



COASTAL RESOURCES DIVISION  
ONE CONSERVATION WAY · BRUNSWICK, GA 31520 · 912-264-7218

WALTER RABON  
COMMISSIONER

DOUG HAYMANS  
DIRECTOR

June 23, 2026

MEMORANDUM

TO: Board of Natural Resources

FROM: Doug Haymans

SUBJECT: Briefing on proposed amendment of Subject 391-2-1 of the Rules of the Department of Natural Resources to establish rules for private docks in state owned tidal waters

Included for your consideration is a proposed amendment of Subject 391-2-1 of the Rules of the Department of Natural Resources to establish rules for private docks located over state owned tidal water bottoms by amending Rules 391-2-1-.01 through 391-2-1-.08 and creating new Rule 391-2-1-.09. Versions of these rules were submitted for your consideration in 2016, 2017 and again in 2024 but, most recently, final action was postponed in order to convene a stakeholder advisory committee. This package resumes the rulemaking process and reflects considerable input from stakeholders and the public.

Specifically, amendments to Subject 391-2-1, Rules 391-2-1-.01 through 391-2-1-.09 will establish an orderly and equitable process for issuing revocable licenses for the construction, modification, and maintenance of private docks in state-owned tidal water bottoms which meet the exemptions in O.C.G.A. § 12-5-295 (7) and (7.1). Additionally, these Rules institute a process for inspecting and enforcing standards for private docks in tidal waters.

I respectfully submit the following information in support of a request for approval to initiate rulemaking:

- Public Notice Page A 2
- Background and Synopsis Page A 3 – 5
- Date, Time and Place of Board Action Page A 5
- Explanation of the Public Participation Plan Page A 5
- Analysis of Small Business Impacts Page A 6
- Exact Copy Version Page A 7 - 23

DH/ja

Attachments



COASTAL RESOURCES DIVISION

ONE CONSERVATION WAY · BRUNSWICK, GA 31520 · 912-264-7218

WALTER RABON  
COMMISSIONER

DOUG HAYMANS  
DIRECTOR

June 24, 2026

NOTICE OF PROPOSED REGULATION CHANGES

TO: All Interested Persons and Parties

FROM: Doug Haymans

SUBJECT: Notice of proposed amendments to Subject 391-2-1 of the Rules of the Department of Natural Resources to establish rules for private docks located over state-owned tidal water bottoms.

Notice is hereby given that, pursuant to authority set forth below, the Georgia Department of Natural Resources proposes to amend Subject 391-2-1 of the Rules of the Department of Natural Resources to establish rules for private docks located over state-owned tidal water bottoms by amending Rules 391-2-1-.01 through 391-2-1-.08 and creating new Rule 391-2-1-.09. This is a notice of the proposed amended rules to reflect the deliberations of the Coastal Committee of the Board of Natural Resources at its meeting on April 28, 2026.

The amended and new rules are being promulgated under the authority of the Official Code of Georgia, Annotated Title 50-16-61. Subject 391-2-1 is being amended to establish an orderly and equitable process for issuing revocable licenses for the construction, modification, and maintenance of private docks in state-owned tidal water bottoms which meet the exemptions in O.C.G.A. § 12-5-295 (7) and O.C.G.A. § 12-5-295 (7.1). Additionally, these Rules institute a process for inspecting and enforcing standards for private docks in tidal waters.

Written public comments must be postmarked by July 24, 2026 and emailed comments will be accepted through 4:30 PM on July 24, 2026. Comments should be legible, concise, and limited to the proposed rule change. Following the comment period, the Board of Natural Resources will consider the proposed rule on Tuesday, August 25, 2026, at 9:00 AM in the DNR Boardroom at 2 Martin Luther King, Jr. Drive, SE Suite 1252 East, Atlanta, GA 30334.

Mail or email comments to: Jill Andrews, Coastal Resources Division  
One Conservation Way, Brunswick, GA 31520  
Email: [crd.comments@dnr.ga.gov](mailto:crd.comments@dnr.ga.gov)

Additional information is available at [www.CoastalGaDNR.org](http://www.CoastalGaDNR.org). Click on the “Public Notices” tab.

**BACKGROUND AND SYNOPSIS  
GEORGIA DEPARTMENT OF NATURAL RESOURCES  
COASTAL RESOURCES DIVISION  
RELATING TO  
PRIVATE DOCKS, SUBJECT 391-2-1**

**Background**

The Georgia General Assembly has long recognized that the state’s coastal marshlands and tidewaters are vital natural resources essential to protecting the health, safety, and welfare of Georgia’s citizens. Through enactment of the Coastal Marshlands Protection Act of 1970 (CMPA) and the Protection of Tidewaters Act (PTA), the General Assembly declared that management of coastal marshlands and tidal waterways is a matter of statewide concern and properly subject to regulation under the police power of the state.

The PTA further affirms that the State of Georgia holds title to the beds of all tidewaters within its jurisdiction, except where title can be traced to a valid Crown or state grant expressly conveying such lands. Pursuant to O.C.G.A. § 50-16-61, the Governor has custody and control over state-owned tidal water bottoms unless otherwise provided by the General Assembly. Effective September 8, 2023, the Commissioner of Natural Resources, or the Commissioner’s designee, was authorized to act on Governor Kemp’s behalf regarding requests to utilize these lands, including the granting, denial, modification, and revocation of revocable licenses for the use of tidal water bottoms.

Private recreational docks located over state-owned tidal water bottoms (“private docks”) are structures constructed to provide waterfront property owners access to navigable waterways for private, water-dependent recreational use. Private docks are exempt from the CMPA when they meet the conditions set forth in O.C.G.A. § 12-5-295(7) and (7.1). Since the mid-1990s, the Department has administered a revocable licensing program for private docks while also issuing permits on behalf of the U.S. Army Corps of Engineers (“Corps”) pursuant to a Programmatic General Permit (PGP).

Under the joint permitting framework, revocable licenses and corresponding permits were issued when proposed docks met the standards and criteria established by the PGP. These standards governed dock size, placement, extension into waterways, and related factors intended to minimize impacts to natural resources, navigation, and public access.

The most recent PGP expired in July 2022 and was not renewed by the Corps. As a result, applicants seeking authorization for private docks are now required to obtain both a separate Corps permit and a state revocable license. Following dissolution of the joint permitting process, the Department no longer had the benefit of formalized standards previously provided through the PGP. In August 2022, the Department implemented a Standard Operating Procedure (SOP) that largely mirrored the former PGP standards and became the interim basis for issuing revocable licenses while formal rulemaking proceeded.

In January 2024, the Department briefed the Board on proposed rules intended to codify the 2022 SOP. In response to public input, the Department paused the rulemaking process and convened a stakeholder committee composed of citizens and representatives from the marine regulatory, consulting, and construction industries. The committee participated in facilitated discussions from July 2024 through May 2025, resulting in both a consensus document and a minority report. Following completion of the committee’s work, the Department hosted a public town hall meeting to present findings and gather additional public input. In May 2026, the Department briefed the Board on the results of these efforts and received guidance to further align private dock standards with related statewide initiatives.

The proposed 2026 rules continue to reflect the framework established by the 2022 SOP while incorporating feedback received through the Department’s extensive public engagement process over the past two years. The proposed rules remain grounded in decades of Department practice and are intended to ensure the fair, equitable, and consistent issuance of revocable licenses for the construction, maintenance, reconstruction, and modification of private docks.

The proposed rules establish definitions and clearly describe eligibility criteria and standards for the construction, maintenance, and modification of private docks. The rules provide that private docks may serve only waterfront residential properties, including either a single riparian lot (“single-family dock”) or up to four adjoining riparian lots (“multi-family dock”), and may not unreasonably interfere with navigation or access by adjacent property owners or the public.

Key provisions require docks to be constructed within extended property lines or Department-established dock corridors and prohibit encroachment beyond ten feet from such lines or corridors unless otherwise authorized. Docks generally may not extend more than 40 feet or one-quarter of the width of a waterway, whichever is less, unless a variance is granted. The proposed rules also establish limits for walkway dimensions, fixed decks, and floating docks; authorize features such as roofs, floating watercraft lifts, mooring dolphins, catwalks, and boat hoists; and establish parameters governing their size and number. Variances may be granted by the department under specified conditions, including requests for additional walkway length, larger or additional boat hoists, or greater encroachment into a waterway.

Existing docks may continue to be maintained or modified in accordance with the proposed rules. Certain maintenance activities may require issuance of a new or updated revocable license. Modifications that alter an existing structure must comply with standards applicable to new docks and require a new revocable license. Existing private docks damaged by storms, collisions, or similar destructive events may be rebuilt within their original footprint.

### **Purpose**

The proposed rules establish an orderly and equitable process for issuing revocable licenses for the construction, reconstruction, modification, and maintenance of private docks in state-owned tidal water bottoms which meet the exemptions in O.C.G.A. § 12-5-295 (7) and (7.1). Additionally, these rules institute a process for inspecting and enforcing standards for private docks in tidal waters.

## **Main Features**

The rules will establish the following:

1. Eligibility to apply for a revocable license for the construction, maintenance or modification of a private dock;
2. Standards and conditions upon which the department may issue a revocable license for the construction, maintenance or modification of a private dock; and
3. A process for inspecting and enforcing standards for private docks in tidal waters.

## **Differences**

Subject 391-2-1, Rules 391-2-1-.01 through 391-2-1-.08 were previously repealed in May 2013. The proposed amendments provide for definitions, eligibility, and process by which revocable licenses for the construction, maintenance or modification of private docks located over state-owned tidal water bottoms may be issued or enforced.

Subject 391-2-1, Rule 391-2-1-.09 is a new rule and there are no differences.

## **Date, Time, and Place of Board Action:**

Board Action: Tuesday, August 25, 2026, 9:00AM, in the DNR Boardroom at 2 Martin Luther King, Jr. Drive, SE Suite 1252 East, Atlanta, GA 30334.

## **Public Participation Plan**

Subject 391-2-1, Private docks. As the Rule could potentially impact many waterfront property owners in coastal Georgia, the Public Participation Plan included affected persons from across the coast as well as a stakeholder process.

- July 2024 – May 2025 – Private Recreational Dock Rulemaking Stakeholder Committee convened.
- May 13, 2025 – Private Recreational Dock Town Hall meeting in Brunswick.
- May 18, 2026 – Board briefing and private dock rules status update.
- June 23, 2026 – Brief Board of Natural Resources on revised proposed Rules.
- June 24, 2026 – Written comment period opened.
- July 24, 2026 – Written comment period closed.
- August 25, 2026 – Board of Natural Resources final action on proposed Rules.



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WALTER RABON  
COMMISSIONER

DOUG HAYMANS  
DIRECTOR

June 23, 2026

**MEMORANDUM**

**TO:** Board of Natural Resources

**FROM:** Doug Haymans

**SUBJECT:** Economic Impact of Proposed Amendments to Subject 391-2-1, Private docks, on Small Businesses

The Administrative Procedures Act requires that during the formation and adoption of any rule attempts shall be made to reduce the economic impact of the rule on small businesses. This applies to businesses that are independently owned and operated, are not dominant in the field and employ 100 employees or less.

The Coastal Resources Division has determined that the proposed subject will have no negative economic impact on small businesses. This subject codifies standards and conditions that are consistent with what is currently required by the Department of Natural Resources regarding private docks located over state-owned tidal water bottoms.

DH/ja

**Private Docks**

**Subject 391-2-1**

**RULES  
OF  
GEORGIA DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 391-2  
COASTAL RESOURCES**

**SUBJECT 391-2-1  
PRIVATE DOCKS**

**TABLE OF CONTENTS**

Rule 391-2-1-.01 Purpose  
Rule 391-2-1-.02 Definitions  
Rule 391-2-1-.03 Issuance of a Revocable License  
Rule 391-2-1-.04 Standards and Conditions of New Private Docks  
Rule 391-2-1-.05 Reconstruction and Modification of Existing  
Private Docks  
Rule 391-2-1-.06 Maintenance of Existing Private Docks  
Rule 391-2-1-.07 Variances  
Rule 391-2-1-.08 General Conditions of Revocable Licenses for  
Private Docks  
Rule 391-2-1-.09 Inspections; Revocation, Suspension, or  
Modification of Revocable License; Penalties

## **Subject 391-2-1**

## **Private Docks**

### **391-2-1-.01 Purpose**

These rules establish an orderly and equitable process for issuing revocable licenses for the construction, reconstruction, modification, and maintenance of private docks in state-owned tidal water bottoms which meet the exemptions in O.C.G.A. § 12-5-295 (7) and (7.1). Additionally, these rules institute a process for inspecting and enforcing standards for private docks in tidal water bottoms.

Authority: O.C.G.A. § 50-16-61.

### **391-2-1-.02 Definitions**

For the purpose of Subject 391-2-1, the following definitions shall apply:

- (1) "Applicant" means any person who is a riparian owner and who requests a revocable license for a private dock in state-owned tidal water bottoms.
- (2) "Catwalk" means a pile supported platform used exclusively to access a boat hoist.
- (3) "Channel" means the physical pathway where a waterway flows, as defined by beds and banks that direct the flow of water in a particular direction, has substantial water at high tides but may be shallow or muddy at low tide and is not stagnant.
- (4) "Construction" means the physical building or installation of a new dock in, on or over tidal water bottoms.
- (5) "The Department of Natural Resources" also "the department" means the Coastal Resources Division of the Georgia Department of Natural Resources.

## Private Docks

## Subject 391-2-1

(6) “Dock corridor” means the equitable apportionment of state-owned tidal water bottoms by the department to provide reasonable access to a waterway by riparian owners.

(7) “Extended property line” means the straight-line extension of an upland side lot line toward a waterway.

(8) “Fixed deck” means a platform constructed on pilings channelward of a fixed walkway.

(9) “Fixed walkway” means a pile supported platform leading from the upland toward a waterway and terminating at a pierhead, fixed deck, boat hoist or gangway.

(10) “Floating dock” means a floating platform that is used for mooring vessels; usually supported by pilings.

(11) “Floating watercraft lift” means a free-floating structure, not supported by pilings, that is used for the on-top storage of watercraft (i.e., above waterline) and is not used for additional mooring space or any other purpose; also known as drive-on docks, run-up floats, modular floats, or boat lifts.

(12) “Licensee” means a person or persons who has received a revocable license from the department for a private dock.

(13) “Maintenance” means repairs within the physical footprint of an existing, serviceable private dock, as determined by the department.

(14) “Mean high water” also “MHW” means the average of all the high-water heights observed over the National Tidal Datum Epoch.

(15) “Mean low water” also “MLW” means the average of all the low water heights observed over the National Tidal Datum Epoch.

**Subject 391-2-1**

**Private Docks**

(16) “Modification” means any addition to, change to the footprint of, or reconfiguration of an existing or licensed private dock.

(17) "Person" means any individual, partnership, firm, corporation, association, or other entity.

(18) “Pierhead” means a fixed, pile supported platform.

(19) “Ponded area/mudflat” means generally unvegetated areas within tidal water bottoms that may be covered by tidewater but that do not have channels; not a waterway.

(20) “Private dock” means a structure built onto or over state-owned tidal water bottoms that is used for recreational fishing and other water-dependent recreational activities, is not available to the public, does not have enclosures, and does not create a navigation hazard; provided, however, that a private dock meets the single family dock exemption in O.C.G.A. § 12-5-295(7) or the multi-family dock exemption in O.C.G.A. § 12-5-295(7.1).

(21) “Reconstruction” means the rebuilding of all or part of a private dock in the original footprint.

(22) “Revocable license” means permission granted by the department to utilize state-owned tidal water bottoms for the construction, reconstruction, modification, or maintenance of a private dock located over state-owned tidal water bottoms which may be revoked by the department, is not coupled with an interest, may be subject to conditions, and is not transferrable.

(23) “Riparian” means upland property that abuts state-owned tidal water bottoms, inclusive of a waterway.

## **Private Docks**

## **Subject 391-2-1**

(24) “Scaled drawing” means a representation of a real object or space where all dimensions are proportionally reduced or enlarged by a specific ratio, called the scale, ensuring the drawing maintains the exact shape and relationships of the original.

(25) “Serviceable” means usable as is or with only minor board-for-board maintenance, but not so degraded as to essentially require reconstruction, as determined by the department.

(26) “Upland” means lands that are neither tidal water bottoms nor wetlands.

(27) “Waterway” means a tributary, creek or river which has a defined channel.

(28) “Walkway extension” means a pile supported platform leading from an existing fixed walkway or fixed deck toward a body of water.

(29) “Variance” means an authorized exception to the standards in Subject 391-2-1 granted under certain circumstances.

Authority: O.C.G.A. § 50-16-61.

### **391-2-1-.03 Issuance of a Revocable License**

(1) Applicants for a revocable license must submit to the department a complete application for the construction, reconstruction, modification, and maintenance of a private dock, on forms created by the department, which must include scaled drawings, all information as required by the department, and evidence that adjacent property owners were appropriately notified of the application. Scaled drawings prepared by a registered land surveyor, professional engineer, or licensed architect may be

**Subject 391-2-1**

**Private Docks**

required only when the department has determined that unique circumstances or site conditions warrant.

(2) The department will issue a revocable license for a private dock to authorize the construction, reconstruction, modification, and maintenance of a single-family or multi-family private dock located over state-owned tidal water bottoms provided:

(a) The applicant is riparian to the waterway to be accessed by the private dock, meaning the waterway is within extended property lines or a dock corridor determined and allocated by the department.

(b) A revocable license shall only be issued to the owner(s) of the riparian parcel(s) to be served by the private dock.

(c) New private docks are limited to one per riparian parcel or, in the case of a multi-family dock, along shared riparian property lines.

(d) Private docks shall access waterways with a defined channel and not ponded areas/mudflats.

(e) Private docks are for water dependent, recreational activities, only.

(f) Private docks must not restrict the reasonable navigation or public use of State lands and waters.

(g) Private docks must be constructed in a manner that does not restrict water flow.

(h) Applicants for a multi-family dock have entered into a binding covenant that runs with the land, in favor of the state, which covenant prohibits the building of any future private docks on their

## **Private Docks**

## **Subject 391-2-1**

lots unless the multi-family dock is removed or is approved by the department to be converted to a single-family private dock.

(i) Any citations, administrative orders, or other violations issued to the applicant have been resolved, or the applicant has entered into a compliance agreement which directs the applicant to apply for a revocable license.

(j) All provisions of Subject 391-2-1 have been met.

Authority: O.C.G.A. § 50-16-61.

### **391-2-1-.04 Standards and Conditions of New Private Docks**

A new private dock must conform to the following standards:

(1) A private dock must be designed and constructed per the following:

(a) Single-family dock: All components of the single-family dock must be 10 feet or more from extended property lines or dock corridor lines on both sides of the proposed structure and be at least 20 feet from any adjacent dock or structure. The department may require an alternative alignment or dock corridor if site characteristics warrant.

(b) Multi-family dock: All components of the multi-family dock must be 10 feet or more from the extended property lines or dock corridor lines abutting property owned by a person not being served by the multi-family dock and be at least 20 feet from any adjacent dock or structure. The department may require an alternative alignment or dock corridor if site characteristics warrant.

(2) A private dock must terminate at the first waterway measuring 20 feet wide or greater at MHW. A waterway that is less than 20 feet

## **Subject 391-2-1**

## **Private Docks**

wide at MHW may be spanned by a fixed walkway, provided no pilings are placed in the waterway and the bottom of the span is at least six feet above MHW, or higher as determined by the department to be necessary for safe navigation.

(3) No portion of the private dock may extend more than 40 feet into a waterway past MLW, or more than one-quarter of the waterway width at MLW, whichever is less, unless a variance is granted. If a waterway goes dry, vegetation lines within the subject waterway must be used.

(4) One fixed walkway, up to 1,000 linear feet in length and up to six feet wide, may provide access from the upland, and must be built at a height to clear all vegetation, but not more than six feet above MHW. Handrails and supports must be illustrated on scaled drawings. No walkway extensions are permissible on new private docks.

(5) A private dock to a waterway measuring less than 20 feet wide at MHW may have a "L" or "T" shaped pierhead, up to six feet wide by 14 feet long, provided the pierhead does not extend into the channel at MLW. A pierhead may not be wholly or partially enclosed. However, it may be roofed per Rule 391-2-1-.04 (11) unless the pierhead is located over vegetation. Vessels may not be stored over the waterway or vegetation.

(6) A private dock to a waterway 20 feet wide or greater may have a fixed deck with a maximum area of 400 square feet, including gangway landings and cantilevered components, and may not be located over vegetation. Fixed deck(s) may be roofed per Rule 391-2-1-.04 (11) and partially enclosed where the lower three feet consists of a single layer of woven screen wire or wainscot and the upper section is open or finished in woven screen wire.

## Private Docks

## Subject 391-2-1

(7) One boat hoist per riparian lot served by the dock, up to 16 feet by 30 feet, measured piling to piling, with one adjacent catwalk measuring up to three feet by 30 feet, is permissible and may be roofed per Rule 391-2-1-.04 (11), unless a variance for larger or additional hoist(s) is granted. Davits are not considered boat hoists but must be indicated on the scaled drawing.

(8) Floating docks should be pile supported, shall not rest on the water bottom at MLW or must be cradled and must not be located over vegetation. Gangways accessing a floating dock(s) do not count toward the maximum area but must be indicated on the scaled drawing.

(a) Single family dock: The maximum area of a floating dock(s) is 600 square feet.

(b) Multi-family dock: The maximum area of a floating dock(s) is 1,000 square feet.

(9) Floating watercraft lifts do not count toward the maximum allowed for floating docks area only if:

(a) the lift is not supported by piles

(b) the lift is secured to cleats or existing pilings supporting the main private dock;

(c) the lift is not located channelward of a floating dock;

(d) the lift does not extend further into the waterway than any other component of the private dock; or

(e) the lift does not encroach within 10 feet of an extended property or dock corridor line or within 20 feet of an adjacent dock or structure.

## **Subject 391-2-1**

## **Private Docks**

(10) Mooring piles/dolphins used exclusively for mooring vessels in association with a floating dock may be approved upon satisfactory justification of need from the applicant but must not be located further into the waterway than other dock components and must not encroach within 10 feet of an extended property line or dock corridor or within 20 feet of an adjacent dock or structure.

(11) Roofs over pierheads, fixed decks or boat hoists may not exceed 12 feet above the decking at the lowest deck height and overhangs (eaves) may not extend more than 18 inches. The use of a roof for storage or as a second story is prohibited and stairs accessing a roof are prohibited. Roofs do not count toward the total area of structures but must be indicated on the scaled drawing.

(12) Utilities to be extended to the private dock, including electrical and water, must be described in the application. Applicant must provide proof of application for a local electrical permit before a revocable license is issued.

(13) Lighting on the private dock must be described in the application and must be minimal in nature, downcast, and the light source capped and shielded. No light from the private dock may be directed toward another structure or property. Any navigational safety lights and signals prescribed by the US Coast Guard, through regulations or otherwise, must also be described.

Authority: O.C.G.A. § 50-16-61.

### **391-2-1-.05 Reconstruction and Modification of Existing Private Docks**

(1) Existing private docks may be modified or reconstructed upon issuance of a new revocable license, provided that one of the following criteria are met:

## **Private Docks**

## **Subject 391-2-1**

(a) The existing private dock, in its present configuration, has been confirmed by the department to have been constructed prior to the effective date of Subject 391-2-1 and no unauthorized additions or modifications have been made;

(b) The existing private dock is determined by the department to be compliant with previous state authorizations and/or licenses; or

(c) The owner of an existing non-compliant private dock has entered into a consent order/agreement with the department set forth in Rule 391-2-1-.09.

(2) Reconstruction of existing, serviceable dock components is permissible in the original footprint and configuration. Reconstruction of dock components deemed not serviceable by the department must adhere to the standards for new private docks set forth in Rule 391-2-1-.04.

(3) Modifications to existing or licensed private docks must adhere to the standards set forth in Rule 391-2-1-.04.

(4) A walkway extension leading from the channelward-most portion of an existing, serviceable fixed walkway or fixed deck, for the sole purpose of extending further into the same waterway due to demonstrable shifts in MLW since initial private dock construction, natural shoaling, or other reasonable factors as determined by the department, is allowed provided the walkway extension does not exceed six feet in width and is of minimal length. Handrails are allowed. The walkway extension must not be partially or wholly enclosed or covered.

Authority: O.C.G.A. § 50-16-61.

**391-2-1-.06 Maintenance of Existing Private Docks**

Licensees must maintain private docks within their existing footprint. Before starting any maintenance, the licensee must notify the department to determine serviceability and requirements for a new revocable license. If the department deems the private dock or its parts are unserviceable, it cannot be maintained; however, it may be reconstructed or modified according to Rule 391-2-1-.05.

(1) Board-for-board maintenance using only hand tools will not require a new revocable license, provided the requirements of Rule 391-2-1-.08(1) have been met.

(2) Maintenance activities involving the use of heavy machinery, a barge, or a crane, or that involve the installation or replacement of pilings, will require a new revocable license.

(3) Private docks rendered not serviceable by forces of nature, such as storms, or other events, such as fire or boat strikes, may be maintained or rebuilt in the original footprint with a new revocable license if the licensee provides acceptable proof that the dock was serviceable prior to the damage and was in compliance with all previous authorizations or licenses.

Authority: O.C.G.A. § 50-16-61.

**391-2-1-.07 Variances**

New or modified private single family and multi-family docks must be constructed according to the standards described in Rule 391-2-1-.04. However, variances may be granted by the department as described in this paragraph, provided the applicant or licensee provides justification and demonstrates, in a manner satisfactory to the department, why the standard(s) cannot be met. The decision as

## **Private Docks**

## **Subject 391-2-1**

to whether a variance will be granted is at the sole discretion of the department.

(1) The department may grant a variance allowing the length of the fixed walkway on a new private dock to exceed 1,000 feet for the sole purpose of accessing the waterway nearest to the upland. Such walkway exceedance shall not exceed ten percent of the standard allowable length (i.e., 100 feet) and must constitute the shortest route to the waterway, as determined by the department.

(2) A variance for larger or additional boat hoists with catwalks may be approved upon proof of need, including boat registrations or bills of sale demonstrating the size or number of vessels owned by the applicant or licensees. Variances for larger or additional hoists based on proof of kayaks, canoes, paddleboards or other similar watercraft will not be approved, regardless of whether they are motorized or registered.

(3) A variance for further extension into the waterway may be granted up to one-third of the waterway measured at MLW, upon justification provided by the applicant and if there is no reasonable objection by adjacent property owners.

Authority: O.C.G.A. § 50-16-61.

### **391-2-1-.08 General Conditions of Revocable Licenses for Private Docks**

(1) The revocable license is not transferable with the change of ownership interests in the riparian property(s) at which the private dock will be or has been constructed, reconstructed, modified or maintained. Transfer of riparian ownership or assignment of riparian rights requires issuance of a new revocable license upon submittal of proof of ownership on a form created by the department.

## **Subject 391-2-1**

## **Private Docks**

(2) The licensee must maintain the private dock in serviceable condition after construction, reconstruction, modification, and maintenance.

(3) All equipment used within vegetated marshlands for the construction, reconstruction, modification, and maintenance of a private dock must be operated from a single row of construction mats, or other low impact equipment approved by the department, located on one side of and in immediate proximity to the private dock.

(4) The private dock must not be used at any time for business or commercial purposes. Prohibited uses include, but are not limited to, leasing private dock space, mooring commercial vessels of any type, or utilization of the private dock in any tour boat or charter boat activities.

(5) The private dock must not be used for human habitation. Toilets or fueling facilities are not allowed on the structures. There shall be no fuel or sewage discharged from the private dock.

(6) The licensee must take all proper steps to ensure the integrity of the structure and the safety of moored boats from damage.

(7) The State of Georgia shall not be responsible for any damage caused to the private dock or moored vessels.

(8) The licensee must not moor a vessel(s) at the private dock in such a manner as to cause an unreasonable encroachment into the waterway or to interfere with navigation.

(9) All information and supporting documents contained in an application for a revocable license shall be made a part of the revocable license, if granted, and conformance to such information

## **Private Docks**

## **Subject 391-2-1**

and supporting documents shall be a condition of the revocable license. No change or deviation from any such information and supporting documents shall be permitted without prior notification and written approval by the department or issuance of a new revocable license.

(10) The issuance of a revocable license does not resolve actual or potential disputes regarding ownership of rights in or over the property at which the private dock is or will be located and shall not be construed as recognizing or denying any such rights or interests.

(11) The issuance of a revocable license does not relieve a licensee from the responsibility to obtain any other federal, state, or local permits or authorizations which may be required for the private dock or any of its components, including without limitation, any required county or municipal building permit or permit for utilities, prior to beginning construction, reconstruction, modification, and maintenance.

(12) At least 10 days prior to construction, reconstruction, modification, or maintenance, the licensee must submit a construction notification form to the department.

(13) A copy of the revocable license issued to a licensee must be prominently displayed on the upland site of the proposed or existing private dock during construction, reconstruction, modification, and maintenance.

(14) Compliance with best practices to include those for the protection of manatees and other protected species is required. Any unattended free flowing fresh water along the private dock is prohibited.

## **Subject 391-2-1**

## **Private Docks**

(15) Licensee may be required by the department to, at their own expense, relocate or remove any portion of an existing private dock that impedes navigation as a result of natural meanders to waterways.

(16) Licensee must promptly remove and properly dispose of all debris that originates from, or is generated by, the private dock.

(17) Licensee may be responsible for additional special conditions placed upon the revocable license, as determined by the department.

Authority: O.C.G.A. § 50-16-61.

### **391-2-1-.09 Inspections; Revocation, Suspension or Modification of Revocable License; Penalties**

(1) Private docks are subject to compliance inspections by department staff without prior notice. An as-built post-construction survey may be required; such survey shall comply with the Georgia Plat Act, O.C.G.A. §15-6-67 *et seq.*

(2) The department may revoke, suspend, modify or deny any revocable license for failure or refusal to comply with any provision of Subject 391-2-1 or the specific conditions and requirements of the revocable license.

(3) Any person, including a property owner or private dock builder, who causes or permits violation of Subject 391-2-1 that results in construction, reconstruction, modification, and maintenance of a private dock in a manner that is inconsistent with a current revocable license or without first obtaining a revocable license from the department as set forth in this rule is subject to enforcement action by the department which may include

**Private Docks**

**Subject 391-2-1**

revocation, suspension, or modification of an existing revocable license; timely removal of the unauthorized structure; restoration of jurisdictional coastal marshlands; and implementation of a consent order/agreement.

(4) Any person violating any provision of Subject 391-2-1 shall be guilty of a misdemeanor and upon conviction thereof, shall be punished for a misdemeanor.

Authority: O.C.G.A. § 50-16-61.