

Ga. Comp. R. & Regs. r. 391-2-3-.05 Extension of Live-Aboard Privileges
Georgia Administrative Code
Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES
Chapter 391-2. COASTAL RESOURCES
Subject 391-2-3. COASTAL MARSHLANDS PROTECTION

Current through Rules filed through July 19, 2016

Rule 391-2-3-.05. Extension of Live-Aboard Privileges

- (1) **Scope.** The Rules in this Chapter will guide the Commissioner in considering requests for extensions of time to occupy a live-aboard under O.C.G.A. § 12-5-288(b) (8).
- (2) **Definitions used in this Rule.**
 - (a) "Applicant" means any owner of a live-aboard who requests the Commissioner grant an extension of time beyond 90 days in any calendar year to permit persons to occupy a live-aboard.
 - (b) "Approved Disposal System" means an on-site wastewater disposal system suitable for domestic or other sewage approved by the Georgia Environmental Protection Division and/or local sanitation regulatory authority, as applicable.
 - (c) "Commissioner" means the Commissioner of Natural Resources of the State of Georgia or designee.
 - (d) "CMPA" means the Coastal Marshlands Protection Act of 1970 as amended, O.C.G.A. § 12-5-280 et seq.
 - (e) "Department" means the Department of Natural Resources of the State of Georgia.
 - (f) "Discharge" means, and shall include, spilled, leaked, pumped, poured, emitted or dumped.
 - (g) "Eligible marina" means any marina that meets the criteria set forth in Rule 391-2-3-.05(4) .
 - (h) "Live-aboard" means a floating vessel or other watercraft capable of safe, mechanically propelled navigation under average Georgia coastal wind and current conditions which is utilized as a human or animal abode and is located at a marina or a mooring area established by the department.
 - (i) "Live-aboard operator" means the owner of a live-aboard or any person other than the owner who occupies, operates or has charge of the navigation or use of a live-aboard.
 - (j) "Marina" means any dock facility that has one or more of the following:

1. Includes fueling, maintenance or repair services (regardless of dock length);
 2. Is greater than 500 linear feet of dock space; or
 3. Has dry storage for boats in an upland storage yard or vertical rack system.
- (k) "Marina operator" means the owner of an eligible marina or any person who operates or has charge of an eligible marina.
- (l) "Sewage" means human or animal body wastes and the waste from toilets and other receptacles intended to receive or retain body wastes.

(3) **Extension Eligibility.**

- (a) No live-aboard may be occupied in Georgia coastal waters subject to the jurisdiction of the CMPA for more than 90 days during any calendar year unless the live-aboard owner has been granted an extension of time in writing by the Commissioner.
- (b) The applicant shall submit a written request for an extension to the Commissioner.
- (c) The Commissioner shall promptly consider any written request that meets the following requirements:
 1. The applicant submits the request on the application form provided by the Department to the Commissioner, c/o the Coastal Resources Division, One Conservation Way, Brunswick, Georgia 31520;
 2. The Coastal Resources Division receives the request at least 15 calendar days prior to the requested extension start date;
 3. The applicant certifies that the live-aboard has a secured mechanism to prevent discharge of treated and untreated sewage. Examples of secured mechanisms considered to be effective at preventing discharges include, but are not limited to, closing the seacock and padlocking, using a non-releasable wire tie, or removing the seacock handle (with the seacock closed).
 4. The applicant certifies that they will not discharge any sewage, treated or untreated, into Georgia coastal waters subject to the jurisdiction of the CMPA.
 5. The applicant certifies that the live-aboard is capable of being used as a means of transportation on the water and is capable of safe, mechanically-propelled, navigation under average Georgia coastal wind and current conditions.

6. The applicant identifies the eligible marina at which the live-aboard operator will moor the live-aboard.
7. The applicant provides written documentation of a slip rental agreement with an eligible marina.
8. The applicant states the reasons for requesting the extension and the period of time for which the extension is requested.
9. The Commissioner, in his or her sole discretion, may grant or deny any request for an extension of time to occupy a live-aboard.
10. The Commissioner, in his or her sole discretion, may consider requests for extensions that do not meet this Rule if the applicant shows extraordinary and extenuating circumstances.
11. An extension may be granted for a specific live-aboard and cannot be transferred to a different live-aboard.

(4) **Eligible Marina.** No marina may permit a live-aboard to moor at its dock facility for more than 90 days in any calendar year unless the marina meets the following criteria:

- (a) The marina has an approved disposal system with a minimum holding tank size as listed below or a direct connection to a municipal or private sewage treatment facility; provided; however, that nothing in this Rule shall preclude a marina from owning or contracting with a mobile sewage pump-out service so long as said service provides documentation of proper disposal of sewage compliant with local, state or federal ordinances, regulations and laws.

Total # of Live-aboards Minimum Holding Tank Size

1. 1 to 20	300 gallons
2. 21 to 40	600 gallons
3. 41 to 60	900 gallons
4. 61 to 80	1,200 gallons
5. 81 to 100	1,500 gallons
6. More than 100	2,000 gallons

- (b) The marina is in good standing with its CMPA permit and its Department waterbottoms lease.
- (c) The marina requires proof that each live-aboard mooring at its dock facility that has been occupied in Georgia coastal waters subject to the jurisdiction of the CMPA for more than 90 days during any calendar year has been granted an extension by the Commissioner pursuant to O.C.G.A. § 12-5-288(b)(8).

(5) **Record Keeping.**

- (a) Live-aboard operators granted an extension shall keep on the live-aboard records or receipts describing the location and date of sewage pump-out for the duration of the extension.
- (b) Each eligible marina shall keep at its office, in an organized and recoverable fashion, and for the duration of the extension:
 - 1. all records or receipts describing the date of each sewage pump-out inclusive of a live-aboard identifier; and
 - 2. A copy of the document authorizing the extension for each live-aboard moored at its dock facility that has been occupied in Georgia coastal waters subject to the jurisdiction of the CMPA for more than 90 days in any calendar year.
- (c) A copy of the document authorizing the extension shall be kept onboard the live-aboard for the duration of the extension.

(6) **Extension Term.** The Commissioner may grant extensions for up to one calendar year at a time, beginning January 1 and ending December 31. Extensions can be requested for additional years, subject to the same requirements.

(7) **Live-aboard and Marina Inspection.** Live-aboard owners granted an extension and eligible marinas are subject to inspections by Department personnel to verify compliance with this rule.

(8) **Amendment and Termination of Extensions.**

- (a) The live-aboard operator shall notify the Department using the Department provided form prior to re-locating the live-aboard to a new eligible marina.
- (b) A marina operator shall notify the Department if any live-aboard with an extension moored at its dock facility terminates its agreement with the marina operator.
- (c) An extension may be terminated if the Commissioner determines that the conditions of the extension have been violated by the live-aboard operator after 10 days notice to the live-aboard owner.
- (d) Any live-aboard owner who believes that the Commissioner erroneously terminated an extension may file an appeal with the Commissioner within 10 days of the date of the decision. The appeal must be in writing and set forth in detail the reasons for the appeal. The appeal must be postmarked or delivered to the Commissioner at the Commissioner's official address on or before the 10th day; provided that if the 10th day falls on a Saturday, Sunday or state holiday, then the

10th day is deemed to be the first business day after said Saturday, Sunday or state holiday.

Cite as Ga. Comp. R. & Regs. R. 391-2-3-.05

Authority: O.C.G.A. Title 12.

History. Original Rule entitled "Coastal Marshlands Protection Committee: Organization Rules" adopted as R. 391-4-12-.05. F. Jan. 15, 1975; eff. Feb. 4, 1975.

Repealed: New Rule of same title renumbered as R. 391-2-3-.05. F. Dec. 28, 1979; eff. Jan. 17, 1980.

Repealed: F. June 26, 1992; eff. July 16, 1992.

Adopted: New Rule entitled "Extension of live-Aboard Privileges". F. Jun. 27, 2012; eff. Jul. 17, 2012.

<http://rules.sos.state.ga.us/GAC/391-2-3-.05>