

**Process Summary Report on the
Private Recreational Docks Rulemaking Stakeholder Committee
March 12, 2025
Submitted by the Carl Vinson Institute of Government**

Introduction

The Georgia Department of Natural Resources Coastal Resources Division (CRD) engaged the University of Georgia Carl Vinson Institute of Government (institute) to facilitate a stakeholder process to inform the development of rules to establish the following: 1) Eligibility to receive a revocable license for the construction, maintenance, reconstruction, or modification of a private dock; and 2) Standards and conditions for the construction, maintenance, reconstruction, or modification of a private dock.¹

Membership

The membership of the committee was selected by CRD through self-nominations to represent the various interests on the coast including waterfront homeowners, engineers, builders, local elected officials, environmental nonprofits, and others. The members were: Rocky Browder, Mike McMillen, Chip Croft, Dan Bucey, Sam LaBarba, Jim Myrick, Jason Ball, William Craig, Patrick Farrell, Davis Poole, Courtney Reich, and Alice Keyes. Representative Rick Townsend served as an ex officio member, as did Sarah Wise with the US Army Corps of Engineers, Shannon Winsness with Georgia Environmental Protection Division, and Dr. Clark Alexander, University of Georgia Skidaway Institute of Oceanography.

Charge and Process

The Private Recreational Docks Rulemaking Stakeholder Committee was charged with reviewing the draft rule as developed by CRD and making recommendations, changes, and/or additions for consideration by CRD before the agency put the rule out for public comment and then before the DNR Board. The committee convened five times as a whole and twice for topical working group sessions.

The first meeting held on July 30, 2024, provided an opportunity for CRD to present background and history on the state's authority to regulate private docks, which began in 1996 when the Army Corps of Engineers delegated its authority to CRD under the Programmatic General Permit (PGP). The PGP expired in 2022, and CRD has continued its standard operating procedure based on the PGP since that time. When the PGP expired and the Corps did not renew it, CRD initiated its rulemaking.

CRD presented the proposed regulations for private docks. There are nine sections.

1. Purpose
2. Definitions
3. Eligibility for a Revocable License
4. Requirements of a Revocable License
5. Standards and Conditions of New Private Docks

¹ From https://coastalgadnr.org/sites/default/files/crd/pdf/240123_BriefingMaterials.pdf, page A-4

6. Modification to Existing Private Docks
7. Maintenance or Reconstruction of Existing Private Docks
8. General Conditions of Revocable Licenses for Private Docks
9. Revocation, Suspension, or Modification of Authorizations; Penalties

Following a detailed review of each section, committee members were given an opportunity to note areas of concern in the rule and identify what might be missing. This information informed the agenda for additional meetings.

The second meeting, held on September 5, 2024, began with a presentation by Dr. Clark Alexander on research related to private docks and their interactions with salt marshes. Areas addressed included the impacts of shading, of floating docks that might sit at times on water bottoms, and of large marsh wrack packages that get caught in pilings. The discussion led to the development of a draft model, and a working group to discuss its implications, to determine how shading impacts could be mitigated as related to the overall allowable size of the dock structures.

The committee developed its first recommendation during meeting two discussions that a licensed general contractor be required to build a private recreational dock. A working group was also created to consider a second recommendation that a structural engineer be required under defined circumstances.

The working group to discuss recommendations for additional requirements for dock construction met on September 24, 2024. While recommendations were developed, they were not fully adopted by the committee. There were two exceptions that the committee included as recommendations to CRD, but not for inclusion in the rule itself. The first recommendation was to update the application packet to include minimum standard drawings that provide examples of best dock construction practices that consider the safety of the consumer, the environment, and sustainability. The second recommendation made was to create a Dock Builder Certification Program to promote construction that is more resilient in the unique environment of coastal construction.

The committee convened for the third time on October 28, 2024, to continue its discussion of three specific sections of the proposed rule: Standards and Conditions of New Private Docks, Maintenance or Reconstruction of Existing Private Docks, and General Conditions of Revocable Licenses for Private Docks. Recommendations were made to amend proposed language and add additional requirements that were included in the final recommendations.

The working group established to discuss allowable dock size met on November 14, 2024, and included a discussion of how a scientifically valid model might provide CRD with appropriate information to consider exceedance of current standards for dock size. The majority of the working group agreed that the dock size should remain as recommended in the proposed rule until an appropriate tool could be developed to allow for any exceedance. The development of the model/tool is included as a recommendation to CRD but not for inclusion in the rule itself.

The committee convened for the fourth time on December 10, 2024, to discuss the findings of the working group, including a demonstration of the model to measure dock shading impact and a presentation by the Corps of Engineers to clarify their standards and requirements for docks. Discussions to finalize recommendations to CRD and the committee's additions and edits to the

proposed rule were discussed. The committee determined that it would meet one additional time to review final language to recommend to CRD.

The committee convened for the final time on January 29, 2025, to review and confirm its recommended changes to the rule along with additional recommendations that the committee would like CRD to adopt. Final edits were made and agreed upon by the majority. The recommendations were submitted to CRD by the Institute of Government on February 11, 2025. With this submission, the work of the Private Recreational Docks Rulemaking Stakeholder Committee concluded.

Results

The following is the submission made to CRD by the institute on behalf of the committee.

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.).