



Proposed New Rule, Chapter 391-2-1: Private Docks

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Regulation of Private Docks in Tidal Waters: 1996-2022

Programmatic General Permit (PGP)

- Delegated permit authority from Army Corps of Engineers
- Set size standards for private docks
- Reviewed every 5 years
- Expired in 2022

State Revocable License (RL)

- Private docks exempt from CMPA
- RL issued by CRD for docks meeting PGP criteria
- Remains current practice



Regulation of Private Docks

Private Dock Licenses Issued: 2012-2022

2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
107	76	130	90	188	153	153	198	157	266	211

Challenges:

State standards not codified

- Confusion within regulated community related to state versus Army Corps requirements

Managing resource impacts

- Shading of vegetated marsh
- Impacts to navigation
- Marsh wrack accumulation
- Dock proliferation

Enforcement capacity

- Responsibility for improper construction
- Limited to impacts to vegetated marsh



Private Docks

Chapter 391-2-1

- **.01:** Purpose
- **.02:** Definitions
- **.03:** Eligibility for a Revocable License
- **.04:** Requirements of a Revocable License
- **.05:** Standards and Conditions of New Private Docks
- **.06:** Modification to Existing Private Docks
- **.07:** Maintenance or Reconstruction of Existing Private Docks
- **.08:** General Conditions of Revocable Licenses for Private Docks
- **.09:** Revocation, Suspension, or Modification of Authorizations; Penalties





Chapter 391-2-1-.05 New Docks

- (a) Docks must be water-dependent**
- (b) Docks to waterways less than 20 feet wide**
- (c) Must be 10 feet or more from property lines or corridors**
- (d) Fixed Walkways**
- (e) Fixed Deck**
- (f) Floating Dock**
- (g) Boat Hoist**
- (h) Fixed deck and hoists may be roofed 12 ft. above deck**
- (i) Extension into waterway may not exceed 40 ft. or $\frac{1}{4}$ waterway width, unless justified and approved**



Chapter 391-2-1-.06

Modifications to Existing Docks

1. Existing, serviceable docks may be modified
2. Modified components must be consistent with standards for new docks
3. One walkway extension may be allowed as a result of changes in the waterway; maximum 6 ft. wide; maximum length is only what is needed to reach intended water depth



Chapter 391-2-1-.07

Maintenance or Reconstruction of Existing Docks

1. Existing, serviceable docks may be maintained or reconstructed in the same footprint
2. Existing, *unserviceable* docks or components must be consistent with standards for new docks; does not extend to docks rendered *unserviceable* as a result of forces of nature, provided proof of a serviceable dock is provided



Chapter 391-2-1-.09

Revocation, Suspension, or Modification of Authorization; Penalties

1. Department may suspend, revoke, modify or deny a Revocable License for failure or refusal to comply with any provision of 391-2-1.
2. Any person who causes or permits the construction, modification, reconstruction or maintenance of a dock without approval is subject to enforcement.
3. Enforcement may include revocation, suspension, or modification of a license, removal of the unauthorized structure, restoration of marshlands, and a consent order/agreement.
4. Any person who violates 391-2-1 shall be guilty of a misdemeanor.

Targeted Public Participation Plan

- January 23, 2024 Board briefing on proposed rule
- January 24, 2024 Notice of public comment period
- February 15, 2024 Public Hearing, Brunswick
- March 15, 2024 Public comment period closes
- April 24, 2024 Proposed final action by Board





Thank you

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