem: The action area for placement of temporary recreational structures is the location of the structure (i.e., temporary floating docks or markers), the perimeter around the temporary structure where boats may be temporarily moored (maximum of a 100-foot diameter around the temporary structure), the length of the line and placement of the anchor(s), the buoy swing around the anchor (an average radius of 5 feet), within a 25-foot radius<sup>2</sup> around the anchor placement for potential water quality impacts. The use of the structures is an indirect and interrelated affect. Activities within the action area may include increased use of the water by persons recreating in the area, using boats, flotation devices, swimming, etc. and may include use of the entire waterbody (i.e., lake) or a good portion of the waterbody. In other cases, the placement of the temporary structure may only include the area directly adjacent to that structure (i.e., 100-feet around the temporary structure).

b. For the Columbia River mainstem in Washington State, *including* Snake River and Baker Bay: The action area for temporary recreational structures is the location of the structure (i.e. temporary floating docks or markers), the perimeter around the temporary structure where boats may be temporarily moored (maximum of a 100-foot diameter around the temporary structure), the length of the line and placement of the anchor(s), the buoy swing around the anchor (an average radius of 5 feet), within a 25-foot radius<sup>2</sup> around the anchor placement for potential water quality impacts. The use of the structures is an indirect and interrelated affect. Typical use of the area may include increased use of the water by persons recreating in the area, using boats, etc. and may include use of a good portion of the waterbody (i.e., Columbia River Gorge). In other cases, the placement of the temporary structure may only include the area directly adjacent to that temporary structure (i.e., 100-feet around the temporary structure).

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<sup>2</sup> The determination of impact area for potential water quality impacts is based on personal communication with John Malek, Sediment Management, Environmental Protection Agency, on May 10, 2000. Mr. Malek stated that typically turbidity impacts of a pile driving, anchor placement or the like would not exceed a 15-foot radius, a 25-foot radius is the maximum extent of impact, regardless of substrate type and currents at a project site.

c. For All Marine/Estuarine Waters in Washington State *excluding* Baker Bay:

The action area for placement of temporary recreational structures is the location of the structure (i.e. temporary floating docks or markers), the perimeter around the temporary structure where boats may be temporarily moored (maximum of a 100-foot diameter around the temporary structure), the length of the line and placement of the anchor for buoys, the buoy swing around the anchor (an average radius of 5 feet), within a 25-foot radius<sup>2</sup> around the anchor placement.

The use of the structures is an indirect and interrelated affect. Activities within the action area may include increased use of the water by persons recreating in the area, using boats, flotation devices, swimming, etc. and may include use of the entire waterbody (i.e., lake) or a good portion of the waterbody. In other cases, the placement of the temporary structure may only include the area directly adjacent to that structure (i.e., 100-feet around the temporary structure).

**7. Species and Habitat Information:**

a. Species Present:<sup>3</sup>

1. For all freshwater areas in Washington State *excluding* the Columbia River mainstem and its tributaries: Puget Sound chinook salmon - status threatened (designated critical habitat); Hood Canal chum salmon - status threatened (designated critical habitat); Coastal/Puget Sound bull trout - status threatened; Ozette Lake sockeye salmon - status threatened (designated critical habitat); SW Washington/Columbia River/Coastal cutthroat trout - proposed threatened; and, Puget Sound coho salmon - candidate species.

2. For the Columbia River mainstem and its tributaries in Washington State *including* Snake River and Baker Bay: Snake River sockeye salmon - status endangered (designated critical habitat); Snake River spring/summer chinook salmon - status threatened (designated critical habitat); Snake River fall chinook salmon - status threatened (designated critical habitat); Snake River steelhead - status threatened (designated critical habitat); Columbia River chum salmon - status threatened (designated critical habitat); Columbia River bull trout – status threatened; Lower Columbia River steelhead – status threatened (designated critical habitat); Lower Columbia River chinook salmon – status threatened (designated critical habitat); Middle Columbia River steelhead – status threatened (designated critical habitat); Upper Columbia River steelhead – status endangered (designated critical habitat); Upper Columbia River spring chinook salmon – status endangered (designated critical habitat); Upper Willamette River chinook salmon – status threatened (designated critical habitat); Upper

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<sup>3</sup> Other listed or proposed plants or animals may occur in the project area. However, this document addresses only listed or proposed fish species. Review of impacts to other listed or proposed species will be done on a case-by-case basis.

Willamette steelhead – status threatened (designated critical habitat); and, SW Washington/Columbia River/Coastal cutthroat trout – proposed threatened.

3. For all marine/estuarine waters in Washington State *excluding* Baker Bay: Puget Sound chinook salmon, status threatened (designated critical habitat), Hood Canal chum salmon, status threatened (designated critical habitat), Coastal/Puget Sound bull trout, status threatened, Ozette Lake sockeye salmon, status threatened (designated critical habitat), SW Washington/Columbia River/Coastal cutthroat trout, proposed threatened, and, Puget Sound coho salmon, candidate species.

b. Species Utilization: Refer to Appendix B - Species Life Histories.

**8. Activity History and Status:** The following table is a breakdown of the number of Nationwide Permit 11 (NWP 11 – Temporary Recreational Structures) verifications authorized by the Corps of Engineers. The breakdown is organized by year and waterbody. The waterbody includes all creeks, streams, and unnamed tributaries that flow into it unless otherwise noted. Each of the waterbodies is categorized as below:

a. Marine: All marine waters within Washington State (i.e., Pacific Ocean, Willapa Bay, Grays Harbor, Strait of Juan de Fuca, Strait of Georgia, Puget Sound, Hood Canal, Sammish Bay, Skagit Bay, Totten Inlet, Dabob Bay, Commencement Bay, etc.). Because of the design of the Corps database, it was not possible to separate out tidal areas from minor freshwater creeks, streams, and unnamed tributaries that flow into these waterbodies.

b. Fresh: All fresh waters within Washington State including all rivers, tributaries, lakes, and reservoirs (regardless of size) and excluding the Columbia River mainstem. (i.e., Snoqualmie River, Skagit River, Puyallup River, Nisqually River, Cowlitz River, Yakima River, Wenatchee River, Snake River, Pend Oreille River, Lake Washington, Lake Sammamish, Lake Chelan, Moses Lake, Baker Lake, Spanaway Lake, etc).

c. Columbia River: Mainstem Columbia River within Washington State, including the Snake River, Baker Bay, and lakes and reservoirs (i.e. Lake Entiat, Lake Wallula, Franklin D. Roosevelt Lake, Priest Rapids Lake, etc). Data for all tributaries are included under “fresh water” areas.

To determine the number of authorized temporary recreational structure verifications, all finalized permit actions were queried against the key word “NWP 11” and cross-referenced with the work types “buoy”, “float”, “boom” and “breakwater.” The cross-referencing ensures that the activity is properly categorized and each NWP 11 verification is only counted once. NWP 11 activities do not require “notification” to the Corps, therefore the data set below represents only those activities where the Corps was notified and a verification

was actually issued. NWP 11 activities are for Rivers and Harbors Act Section 10 waters only, therefore the data represents activities authorized within navigable waters. The following data also includes before- and, when applicable, after-the-fact authorizations. In comparing the Corps database with one year of data from WDFW (1998) for other activities (WDFW information does not separate temporary recreational structures from other buoys, piling, piers, or floats), the Corps database represents less than 1 % of the actual number of temporary recreational structures.

**Table 1: Historical Record of Corps Authorization of Buoys/Floats/Booms**

<b>WATERBODY</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>
Marine	0	1	0	1	0
Fresh	0	2	1	0	0
Columbia River	1	0	2	2	0
<b>TOTAL</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>0</b>

Because no notification is required for NWP 11, the Corps acknowledges that tracking of temporary recreational structures has been inconsistent and infrequent. In light of the recent listings under ESA, the Corps proposes to track these activities as outlined in the “Programmatic Biological Evaluation Notification and Tracking Description”.

**9. Environmental Baseline:** Refer to Appendix C – Environmental Baseline.

**10. Effects of the Action:**

a. Direct Effects – Placement of new temporary structures and/or buoys:

Because the effects, whether marine or freshwater areas, are relatively the same for all the listed or proposed fish species, the effects analysis does not distinguish between waterbody or species type. The event which necessitates the placement of the temporary recreational structure is not covered under this programmatic biological evaluation. However, increased use of the water (whether marine, or fresh) is expected during summer months. Since temporary recreational structures are placed at an average depth of 45 feet high water, the action area is generally used as an adult fish migratory corridor, with juveniles staying in the shallower waters. Effects to listed or proposed fish species associated with the placement of temporary recreational structures in any of the waters of the U.S. in Washington State are outlined below:

1. Water quality (anchor placement): Temporary water quality impacts may occur with the placement of the temporary buoys as the anchor drops and a small amount of sediment is temporarily suspended in the water column. In marine water, temporary buoys are usually placed during “slack tide” when the water is relatively still. Because the anchor drops in a matter of seconds and settles, sediment suspension is unlikely to exceed a radius of 25 feet from the anchor and would settle out of the water column to background levels in no more than an

hour, depending on sediment type and currents. If the anchor is not installed properly or the weight is not sufficient, the anchor may drag along the substrate, causing additional sediment suspension. The Corps' experience is that this is rare. Buoys will be anchored securely so that the anchor line does not drag. All temporary structures made of wood must be untreated, except for pre-painted and pre-dried wooden structures. Temporary log booms may have bark attached to them when placed in the water. If this is the case, some sloughing of bark may occur during the time the temporary boom is in place. This is not expected to have a significant effect on water quality. Under this informal programmatic consultation, no treatment of temporary log booms or other temporary recreational structures is allowed. Using these methods of installation, temporary water quality impacts associated with the anchor placement are insignificant and/or discountable.

2. Water quality (propwash): In most cases, temporary recreational structures are placed in deep water where propwash would not occur. In shallow waters, the boat placing the temporary buoy may cause some sediment suspension associated with propwash. The boat is stopped or moving extremely slowly during anchor placement so the disturbance with the propwash is extremely small. If a tug and barge are used, the placement is done very quickly (matter of minutes) and the work is done in the approved work window when listed or proposed fish species are less likely to be present. Any turbidity associated with propwash from the boat or tug and barge would settle out of the water column to background levels in no more than an hour, depending on depth, sediment type and currents. The floats will be sufficiently anchored so they do not drag. Using these methods of installation, all temporary water quality impacts are insignificant and/or discountable.

3. Habitat Health (Forage Fish): Under the terms of this informal programmatic consultation, the temporary recreational structure will not be placed over or adjacent to vegetated shallows. Vegetated shallows provide refuge for juvenile salmonids and support forage species that the listed or proposed fish species are dependent upon, such as invertebrates for juvenile salmonids and forage fish for adult salmonids. For example, herring spawn in eelgrass beds in marine areas. Boat activity near or adjacent to vegetated areas has been documented to damage and/or destroy the vegetated areas. (NOAA, 1998) The temporary structures will be placed so that the vessel and buoy are not over or adjacent (within 300-feet) to vegetated shallows. Under the terms of this informal programmatic consultation, the anchor is installed properly or the weight is sufficient to ensure that the anchor does not drag along the substrate, destroying the substrate. The substrate may support benthic invertebrates that juvenile listed or proposed fish species are dependent upon for forage. Fish within the action area may be forced into deeper water during installation or removal of the temporary recreational structures, and during the recreational activity. Fish typically spend more time in cooler waters during the day and when the weather is warmer, so the effects to fish are temporary and immeasurable. The

recreational activities do not take place at night when fish may be migrating through the action area (USACE, 1999). Using these methods of installation, impacts to habitat health are insignificant and/or discountable.

b. Indirect Effects: Typically, a number of boats and people are expected to utilize the temporary recreational structures while they are in place. In some cases, up to 1,000 additional boats (i.e., hydroplane races) may be within the action area (i.e., lake). Potential increases of shading of the water column, and turbidity, albeit temporarily may occur. Small amounts of fuel and oil and garbage could potentially spill into the water during normal operations of the recreational event. Boats are not fueled in the area of the temporary recreational activity, but at fuel docks. The amount of temporary shading, temporary turbidity, and fuel and oil spillage is minimal and effects would not be measurable. In addition, the potential exists for hundreds or even thousands of people and automobiles to utilize the shorelines adjacent to the temporary recreational activity. The utilization of the shoreline by this many people and vehicles stresses the shoreline and surrounding uplands, but these effects are discountable (Stelle, 1999).

During warm weather, there would be an expected increase in people swimming, diving, boating, and recreating in the water. Increased use of the water itself is not covered in this programmatic biological evaluation, but would include the following potential indirect effects: fuel and oil spillage from boats and other water craft; disturbance of the substrate and increased turbidity when people dive or swim in the water; increased wave action due to the increased use of watercraft on the water; minor disturbance of fish near the shorelines where people are recreating; and, displacement of fish into deeper waters during boating or waterskiing events.

This consultation does not cover any interrelated and/or interdependent work or activities in any of the designated critical habitat areas (except those distinctly specified).

c. For all other pathways and indicators not specifically mentioned above, the activity will not alter the present environmental baseline.

d. Determination of Effect: Temporary recreational structures may affect but are not likely to adversely affect listed fish species and designated critical habitat identified above, and will not jeopardize proposed fish species or destroy or adversely modify proposed critical habitat identified above, provided that:

1. For All Fresh waters *excluding* the Columbia River mainstem:
  - Work is done within the approved work window.
  - No work is done over or adjacent to vegetated shallows (except where such vegetation is limited to State-designated noxious weeds) or spawning habitat for listed or proposed fish species.

- No large woody debris is removed.
  - Such devices and structures do not exceed 4 per acre.
  - Any small floating docks are no larger than 400 square feet in size and multiples (no more than 4) are spaced at least the distance of the longest dock length.
  - No new piling is driven.
  - No treated wood is used.
  - Such devices and structures remain in the water no longer than 60 days.
  - Such devices and structures are removed within 15 days after use has been discontinued.
  - Flotation shall be completely contained to prevent breakup.
  - Such devices and structures are anchored securely and the anchor and anchor lines do not drag. [from NWP 11]
2. For the Columbia River mainstem *including* Snake River and Baker Bay:
- Work is done within the approved work window.
  - No work is done over or adjacent to vegetated shallows (except where such vegetation is limited to State-designated noxious weeds) or spawning habitat for listed, proposed or forage fish species.
  - No large woody debris is removed.
  - Such devices and structures do not exceed 4 per acre.
  - Any small floating docks are no larger than 400 square feet in size and multiples (no more than 4) are spaced at least the distance of the longest dock length.
  - No new piling is driven.
  - No treated wood is used.
  - Such devices and structures remain in the water no longer than 60 day.
  - Such devices and structures are removed within 15 days after use has been discontinued.
  - Flotation shall be completely contained to prevent breakup.
  - Such devices and structures are anchored securely and anchors are installed so that anchor lines do not drag.
3. For Marine/Estuarine Waters *excluding* Baker Bay:
- Work is done within the approved work window.
  - No work takes place over or adjacent to vegetated shallows or spawning habitat for forage species.
  - No large woody debris is removed.
  - Such devices and structures do not exceed 4 per acre.
  - Any small floating docks are no larger than 400 square feet in size and multiples (no more than 4) are spaced at least the distance of the longest dock length.
  - No new piling is driven.
  - Such devices and structures remain in the water no longer than 60 days.

- Such devices and structures are removed within 15 days after use has been discontinued.
- Flotation shall be completely contained to prevent breakup.
- Such devices and structures are anchored securely and the anchors installed so that the anchor lines do not drag.