

Private Recreational Dock Stakeholder Committee

Minority Report Inclusive of Results and Discussions of April 15, 2025, and May 13, 2025 Online Meetings

The Private Recreational Dock Stakeholder Committee submitted its final report of recommendations to the Coastal Resources Division on February 11, 2025 (Attachment A). The process from the outset was a consensus-based process, with open discussion on items identified by committee members in the draft proposed rule as prepared by CRD. Agreement was reached on each item included in the report during the January 29, 2025 meeting held in Brunswick. The recommendations are for the consideration of CRD as they formulate a new rule to present to the Board of the Department of Natural Resources.

On February 19, an email requesting that the process be reopened was sent to the committee and the Coastal Resources Division (Attachment B). A meeting was set and communicated to committee members via email (Attachment C). Members were asked to submit any items for discussion by April 11 so that they could be shared with the committee prior to the April 15 meeting. In an April 11, 2025 letter (Attachment D), a member asked for further discussion as well as a vote on myriad items. In addition, emails were received from two other members identifying topics for redress (Attachment E and F). Concerns and support for restarting the process were also expressed (Attachment G).

Two virtual meetings were held with each item submitted for discussion presented, discussed, and voted upon. Concerns were again voiced by members between meetings (Attachment H). The votes were not taken to change the final recommendations of the committee submitted in February, but rather to create a minority report for inclusion with the final report of the committee.¹

The following report includes the submissions by stakeholders after the February 11 report was finalized, that were discussed during the April and May meetings. Following each item is the tally of the vote taken followed by the discussion that preceded the vote. The discussion has been lightly edited for clarity and readability. The submissions are included in the order they were discussed. Similar submissions were combined into one discussion.

¹ The meeting held on April 15 had seven members present for the majority of the meeting and five members not in attendance. The meeting on May 13 had nine members in attendance and three absent. This accounts for the vote total variations in the report.

Proposed in final report:

Amend 391-2-1.05 Standards and Conditions of New Private Docks.

(o) A licensed general contractor shall be required to build a private recreational dock.

Submitted for discussion March 25 and April 6:

Eliminate "A licensed general contractor shall be required to build a private recreational dock."

Result:

- Keep proposed addition to the rule: 6.
- Eliminate proposed addition to the rule: 1.
- Committee members absent: 5.

Discussion:

This would ultimately lead to a 15-20% price jump to have GC who doesn't know how to build the dock overseeing the dock construction. Should not be more strictly regulated than projects covered under the law.

The original intent was to have DNR host a half-day class to train folks to be licensed dock builders in Georgia and hand out a stack of documents for standards. The Secretary of State didn't have the appetite to add a new dock builder license at the time - still think we should go back and ask that question again. If DNR can come up with a program, and have funding approved, with Secretary of State certification for GC Standard License, that will eliminate concerns around requirement of GC. We don't want people who don't know what they're doing building docks. Valid points, and cost associated with licensure, but maybe new way to approach authorized through DNR.

Don't disagree with either. If we get rid of this, what are we inserting instead? We have already made the recommendation for a dock builder certification program to provide training for best practices and standards. Not in rule, but a recommendation for CRD to pursue. If we get rid of this- can we make that recommendation stronger to make course/certification mandatory?

A certification course is necessary- leave requirement in, but with caveat if Secretary of State office allows for certification program, then we replace this requirement. But until approved, leave the GC requirement in.

What if “to be developed” is included?

We thought this was a great win- but it does have a significant impact on dock owner with cost. How ever it is decided- know CRD supports this. Relative to placeholder- probably okay, but not a TBD. It needs to be firmer.

A GC license provides some level of assurance that they have a general construction background. Which should be fine. We can put together a best practices manual based on surrounding states and have a voluntary program. If the Secretary of State says this can be a new construction program, that’s great then it goes through the Secretary’s office- but still has a cost. Where did the 15-20% cost increase from? Agree that this is a win for GC license.

It is not good practice for TBD to be in rules- but a best practices manual could be a good steppingstone toward a certification program. Can CRD walk us through a timeline for how steps would be implemented? How long would that take? Task force to determine? This group to commit amount of time to move forward?

There are some examples from other states that can be pulled together. We do not need to go and study to come up with recommendations, but it will take time. Can’t put a specific timeline on it- won’t be immediate. It would need to be vetted through experts.

Not every GC can build a dock, and not every dock builder is qualified to be a GC. But this supports that it’s not just some random guy coming in to build a dock- that would be a cheaper product, but not a right size resilient product that can be signed off on by CRD. GC makes more sense to confirm someone would build to some type of code. In the interim, can have a landing page on CRD website with FAQs that an actual homeowner can look to for help. Who to help build? What is building code? Etc. That can be set up while working on the license.

If someone hires a GC to oversee project, numbers may be a concern - hiring subs, up-charging to oversee project. But, if they don’t know what they are overseeing, what’s the point? But also, too many people are building docks that shouldn’t be, and some are absolute junk that have problems within a year or two. Good contractors will spend the funds to get a license to comply. North Carolina has building code for docks, piers, and bulkheads. Can’t we just cut and paste? There are inexperienced people getting jobs because it’s cheaper labor, but the product is terrible. Not looking to make citizen spend

20-30% more to have someone oversee it, but at the same time, the good builders would be willing to spend on the GC license.

In SC, if you build over a \$10k project, it requires a marine contractor or GC license with marine contractor certification. The Secretary of State didn't want to do licensure because of the small number of dock builders. Thousands of GCs- seems it would be helpful- if they're a bad apple, can request to pull license. Review SC and Florida requirements to develop a program.

Not in support of a GC who may or may not know how to build dock but will support 4-hour certification for how to build a proper dock. That way, if someone builds poorly, they at least know they're building poorly because they are not following certification recommendations to build a proper structure.

Keep it for now but work toward some kind of training or licensure. Don't want to kick it down the road too far.

What if a South Carolina Certified Dock builder wanted to do work in Georgia? Is that acceptable? Could language for that be included? GC or another Marine Contractor (MC)? Determined by the state. Would that be acceptable?

If successful in putting language in, don't specify Georgia GC License, just say GC License. So, Florida or South Carolina GC or MC license is acceptable. May have to wordsmith a bit before going into rule. But this committee is to get the ideas down.

Florida Contractors in Camden are GC and already have certifications. Same as South Carolina. All are licensed. Georgia ones cannot go to other states without GC and State stuff. Precedence is already there.

Proposed in final report:

391-2-1-.05 Standards and Conditions of New Private Docks.

(e) (1) Only one fixed deck with a maximum area (including screened and/or roofed sections) of 300 square feet is permissible. Gangway landings used for the sole purpose of gangway placement count towards the total maximum area. All handrails and support bracing must be clearly indicated on the drawing. All cantilevered components, including sinks and benches, count toward the total maximum area and must be clearly indicated on the drawing

Submitted for discussion April 11 by two committee members:

- A. I suggest we increase the fixed deck size to 400sf-this has been previously discussed- don't count the little landings that extend off the fixed deck for the ramps in the overall measure.*
- B. Increase fixed deck size to 400 SF. It is not over marsh, therefore no effect on vegetation.*

Result:

- In favor of increasing fixed dock to 400 square feet: 5.
- Opposed to increasing fixed dock to 400 square feet: 2.
- Committee members absent: 5.

Discussion: (these two similar comments were discussed together)

There is no effect on vegetation.

Don't count landings off edge where the ramp goes down as overall square footage. The 300 sq ft. is an arbitrary number. This feels like a good compromise.

It is not over marsh, typically over mud or water, and I haven't seen anything when changed from 400 down to 300 that says what the environmental benefit is. What is the adverse effect of an extra 100 sq ft? Especially with shared docks.

Are shared docks in a different category?

Up to 4 people can share private.

The purpose of docks is for water dependent activities. That's the reason they are permitted. So, what is the reason to increase dock size for water dependent activities? To have events on dock, yes, but that isn't a water dependent activity.

Would dock size relative to width of creek or extension into creek still apply?

Yes. You must meet all requirements.

It seems like an arbitrary number. But also, some folks need golf carts and such to get to the end of their dock, and they need to be able to turn the golf cart around safely. The extra room does help and that needs to be considered.

Unless someone can explain why 300 is water dependent but 400 isn't, up to 4 families would share the space. It is over mud/water, so no impact to the marsh. It is a couple more pilings. I'm unsure why it matters.

I would suggest that 400 is as arbitrary as 300- not that 300 is directly related to water dependency. But why change and increase it? Can't see water dependent reason to support increasing it. Three hundred should be enough to turn a golf cart around. And not that 300 is water dependent, but it's the current standard.

We are only discussing an increase to 400 sq ft correct? (Yes)- Considering they can serve multiple families, a condition could be inserted- allowed up to 400 sq ft if it is a shared private-recreational dock.

Open to talking about it in that way. Incentivize shared docks and limit structures in the marsh.

I stand by an increase to 400 sq ft without conditions.

One issue discussed during a previous meeting is party docks, and if allowing for larger footprints, you are almost encouraging more activities. There is a prevalence of Airbnbs in the area, and this affects quality of life for surrounding community members.

Support 400 sq ft - not party docks. People investing that much in a dock do not want to share it. They want it for themselves.

Support raising to 400 sq ft. Virtually no environmental impact. Four hundred square feet also seems arbitrary. Some people have greater needs than others, and deeper pockets.

These are things discussed in small groups at Susan Shipman building.² Already walked through these things- including walkway length. So, where is the breakdown in the process? Why are we coming back to these issues? Seems like never ending cycle.

After meeting, I have had time to socialize with citizens, 300 being arbitrary, with option to go back to 400 made sense to bring back up.

The whole process has been a lot of discussion and side-bars. Getting off task, running out of time, shoulder shrugs and nods, as meetings evolved. Never seemed to arrive and confirmed for/against with tally. That's what's needed.

Remember being at the meeting where consensus was reached for sticking with existing size measurements. Nobody called for vote at that time. If we don't like the results of this meeting, can we just bring it up again because we don't like the results here?

A consensus was reached that more investigation needed to be made into the tool.³ A lot of recommendations are not scientifically investigated recommendations, though all agree there needs to be more investigation into it. The tool was a step. There is methodology that can be applied to this process to consider habitat impacts- because they do exist. It's documentable. There are methods to remediate those impacts, but we have to stick to the science and investigate further. Shocked we are getting into the details when we already agreed these things need to be further investigated/fleshed out before having solid numerical recommendation for CRD.

We all understand it'll take time to develop that tool to do it right to capture what we intend- mitigation and mitigation impacts, etc. But now we are discussing changing standards before we have that tool and can evaluate impacts which negate the purpose for having the tool. Why would we vote on changing this if the committee actually wants this tool to evaluate impacts?

Plenty of studies have already been done by respected scientists - once you get a certain height above the marsh, it doesn't matter. Shading impacts can be mitigated. Not enough evidence to support why 300 is okay, but 400 is not. If future study says otherwise, revisit. Enough science already to support what is being asked.

² This discussion references the working group that met in Brunswick on November 14, 2024, to discuss Size of Walkway, Fixed and Floating docks, and Boat Hoists. Working group members were Courtney Reich, Alice Keyes, Sam LaBarba, Davis Poole, Dan Bucey, Chip Croft, Pat Farrell, Jason Ball, and Sarah Wise.

³ The referenced tool is an Excel spreadsheet and is included as Attachment I.

It is difficult to justify allowing private recreational docks to exceed commercial and community docks from a regulatory standpoint. Impact of those or need is there? From a regulatory standpoint, it is difficult to fathom. Mentioned studies do not include impact to habitat overall. Plenty of studies show the impact docks have on bird habitat with 50% reduction. Those studies should be considered. Need to be sure not negatively impacting protected species.

All requirements must comply with the endangered species act. But there is no requirement to study other animals/birds. Why comply with something that isn't required? Big burden on landowners.

The process that is being mentioned is to replicate with a tool- a variance process to exceed 1000 ft. But blanketly approving larger docks, not requiring people to go through that process as they would with commercial docks.

A fixed deck vs walkway- 400 sq ft doesn't cause big heartburn, however community docks are limited to 300. Suggest if the will of the committee is to increase to 400- likely to discuss at same time, increasing size of community docks. Doesn't make sense to allow more space for fewer individuals than for a group.

You keep comparing it with marinas, community docks, etc. Private docks are exempt for a reason- they don't result in loss of marsh. Insignificant impacts to entire marsh in the state. Can't compare to marina or community dock.

Proposed in final report:

391-2-1-.05 Standards and Conditions of New Private Docks.

(e) (1) Only one fixed deck with a maximum area (including screened and/or roofed sections) of 300 square feet is permissible. Gangway landings used for the sole purpose of gangway placement count towards the total maximum area. All handrails and support bracing must be clearly indicated on the drawing. All cantilevered components, including sinks and benches, count toward the total maximum area and must be clearly indicated on the drawing

Submitted for discussion April 11:

Upper gangway landing on some dock designs is currently being counted toward the fixed deck area. These landings would be better classified as walkway extensions and should therefore be counted towards the walkway area; 6' x 6' maximum.

Result:

- In favor of excluding the gangway landing in the total maximum area of the fixed deck: 5.
- Not in favor of excluding gangway landing in the total maximum area of the fixed deck: 2.
- Committee members absent: 5.

Discussion:

Do not count the gangway landing towards the fixed deck square footage but towards the walkway area (6' x 6' maximum).

Agree. It isn't usable space. It's a landing.

Agree.

What is the state's feeling?

Procedurally, I'm not sure what is being recommended.

More clarification on how this changes current practice is needed.

In a pretty typical dock design- there is a walkway leading to fixed deck, to get to float, walk across deck- then the float is typically parallel and close to the boat hoist. In wide creeks, a walkway is attached to the dock and going straight out to river. But on smaller creeks, step through your deck, out to the landing, and then the gangway is parallel to hoist and shoreline. You need gangway/bump out, outside of the deck. It has been counted toward

fixed deck maximum area. It is not usable space so it shouldn't be counted toward the fixed deck area. No difference if the deck size changes to 400 sq ft.

So you are actually going from 300 to 436 sq ft?

If part of fixed deck, yes, then 436. At seaward end, over water, no harm.

Typically, the walkway ends at fixed deck- gangway jumps off fixed deck. When waterways change, and the dock is pushed out, we allow walkway extensions. If building extension in to front end, it counts toward maximum length of walkway. Just change the definition of where the walkway terminated. But do currently allow walkway extensions when need calls for it.

Walkways and walkway extensions are very clearly defined. This would need to be called something else. The walkway is to get further out on the existing structure. It terminates at the end of the terminal so no ongoing issue of "what's a walkway?" Call it a gangway landing or something similar. Why can't it come off of a fixed deck?

A typical dock design 6x6 "upper gangway landing"- walk down to floating dock, parallel and adjacent to boat hoist. Sometimes parallel to same plane as walkway in wider rivers. But how do you get into the boat when lowered down to water?

I'm confused. It is difficult to give CRD a recommendation when CRD is also confused. I'm not prepared to vote on this topic due to the level of confusion and need for clarity.

Not confused. You want a landing that the gangway is attached to. I don't think it's necessary but get it. A gangway attachment, maximum of 36 sq ft and only stepping down to gangway from it. Will consider it.

Not the landing- it's technically part of the fixed deck. Just the uncovered portion. Transition into gangway so it's treated like the gangway. Keeps dock from being in weird adverse position and not structurally sound, etc.

A good portion of the float accessing from gangway is accessible from footprint of pierhead, and not off the end of pierhead with 19-20 ft gap where ramp goes down to floating dock. Find it useful with limited room to place structures.

It makes perfect sense. Lightbulb moment.

Why are people opposed to including this in the fixed deck calculation?

Because it's part of the gangway, it shouldn't be counted toward fixed dock.

It isn't functional, so why count towards it? It isn't a walkway, and isn't functional fixed deck, so make it a new category.

Then basically taking it out of calculation of deck, so increasing deck size more.

“Reclassify as gangway”

The restriction on length can't exceed 6x6. But if there is a new category of gangway, include it in that calculation. Don't deduct from fixed deck or add to the walkway.

So, shift established standards for calculating square footage of gangway.

There has never been a standard for gangway size.

Gangway landing with purpose of accessing floating dock. So, if two floats, two gangway landings- if required.

Could have two ramps from one gangway bump out.

“Gangway landings for the sole purpose of accessing floating docks, may not exceed 36 sq ft and do not count toward the total maximum area of the fixed deck”

I would like to see it in writing and in context of other recommendations before voting.

Re-read it and we vote.

CRD will do wordsmithing- so make sure clarity on intent. Will create slide with updated language.

Proposed in final report:

391-2-1-.05 Standards and Conditions of New Private Docks.

(d) The fixed walkway:

(1.) The fixed walkway maximum width is 6 feet, and the maximum length is 1,000 linear feet. The fixed walkway width shall be measured as the width of the decking. All handrails and support bracing must be clearly indicated on the drawing but will not count towards the total square footage of the fixed walkway.

(2.) The fixed walkway maximum area may not exceed 3,000 square feet.

Submitted for discussion on April 11 by two committee members:

A. Eliminate the 3,000 SF maximum walkway size and increase the walkway width minimum of 4' (maximum 6') to comply with HOA regulations in some areas of the coast. Data confirms that the amount of marsh impacted by shading is extremely small, and while shading is considered an impact, it is not a loss of coastal marshlands but merely a slight modification of the march under the walkway. Given sea level rise tidal marsh areas may well be increasing in overall size and therefore the shading effect may be offset the overall increase in tidal marsh area of the coast.

If walkway length exceeds 1,000' over vegetated marsh, the following alternative construction methods must be employed and designed by licensed engineer or contractor:

- a. Pilings must be spaced at span and interval to allow for increase rack passage, or single-pile (i.e. Pearson piles) may be used at spacing and interval to allow for increase rack passage.*
- b. Alternative light-penetrating decking material must be utilized for the entire length of the walkway.*
- c. Walkway height shall be no less than 7' above grade.*

B. I suggest we keep it simple for the DNR staff to administer the overall size of the walkway- 4' wide minimum for safety, 1400' max length, and anything over 700', be designed by a licensed engineer (or contractor with engineering authority). I would also say that pile spacing be at a minimum of 20' over the 700' (28' aluminum walkways are being installed in GA currently with a lower impact footprint). AND the height of the dock be a minimum of 7' above the mudline which should put the dock

about 2' (more or less) above the top of the grass. The 1400' max allows for the next population of docks to be built allowing property rights to access the resources.

Result:⁴

- Proposal A - Five members prefer A. One member is not in favor of A. Six members are absent.
- Proposal B - Two members would accept either A or B (note: they also voted in favor of A). Four members are not in favor of B. Six members are absent.

Discussion: (these similar proposals were discussed together)

We shouldn't restrict people to these current requirements. Enough science to move forward with what we have.

With a dock of this size, you will need a licensed engineer. Technology is there for us to do it. 1,000 feet is arbitrary; 1,400 feet is arbitrary. Four feet is standard for safety. Seven feet high, using Clark's science, mitigates shading. Different types of walkway deck, boards with openings, will open next corridor of these to be safe. Need to give DNR staff the ability to make decisions without a complicated formula. Everyone has the right to use their property to access resources.

At 4' wide without crazy excess height- 1089ft long, covers about 1/10th of an acre. Trigger point for doing deeper dive evaluation. Caveats provided- 700 ft. makes sense. If you go over, you should implement measures to mitigate. Over 700 ft. need some type of engineered structure to address excessive height or wider span. There are best management practices that provide more mitigation options. Okay with either recommendation. Focus on addressing fixed walkway to get to deck.

Science needs to be included in evaluation when available, and it is related to fragmentation. A 2010 study provided to the committee related to the impact docks have on local marsh habitat. Scale of 365k acres of marshland, it's miniscule, but with habitat, focus on local impacts. To eliminate consideration of science is irresponsible. There's a way to apply knowledge in a meaningful way to allow CRD to evaluate on a case-by-case basis per numerous criteria. If a couple of people want it, there are other options for them

⁴ Additional Notes: One member suggested that 1,400 ft is too long and if it exceeds 1,000 ft, there should be a mitigation process for impacts beyond 1,000 ft. If length exceeds 700 ft, a licensed engineer should be required.

to explore. Irresponsible for the committee to abandon all science that can be combined with Dr. Alexander's research.

We discussed this in several meetings- buying marsh front isn't the same as buying waterfront property and doesn't mean you have the right to access deep water if not a King's Grant. It is a privilege, not property right to access that water. If we eliminate all standards, then we are abandoning the tool and letting people build to whatever the larger standard agreed upon is. As private recreational dock owner, you have the right to build a larger dock than what a commercial/community dock would be built that needs variance process to get same size. Support the administrative process of the PRD to exceed standards, but needs to be a process, not guarantee to build to specific length. Will take time to develop the process, but worth looking at how to build the process so that this mirrors more closely how we handle community/commercial docks and demonstrates the ability to mitigate impacts.

There was no state law limiting size or scope of docks until these rules/regulations were implemented. Until about 2010, it was self-regulated. Don't see any issue with that approach. Science we are referring to points out very small/insignificant impact to the marsh from the walkway currently being built in Georgia. Disappointed we didn't get information requested multiple times related to the total impact of walkways on state of GA compared to size of marsh. Reached out to Corps of Engineer for a study that was done. In the report, it says that dock walkways account for 0.02% coverage of the 380k acres of coastal marsh. Support recommendation number 1- no harm done. Marsh ebbs and flows. Marsh grass gets washed away and regrows. Give the people most interested in having access to water by investment in their waterfront property the opportunity to do that.

Attorney General's opinion about allocation of state-owned water bottoms for private docks speaks to access to deep water with no restriction on location. Limits were part of the federal permit that is now gone. We should not be limiting people, especially when there are methods available to mitigate some of the effects. Move to eliminate 1,000 and 3,000 limits. Require design by a licensed professional. If proof comes up that larger dock size causes significant impact, then revisit.

Aluminum docks mitigate damage to marsh.

There are a lot of opportunities for longer docks. Along with the tool- want to see benefit to property owner. If there are more studies in the future, maybe this can be an incentive to study and see what is going on. Otherwise, default to property rights.

If walkway dimension gets limited out or left at 1000ft, is recommendation anything over 700ft designed by licensed engineer.

Yes.

Second recommendation that we are “shooting from the hip” and word crafting- and it’s confusing. Expected to vote on something people don’t have clarity on. Don’t understand- is this the last meeting for recommendations, are we coming back again? It seems like a very haphazard process. The prior process was more formalized.

Same thought- not fully understanding the recommendations, not sure everyone is on the same page. How many more to review that are this technical? Another subcommittee/ opportunity to vet these ideas may be beneficial. So not reacting on the fly.

The original height comment from Clark- that was the science/recommendation. Whatever that value was, and every foot higher, you reduce horizontal width. As long as integrated into mitigation component... that doesn’t even have to be included. Can go with normal height in current regulation.

Not confused with first recommendation on length, just 7’ above grade.

Viewshed/aesthetics- where required to bridge tributaries, you get ridicule and arguments amongst neighbors. People don’t want to see the docks. Viewshed is within purview of DNR. Can anyone speak to that? How do you balance this with viewshed?

Three feet above rack or mudline? Or are we saying the same thing?

Three feet above marsh grass.

The requirement is to clear the marsh grass. Site specific. People who complain about the view typically have their dock, and don’t want to look at someone else’s.

Consideration for view impact doesn’t go away. Suggestion for limits increase requests where there currently aren’t. Can still be a consideration for staff.

That will be a factor for sure- but not sure this leaves room for discussion. This leads to an elevated structure.

An elevated structure provides for more mitigation per Clark Alexander’s studies.

For shading only, but there are other considerations.

Viewshed is a concern, not just related to height. Appreciate the desire to mitigate, but with no max dock length- areas with no docks currently, will open unobstructed marsh area to docks. Will drastically impact marsh front viewshed that are currently relatively free of human structures. Another concern- how much more marine debris will larger docks create? Dock owners have no responsibility to clean up dock debris.

Need to have guidance and a maximum - 1,400 is arbitrary.

Favor recommendation A, but in favor of reducing 7ft above grade to clear the marsh and preserve viewshed.

I didn't think viewshed was on the table. If there, and rules provided, should be allowed to address dock however long based on the viewshed. Don't take that off the table.

CMPA speaks to construction of obstruction of view- speaking of signs, billboards, enclosed areas, etc. 6ft max above grade vs 7ft. When has viewshed been regulated in the past on private docks? Has DNR ever denied dock due to obstruction of view?

Proposed in Final Report:

391-2-1-.05 Standards and Conditions of New Private Docks.

(h) Only the fixed deck and boat hoist(s) may be roofed. Roofs must be indicated on the drawing and do not count towards total square footage of structures. No portion of the dock facility may exceed a height of 12 feet above the decking at the lowest deck height. Roof overhang (eaves) may not extend more than 18 inches. The use of the roof for storage or as a second story is prohibited. Stairs to access roof are prohibited.

Submitted for consideration April 11 by two committee members:

- A. *On the fixed deck and boat hoists roofing. 12' maximum should be tossed out. Given the varying heights of T-Tops, Bridges and upper stations, the DNR should review on a per case basis but keep their decision-making logic consistent.*

- B. *Roof height limitation should be evaluated on case-by-case basis due to varying boat hoist roof heights that are vessel -dependent (for instance, boats with T-tops or bridge). Boat hoists with higher roofs can result in steep and complex transitions from the boat hoist roof to the fixed deck roof.*

Result:

- Members in favor if language includes “the standard is 12ft. If you want to vary from that standard, there is a case-by-care consideration with justification:” 7.
- Members in favor, with conditions, if the language includes “the standard is 12ft. If you want to vary from that standard, there is a case-by-care consideration with justification:” 1.
- Abstaining: 1.
- Members not present: 3.

Discussion: (These comments were discussed together.)

Should be reviewed based on registration of the vessel.

From a practical standpoint, should this be done if want to exceed standard, then provide documentation? Or permit-by-permit review?

Boat hoist justification- you must provide justification for why you cannot meet the standard, so not unreasonable to carry that over.

Roof is not a requirement. If you can't fit t-top under 12ft high roof, you can build boat hoist without a roof.

What would language be changed to based on recommendation?

Should have to provide justification for increasing roof height. Currently, you can't provide justification to go above the height.

A lot of extensions, large boats, need a process- as discussed at the November 14 meeting. Additional evaluation, as described in final recommendations to CRD. If you present the evidence, CRD can consider. But there are thresholds to uphold. There needs to be an established process to exceed the standard.

That's not fair. Potentially, in the future, there could be a secondary permit type. If you meet these standards, here's your permit. If you can't meet one or more of the limitations, people are stuck.

Does it affect negatively the structural integrity of the dock if you have a higher roof over the t-top, and lower roof over the platform? Is it less resistant to hurricanes?

If you build it out of timber, the piles become too long, so you'd have to upgrade to concrete or steel which would lead to other issues. If you apply the maximum height fixed deck rule, you can gain another 5 ft on top (17ft max). The highest deck could be 6 ft above high water, 5 ft above grass. Then another 12 ft is 17 ft elevation- that's massive. It would not be practical to roof 18 ft high- especially in respect to viewshed comments. Boats with towers likely have foldable towers so you can trailer it (on roadway).

A 25 ft boat with radar unit on top adds to clearance needed- will that fit under 12 ft? Should be able to justify what individual has to allow for it.

This seems to complicate things for boats under 12 ft, and those over 12 ft.

It should be case-by-case for any boat over 12 ft.

Minimum 12 ft. Anything above to be justified.

Detail how high above the boat you would need to build the roof- i.e. one foot above height of boat would keep roofs from being egregiously high.

Proposed in final report:

391-2-1-.05 Standards and Conditions of New Private Docks.

(a) The floating dock:

(1) The floating dock maximum area is 600 square feet for a single-family dock and 1,000 square feet for a multi-family dock shared by the owners of up to four adjoining, riparian lots

Submitted for discussion on April 11:

Floating docks greater than 600 SF authorized upon providing justification (same as boat hoists).

Result:

- Those in favor: 8
- In favor with a determination of what is justifiable and safe and maintains navigability: 1
- Members not present: 3.

Discussion:

What is the impact on navigable waterways? Also, what is adequate justification?

In the past, it's been treated similarly to boat hoist and roof height language.

If stipulation to make boat hoist bigger, then no real difference in impact. Functionally, there is no different impact on the environment.

Do you see many floating docks narrower than 10 ft?

Yes- 8ft is standard.

Square footage is the focus more than length.

With the gangway, you can lose 10-20 ft of functional area.

To clarify- if you can't fit it in the creek, that's a different subject. This is for waterways with provided justification and where there is room. All aspects come into play.

Proposed in final report:

391-2-1-.05 Standards and Conditions of New Private Docks.

(g) (4) Kayaks, paddleboards, canoes, and other similar non-motorized watercraft are not eligible for boat hoists even if registered.

Submitted for discussion April 11:

Registered vessels should be eligible for boat lift. Registration is required for all motorized watercraft. Doesn't matter if it is a canoe. And registration is required for sailboats over 12' length.

Result:

- In favor of all registered vessels, even non-motorized, be eligible for a lift: 2.
- Not in favor of all registered vessels, even non-motorized, be eligible for a lift: 6.
- With a sailboat exception (sailboat eligible): 1.
- Members not present: 3.

Discussion:

All docks can get a single covered boat hoist without justification unless previously mentioned aspects- question is about the second boat lift- proof of ownership or intent to purchase a second vessel. Request came in for a powered kayak, however, doesn't seem to be real need for a hoist for a powered kayak.

Deferring back to the boating regulations- you can have 14ft sailboat that needs to be registered. It isn't motorized, why can't they have a lift?

Are you only talking about a second lift?

Yes. If you have a 20ft boat in your 1st lift, and then you buy a 12ft sailboat, can you get a second lift? If they can show the need, it should be considered. There should be room for discussion or justification.

Proposed in final report:

391-2-1-.05 Standards and Conditions of New Private Docks.

(b) No fixed decks, floating docks, floating watercraft lifts or boat hoists shall be approved in waterways having a width of less than 20 feet at MHW. However, one "L" or "T" shaped pierhead, up to 6 feet wide by 14 feet long, parallel to the waterway is allowable. If there is a vessel associated with the dock facility, it must be stored over the pierhead.

Submitted for discussion April 11:

Remove the 20' width at MHW restriction (this was briefly discussed). This may be someone's only option to access the resources.

Result:

- Opposed to removing the 20' width at MHW restriction: 9.
- Members not present: 3.

Discussion:

What's left if you remove the 20' width?

Maybe this comment was more directed at 20' restriction- if greater than 20ft wide, not being able to go past that waterway- don't remember what related to. Not opposed to this rule as written- may have been thinking of the next rule in slide-deck.

Submitted for discussion April 11 by two committee members:

- A. *Given the recent discussions we have had in the CMPA meetings, dock corridors should be created especially where weird straight property line extensions are not feasible. We could create a requirement for adjacent property owners to sign off on. Also, when the DNR measures and marks the JD line, this additional spacing doesn't count towards the overall size of the dock.*
- B. *For waterways where straight-line property extensions are not equitable, dock corridors must be established for reach of waterway where potential disputes may arise in future. Include notice requirements to all affected landowners on section of waterway.*

Result:

- No action taken.

Discussion:

What is being described? Currently, in places where straight extended property lines are, this is what DNR does. The way it's done now makes sense.

Straight line extension, where they work, they work. So many cases where you get on waterway and property line extensions don't work. Someone is granted a dock, notifies adjacent property owners, they don't care. It gets approved and built. Then sometime later, someone else is squeezed out. Limiting to property owner and 2 adjacent doesn't always work. How do you come up with a dock corridor line for a waterway in question?

Having a platted subdivision is not the same as ownership. Why are we, the dock committee, looking at this? Sounds like legal issues, not appropriate for the context of what we were originally asked to look at. Doesn't seem appropriate for the committee.

Some of these later comments fall outside of the rules provided (scope of committee).

The rights extend to more than just building docks. All those other things need to be considered. Currently at DNR discretion. No one-size-fits-all- can't write a plan for how to do this. It will always be DNR's call.

When new subdivisions come on board, does the state review those if they're on the waterway? No, there's no requirement for CRD to review them.

Submitted for discussion April 11:

For waterways less than 100' wide or 2' deep at MLW, a hydrographic survey may be required. May also be required for any waterway where abnormal shoaling may be present. If hydrographic survey is not required, some type of certification from applicant on the accuracy of the dock placement in their application.

Result:⁵

- In favor of adding language that a hydrographic survey may be required: 5
- Not in favor of adding language that a hydrographic survey may be required: 3
- Abstaining: 1.
- Members not present: 3.

Discussion:

Common for docks to be more than 25% of waterway with made up hydrographic sketch- needs to be some way to provide level of accuracy- who is certifying? Certify during design phase. Doesn't have to be registered surveyor, but something more.

What has been used previously?

There is no requirement for a professional survey.

A survey keeps people out of trouble legally. Definitely a land survey. Mark DNR line. For depth- field guy goes out with sonar at high-tide to mark where tide is and uses data for that location to do an adjustment to 5-6 line to figure out where they are then plans based on that.

How do you know depth without the survey? Certification from applicant- isn't that already a requirement of all permits? Comment needs revision from current language. Maybe make it required on staff request?

Require enough data to do it right but add more specification as to what type of certification. Curious to hear from CRD- what would they want this to be?

When questions arise, ask for more precise/additional information. No comment on 100 feet wide, 2 feet deep element at this point.

If application is from someone who has drawn their own drawings, and it says the creek is 52' wide, how did they measure that? How did they measure at low tide?

⁵ Additional comments: Include that an as-built survey may be required. Make this a requirement rather than a may be required.

All different ways- personally, map every site with drowm- geolocated and scaled. It can also be done with tape measure with details of when/how observed. Can it be case-by-case basis, does this truly need to be hydro-surveyed with a stamp, or can the homeowner go out and get photos, etc. If CRD needs more, they will ask for it.

Submitted for discussion April 11:

Remove restriction from crossing (bridging) waterways greater than 20' wide at MHW as long as navigation is maintained for existing boat traffic normally utilizing the waterway.

Result:⁶

- In favor of removing restriction: 5
- Not in favor of removing restriction: 4
- Members not present: 3

Discussion:

Incredibly restrictive.

Restriction is important to maintain navigability of the water.

Agree. Sometimes it is not just off your property and leads further and further; allows people to get to the deepest water that they want. People should consider this when choosing a parcel to purchase.

Could be useful scenarios for this, but completely removing it is too much.

Add some flexibility to case-by-case.

In theory- at high tide, all marsh grass is navigable. Navigability- if floating dock or boat lift that allows homeowner to have access to water for their navigation use is upstream from your site, justifiable to bridge that. For eco-tourism and fishing, problematic.

Language that speaks to discernible channel- for whatever length- that would address concern everyone is talking about.

Another good reason to have established a process. Consider things outside of standard. Need broad definition of navigability/access.

“Navigation” definition comes from the Coast Guard.

⁶ Additional comment: If discernible channel vs. mudflat- things may make it more acceptable/to amend recommendation.

Submitted for discussion April 11:

CMPA delineation required docks exceeding 900' in length to insure total length in jurisdiction.

Result:⁷

- In favor of CMPA delineation for docks exceeding 900' in length: 9
- Not in Favor: 0
- Members not present: 3

Discussion:

Why 900' length?

Original proposal was 1000' max.

900' may not be the right number, but probably a good idea.

What burden would this place on regulatory staff?

CRD already does this for very long docks. Requirement is just another layer on the drawing. To verify, it would be cost of a survey.

⁷ Additional comments: At some point, it might be beneficial for DNR to consider a fee-based system. This (CMPA delineation) should apply to all dock applications.

Attachment A

Final Report of the
Private Recreational Dock Stakeholder Committee
Submitted to the Coastal Resources Division
February 11, 2025

Recommended Changes to the Rule

Amend 391-2-1.05 Standards and Conditions of New Private Docks.

(g) (1) One boat hoist (roofed or open) with a maximum dimension of 16 feet by 30 feet, measured piling to piling, is permissible. A larger hoist may be approved at the discretion of the department if reasonable justification is provided (boat registration and/or bill of sale). Over-dock storage systems, such as davits, and floating watercraft lifts are not considered boat hoists but must be indicated on the drawing.

(g) (4) Kayaks, paddleboards, canoes, and other similar non-motorized watercraft are not eligible for boat hoists even if registered.

(h) Only the fixed deck and boat hoist(s) may be roofed. Roofs must be indicated on the drawing and do not count towards total square footage of structures. No portion of the dock facility may exceed a height of 12 feet above the decking at the lowest deck height. Roof overhang (eaves) may not extend more than 18 inches. The use of the roof for storage or as a second story is prohibited. Stairs to access roof are prohibited.

(j) The use of utilities to service the dock facility (such as water and electricity) must be noted and identified on the drawing. Lighting for non-navigation purposes must be minimal in nature with light source capped and shielded. ~~Freshwater outlets are permissible so long as they are maintained monthly by the owner.~~ Any unattended free flowing fresh water is prohibited.

(o) A licensed general contractor shall be required to build a private recreational dock.

Amend 391-2-1-.08 General Conditions of Revocable Licenses for Private docks.

(a) All equipment used within vegetated marshlands for the construction, maintenance, reconstruction or modification of a private dock shall be operated from a single row of construction mats, or other low impact equipment, as approved by the Department of Natural Resources, located in immediate proximity to the structure being constructed, maintained, reconstructed or modified.

(l) Compliance with best practices to include those for the protection of manatees and other protected species is required.

(k) Private docks are subject to compliance inspections by department staff without prior notice. An as built post construction survey may be required.

Additional Recommendations

- Create a Dock Builder Certification Program through DNR/CRD to provide training that promotes dock construction that is more resilient; ensures that builders understand the unique environment of the coast and the potential impacts that docks should be able to withstand.
- Update the application packet to include minimum standard drawings to provide examples of best dock construction practices.
- Develop a “transfer on sale of property of revocable license” so that new owners do not have to apply for a new revocable license for serviceable docks, but it is part of real estate transaction. See South Carolina Assignment/Transfer Form as model.
- Continue to investigate the development of an objective and science-based model to consider exceedance of current standards in proposed dock design and mitigation practices to reduce the impacts to the marsh using criteria that CRD deems appropriate (shading, marsh wrack, fragmentation, habitat, viewshed, cultural and historic resources, etc.).