

Janice K. Brewer
Governor

ARIZONA STATE  LAND DEPARTMENT

Maria Baier
State Land
Commissioner

November 19, 2009

To Whom It May Concern:

The Arizona State Land Department is requesting your cooperation in our permitting process of privately owned, recreational boat docks and launch ramps on sovereign land along the Colorado River.

Arizona sovereign land is defined as the bed of the river from its centerline to the Ordinary High Water Mark on the riverbank. The Land Department has been legislatively mandated to manage the state's sovereign land in order to preserve it for use by the public for fishing, commerce, and recreation.

To this end, all private landowners who have recreational boat docks or launch ramps on sovereign land along the river will be required to file an application with the Land Department to receive a Special Land Use Permit (SLUP). Each applicant will have to show proof of upland ownership, a U.S. Army Corps of Engineer's construction permit, and a minimum of \$500,000 in property liability insurance. Any permit requirements by local jurisdictions will also have to be provided.

The application fee is \$100.00, non-refundable. If approved, the applicant will receive a SLUP for a 10 year term, with an annual payment of \$50 for each of the 10 years. Each SLUP will include a metal decal plate, 7" x 4", with the Department's logo and a unique identification number. This plate, posted by the permit holder on the boat dock or launch ramp, serves to identify those structures in compliance with Departmental policy.

As a government entity on the Colorado River, you are more likely than we in Phoenix to be aware of both existing unpermitted boat docks and ramps, and proposals for new or replacement ones. You are in a unique position to inform riparian private landowners of the necessity to apply for a SLUP. Included in this letter is a copy of our application, NON-COMMERCIAL SOVEREIGN LAND BOAT DOCK / LAUNCH RAMP PERMIT APPLICATION, and an information sheet excerpted from our webpage, www.land.state.az.us.

Please feel free to post or distribute copies of either or both of these documents to your constituents.

Questions can be directed to 602.542.3681. Thank you very much for your assistance.

Sincerely,



Kay McNeely, CFM
Colorado River Sovereign Land Project Manager
Planning and Engineering Section, Real Estate Division

FAQ's - Boat Docks and Launch Ramps on the Colorado River

Have land on or near the Colorado River? Have a boat dock or boat launch on the Colorado River? Construction of boat docks and boat launch ramps are likely encroaching onto state sovereign land.

What is State Sovereign Land? Arizona state sovereign land is that part of the bed of the river from its centerline to the ordinary high water mark (OHWM) on the Arizona shore. The OHWM is the highest level at which the river rises during periods of normal flow, as opposed to the higher flood levels attained following a major storm event.

The Arizona State Land Department (Department) has been mandated to manage the state's sovereign land in order to preserve it for use by the public for fishing, commerce, and recreation. While the Department manages the riverbed, it is the U.S. Army Corps of Engineers (USACE) which regulates the water in the river and keeps it free of obstruction for navigation. Therefore, any land owner who wishes to construct a dock or ramp on the Colorado River will have to acquire both a construction permit from the USACE, and a Special Land Use Permit from the Department. The land owner may apply for both permits concurrently, but the Department will not issue its permit until the USACE permit process is completed and a copy of the permit has been submitted to the Department.

What Boat Dock or Launch Ramp do you own? Review the docks and ramps below, if you have or know of one of these please notify the owner and apply for a Permit or Lease.

1) Commercial. A boat dock, launch ramp or other marine use of sovereign land is considered a commercial use if a fee is charged to the public by the owner of the facilities in order to make a profit., or if the use is associated with any other non-residential activity (i.e., the use is included with an entertainment package as part of a resort use). Examples include gas fill-up docks, private marinas, and government and municipal entities. This type of use requires a Commercial Special Land Use Permit. Permit fees vary depending on the type of enterprise, activity level, and degree of impact. Please contact the Sales and Leasing Section of the Department for more information.

2) Community. Any not-for-profit entity which offers marine services exclusively to three or more residents of adjacent lands, such as a homeowner's association or condominium association, is deemed to be a community use. A Commercial Special Land Use Permit or lease is required. Please contact the Sales and Leasing Section of the Department for more information.

3) Private-Recreational

An upland owner who wishes to construct a private boat dock for personal recreational use must apply for a permit on the form entitled NON-COMMERCIAL SOVEREIGN LAND BOAT DOCK / LAUNCH RAMP PERMIT APPLICATION. The cost of the application is \$100, non-refundable. If the applicant meets all of the Department's requirements, a Permit is issued at a cost of \$50 per year for a period of 10 years. A metal decal will be issued with the Permit and should be hung on the boat dock or near the ramp where it can be seen from the river.

RETURN TO:

ARIZONA STATE LAND DEPARTMENT
PUBLIC COUNTER
1616 WEST ADAMS
PHOENIX, ARIZONA 85007

SUBMIT NON-REFUNDABLE
\$100 FILING FEE

DEPARTMENTAL USE ONLY		ROLODEX # _____	
ACCOUNTING	T&C	RECOMMENDATION/INITIAL	DATE
Filing Fee: \$100	Exam: _____	Approve _____	
	Exam #: _____	Deny _____	
	Int Title: _____	Reject _____	
N(34) R(35)	App Entry: _____	Withdraw _____	

NON-COMMERCIAL SOVEREIGN LAND BOAT DOCK / LAUNCH RAMP PERMIT APPLICATION

Type or print in ink.

APPLICATION NO. 23- _____ -26

Complete **ALL** questions, **SIGN** and submit application with **REQUIRED DOCUMENTS** and **\$100.00 NON-REFUNDABLE** filing fee.

1. APPLICANT:

Name(s) _____

Mailing Address _____

City _____ State _____ Zip _____

Contact Person _____ Area Code / Phone No. _____

Email Address _____

TYPE OF APPLICATION:

NEW

RENEWAL

Limited to sovereign land on the Colorado River. For the purpose of this application, *Sovereign land* is defined as land under the Colorado River from its centerline to the Ordinary High Water Mark.

2. List your County Assessor Parcel Number: _____ and attach a copy of your Deed or Notice of Valuation.

3. Attach a map or County Assessor plat that will identify the location of the boat dock by Township, Range, & Section.

4. Does the boat dock/launch ramp being applied for already exist? Yes No

(FOR OFFICE USE ONLY)

LEGAL DESCRIPTION:

TWN.	RNG.	SEC.	LEGAL DESCRIPTION	ACRES	COUNTY	CTY	GRT	PARCEL
_____	_____	_____	Colorado River Boat Dock/Launch Ramp	0.01	_____	_____	165	_____

5. **ATTACH** a sketch of the proposed/existing boat dock/launch ramp showing the following:
 - a. Property boundary (Note: County Assessor survey plat, title plat, survey by licensed engineer, etc. may be used)
 - b. Dimensions
 - c. Construction materials
 - d. Location of slips (Note: No more than 2 slips are allowed per boat dock)
 - e. Anchoring mechanism type and location (Note: Department requires anchoring to be attached to private land)
6. **ATTACH** copies of all permits (City, County, Bureau of Reclamation, U.S. Army Corps of Engineers, etc.) that are necessary for the construction and maintenance of the boat dock/launch ramp.
7. **APPLICANT(S) COMPLETE AND SIGN PAGE 3.**

PLEASE NOTE THE FOLLOWING:

If this application is approved, a renewable permit will be issued for 10 years with a *yearly rental fee of \$50.*

The State of Arizona owns the land under the Colorado River from its centerline to the Ordinary High Water Mark. The ownership of this land stems from Arizona's sovereignty over the bed of all navigable streams within its boundaries.

The Permit entitles the Permittee to use the sovereign land; however, it *does not* authorize the Permittee to construct, operate, or maintain any encroachment on navigable waters. Authorizations to construct, operate, or maintain a boat dock or other encroachment is under the jurisdiction of, and permitted by, the U.S. Army Corps of Engineers.

Uses permitted on sovereign land:

- a. Non-Commercial boat dock/launch ramp for recreational purposes
- b. Personal use by upland owner and non-paying guests
- c. Temporary attachment to sovereign land may be allowed with written ASLD permission

Uses not permitted on sovereign land:

- a. No permanent attachment to the riverbed or sovereign land
- b. Commercial or 2nd party rental of the boat dock/launch ramp is expressly prohibited

Documents required prior to issuing permit:

- a. Proof of insurance
- b. Copies of all permits necessary for the construction of the boat dock / launch ramp
- c. Sketch of the proposed/existing boat dock/launch ramp

IMPORTANT INSURANCE COVERAGE NOTICE

In order to facilitate the application process, you must provide a Certificate of Insurance with the following:

Permittee shall procure and maintain for the duration of the Permit, insurance against claims for injury to persons or damage to property which may arise from or in connection with this Permit.

The *insurance requirements* herein are minimum requirements for a Permit and in no way limit the indemnity covenants contained in the Permit. The State of Arizona in no way warrants that the minimum limit contained herein is sufficient to protect the Permittee from liabilities that might arise out of a Permit. Permittee is free to purchase such additional insurance as Permittee determines necessary.

A. MINIMUM SCOPE AND LIMITS OF INSURANCE: Permittee shall provide coverage with limits of liability not less than those stated below.

General Liability – Occurrence Form: Policy shall include bodily injury, property damage, personal injury and broad form contractual liability coverage. •General Aggregate - \$500,000 •Each Occurrence - \$500,000

B. ADDITIONAL INSURANCE REQUIREMENTS: The policies shall include, or be endorsed to include, the following provisions:

1. Permittee's insurance coverage shall be primary insurance with respect to all other available sources.
2. Coverage provided by Permittee shall not be limited to the liability assumed under the indemnification provisions of the Permit.

C. NOTICE OF CANCELLATION: The insurance policy required by the insurance provision of the Permit shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days prior written notice has been given to the State of Arizona. Such notice shall be sent directly to State Land Department and shall be sent by certified mail, return receipt requested.

D. ACCEPTABILITY OF INSURERS: Insurance is to be placed with duly licensed or approved non-admitted insurers in the State of Arizona with an "A.M. Best" rating of not less than A- VII. The State of Arizona in no way warrants that the above-required minimum insurer rating is sufficient to protect the Permittee from potential insurer insolvency.

E. VERIFICATION OF COVERAGE: Permittee shall furnish the State of Arizona with certificates of insurance (ACORD form or equivalent approved by the State of Arizona) as required by the Permit. The certificates for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf.

All certificates are to be received and approved by the State of Arizona before the permit term commences. The insurance policy required by the Permit must be in effect at or prior to the commencement of the Permit and must remain in effect for the duration of the Permit. Failure to maintain the insurance policies as required by the Permit or to provide timely evidence of renewal will be considered a material breach of the Permit.

All certificates required by the Permit shall be sent directly to State Land Department. The State of Arizona Land Department, permit number and location description are to be noted on the certificate of insurance. The State of Arizona reserves the right to require complete, certified copies of all insurance policies and endorsements required by the Permit at any time.

F. APPROVAL: Any modification or variation from the *insurance requirements* in the Permit must have prior approval from the State of Arizona Department of Administration, Risk Management Section, whose decision shall be final. Such action will not require a formal contract amendment, but may be made by administrative action.

CERTIFICATION: Pursuant to A.R.S. Title 37 and the Rules of the Arizona State Land Department, A.A.C. Title 12, Chapter 5, you must complete the following information pertinent to you and/or the organization you represent and sign the certification or your application will not be processed.
NOTE: Applicant must complete item #1.

1. Is this application made in the name of: (Applicant must check one) _____ Individual(s) _____ Husband & Wife
 _____ Corporation _____ Partnership _____ Ltd Partnership _____ Estate _____ Trust _____ Ltd. Liability Co.
 _____ Joint Venture _____ Municipality _____ Political Subdivision _____ Other (specify) _____

2. INDIVIDUAL(S) OR HUSBAND & WIFE: Complete the following for each applicant:
 NAME AGE MARITAL STATUS

3. CORPORATION: Complete the following:

- (A) Do you have authority from the Arizona Corporation Commission to do business in the State of Arizona? Yes _____ No _____
- (B) Is the corporation presently in good standing with the Arizona Corporation Commission? Yes _____ No _____
- (C) In what state are you incorporated? _____
- (D) Is the legal corporate name and Arizona business address the same as stated in this application? Yes _____ No _____

If no, state the Legal Corporate Name: _____

Address: _____
 (Street or Box Number) (City) (State) (Zip)

4. LIMITED LIABILITY COMPANY: Complete the following:

- (A) If an out-of-state limited liability company: Have you filed for a Certificate of Registration with the Arizona Corporation Commission? Yes _____ No _____
- (B) If an Arizona limited liability company: Have you filed Articles of Organization with the Arizona Corporation Commission? Yes _____ No _____
- (C) Are you authorized by the Arizona Corporation Commission to transact business in Arizona? Yes _____ No _____

5. PARTNERSHIP OR JOINT VENTURE: Complete the following for each authorized partner or principal in the partnership or joint venture:
 NAME BUSINESS ADDRESS AGE MARITAL STATUS

6. LIMITED PARTNERSHIP: Is this Limited Partnership on file with the Arizona Secretary of State? Yes _____ No _____
 Complete the following for the authorized general partner(s) only:
 GENERAL PARTNER(S) NAME BUSINESS ADDRESS

7. ESTATE: Complete the following and attach a copy of the court or estate document(s):
 Name of the court appointed administrator or personal representative: _____
 List the type and date of issuance of the court or Estate document: _____
 (Type of Document) (Date issued)

8. TRUST: (A) Complete the following pursuant to A.R.S. § 33-404, for each beneficiary of the Trust:
 NAME ADDRESS AGE MARITAL STATUS

or (B) Identify the Trust document by title, document number, and county where document is recorded: _____

9. I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT THE INFORMATION AND STATEMENTS CONTAINED HEREIN, TOGETHER WITH ALL EXHIBITS AND ATTACHMENTS ARE TRUE, CORRECT AND COMPLETE AND THAT I/WE HAVE AUTHORITY TO SIGN THIS DOCUMENT.

SIGNATURE(S)

_____ (Name of Corporation, Partnership, etc.)	_____ Date	_____ Signature of Applicant (Individual)	_____ Date
_____ Signature	_____ Title	_____ Signature of Applicant (Individual)	_____ Date