



WILDLIFE RESOURCES DIVISION


MARK WILLIAMS
COMMISSIONER

TED WILL
DIRECTOR

March 25, 2021

MEMORANDUM

TO: INTERESTED PERSONS AND ORGANIZATIONS

FROM: Ted Will 

SUBJECT: **NOTICE AND SYNOPSIS OF PROPOSED RULE MAKING**

Notice is hereby given that, pursuant to authority contained in Title 12, Conservation and Natural Resources (Official Code of Georgia Annotated (O.C.G.A.), Secs. 12-2-24, 12-3-9, 12-5-285, and 12-6-172); Title 27, Game and Fish (O.C.G.A. Secs. 27-1-3, 27-1-4, 27-1-12, 27-1-33, 27-2-14, 27-2-18, 27-2-23, 27-2-41, 27-3-15, 27-2-17, 27-3-26, 27-3-132, 27-4-10, 27-4-11.1, 27-4-12, 27-4-36, 27-4-51, and 27-4-70); and Title 52, Chapter 7, Registration, Operation, and Sale of Watercraft (O.C.G.A. Sec. 52-7-31), the Board of Natural Resources proposes to repeal several Rules and parts of Rules pertaining to the department's various functions in conserving the state's natural resources. The proposed repeals (copy attached hereto), when adopted, amends Subject 391-1, Administration, Subject 391-4, Wildlife Resources, Subject 391-5, Historic Preservation, and Rule 391-2-3-.03 Regulation of Marinas, Community Docks and Commercial Docks.

SYNOPSIS AND MAIN FEATURES

The purpose of agency Rules is to dispense its statutory authorities in carrying out the various functions of its Divisions to conserve, manage, and protect the state's natural resources. Changes to the existing rules reflect the need to repeal rules duplicative of statutes, repeal rules for nonexistent programs, repeal extraneous rules, and for subsequent housekeeping purposes.

This notice and synopsis of the proposed rule repeals and revisions, together with an exact copy of proposed rule repeals and revisions, is being mailed to all persons who have requested in writing that they be placed on the mailing list and have tendered the actual cost of such mailing. Copies of all these documents are also available by electronic mail and are available for review on the Wildlife Resource's Division web page (www.gohuntgeorgia.com). Please call John Bowers at (706) 557-3333 to request a copy.

Members of the public may comment on these proposals electronically by email through the Wildlife Resources Division website, by telephone (706-557-3323), or by submitting written statements by close of business on April 26, 2021. Written comments should be mailed to the attention of John Bowers at:

Department of Natural Resources
Wildlife Resources Division
2067 U.S. Highway 278, S.E.
Social Circle, Georgia 30025

The Board of Natural Resources will consider adoption of these proposals and any comments received during the public comment process at its meeting at 9:00 a.m. on May 25, 2021, in the Golf Course Conference Room at Hard Labor Creek State Park located at 1400 Knox Chapel Road, Social Circle, Georgia 30025. In accordance with necessary safety precautions regarding the COVID-19 virus, the public may access the meeting remotely via conference call or videoconference. Those options will be posted on the Board's website under the "DNR Board Menu" header here: <https://gadnr.org/board>.

TW/jwb

Attachment: Proposed Rule

SUBJECT	PROPOSED CHANGE	CURRENT REGULATION	CHANGE	JUSTIFICATION
391-1-4. Georgia Greenspace Program				
<p>Rules 391-1-4-.01 through 391-1-4-.17; Rules 391-1-4-.30 through 391-1-4-.39; and, Rules 391-1-4-.50 through 391-1-4-.58</p>	<p>Repeal referenced Rules</p>	<p>Rules 391-1-4-.01 through 391-1-4-.17 governed operation of the Georgia Greenspace Program</p> <p>Rules 391-1-4-.30 through 391-1-4-.39 govern the operation of the Georgia Community Greenspace Supplemental Fund for Matching Grants Program for municipalities that provide local matching funds</p> <p>Rules 391-1-4-.50 through 391-1-4-.58 govern the operation of the Georgia Community Greenspace Discretionary Grant Program</p>	<p>Repeals 37 extraneous Rules</p>	<p>The Georgia Greenspace Program was established by State Law in 2000 and funded through annual appropriations. Funding ceased in 2004 and the Program is no longer in effect. These Program Rules have remained on the books despite being extraneous for more than 15 years.</p>
391-1-5. Georgia Greenspace Program FY 2002				
<p>Rules 391-1-5-.01 through 391-1-5-.07</p>	<p>Repeal referenced Rules</p>	<p>Referenced Rules established the Georgia Greenspace Program FY 2002 to promote the permanent protection of at 20 percent of the geographic area of eligible counties and were supplemental to Rule Subject 391-1-4.</p>	<p>Repeals 7 extraneous Rules</p>	<p>The Georgia Greenspace Program was established by State Law in 2000 and funded through annual appropriations. Funding ceased in 2004 and the Program is no longer in effect. These Program Rules have remained on the books despite being extraneous for more than 15 years.</p>
391-2-3-.03 Regulation of Marinas, Community Docks and Commercial Docks				
<p>Definitions: Rule 391-2-3-.03(2)(n), "Live Aboard" Rule 391-2-3-.03(2)(v), "Serviceability"</p> <p>Rule 391-2-3-.03(5)(a)(5), Tier Three Community Dock</p>	<p>Repeal Rule 391-2-3-.03(2)(n) and Rule 391-2-3-.03(2)(v)</p> <p>Repeal Rule 391-2-3-.03(5)(a)(5)</p>	<p>Defines "Live Aboard" and "Serviceability"</p> <p>Restricts "Live Aboard" occupation to not more than 90 days in a calendar year</p>	<p>Repeals just the referenced parts of the Rule and housekeeping to adjust numbering of subsequent paragraphs. A total of 5 parts of this Rule are repealed.</p>	<p>In the 2019 session, the Georgia General Assembly adopted and the Governor signed HB 201, which made changes to O.C.G.A. Secs. 52-1-3, 52-1-32, 52-7-8.4, 12-5-282 and 12-5-288 as it relates to defining these terms and governing "live</p>

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<p>or Commercial Dock, "Live Aboards"</p> <p>Rule 391-2-3-.03(6)(a)(12), Marinas, "Live Aboards"</p> <p>Rule 391-2-3-.03(4)(a)(4), Tier Two Community Docks</p>	<p>Repeal Rule 391-2-3-.03(6)(a)(12)</p> <p>Repeal Rule 391-2-3-.03(4)(a)(4)</p>	<p>Restricts "Live Aboard" occupation to not more than 90 days in a calendar year</p> <p>Restricts "Live Aboard" occupation to not more than 90 days in a calendar year</p>		<p>aboards". Thus, these current Rules are addressed in State Law and are no longer required in Rule.</p>
391-4-2-.01. Effective Date				
Effective Date for Hunting Regulations	Repealed	Rules become effective upon compliance with the Administrative Procedures Act and remain in effect until changed.	Repeals 1 Rule	Effective date provisions for administrative Rules and changing Rules are established in the Administrative Procedures Act, O.C.G.A. Sec. 50-13-6. This Rule duplicates language in the Administrative Procedures Act.
Rule 391-4-2-.29. Permit Requirements for Hunting Deer with Dogs				
Hunting Deer with Dogs	Repeal provisions relating to permit requirements, hunting deer with dogs on permitted property, some application provisions and some revocation provisions. Retains and renumbers provisions relating to definitions, some application provisions, violations, and some revocation provisions.	Contains 31 provisions regarding permit requirements, definitions, permit application and issuance, hunting deer with dogs on permitted tracts, violations, and permit/license revocations.	Repeals 16 extraneous parts of the referenced Rule, and retains and renumbers substantive parts of the Rule necessary to administer and enforce the authorizing statute.	Numerous provisions of this Rule duplicate several parts of the authorizing statute (O.C.G.A Sec, 27-3-17). Other provisions are extraneous and not required. These repeals will have no impact to the department's ability to meet its statutory obligations.
391-4-2-.72 Provisional Regulations on Newly Added Wildlife Management Areas				
Off-cycle regulations for newly added WMAs	Repealed	Provided 1-year of regulations for Ceylon WMA	Repealed	Rule is extraneous and no longer needed.
391-4-2-.73(3)(c) Pursuit of Bears with Dogs on Wildlife Management Areas, Other State Lands and Federal Areas				
Check-In Requirements	It is unlawful for any person participating or assisting in a lawful open season for pursuing bears for the purpose of training hunting dogs to fail to check-in once	It is unlawful for any person participating or assisting in a lawful open season for pursuing bears for the purpose of training hunting dogs to fail to check-in once	Repeals 1 part of the referenced Rule concerning the requirement to keep a copy of the check-in permit on their person.	There is no need to require a person to keep a copy of the check-in permit on their person. With advent of new technologies, the mandatory requirement to check-in at a

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	per season either online or at any one of the following WMA check stations: Rich Mountain, Swallow Creek or Warwoman.	per season at any one of the following WMA check stations: Rich Mountain, Swallow Creek or Warwoman. Any such person shall maintain a copy their check-in permit on their person any time they are participating or assisting in a lawful open season for pursuing bears for the purpose of training hunting dogs.		physical location is needlessly burdensome.
391-4-2-201. Regulation for the Killing of Deer Which Damage Crops.				
Crop Depredation Permits for Deer	Repealed	Contains a variety of provisions that duplicate state law and other provisions that are internal guidance for issuance of permits.	Repealed	This rule is duplicative of state law and extraneous. Internal procedures and guidance for permit issuance is and remains handled in agency policy and permit requirements and violations are specified in statute O.C.G.A Sec. 27-2-18.
391-4-3-.01 Effective Date				
Effective Date for Fishing Regulations	Repealed	Rules become effective upon compliance with the Administrative Procedures Act and remain in effect until changed.	Repealed	Effective date provisions for administrative Rules and changing Rules are established in the Administrative Procedures Act, O.C.G.A. Sec. 50-13-6. This Rule duplicates language in the Administrative Procedures Act.
391-4-3-.04 Waters Open to Commercial Fishing				
391-4-3-.04(e) Taking of Freshwater Mussels	Repealed	As to the taking of freshwater mussels, see Rule 391-4-3-.10(4)(a).	Repeals only paragraph (e) of the Rule.	This paragraph is extraneous and subject matter is covered another a separate Rule.
391-4-3-.05 Creel and Possession Limits				
391-4-3-.05(2) Waters Creek	Eight (8) of any one or a combination of mountain trout.	Eight (8) of any one or a combination of the following species, except only one (1)	Repeal special reference to Waters Creek and simplifies Rule	Waters Creek is no longer managed as a trophy trout stream and brook, brown,

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		from Waters Creek: (a) Rainbow trout; (b) Brook trout; (c) Brown trout.		rainbow and their hybrids are mountain trout.
391-4-3-.08 Management Area Trout Streams				
Waters Creek	Repealed	(1) No person shall fish in Waters Creek on the Chestatee Wildlife Management Area except on Wednesdays, Saturdays, and Sundays between 6:30 a.m. and 6:30 p.m. EST (6:30 a.m. and 7:30 p.m. EDT). (2) No person shall take more than three (3) trout from Waters Creek from January 1 to December 31 of each year.	Repeal	This Rule is no longer needed since Waters Creek is no longer managed as a trophy trout stream.
391-4-3-.09 Public Fishing Areas				
391-4-3-.09(4)(A) Camping & campfires	Repealed	All camps or fires shall be in designated campgrounds unless otherwise posted, and all campers must comply with any conditions or use as posted or provided by the site;	Repeals only sub-paragraph (A) of paragraph (4) of Rule 391-4-3-.09 and renumber remaining parts of the Rule.	This part the Rule duplicates state law (O.C.G.A. Sec. 27-4-11.1).
391-4-3-.09(6) Night Fishing	Repealed	Unless night fishing is posted as permitted, persons may not fish at any public fishing area except during the time between sunrise and sunset.	Repeals only paragraph (6) of Rule 391-4-3-.09 and renumber remaining parts of the Rule.	This part of this Rule is extraneous as Public Fishing Areas are open 24/7.
391-4-3-.13 Fishing Methods				
391-4-3-.13(3) Waters Creek	Repealed	It shall be lawful to fish with only one, and only lawful to possess, artificial lures with a single barbless hook of number six size or smaller in Waters Creek or its tributary streams in Lumpkin County from its junction with Dick's Creek upstream. A landing net less than two feet in	Repeals only paragraph (3) of Rule 391-4-3-.13 and renumbers remaining parts of the Rule.	This part of this Rule is extraneous as Waters Creek no longer under trophy management

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		length may be used to land fish legally taken.		
391-4-3-.15 Hours				
391-4-3-.15 (1) hours on Waters Creek	It is lawful to fish in trout waters designated in Rule 391-4-3-.03(3) 24 hours a day; provided, however, that the Conasauga River watershed upstream of the Georgia-Tennessee state line, that portion of Smith Creek on Unicoi State Park and the Chattahoochee River downstream of Lake Lanier are open to fishing only between 30 minutes before sunrise and 30 minutes after sunset during daylight hours.	It shall be lawful to fish in trout waters designated in Rule 391-4-3-.03(3) 24 hours a day; provided, however, that Waters Creek upstream from its junction with Dick's Creek shall be open to fishing only between 6:30 am and 6:30 p.m. eastern standard time or 7:30 p.m. eastern daylight time; and the Conasauga River watershed upstream of the Georgia-Tennessee state line, that portion of Smith Creek on Unicoi State Park and the Chattahoochee River downstream of Lake Lanier shall be open to fishing only between 30 minutes before sunrise and 30 minutes after sunset during daylight hours.	Repeals only the hours restrictions for Waters Creek in paragraph (1) of Rule 391-4-3-.15.	This part of the Rule is extraneous as Waters Creek is no longer under trophy trout management and this restriction is unnecessary.
391-4-10-.06 Prohibited Acts				
391-4-10-.06(b) Prohibited Acts Concerning Protected Plant Species	Repealed	(b) Protected Plant Species Prohibited acts concerning protected plant species include:1. No person within this State shall cut, dig, pull up or otherwise remove any protected plant species from public land unless such person has secured an appropriate permit from the Department; 2. No person within this State shall sell or offer for sale, for any purpose, any protected plant species, unless such species was grown on private land	Repeals only paragraph (b) of Rule 391-4-10-.06.	All parts of paragraph (b) of Rule 391-4-10-.06 are extraneous and duplicative. This language is redundant to statutory language provided in O.C.G.A. Secs. 12-6-173 through 12-6-175. This repeal will have no impact to the department's ability to meet its statutory obligations.

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		<p>and is being sold by the landowner or with the permission of the landowner; 3. No person within this State shall transport, carry, or otherwise convey any protected plant species from the land of another unless each shipment thereof has affixed a tag supplied by the Department showing that the person so transporting, carrying or conveying such protected species has removed such specimen(s) from the private lands of another person with the permission of such other person and has a written document in his possession evidencing such permission, and further evidencing that such specimen has not been sold in violation of Section 2 above.</p>		
391-4-10-.07 Exceptions				
391-4-10-.07(3)(a) Peregrine Take for Falconry Purposes, Residency Requirement	Repealed	Applicant...must be a Georgia Resident or resident of a state that has a reciprocal falconry take agreement with Georgia.	Repeals only the residency requirement part of subparagraph (a) of paragraph (3) of Rule 391-4-10-.07.	As a migratory bird, peregrine take and possession is regulated by the USFWS. The USFWS frameworks do not stipulate a state residency requirement. Most states participating in this limited opportunity do not impose a residency requirement. The proposed repeal eliminates a needless burden and aligns Georgia with participating states.
391-4-15-.01 Effective Date				
Effective Date for Wildlife Violator Compact rules	Repealed	Rules become effective upon compliance with the	Repealed	Effective date provisions for administrative Rules and

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		Administrative Procedures Act and remain in effect until changed		changing Rules are established in the Administrative Procedures Act, O.C.G.A. Sec. 50-13-6. This Rule duplicates language in the Administrative Procedures Act.
391-4-17-.01 Effective Date				
Effective Date for Boating Violator Compact rules	Repealed	Rules become effective upon compliance with the Administrative Procedures Act and remain in effect until changed	Repealed	Effective date provisions for administrative Rules and changing Rules are established in the Administrative Procedures Act, O.C.G.A. Sec. 50-13-6. This Rule duplicates language in the Administrative Procedures Act.
391-5-1.05 Safety and General Conditions of Use				
391-5-1-.05(1)(a) Vehicles, State law and supplementary rules	Repealed	References O.C.G.A. Title 40, Motor Vehicles and Traffic	Repeal Rule 391-5-1-.05(1)	This part of Rule 391-5-1-.05 is duplicative and extraneous to Title 40 statutes, which are already enforceable on State Parks.
391-5-1-.05(1)(c) Vehicles, Speed	Repealed	Provides speed limit of 35 mph in State Parks.	Repeal 391-5-1-.05(1)(c)	This part of Rule 391-5-1-.05 duplicates O.C.G.A. Sec. 12-3-10.
391-5-1-.05(1)(i) Vehicles, Soliciting Rides for Fares	Repealed	No shall solicit rides and no driver shall solicit fares.	Repeal 391-5-.05(1)(i)	This part of Rule 391-5-1-.05 is needlessly burdensome.
391-5-1-.05(5) Explosives and Fireworks	Repealed	Use and possession for fireworks and explosives is prohibited.	Repeal 391-5-1-.05(5)	This part of Rule 391-5-1-.05 duplicates O.C.G.A. Sec. 12-3-10(o).
391-5-1-.05(6) Alcoholic Beverages; Intoxication	Repealed	Regulates use and possession of alcohol.	Repeal 391-5-1-.05(6)	This part of Rule 391-5-1-.05 duplicates O.C.G.A. Sec. 12-3-10(m)

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391-5-1-.05(8) Disorderly Conduct	Repealed	Prohibits disorderly conduct.	Repeal 391-5-1-.05(8)	This part of Rule 391-5-1-.05 duplicates O.C.G.A. Sec. 16-11-39.
391-5-1-.05(10) Segregation by Sex	Repealed	Regulates loitering and use of specific sites as designated by sex.	Repeal 391-5-1-.05(10)	This part of Rule 391-5-1-.05 is extraneous and regulated by existing state and federal laws.
391-5-1-.05(12)(e) Special Events, Concession Agreements	Repealed	Requires a concession permit signed by Director, authorizes Director to waive fees, and lists several internal administrative procedures already covered in Park Operational Procedures.	Repeal 3 parts of Rule 391-5-1-.05(12)(e), specifically parts 3-5 and part of 1.	Subparagraphs 3-5 and part of 1 of Rule 391-5-1-.05(12)(e) are extraneous and concession agreements are administered under Operational Procedure O-C-4.
391-5-1-.05(16) Property, Abandoned	Repealed	Parts (b) through (d) of Rule 391-5-1-.05(16) regard handling of abandoned property	Repeal parts (b) through (d) of Rule 391-5-1-.05(16).	These internal procedures are handled in A-L-1 of Park Administrative Procedures as well as O.C.G.A. Titles 40 and 52 deal with abandoned vehicles and vessels, respectively.
391-5-1-.06 Facilities and Activities				
391-5-1-.06(4)(a)(6) Boating	Repealed	Vessel operation, rules of the road.	Repeal only 391-5-1-.06(4)(a)(6) and renumber remaining parts.	This part of Rule 39-5-1-.06 is duplicating O.C.G.A. Title 52 Chapter 7, which already applies to waters on State Parks.
391-5-1-.06(4)(b)(2) Waterskiing	Repealed	Must be in accordance with OCGA Sec 52-7-16.	Repeal part 2 of paragraph (4)(b) of Rule 391-5-1-.06.	This part of Rule 391-5-1-.06(4)(b) is redundant to O.C.G.A. Sec. 52-7-16 and already applies to State Park waters.
391-5-1-.06(4)(e)(1) and (2) Fishing	Repealed	Provision for fishing conform to O.C.G.A. Title 27 and Sec. 12-3-10.	Repeal parts (1) and (2) of Rule 391-5-1-.06(4)(e)	These parts are redundant to statutory fishing laws in Title 27 and O.C.G.A. Sec. 12-3-10, which already apply to

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391-5-1-.06(5) Hunting	Repealed	Paragraph (5) of Rule 391-5-1-.06 prohibit hunting on State Parks except where permitted and in accordance with Title 27.	Repeal paragraph (5) of Rule 391-5-1-.06	public waters and state parks, respectively. This part of Rule 391-5-1-.06 is duplicative and redundant to O.C.G.A. 12-3-10 and Title 27.
391-5-1-.07 Enforcement				
Parks law enforcement	Repealed	Established administrative procedures for law enforcement positions with the PRHS Division.	Repealed	PRHSD no longer has commissioned deputy conservation rangers. This Rule is extraneous and no longer applicable.
391-5-1-.08 Citizen Support Organizations				
391-5-1-.08(2) through (5)	Repealed	Paragraphs (2) through (5) of Rule 391-5-1-.08	Repeal paragraphs (2) through (5) of Rule 391-5-1-.08 and renumbered remaining enforceable provisions and delegations.	The administrative procedures in these paragraphs are covered in Parks Administrative Procedures.
391-5-7-.01 Transfer of Ty Cobb Baseball Memorial Commission				
Transfer of Ty Cobb Baseball Memorial	Repealed	State transfer of the Ty Cobb Baseball Memorial to the City of Royston occurred on October 15, 1976.	Repealed	The Ty Cobb Baseball Memorial was transferred from the department to the City of Royston in October 1976. This rule is extraneous.
391-5-12-.04 Standards for Design and Construction				
391-5-12-.04 (b) through (e)	Repealed	Paragraphs (b) through (e) list design and construction standards for docks at High Falls State Park Lake.	Repeal paragraphs (b) through (e) of Rule 391-5-12-.04	This language duplicates design and construction information in the High Falls Dock Construction Manual.

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE
BRAD RAFFENSPERGER**

(Pursuant to O.C.G.A. Secs. 50-13-3, 50-13-4, and 50-13-6)

I do hereby certify that the attached amendments are correct copies, as promulgated and adopted on the 27th day of August 2019.

STATE DEPARTMENT OF NATURAL RESOURCES

FILING DATE _____

Rule 391-1-4-.01 entitled "Applicability and Scope of These Rules" is hereby repealed in its entirety.

Rule 391-1-4-.02 entitled "Definitions" is hereby repealed in its entirety.

Rule 391-1-4-.03 entitled "Program Purpose" is hereby repealed in its entirety.

Rule 391-1-4-.04 entitled "Calculation and Allowable Uses of Protected Greenspace" is hereby repealed in its entirety.

Rule 391-1-4-.05 entitled "Duties of the Georgia Greenspace Commission" is hereby repealed in its entirety.

Rule 391-1-4-.06 entitled "Operation of the Georgia Greenspace Fund" is hereby repealed in its entirety.

Rule 391-1-4-.07 entitled "Establishment and Operation of Community Greenspace Trust Fund" is hereby repealed in its entirety.

Rule 391-1-4-.08 entitled "Determination and Notification of a Local Government's Eligibility to Apply for Grants from Appropriated Funds" is hereby repealed in its entirety.

Rule 391-1-4-.09 entitled "Determination and Publication of Annual Amounts of Awards to Be Granted from Appropriated Funds" is hereby repealed in its entirety.

Rule 391-1-4-.10 entitled "Development, Submittal and Approval of a Community Program Upon a County's First Becoming Eligible to Participate, or Following a Break in Participation" is hereby repealed in its entirety.

Rule 391-1-4-.11 entitled "Continuation of a Previously Approved Community Program" is hereby repealed in its entirety.

Rule 391-1-4-.12 entitled "Biennial Progress Report and Disbursement of Appropriated Funds" is hereby repealed in its entirety.

Rule 391-1-4-.13 entitled "Disbursement of Appropriated Funds Remaining at the End of a Fiscal Year" is hereby repealed in its entirety.

Rule 391-1-4-.14 entitled "Audits and Investigations" is hereby repealed in its entirety.

Rule 391-1-4-.15 entitled “State Matching Contributions on Certain Rivers” is hereby repealed in its entirety.

Rule 391-1-4-.16 entitled “State’s Acceptance and Administration of Property Acquired by Local Governments” is hereby repealed in its entirety.

Rule 391-1-4-.17 entitled “State’s Annual Report of Progress” is hereby repealed in its entirety.

Rule 391-1-4-.30 entitled “Applicability and Scope of These Rules” is hereby repealed in its entirety.

Rule 391-1-4-.31 entitled “Definitions” is hereby repealed in its entirety.

Rule 391-1-4-.32 entitled “Program Purpose” is hereby repealed in its entirety.

Rule 391-1-4-.33 entitled “Duties of the Georgia Greenspace Commission” is hereby repealed in its entirety.

Rule 391-1-4-.34 entitled “Operation of the Supplemental Fund for Matching Grants” is hereby repealed in its entirety.

Rule 391-1-4-.35 entitled “Establishment and Operation of Community Greenspace Trust Funds” is hereby repealed in its entirety.

Rule 391-1-4-.36 entitled “Determination and Notification of a Local Government’s Eligibility to Apply for Grants from Appropriated Funds” is hereby repealed in its entirety.

Rule 391-1-4-.37 entitled “Determination of Annual Amount of Grant Funds Available to Be Granted Under the Supplemental Grants for Matching Funds Program” is hereby repealed in its entirety.

Rule 391-1-4-.38 “Solicitation of Grant Applications” is hereby repealed in its entirety.

Rule 391-1-4-.39 entitled “Determination of Amounts of Awards to Be Granted Under the Supplemental Grants for Matching Funds Program” is hereby repealed in its entirety.

Rule 391-1-4-.50 entitled “Applicability and Scope of These Rules” is hereby repealed in its entirety.

Rule 391-1-4-.51 entitled “Definitions” is hereby repealed in its entirety.

Rule 391-1-4-.52 entitled “Program Purpose” is hereby repealed in its entirety.

Rule 391-1-4-.53 entitled “Duties of the Georgia Greenspace Commission” is hereby repealed in its entirety.

Rule 391-1-4-.54 entitled “Operation of the Discretionary Grant Program” is hereby repealed in its entirety.

Rule 391-1-4-.55 entitled “Determination of Amount of Funds Available to Be Granted” is hereby repealed in its entirety.

Rule 391-1-4-.56 entitled “Determination and Notification of a Local Government’s Eligibility to Apply for a Discretionary Grant” is hereby repealed in its entirety.

Rule 391-1-4-.57 entitled “Submittal of a Discretionary Grant

Application” is hereby repealed in its entirety.

Rule 391-1-4-.58 entitled “Establishment and Operation of Community Greenspace Trust Funds” is hereby repealed in its entirety.

Rule 391-1-5-.01 entitled “Name of Grant Program” is hereby repealed in its entirety.

Rule 391-1-5-.02 entitled “Citation to Statutory Authority” is hereby repealed in its entirety.

Rule 391-1-5-.03 entitled “General Scope and Purpose of the Grant Program” is hereby repealed in its entirety.

Rule 391-1-5-.04 entitled “Terms and Conditions” is hereby repealed in its entirety.

Rule 391-1-5-.05 entitled “Eligible Recipients of the Grant” is hereby repealed in its entirety.

Rule 391-1-5-.06 entitled “Criteria for the Award of the Grant” is hereby repealed in its entirety.

Rule 391-1-5-.07 entitled “Directions and Deadlines for the Applying for Such Grant” is hereby repealed in its entirety.

Rule 391-2-3-.03 entitled “Regulation of Marinas, Community Docks and Commercial Docks” is hereby repealed in its entirety and new Rule 391-2-3-.03 is adopted in lieu thereof and reads as attached hereto.

Rule 391-4-2-.01 entitled “Effective Date” is hereby repealed in its entirety.

Rule 391-4-2-.29 entitled “Permit Requirements for Hunting Deer with Dogs” is hereby repealed in its entirety and new Rule entitled “Hunting Deer with Dogs, Permits and Violations” is adopted in lieu thereof and reads as attached hereto.

Rule 39-4-2-.72 entitled “Provisional Regulations for Newly Added Wildlife Management Areas” is hereby deleted in its entirety.

Rule 391-4-2-.73 entitled “Pursuit of Bears with Dogs on Wildlife Management Areas, Other State Lands and Federal Areas” is repealed in its entirety and new Rule 391-4-2-.73 is adopted in lieu thereof and reads as attached hereto.

Rule 391-4-2-.201 entitled “Regulations for the Killing of Deer which Damage Crops” is repealed in its entirety.

Rule 391-4-3-.01 entitled “Effective Date” is hereby repealed in its entirety.

Rule 391-4-3-.04 entitled “Waters Open to Commercial Fishing” is repealed in its entirety and new Rule 391-4-3-.04 is adopted in lieu thereof and reads as attached hereto.

Rule 391-4-3-.05 entitled “Creel and Possession Limits” is repealed in its entirety and new Rule 391-4-3-.05 is adopted in lieu thereof and reads as attached hereto.

Rule 391-4-3-.08 entitled “Management Area Trout Streams” is repealed

in its entirety.

Rule 391-4-3-.09 entitled "Public Fishing Areas" is repealed in its entirety and new Rule 391-4-3-.09 is adopted in lieu thereof and reads as attached hereto.

Rule 391-4-3-.13 entitled "Fishing Methods" is repealed in its entirety and new Rule 391-4-3-.13 is adopted in lieu thereof and reads as attached hereto.

Rule 391-4-3-.15 entitled "Hours" is repealed in its entirety and new Rule 391-4-3-.15 is adopted in lieu thereof and reads as attached hereto.

Rule 391-4-10-.06 entitled "Prohibited Acts" is hereby repealed in its entirety and new Rule 391-4-10-.06 is adopted in lieu thereof and reads as attached hereto.

Rule 391-4-10-.07 entitled "Exceptions" is hereby repealed in its entirety and new Rule 391-4-10-.07 is adopted in lieu thereof and reads as attached hereto.

Rule 391-4-15-.01 entitled "Effective Date" is repealed in its entirety.

Rule 391-4-17-.01 entitled "Effective Date" is repealed in its entirety.

Rule 391-5-1-.05 entitled "Safety and General Conditions of Use" is hereby repealed in its entirety and new Rule 391-5-1-.05 is adopted in lieu thereof and reads as attached hereto.

Rules 391-5-1-.06 entitled "Facilities and Activities" is hereby repealed in its entirety and new Rule 391-5-1-.06 is adopted in lieu thereof and reads as attached hereto.

Rule 391-5-1-.07 entitled "Enforcement" is hereby repealed in its entirety.

Rule 391-5-1-.08 entitled "Citizen Support Organizations" is hereby repealed in its entirety and new Rule 391-5-1-.08 is adopted in lieu thereof and reads as attached hereto.

Rule 391-5-7-.01 entitled "Transfer of Ty Cobb Baseball Memorial Commission" is hereby repealed in its entirety.

Rule 391-5-12-.04 entitled "Standards for Design and Construction" is hereby repealed in its entirety and new Rule 391-5-12-.04 is adopted in lieu thereof and reads as attached hereto.

Authority: O.C.G.A. Secs. 12-2-24, 12-3-9, 12-5-285, 12-6-172, 27-1-3, 27-1-4, 27-1-12, 27-1-33, 27-2-14, 27-2-18, 27-2-23, 27-2-41, 27-3-15, 27-3-17, 27-3-26, 27-3-132, 27-4-10, 27-4-11.1, 27-4-12, 27-4-36, 27-4-51, 27-4-70, and 52-7-.31.

Mark Williams, Commissioner
Department of Natural Resources

Sworn to and subscribed before
me this ___ day of May 2021.

Notary Public

Kyle Pearson, Executive Counsel

Sworn to and subscribed before
me this ___ day of May 2021.

Notary Public

**RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 391-1-4
GEORGIA GREENSPACE PROGRAM
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391-1-4-.01	Repealed
391-1-4-.02	Repealed
391-1-4-.03	Repealed
391-1-4-.04	Repealed
391-1-4-.05	Repealed
391-1-4-.06	Repealed
391-1-4-.07	Repealed
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391-1-4-.09	Repealed
391-1-4-.10	Repealed
391-1-4-.11	Repealed
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- 391-1-4-.51 Repealed
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- 391-1-4-.55 Repealed
- 391-1-4-.56 Repealed
- 391-1-4-.57 Repealed
- 391-1-4-.58 Repealed

391-1-4-.01 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.02 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.03 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.04 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.05 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.06 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.07 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.08 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.09 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.10 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.11 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.12 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.13 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.14 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.15 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.16 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.17 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.30 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.31 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.32 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.33 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.34 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.35 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.36 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.37 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.38 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.39 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.50 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.51 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.52 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.53 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.54 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.55 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.56 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.57 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-4-.58 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

**RULES
OF
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**CHAPTER 391-1-5
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391-1-5-.01	Repealed
391-1-5-.02	Repealed
391-1-5-.03	Repealed
391-1-5-.04	Repealed
391-1-5-.05	Repealed
391-1-5-.06	Repealed
391-1-5-.07	Repealed

391-1-5-.01 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-5-.02 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-5-.03 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-5-.04 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-5-.05 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-5-.06 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

391-1-5-.07 Repealed.
Authority: O.C.G.A. Sec. 12-2-24.

**RULES
OF
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**CHAPTER 391-2-3
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391-2-3-.03 Regulations of Marinas, Community Docks and
Commercial Docks

391-2-3-.03. Regulation of Marinas, Community Docks and Commercial Docks.

(1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations for permitting under and enforcement of the Coastal Marshlands Protection Act. This Chapter establishes standards and procedures to be applied by the Coastal Marshlands Protection Committee when reviewing applications for a permit to construct or modify a marina, commercial dock, or community dock on or over marshlands within the estuarine area of the state.

(2) **Definitions used in this Rule.**

(a) "303(d) listed stream" means a stream, stream segment, or other surface waterbody identified on a list submitted biannually to the U.S. Environmental Protection Agency by the Georgia Environmental Protection Division, known as the 303(d) list. Inclusion on the 303(d) list denotes the waterbody segment as impaired because it does not meet one or more designated uses (i.e. Fishing, Recreation, etc.) and for which one or more total maximum daily loads needs to be developed.

(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) "Commercial Dock" means a dock providing 500 linear feet or less of docking space for vessels inclusive of commercial vessels.

(d) "Committee" means Coastal Marshlands Protection Committee.

(e) "Community dock" means a dock providing 500 linear feet or less of docking space which is a subdivision or community recreational amenity providing water access for residents, and which may or may not entail a fee. A dock meeting this definition but providing more than 500 feet of docking space is treated as a marina, as defined in these rules.

(f) "Department" means the Georgia Department of Natural Resources.

(g) "Effective shading" means the amount of shading realized by utilizing alternative walkway decking material or alternative walkway design when compared to shading associated with traditional planking construction.

(h) "Fixed dock" means a dock, constructed on pilings, that is fixed in elevation, i.e., that does not float on the water.

(i) "Fixed terminal platform" means the platform constructed on pilings at the terminal, waterward end of a dock.

(j) "Floating dock" means a dock that floats on the water to which watercraft are tied for mooring.

(k) "Heritage preserve marshlands" means those marshlands that have been dedicated as a heritage preserve by the Governor pursuant to O.C.G.A. 12-3-75.

(l) "Impaired water" means a stream, stream segment, or other surface waterbody that does not meet water quality standards and that is identified in the most recent 303(d) list as an "Impaired Water."

(m) "Improvements" means additions to or enhancements of raw land or structures that normally increase its usefulness and/or value, which are constructed in accordance with applicable legal requirements at the time of such construction and are intended to remain attached to or associated with the project.

(n) "Manatee Basics for Boaters" means a 3' by 4' manatee educational display sign referenced in certain leases or permits, which contains standardized content pre-approved by the Wildlife Resources Division Wildlife Conservation Section.

(o) "Manatee Travel Corridor" means channel(s) or waterway(s) that manatees are known to frequent and/or travel through, as determined by telemetry studies, aerial surveys and the Wildlife Resources Division's Wildlife Conservation Section's public sightings database.

(p) "Marina" means any dock facility which has any 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.

(q) "Minor alteration" means any change in the marshlands which taken singularly or in combination with other changes, involves less than 0.10 acres.

(r) "Model Ordinance within the Guide for Molluscan Shellfish Control in the National Shellfish Sanitation Program" means the requirements which are minimally necessary for the sanitary control of molluscan shellfish, as established by the National Shellfish Sanitation Program, a voluntary and cooperative program established in 1925 and comprised of federal, state and municipal authorities and representatives of the shellfish industry.

(s) "Modification" means a structural change to a community dock, commercial dock, or marina facility, whether existing but not permitted, existing and permitted, or permitted and yet to be constructed.

(t) "Project" means the proposed construction or maintenance activity identified in an application for a marshlands permit within the contemplation of the Coastal Marshlands Protection Act. A project may consist of two components: a marshlands component and an upland component, as defined in Rule 391-2-3-.02(1).

(u) "Tier One Community Crab Dock" means a community dock consisting of a single fixed walkway and an "L" or "T" shaped fixed terminal platform, supported on pilings, lacking floats, and from which water dependent activities such as fishing may be conducted.

(v) "Tier Two Community Dock" means a community dock consisting of a single fixed walkway and terminal fixed platform, supported on pilings, connecting ramp(s), and floating dock(s), and from which water dependent activities such as boating and fishing may be conducted.

(w) "Tier Three Community Dock" means a community dock consisting of a single fixed walkway and terminal fixed platform, supported on pilings, connecting ramp(s), and floating dock(s), and which does not qualify under a Tier One Community Crab Dock or

a Tier Two Community Dock, and from which water dependent activities such as boating and fishing may be conducted.

(3) Tier One Community Crab Dock.

(a) To qualify for the permitting procedures as set out in paragraph (c) below, a proposed Tier One Community Crab Dock project must comply with the following standards or conditions:

1. There shall be no improvements on the upland component of the project, other than for pedestrian access to the marsh component and driveways and parking area landward of the 50' marshlands buffer, all of which must be pervious.
2. The community dock must be for water-dependent activities that access a channel with defined banks and not ponded areas or mudflats.
3. The community dock must terminate at the first channel that is 10 feet wide grass to grass.
4. If the community dock walkway spans a tributary that can be bridged (a tributary less than 10 feet wide), it must have a minimum clearance of six feet above the mean high water line to the bottom of the walkway bridge. Piling spacing must provide for safe navigation in the channel.
5. A single "L" or "T" shaped fixed terminal platform up to 180 square feet is allowed.
6. The width of the fixed terminal platform may not exceed 6 feet.
7. The fixed terminal platform may not extend more than one-third of the width of the creek at mean high water.
8. The fixed terminal platform may not be enclosed but may be covered and screened with wainscoting not higher than three feet.
9. The fixed terminal platform may be roofed; provided, however, the roof may not exceed a maximum height of 12 feet above the fixed terminal platform decking at the lowest deck height.
10. A second deck, attic, or ceiling storage is not allowed on any roofed section of the fixed terminal platform.
11. The community dock walkway may not exceed 4 feet in width and may not exceed 500 feet maximum length. The walkway

is measured from the delineated marshlands jurisdiction line as determined or verified by the Department, channelward to the fixed terminal platform.

12. The community dock walkway decking shall be of same material for its entire length, and standardized materials must be used when grating is used.

13. The community dock walkway must be constructed at a height above all vegetation, but not more than six feet above grade.

14. No floating dock or docks are allowed as part of the marshland component of the project.

15. No hoists or lift davits are allowed as part of the marshland component of the project.

16. No boats are allowed except for kayaks and canoes.

17. The community dock may not have fish cleaning stations, restrooms, retail or commercial activity.

18. Lighting if used must be shielded and on a timer.

19. No dredging is allowed in association with the community dock project.

20. The community dock may not be located in heritage preserve marshlands.

21. The applicant must operate and maintain the dock in a manner that will not unreasonably obstruct navigation to and from neighboring properties.

(b) Professional drawings of the project are required to be submitted as a part of the application. The drawings must be stamped by a Registered Land Surveyor, Professional Engineer, or Architect licensed to do business in Georgia.

(c) Upon receipt of a substantially complete project application and application fee, an abbreviated review and processing period shall apply.

1. Staff to the Committee shall have 21 days to review the project permit application.

2. The Committee shall provide Public Notice of the application for 15 days.

3. Upon a determination that the project application is complete (including staff review and public notice) and the project meets all

requirements of the Coastal Marshlands Protection Act and these rules, the Commissioner may issue a Coastal Marshlands Protection Act permit unless a Committee member requests the application be brought to a Coastal Marshlands Protection Committee meeting for broader consideration.

4. Provided the project application is not called to a Coastal Marshlands Protection Committee meeting, total processing time of a Tier One Community Crab Dock shall not exceed 45 days following a preliminary determination by staff of completeness.

(d) No construction or alteration of a Tier One Community Crab Dock may commence until the expiration of 30 days following the date on which the application is approved; provided, however, that if a timely appeal is filed, no construction or alteration may commence until all administrative and judicial proceedings are terminated.

(e) The applicant/permittee must demonstrate the capacity to establish sufficient power and authority to enforce the conditions of the permit.

(f) Any modification to a Tier One Community Crab Dock is subject to review pursuant to the appropriate Tier criteria.

(g) If a proposed project does not qualify as a Tier One Community Crab Dock the application will be processed using the review and processing protocol for a Tier Two Community Dock, Tier Three Community Dock and Commercial Dock, or Marinas, using the lowest tier review and processing protocol for which the proposed project meets the standards. An application for multiple dock structures automatically defaults to the review and processing protocol for a Tier Three Community Dock and Commercial Dock.

(h) Permittee must provide a post-construction survey that locates the Tier One Community Crab Dock as indicated in the application materials. Such survey shall comply with the Georgia Plat Act, O.C.G.A. Sec. 15-6-67 et seq.

(4) Tier Two Community Dock.

(a) To qualify for the permitting procedures as set out in subparagraph (c) below, a proposed Tier Two Community Dock project must comply with the following standards or conditions:

1. The upland component of the project is limited to pedestrian access and pervious parking landward of the 50' marshland buffer.
2. There shall be no commercial activity at the community dock.
3. The community dock shall provide mooring space on a first come, first served basis and is open to all in the community served by the dock.
4. The community dock does not require a water bottoms lease, i.e., the dock has 500 linear feet or less of mooring space.
5. The community dock walkway shall not exceed 6 feet in width, 750 feet in length, and 3,000 square feet of effective shading impact. The walkway is measured from the delineated marshlands jurisdiction line as determined or verified by the Department, channelward to the fixed terminal platform.
6. The community dock walkway decking shall be of same material for its entire length, and standardized materials must be used when grating is used.
7. The community dock walkway must be constructed at a height above all vegetation, but not more than six feet above grade.
8. The community dock must be for water-dependent activities that access the first channel with defined banks and not ponded areas or mudflats.
9. The creek on which the community dock is located must be a minimum of 25 feet in width mean low water to mean low water.
10. A community dock located in a creek 25 feet to 39 feet width mean low water to mean low water may occupy a maximum of one-fourth of the creek width mean low water to mean low water.
11. A community dock located in a creek 40 feet wide or greater mean low water to mean low water may occupy a maximum of one-third of the creek width mean low water to mean low water.
12. If the community dock walkways pass a tributary that can be bridged (a tributary less than 10 feet wide, grass to grass), it must have a minimum clearance of six feet above the mean high water line to the bottom of the walkway bridge. Piling spacing must provide for safe navigation in the channel.

13. The community dock may have a single fixed terminal platform at the end of the walkway, which is limited to a maximum of 400 square feet, including screened and/or roofed sections.

14. The fixed terminal platform or floating docks shall not be constructed over vegetation.

15. The fixed terminal platform may not be enclosed but may be covered and screened with wainscoting not higher than three feet.

16. The fixed terminal platform may be roofed; provided, however, the roof may not exceed a maximum height of 12 feet above the fixed terminal platform decking at the lowest deck height.

17. A second deck, attic, or ceiling storage is not allowed on any roofed section of the fixed terminal platform.

18. The community dock may have floating docks, which shall be limited in size to that which is reasonable for the documented, intended use, not to exceed 800 sq. feet maximum floating dock structure. Documentation of need must be submitted to justify the size of the proposed floating dock.

19. Floating docks may not rest on the water bottom at low tide and must be supported on pilings or by cradle at least two feet above the mud.

20. No fish cleaning station, fueling, restrooms, pump out, or retail activities are allowed.

21. No dredging is allowed in association with the community dock project.

22. Lighting if used must be shielded and on a timer.

23. The community dock may not be located in heritage preserve marshlands.

24. The community dock or its operation shall not cause or create a measurable adverse water quality impact to the waterbody in which it is built, as measured by dissolved oxygen, fecal bacteria, or nutrient enrichment. At a minimum, the community dock must not be in a body of water listed on Georgia EPD's most recent 303(d) list as an "Impaired Water."

25. If the Department determines through its own water quality sampling or other resource analyses that there are environmental

impacts of concern associated with the project, the Department may require the applicant/permittee at the applicant/permittee's expense, to have water, substrate, and/or tissue samples collected and analyzed for metals, petroleum hydrocarbons, or other constituents.

(i) Sample collection and analyses must be according to methods approved by the Department.

(ii) All results from such sampling results must be provided to the Department as obtained and may be used by the Department to further restrict the dock to reduce water quality impacts.

26. The permittee must operate and maintain the dock in a manner that will not unreasonably obstruct navigation to and from neighboring properties.

27. The applicant/permittee must post temporary manatee awareness signage during construction of the facility and permanent posting and maintenance of the informational display signage, "Manatee Basics for Boaters" post-construction.

(b) Professional drawings of the project are required to be submitted as a part of the application. The drawings must be stamped by a Registered Land Surveyor, Professional Engineer, or Architect licensed to do business in Georgia.

(c) Upon receipt of a substantially complete Tier Two Community Dock project application and application fee, an abbreviated review and processing period shall apply.

1. Staff to the Coastal Marshlands Protection Committee shall have 60 days to review the project permit application.

2. The Committee shall provide Public Notice of the application for 15 days, which period shall be concurrent with the staff review.

3. Staff to the Coastal Marshlands Protection Committee shall have 15 days to review the public comment received.

4. If the Tier Two Community Dock project is a minor alteration, Committee members shall have 10 days to request broader consideration of the project at a meeting of the Coastal Marshlands Protection Committee.

(i) Upon a determination that the project application is complete (including staff review and public notice) and the project meets all

requirements of the Coastal Marshlands Protection Act and these rules, the Commissioner may issue a Coastal Marshlands Protection Act permit for a Tier Two Community Dock which is a minor alteration unless a Coastal Marshlands Protection Committee member requests that the project be heard at a Coastal Marshlands Protection Committee meeting for broader consideration.

(ii) If no Committee member requests the application receive broader consideration at a Coastal Marshlands Protection Committee meeting, the application shall be processed to the Commissioner of Natural Resources for his review and action within 15 days.

(iii) Provided the project application is not called to a Coastal Marshlands Protection Committee meeting, total processing time of a Tier Two Community Dock shall not exceed 115 days following a preliminary determination by staff of completeness.

5. Upon determination that a Tier Two Community Dock project application that is not a minor alteration is complete (including staff review and public notice), the project application shall be placed on the meeting agenda of the Coastal Marshlands Protection Committee.

6. If a second public notice is issued, an additional 15 days would be added to the processing time.

(d) No construction or alteration of a Tier Two Community Dock may commence until the expiration of 30 days following the date on which the application is approved; provided, however, that if a timely appeal is filed, no construction or alteration may commence until all administrative and judicial proceedings are terminated.

(e) The "Minor Alteration" acreage provision of the Coastal Marshlands Protection Act shall not take into consideration any reduction in acreage calculation for the effective shading impact reduction attributable to alternative walkway decking material or alternative walkway design.

(f) The applicant/permittee must demonstrate the capacity to establish sufficient power and authority to enforce the conditions of the permit.

(g) Any modification to a Tier Two Community Dock is subject to review pursuant to the appropriate Tier criteria.

(h) If a proposed project does not qualify as a Tier Two Community Dock the application will be processed using the review and processing protocol for a Tier Three Community Dock and Commercial Dock, or Marinas, using the lowest tier review and processing protocol for which the proposed project meets the standards. An application for multiple dock structures automatically defaults to the review and processing protocol for a Tier Three Community Dock and Commercial Dock.

(i) Permittee must provide a post-construction survey that locates the Tier Two Community Dock as indicated in the application materials. Such survey shall comply with the Georgia Plat Act, O.C.G.A. Sec. 15-6-67et seq.

(5) Tier Three Community Dock or Commercial Dock.

(a) To qualify for the permitting procedures as set out in subparagraph (d) below, a proposed Tier Three Community Dock or Commercial Dock project must comply with the following standards or conditions:

1. The community dock walkway or commercial dock walkway shall not exceed 6 feet in width, 1,000 feet in length, and not exceed 3,000 square feet of effective shading impact. The walkway is measured from the delineated marshlands jurisdiction line as determined or verified by the Department, channelward to the fixed terminal platform.

2. The Coastal Marshlands Protection Committee may provide for an exception to the limitations on maximum walkway length and square footage. Documentation of need must be submitted to justify an exception, which shall be granted or denied in the sole discretion of the Committee.

3. The community dock or commercial dock walkway decking shall be of same material for its entire length, and standardized materials must be used when grating is used.

4. The community dock or commercial dock walkway must be constructed at a height above all vegetation, but not more than six feet above grade.

5. If the community or commercial dock walkway spans a tributary that can be bridged (a tributary less than 10 feet wide, grass to grass), it must have a minimum clearance of six feet above the mean high water line to the bottom of the walkway bridge.

6. The fixed terminal platform may not be enclosed but may be covered and screened with wainscoting not higher than three feet.

7. A second story or deck is not allowed on any roofed section of the fixed terminal platform.

8. Floating docks may not rest on the waterbottom at low tide and must be supported on pilings or by cradle at least two feet above the mud.

9. No dredging is allowed in association with the initial community or commercial dock project.

10. The applicant must operate and maintain the dock in a manner that will not unreasonably obstruct navigation to and from neighboring properties.

11. The community dock or its operation shall not cause or create a measurable adverse water quality impact to the waterbody in which it is built, as measured by dissolved oxygen, fecal bacteria, or nutrient enrichment.

12. If the Department determines through its own water quality sampling or other resource analyses that there are environmental impacts of concern associated with the project, the Department may require the applicant/permittee at applicant/permittee's expense, to have water, substrate, and/or tissue samples collected and analyzed for metals, petroleum hydrocarbons, or other constituents.

(i) Sample collection and analyses must be according to methods approved by the Department.

(ii) All results from such sampling results must be provided to the Department as obtained and may be used by the Department to further restrict the dock to reduce water quality impacts.

13. The applicant/permittee must post temporary manatee awareness signage during construction of the facility and permanent posting and maintenance of the informational display signage, "Manatee Basics for Boaters" post-construction.

(b) Professional drawings of the project are required to be submitted as a part of the application. The drawings must be stamped by a Registered Land Surveyor, Professional Engineer, or Architect licensed to do business in Georgia.

(c) A needs assessment must be submitted to justify the size of the proposed community dock or commercial dock. The Coastal Marshlands Protection Committee may opt for phased build out based on demonstrated need. If the permit requires a phased build out based on demonstrated need, the permit may be extended for an additional five years upon a showing that all due efforts and diligence have been made toward completion of the phases authorized to date based on demonstrated need.

(d) Upon receipt of a substantially complete Tier Three Community Dock or Commercial Dock project application and application fee, the application shall be reviewed and processed subject to a higher degree of examination and scrutiny and longer review times than a Tier One Community Crab Dock or a Tier Two Community Dock.

1. The Coastal Marshlands Protection Committee shall provide Public Notice of the application for 30 days.

2. An application is complete when it contains substantially all of the written information, documents, forms, fees, and materials required by the Coastal Marshlands Protection Act, and such additional information as is required by the Committee to properly evaluate the application.

3. The Coastal Marshlands Protection Committee shall act upon an application for a permit within 90 days after the application is complete; provide d, however, that this provision may be waived upon the written request of the applicant.

(e) No construction or alteration of a Tier Three Community Dock or Commercial Dock may commence until the expiration of 30 days following the date on which the application is approved;

provided, however, that if a timely appeal is filed, no construction or alteration may commence until all administrative and judicial proceedings are terminated.

(f) The "Minor Alteration" acreage provision of the Coastal Marshlands Protection Act shall not take into consideration any reduction in acreage calculation for the effective shading impact reduction attributable to alternative walkway decking material or alternative walkway design.

(g) The applicant/permittee must demonstrate the capacity to establish sufficient power and authority to enforce the conditions of the permit.

(h) Permittee must provide a post-construction survey that locates the Tier Three Community Dock or Commercial Dock as indicated in the application materials. Such survey shall comply with the Georgia Plat Act, O.C.G.A. Secs. 15-6-67 et seq.

(6) Marinas.

(a) The Coastal Marshlands Protection Committee may issue a permit for a marina in accordance with the requirements of the Coastal Marshlands Protection Act. Unless otherwise determined by the Committee in accordance with subparagraph (h) below, a marina must comply with the following standards or conditions:

1. The marina launch pier shall not exceed 1,000 feet in length. The marina launch pier is measured from the delineated marshlands jurisdiction line as determined or verified by the Department, channelward to the boat launching area.

2. The marina pedestrian walkway shall not exceed 1,000 feet in length and shall not exceed 3,000 square feet of effective shading impact. The walkway is measured from the delineated marshlands jurisdiction line as determined or verified by the Department, channelward to the fixed terminal platform.

3. The Coastal Marshlands Protection Committee may provide for an exception to the limitations on maximum marina launch pier length, and to the limitations on marina pedestrian walkway length and square footage. Documentation of need must be submitted to justify an exception, which shall be granted or denied in the sole discretion of the Committee.

4. The marina may not be sited within 1,000 feet of waters classified as approved for shellfish harvesting by the Coastal Resources Division, or located where its presence or operation would cause a closing of waters classified for shellfish harvest based on the Model Ordinance within the Guide for Molluscan Shellfish Control in the National Shellfish Sanitation Program.

5. A marina to be located on open water must be sited at the first navigable creek that has a defined channel, adequate width and depth for the intended use, and established history of navigational access or use.

6. Any marina component proposed to be constructed on or over coastal marshlands must be for water dependent activities. No restaurants or structures for non-water dependent uses may be constructed on or over coastal marshlands.

7. Floating docks may not rest on the waterbottom at low tide and must be supported on pilings or by cradle at least two feet above the mud.

8. A marina proposed to be located in a manatee travel corridor or on a waterway where manatees may be found must have protective measures to minimize manatee/boat interactions to include:

- (i) An education plan for boaters using the marina;
- (ii) Regular monthly maintenance of dock facilities' hoses, faucets, or any apparatus or equipment capable of producing a stream of fresh water in close proximity to the access of the facility;
- (iii) A contingency plan for emergency repair of freshwater sources;
- (iv) Temporary manatee awareness signage during construction of the facility and permanent posting and maintenance of the informational display sign, "Manatee Basics for Boaters" post-construction; and
- (v) Speed zones may be required if the marina is in a manatee travel corridor.

9. No dredging of tidal waterbottoms or vegetated coastal marshlands is allowed in association with the initial marina project.

10. If the marina could require maintenance dredging in the future, a permanent, dedicated spoil site with the capacity for the initial dredge volume and anticipated maintenance needs must be identified at the time of application.

11. Dry boat storage is encouraged as a supplement or alternative to in-water mooring, to the extent feasible.

12. The marina should provide onshore restrooms, shower, and laundry facilities in the upland component of the project. The applicant/permittee must take specific measures (such as, but not limited to, signs or dock regulations) to encourage boaters to use the washrooms, laundromat, and restrooms onshore, if any.

13. A marina must have an approved disposal system for disposal of wastewater generated by boats and upland facilities at the marina.

14. A marina must install, for collection of solid wastes, trashcans, dumpsters, or other suitable containers in compliance with The Act to Prevent Pollution from Ships (33 USCA 1901 and 33 CFR 158). Adequate separate containers for toxic substances shall be available.

15. A marina shall not allow any person to operate a marine toilet at a marina at any time so as to cause or permit to pass or to be discharge d into the waters adjacent to the marina any untreated sewage or other waste matter or contaminant of any kind.

(i) A marina must have a working pump- out facility and docks ide wastewater collection system for sanitary wastes from vessels, adequate for the capacity of the marina (number and size of vessels) and require their use by boats using the marina, unless specific exceptions are allowed by the Coastal Marshlands Protection Committee.

(ii) Pump-out facility maintenance logs must be kept.

(iii) The marina must prominently display signage showing the location of the nearest pump out facility.

16. The Coastal Marshlands Protection Committee may permit marina fueling facilities which conform to U.S. Environmental Protection Agency and GADNR Environmental Protection

Division laws and regulations, and which meet the following requirements:

(i) Fuel storage tanks and fuel lines between tank, dock, and vessels shall be equipped with emergency shut off valves.

(ii) Dispensing nozzles shall be the automatic closing type without a hold- open latch.

(iii) A marina must have adequate booms available either on-site or under contract to contain any oil spill.

(iv) The marina shall have a current "Operations Manual" containing the following:

(I) Description of how the applicant meets the conditions of this permit,

(II) The geographic location of the dock,

(III) A physical description of the facility showing mooring areas, fuel storage and dispensing areas, and locations of safety equipment,

(IV) A description and the location of each emergency shut- off system,

(V) The names and telephone numbers of the facility, U.S. Coast Guard Marine Safety Office, Environmental Protection Division Emergency Response Center, and other personnel who may be called by employees of the facility in an emergency, including fire and police, and

(VI) The names and telephone numbers of available hazardous spill clean-up contractors nearest the dock.

17. All components of a marina must be designed, installed, operated and maintained in a manner that will not unreasonably obstruct navigation to and from neighboring properties.

18. The marina or its operation shall not cause or create a measurable adverse water quality impact to the waterbody in which it is built, as measured by dissolved oxygen, fecal bacteria, or nutrient enrichment.

19. If the Department determines through its own water quality sampling or other resource analyses that there are environmental impacts of concern associated with the marina project, the marina may be required to have at applicant's/permittee's expense, water,

substrate, and/or tissue samples collected and analyzed for metals, petroleum hydrocarbons, or other constituents.

(i) Sample collection and analyses must be according to methods approved by the Department.

(ii) All results from such sampling must be provided to the Department as obtained and may be used by the Department to further restrict the dock to reduce water quality impacts.

(b) Professional drawings of the marina project are required to be submitted as a part of the application. The drawings must be stamped by a Registered Land Surveyor, Professional Engineer, or Architect licensed to do business in Georgia.

(c) A needs assessment must be submitted to justify the size of the proposed marina. The Coastal Marshlands Protection Committee may opt for phased build out based on demonstrated need. If the permit requires a phased build out based on demonstrated need, the permit may be extended for an additional five years upon a showing that all due efforts and diligence have been made toward completion of the phases authorized to date based on demonstrated need.

(d) Upon receipt of a substantially complete marina project application and application fee, the application shall be reviewed and processed subject to a higher degree of examination and scrutiny and longer review times than a Tier One Community Crab Dock or a Tier Two Community Dock.

1. The Coastal Marshlands Protection Committee shall provide Public Notice of the application for 30 days.

2. An application is complete when it contains substantially all of the written information, documents, forms, fees, and materials required by the Coastal Marshlands Protection Act, and such additional information as is required by the Committee to properly evaluate the application.

3. The Coastal Marshlands Protection Committee shall act upon an application for a permit within 90 days after the application is complete; provided, however, that this provision may be waived upon the written request of the applicant.

(e) No construction or alteration of a marina may commence until the expiration of 30 days following the date on which the application is approved; provided, however, that if a timely appeal is filed, no construction or alteration may commence until all administrative and judicial proceedings are terminated.

(f) The applicant/permittee must demonstrate the capacity to establish sufficient power and authority to enforce the conditions of the permit.

(g) Permittee must provide a post-construction survey that locates the marina as indicated in the application materials. Such survey shall comply with the Georgia Plat Act, O.C.G.A. Secs. 15-6-67 et seq.

(h) Nothing in these rules shall be construed to preclude the Committee from developing or issuing permits suitable to the circumstances of a particular application.

(7) Community Dock, Commercial Dock, or Marina Modification.

(a) A permit modification may be issued by the Committee in accordance with subparagraph (c) below for a community dock, commercial dock, or marina modification that complies with all the following standards or conditions:

1. The project modification entails no improvements to the upland component of the project; and
2. The project is a modification or addition to an existing dock facility permitted by the Coastal Marshlands Protection Committee for water-dependent activities; and
3. The project modification involves less than 0.1 acre of new impacts to coastal marshlands; and
4. The project modification will not affect a change in use of the originally permitted community dock or marina; and
5. The project modification does not necessitate the issuance of an initial marina lease for the facility undergoing modification; and
6. No fueling is allowed in association with the community dock, commercial dock, or marina modification; and

7. No fish cleaning station may be located on or over coastal marshlands in association with the community dock, commercial dock, or marina modification; and

8. No dredging is allowed in association with the community dock, commercial dock, or marina modification.

(b) Professional drawings of the project are required to be submitted as a part of the application. The drawings must be stamped by a Registered Land Surveyor, Professional Engineer, or Architect licensed to do business in Georgia.

(c) Upon receipt of a substantially complete Community Dock, Commercial Dock, or Marina Modification project application and application fee that meets the standards of subparagraph (a), above, an abbreviated review and processing period shall apply.

1. Staff to the Committee shall have 21 days to review the project permit application.

2. The Committee shall provide Public Notice of the application for 15 days.

3. Upon a determination that the project application is complete (including staff review and public notice), the Commissioner may issue a Coastal Marshlands Protection Act permit unless a Committee member requests the application be brought to a Coastal Marshlands Protection Committee meeting for broader consideration.

4. Provided the project application is not called to a Coastal Marshlands Protection Committee meeting, total processing time of a community dock modification, commercial dock modification, or marina modification meeting the standards of subparagraph (a), above, shall not exceed 45 days following a preliminary determination by staff of completeness.

(d) No construction or alteration of a community dock or marina modification may commence until the expiration of 30 days following the date on which the application is approved; provided, however, that if a timely appeal is filed, no construction or alteration may commence until all administrative and judicial proceedings are terminated.

(e) The applicant/permittee must demonstrate the capacity to establish sufficient power and authority to enforce the conditions of the permit.

(f) Any modification not meeting the standards of subparagraph (a) above, shall be reviewed and processed subject to a higher degree of examination and scrutiny applying the standards and review times of the tier that would apply if it were a new project.

(g) Permittee must provide a post-construction survey that locates the Community Dock, Commercial Dock, or Marina Modification indicated in the application materials. Such survey shall comply with the Georgia Plat Act, O.C.G.A. Secs. 15-6-67 et. seq.

Authority: O.C.G.A. Sec. 12-5-285.

**RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 391-4-2
HUNTING REGULATIONS
TABLE OF CONTENTS**

391-4-2-.01	Repealed
391-4-2-.29	Hunting Deer with Dogs Permit Violations
391-4-2-.72	Repealed
391-4-2-.73	Pursuit of Bears with Dogs on Wildlife Management Areas, Other State Lands and Federal Areas
391-4-2-.201	Repealed

391-4-2-.01. Repealed.**Authority: O.C.G.A. Sec. 27-1-4****391-4-2-.29. Hunting Deer with Dogs, Permits and Violations.**

(1) For purposes of administering O.C.G.A. Sec. 27-3-17 and issuance of permits, the following terms are defined:

(a) "Contiguous acres" means a single unit of land described on an application for a permit to hunt deer with dogs that may include multiple ownerships and may be transected by public roads, creeks, rivers, or rights-of-way of any public service corporation.

(b) "Eligible tracts" are those tracts of real property that contain a minimum of 1000 contiguous acres or a minimum of 250 contiguous acres owned by the applicant; provided, however, that any eligible tract or any part thereof which was included in an application for a permit pursuant to this Chapter which has been the subject of a revocation or non-renewal pursuant to O.C.G.A. Sec. 27-2-25 shall not be eligible for inclusion in any subsequent application for a permit for a period up to 2 years regardless of a change in the name or membership of the applicant until the expiration period of revocation or non-renewal.

(c) "Hunting deer with dogs" includes the act of placing, releasing or in any other manner causing or procuring the cause of dog(s) to be, or attempting to be, in the pursuit of running, trailing or baying deer, whether such act results in a taking or attempted taking or not. Once the owner of the dog(s), his agents, or permittees place, release or otherwise cause dog(s) to be in the pursuit of running, trailing or baying deer, then the owner, his agents or permittees are deemed to be "hunting deer with dogs" until such time that the dog owner, his agents or permittees have regained physical possession and control of the dog(s), or the dog(s) have otherwise ceased in the pursuit or attempted pursuit of running, trailing or baying deer.

(2) Permit applications are to include a written description of the eligible tract boundaries and associated acreage. Acceptable documents are limited to certified plats, recorded deeds, surveys,

tax maps or notarized leases. Additionally, Any person not included on the membership list provided with the application for the permit and hunting under the authority of the permit is considered a guest of the permittee and must possess written permission on his or her person from the permittee. Finally, permit applications are to be received by the department not less than 30 days prior to the first day for hunting deer with dogs on an eligible tract.

(3) It is unlawful to:

(a) enter or exit permitted property for any purpose other than points of access from public roads marked on the map without the express written permission of the adjacent landowner upon whose land entry or exit is made. The express written permission of the adjacent landowner or a copy thereof must be carried on the person making the entry or exit; or,

(b) fail to control hunting dogs to keep them on the permitted property; or,

(c) interfere with the right of any person to freely, and in an unrestricted manner, travel any public road or stream transecting or bordering the permitted property; or,

(d) violate any of the terms and/or conditions of a permit; or,

(e) submit false information on a permit application. The submission of false information makes said permit invalid and persons hunting under authority of that permit may be considered hunting in violation of the laws, rules and regulations authorizing the hunting of deer with dogs.

(4) A serious or habitual violation of laws, rules and regulations or conditions of a permit while engaged in deer hunting with dog activities on or commencing from permitted tracts provide justification for revocation and or denial of permitted activities.

(5) The Commissioner, pursuant to O.C.G.A. Sec. 50-13-18(c)(1) may, upon a finding that the public health, safety, or welfare imperatively requires emergency action, incorporate such a finding into his order and order a summary suspension of a permit pending proceedings for revocation or other action, which proceeding shall be promptly instituted and determined. Evidence of physical harm

or threats of physical harm to adjacent landowners, interference with the free and unrestricted travel of public roads or streams, significant destruction of the property of adjacent landowners or multiple violations of a permit in a single season is sufficient for a finding that the public health, safety, or welfare imperatively requires emergency action.

(5) Revocation or denial of a permit is for an eligible tract in its entirety, regardless of size, and remains in effect for a period of up to two years.

Authority: O.C.G.A. Secs. 27-1-4, 27-3-17.

Rule 391-4-2-.72. Repealed.

Authority: O.C.G.A. Secs. 27-1-4, 27-3-15.

Rule 391-4-2-.73. Pursuit of Bears with Dogs on Wildlife Management Areas, Other State Lands and Federal Areas.

(1) The purpose of this rule is to establish regulations governing the use of dogs to pursue bears for training and hunting purposes on wildlife management areas, other state lands and federal areas.

(2) It is unlawful for any person to allow their dog(s) to pursue a bear(s) on any wildlife management area, other state land or federal land during any time other than the season(s) specified for such wildlife management area, other state land or federal land in rule 391-4-2-.70.

(3) On wildlife management areas, other state lands or federal lands that have a season(s) specified for pursuing bears for the purposes of training hunting dogs or hunting bears pursuant to rule 391-4-2-.70:

(a) It is unlawful for any person to participate or assist in a lawful open season for pursuing bears with dogs without first procuring a valid hunting license and big game license pursuant to O.C.G.A. Title 27; and

(b) Any person participating or assisting in a lawful open season for pursuing bears for the purpose of training hunting dogs shall comply with the provisions of O.C.G.A. Sec. 27-3-16; and

(c) It is unlawful for any person participating or assisting in a lawful open season for pursuing bears for the purpose of training hunting dogs to fail to check-in once per season at any one of the following WMA check stations: Rich Mountain, Swallow Creek or Warwoman; and

(d) It is unlawful for any person to fail to mark each dog used for pursuing bears with such person's first name, last name, address, and valid telephone number; and

(e) It is unlawful for any person to fail to remove their dog(s) from any such area upon departure; and

(f) It is unlawful for any person participating or assisting in a lawful open season for pursuing bears with dogs to allow their dog(s) to pursue any bear onto property for which permission has not been granted in accordance with O.C.G.A. Sec. 27-3-1 or onto any wildlife management area, other state land or federal land at any time not specified in Rule 391-4-2-.70.

(4) In accordance with O.C.G.A. Sec. 27-2-25, the commissioner may revoke the hunting privileges, big game privileges, and/or wildlife management area privileges of any person who fails to comply with subsections (2) or (3)(a) through (3)(f) of this rule.
Authority: O.C.G.A. Secs. 27-1-4, 27-3-15, 27-3-26.

Rule 391-4-2-.201. Repealed.

Authority: O.C.G.A. Secs. 27-1-4, 27-2-18.

**RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 391-4-3
FISHING REGULATIONS
TABLE OF CONTENTS**

391-4-3-.01	Repealed
391-4-3-.04	Waters Open to Commercial Fishing
391-4-3-.05	Creel and Possession Limits
391-4-3-.08	Repealed
391-4-3-.09	Public Fishing Areas
391-4-3-.13	Fishing Methods
391-4-3-.15	Hours

Rule 391-4-3-.01. Repealed.**Authority: O.C.G.A. Sec. 27-1-4.****Rule 391-4-3-.04. Waters Open to Commercial Fishing.**

Except as otherwise provided by law or rule and regulation, all waters are open to commercial fishing except:

(a) The Coosa River, from the confluence of the Etowah and Oostanaula Rivers to the Georgia-Alabama Boundary line and all streams flowing into the Coosa River between those two points are closed to commercial fishing;

(b) That portion of Lake Weiss located in Georgia is closed to commercial fishing;

(c) The Oostanaula River from the State Highway 156 bridge to the confluence of the Oostanaula and Etowah Rivers and all streams flowing into the Oostanaula River between those two points are closed to commercial fishing; and

(d) The Etowah River from the U.S. Highway 411 bridge downstream to the confluence of the Etowah and the Oostanaula Rivers and all streams flowing into the Etowah River between those two points are closed to commercial fishing.

Authority: O.C.G.A. Sec. 27-4-70.**Rule 391-4-3-.05. Creel and Possession Limits.**

In keeping with sound principles of wildlife research and management, creel and possession limits are:

(1) Ten (10) of any one or a combination of the following species, except only one (1) fish may be greater than twenty-two (22) inches from Lake Lindsay Grace:

- (a) Largemouth bass;
- (b) Smallmouth bass;
- (c) Shoal bass;
- (d) Suwannee bass;
- (e) Spotted bass or Kentucky bass;
- (f) Redeye or Coosa bass.

(2) Eight (8) of any one or a combination of mountain trout.

(3) Fifteen (15) of any one or a combination of the following species; provided, however, only two (2) fish may be twenty-two (22) inches or longer in length:

- (a) White bass;
- (b) Striped bass;
- (c) Striped-white bass hybrids.

(4) Notwithstanding the provisions of paragraph (3) to the contrary, from the North Newport River, the Medway River including Mount Hope Creek, the Little Ogeechee River, the Ogeechee River, the Oconee River downstream of Georgia Highway 22 in Milledgeville, the Ocmulgee River downstream of the Georgia Highway 96 bridge between Houston and Twiggs counties, the Altamaha River, and the Satilla River; from the tributaries to such described sections; and from salt water as defined in O.C.G.A. 27-4-1 two (2) of any one or a combination of the following species each of which must be twenty-two (22) inches or longer:

- (a) White bass;
- (b) Striped-white bass hybrids;
- (c) Striped bass.

(5) Notwithstanding the provisions of paragraph (3) to the contrary, from the Savannah River and its tributaries downstream of J. Strom Thurmond Dam two (2) of any one or a combination of the following species each of which must be twenty-seven (27) inches or longer:

- (a) White bass;
- (b) Striped-white bass hybrids;
- (c) Striped bass.

(6) Fifty (50) of any one or a combination of the game species, as defined by O.C.G.A. 27-1-2 of bream or sunfish;

(7) Eight (8) walleye (walleyed pike);

(8) Eight (8) sauger;

(9) Fifteen (15) of any one or a combination of the following species of pickerel:

- (a) Chain;
- (b) Grass;

(c) Redfin.

(10) Thirty (30) of any one or a combination of the following species:

(a) Black crappie;

(b) White crappie.

(11) Eight (8) of any one or a combination of the following species:

(a) American shad;

(b) Hickory shad.

Authority: O.C.G.A. Secs. 27-1-3, 27-1-4, 27-4-10, 27-4-12.

Rule 391-4-3-.08. Repealed.

Authority: O.C.G.A. Secs. 27-1-3, 27-2-23.

Rule 391-4-3-.09. Public Fishing Areas.

(1) Drivers of vehicles parking at the Rocky Mountain public fishing area must obtain a daily or annual Rocky Mountain public fishing area parking permit (which is not a Parks, Recreation and Historic Sites Division Parking Pass).

(2) On ponds or portions of ponds where fisheries resources are limited, area managers may limit fishing to persons under 16 years of age by posting a sign at the pond which indicates said limitations.

(3) Except as provided by O.C.G.A. Sec. 27-4-11.1, the creel and possession limits for fish caught from public fishing areas are:

(a) Fifteen (15) of any one or a combination of the game species of bream or sunfish;

(b) Five (5) largemouth bass;

(c) Five (5) channel catfish;

(d) All grass carp must be immediately returned to the waters from which they were caught unless otherwise posted; and

(e) All fish or designated fish species taken from ponds and lakes posted as open only to catch and release fishing must be immediately returned to the waters from which they were taken.

Possession of fish or designated fish species in ponds and lakes open only to catch and release fishing is not allowed.

(4) Camping shall not be allowed on public fishing areas except under the following circumstances:

(a) Any activity that disturbs other campers between the hours of 10:00 p.m. and 7:00 a.m. is prohibited;

(b) No musical instrument, radio, television or other noise making device may be used after 10:00 p.m. or before 7:00 a.m. in such a manner that it may be heard by other campers;

(c) Occupancy of campsites is limited to fourteen consecutive days. Any camper who has used a campsite for 14 consecutive days must vacate the camping area for a period of not less than 7 days before again occupying a campsite;

(d) Any tents, trailers, automobiles, other vehicles or other personal property left unattended at the campsite overnight or beyond the designated time limit shall be removed and any expenses, including towing charges, incurred by such removal shall be paid by the person under whose name the campsite is registered;

(e) Dishwashing is prohibited at drinking faucets and at comfort stations;

(f) Picnic supplies and other personal property shall not be left unattended in the picnic shelters;

(g) Campers may cut only dead and fallen trees for firewood to be used on the area;

(h) Persons who wish to camp on areas where gates are usually locked at night must contact area managers in advance to make arrangements for camping; and

(i) Rules for camping on wildlife management areas shall apply on areas which are both public fishing areas and wildlife management areas; and

(j) Camping on the Rocky Mountain public fishing area is prohibited except from April 1 until October 31, and except at other times as designated by the public fishing area manager for special purposes.

(5) Persons may not fish with any gear other than pole and line, as the term is defined in O.C.G.A. Sec. 27-1-2(51), and no person

shall fish with more than two poles and lines at any public fishing area:

(7) Persons may not use or possess live fish for bait at any public fishing area except in lakes or ponds posted as being open to the use of live fish for bait.

(8) Except as provided herein, persons may not operate any vessel as defined in O.C.G.A. Sec. 52-7-3 on any public fishing area owned or operated by the department; provided, however, that fishing boats propelled by paddles, oars, or electric motors may be used on ponds or lakes unless they are posted as being closed to the use of such fishing boats, and provided further, that:

(a) Persons may operate any fishing boat being propelled by a motor at idle speed on any public fishing area lake designated open to the use of fishing boats with motors; and

(b) Personal watercraft (jet skis), sailboats and sailboards are not permitted on any public fishing area lake; and

(9) Persons may not utilize the waters of any public fishing area for recreational swimming; provided, however, this subsection shall not apply to the designated beach area at Rocky Mountain Public Fishing Area between Memorial Day and Labor Day during the hours designated by the public fishing area manager.

(10) No person may consume or use alcoholic beverages on any public fishing area except in designated facilities or at campsites on these areas; provided, however, no alcoholic beverages are allowed on the Rocky Mountain Public Fishing Area.

(11) No horses are allowed on public fishing areas except in those areas designated as open to equestrian use.

(12) Persons may not rappel, rock climb or hang glide on the Rocky Mountain public fishing area.

(13) No person shall disobey any lawful order of a law enforcement officer or the area manager.

(14) If hunting is authorized, hunters may access specified portions of the public fishing area during legal hunting hours for the purpose of hunting.

(15) Notwithstanding any other provision of this Rule 391-4-3-.09 to the contrary, Department sponsored special events are

authorized on public fishing areas twenty-four hours a day, subject to any special conditions for the event established by the Department.

Authority: O.C.G.A Secs. 12-3-9, 27-1-3, 27-1-33, 27-2-23, 27-4-11.1, 27-4-12, 27-4-51.

Rule 391-4-3-.13. Fishing Methods.

(1) The following streams are declared to be artificial-lure streams:

(a) That portion of the Chattahoochee River from Georgia Highway 20 downstream to the boat ramp at the National Park Service Medlock Bridge Park immediately upstream of Georgia Highway 141;

(b) Noontootla Creek and its tributaries on the Blue Ridge Management Area;

(c) Coleman River and its tributaries from the junction with Tallulah River upstream to Forest Service Bridge No. 54;

(d) Jones Creek and its tributaries on U.S. Forest Service property upstream from the junction with the Etowah River

(e) Mountaintown Creek and its tributaries above Mountaintown Creek Watershed Structure No. 2;

(f) Stanley Creek and its tributaries on the Rich Mountain Management Area;

(g) Hoods Creek and its tributaries on the Warwoman Management Area;

(h) Walnut Fork and its tributaries on the Warwoman Management Area;

(i) Conasauga River upstream of the Georgia-Tennessee state line and its tributaries to that portion of the river; provided, however, Conasauga River and its tributaries shall not be artificial-lure streams from the last Saturday in March through October 31 of each year; and

(2) It is lawful to fish with or possess only artificial lures with barbless hooks in that portion of Dukes Creek and its tributaries in White County on the Smithgall Woods-Dukes Creek Conservation Area, including the Georgia Highway 75 Alternate right-of-way.

(3) It shall only be lawful to fish with artificial lures with single hooks and only lawful to possess artificial lures with single hooks on the following waters; provided, however, this restriction shall not apply to said waters from May 15 through October 31 of each year:

(a) Amicalola Creek from County Road 192 (Steele Bridge Road) downstream to Georgia Highway 53;

(b) Chattahoochee River from Sope Creek (off Columns Drive) downstream to US Highway 41 (Cobb Parkway);

(c) Chattooga River (in Rabun County) from Georgia Highway 28 upstream to the mouth of Reed Creek (Georgia);

(d) Smith Creek on Unicoi State Park from Unicoi Dam downstream to the Unicoi State Park property boundary; and

(e) Toccoa River on U.S. Forest Service land from 0.4 miles above the Shallowford Bridge upstream to a point 450 feet upstream of the Sandy Bottom Canoe Access.

(4) Use of live blueback herring for bait and possession of live blueback herring is prohibited in all freshwaters of the state; provided, however, this provision shall not apply to the following waters:

(a) Lake Bartlett's Ferry;

(b) Lake Blue Ridge

(c) Lake Chatuge;

(d) Lake Goat Rock;

(e) Lake Juliette;

(f) Lake Lanier;

(g) Lake Nottely;

(h) Lake Oliver;

(i) Lake West Point

(j) Altamaha River watershed downstream of the following dams:

1. Juliette on the Ocmulgee River;

2. Lake Juliette on Rum Creek;

3. Lake Tobesofkee on Tobesofkee Creek; and

4. Lake Sinclair on the Oconee River; nor to

(k) watersheds of all other streams that flow directly into the Atlantic Ocean. The penalties of this paragraph are enforceable by all penalties applicable, including civil penalties.

Authority: O.C.G.A. Secs. 27-1-4, 27-2-14, 27-4-12, 27-4-36, 27-4-51.

Rule 391-4-3-.15. Hours.

(1) It is lawful to fish in trout waters designated in Rule 391-4-3-.03(3) 24 hours a day; provided, however, that the Conasauga River watershed upstream of the Georgia-Tennessee state line, that portion of Smith Creek on Unicoi State Park and the Chattahoochee River downstream of Lake Lanier are open to fishing only between 30 minutes before sunrise and 30 minutes after sunset during daylight hours.

(2) It is lawful to fish in Dockery Lake and Rock Creek Lake only between 30 minutes before sunrise and 30 minutes after sunset during daylight hours. Except as otherwise provided by law, rule or regulation, fishing in all other impoundments is permitted 24 hours a day.

Authority: O.C.G.A. Secs. 27-1-4, 27-1-12, 27-4-51.

**RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 391-4-10
PROTECTION OF ENDANGERED, THREATENED, RARE,
OR UNUSUAL SPECIES
TABLE OF CONTENTS**

- 391-4-10-.06 Prohibited Acts
- 391-4-10-.07 Exceptions

Rule 391-4-10-.06. Prohibited Acts.

(1) The following acts regarding protected species of animals are prohibited:

(a) Any activities intended to harass, capture, kill, or otherwise directly cause death of any protected animal species, except as specifically authorized by law or by regulation as adopted by the Board of Natural Resources.

(b) The sale or purchase of any protected animal species or parts thereof and the possession of any such species or parts thereof unless the possession is authorized by a scientific collecting, wildlife exhibition, or other permit or license issued by the department.

(c) The destruction of the habitat of any protected animal species on public lands.

(2) The authorization to take certain nongame animal species set forth in O.C.G.A. Section 27-1-28 does not apply to any protected species whether on public or private land.

Authority: O.C.G.A. Secs. 12-6-172, 27-3-132.

Rule 391-4-10-.07. Exceptions.

(1) **Permits.** The Department may issue permits for the collection, transportation, and/or possession of protected plant and animal species. Such permits do not alleviate the responsibility to acquire specific federal permits, if required.

(2) **Protected Crayfish Species.** The collection of state protected crayfish species (those species included in 391-4-10-.09) while collecting fishing bait is authorized without permit under the following conditions:

(a) State protected crayfish species may not be collected from crayfish burrows (i.e., "crayfish chimneys") in any manner, including burrow excavation or setting traps or other devices within, on or near the entrance to the burrow.

(b) State protected crayfish species may not be exported from the state of Georgia.

(3) **Peregrine Falcon Take for Falconry Purposes.** The Department may issue up to five (5) annual permits for the

trapping and possession of wild peregrine falcons for falconry purposes in accordance with the framework established by the United States Fish and Wildlife Service and as may be appropriate based on sound wildlife management principles. Trapping is allowed only during September 20 through October 20 and only within Chatham, Bryan, Liberty, McIntosh, Glynn, and Camden counties. Only wild peregrines trapped during their first year (passage birds) may be kept. Permits are issued based upon a random drawing of qualified applicants. Preference is given to Georgia residents such that most permits are issued to qualified resident applicants.

(a) To qualify, an applicant shall be a licensed Master Falconer, or a licensed General Falconer with at least 5 years of licensed falconry experience.

(b) When trapping or attempting to trap a peregrine falcon, a person shall have on their person a current peregrine falcon take permit from the Department, a valid Georgia hunting license, and a valid falconry license.

(c) A peregrine falcon take permit does not authorize any person possessing said permit to commit any act inconsistent with O.C.G.A. 27-2-17.

(d) Said permit may be revoked in accordance with the provisions of the Game and Fish Code.

Authority: O.C.G.A. Secs. 12-6-172, 27-3-132.

**RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 391-4-15
WILDLIFE VIOLATOR COMPACT
TABLE OF CONTENTS**

391-4-15-.01 Effective Date

Rule 391-4-15-.01. Repealed.

Authority: O.C.G.A. Sec. 27-2-41.

**RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 391-4-17
BOATING VIOLATOR COMPACT
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391-4-17-.01 Effective Date

Rule 391-4-17-.01. Repealed.

Authority: O.C.G.A. Sec. 52-7-31.

CHAPTER 391-5-1
STATE PARKS AND HISTORIC SITES SYSTEM
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391-5-1-.05	Safety and General Conditions of Use
391-5-1-.06	Facilities and Activities
391-5-1-.07	Repealed
391-5-1-.08	Citizen Support Organizations

Rule 391-5-1-.05. Safety and General Conditions of Use.**(1) Vehicles.**

(a) Traffic Control. Site managers and associates are authorized to direct traffic in sites. All persons shall comply with lawful orders, signals, and direction of such site managers and associates. All persons shall observe and comply with posted traffic control devices and signs.

(b) Motor Vehicles. Motor vehicles are restricted to site roads, through roads, and parking areas. The operation of motor vehicles within a site after normal operating hours is limited to division associates and registered overnight guests, except in an emergency.

(c) Bicycles.

1. Bicycles shall be ridden on designated bicycle trails or roads only. They may be pushed by hand over open spaces, such as lawns or beaches, or paved areas reserved for pedestrian use. Bicycles shall be neither ridden or pushed along designated nature trails or footpaths.

2. Where provided, bicycle racks must be used for parking bicycles. Bicycles shall not be chained and locked to trees or site structures or placed so as to obstruct pedestrian or vehicular movement.

(f) Obstructing Traffic. No person shall cause or permit any vehicle to obstruct traffic by unnecessary stopping. In the event of mechanical difficulties, the driver shall report the occurrence at once to site associates and make arrangements for the expeditious removal of the vehicle. No vehicle shall be left standing or parked on any site road at night without lights visible for at least two hundred feet (200') from both front and rear of the vehicle.

(g) Trucks. No trucks or other vehicles commonly used for carrying freight, merchandise or goods for sale, unless traversing the site on a through highway, shall operate on site roads without obtaining written permission from the site manager, except when such vehicles are used in connection with delivery of supplies, site work, activities, or concessions, or are used for transporting persons to a site for recreational purposes and not for compensation.

(h) **Towing Other Vehicles.** No person shall operate or park within any site, a vehicle in tow of another vehicle, except boat, camping or travel trailers or recreational vehicles towing auxiliary automobiles.

(i) **Parking.**

1. Parking vehicles at any place within a site, including upon the right of way of any county, state, or federal highway which traverses the site, is prohibited except in designated parking areas in accordance with markings and signs and any instructions given by site associates. Double parking or obstructing traffic is prohibited.

2. No person shall park a motor vehicle in any site without a parking pass except as set forth in Rule 391-5-1-.03(3).

(j) **Exemptions.** This subparagraph shall not be applicable to vehicles engaged in official business of the department or law enforcement agencies or used in emergency rescue in accordance with the directions of the site manager.

(2) **Aircraft.**

(a) No person operating or responsible for any aircraft shall cause such aircraft to land in or take off from any site or deliver by air any person, material or equipment by parachute or other means, except in emergencies threatening human life or when authorized in writing by the director.

(b) This paragraph shall not be applicable to aircraft engaged in official business of federal, state or local governments or law enforcement agencies, aircraft used in emergency rescue in accordance with the directions of the site manager, or aircraft forced to land due to circumstances beyond the control of the operator.

(3) **Skating, Skateboards, and Similar Devices.** Using roller skates, roller blades, skateboards, roller skis, coasting vehicles, or similar devices is prohibited, except in designated areas.

(4) **Weapons.** The use and possession of weapons are prohibited in all sites except:

(a) When used, or possessed by authorized federal, state and local law enforcement officers in the performance of their official duties;

(b) When unloaded and packed, cased or stored in a manner that will prevent their ready use; or

(c) When such use or possession has been authorized in restricted areas and under terms and conditions specified in writing by the director.

(d) When a person possesses a valid weapons-carry license. A person possessing a valid weapons-carry license issued pursuant to O.C.G.A. Section 16-11-129 may carry a handgun in all parks, historic sites and recreational areas, except in places where carrying such handgun is prohibited by federal law.

(5) **Noise.** It is prohibited to operate televisions, radios, tape or compact disk players, public address systems, musical instruments, vehicles, or other noise-making devices or machines at volume levels which are unreasonable, considering the nature and purpose of the actor's conduct, location, time of day or night, purpose for which the area is operated, impact on site users, and other factors that would govern the conduct of a reasonably prudent person under the circumstances.

(6) **Interfering with Agency Functions.** The following are prohibited:

(a) Threatening, resisting, intimidating, or intentionally interfering with a government employee or agent engaged in an official duty or on account of the performance of an official duty.

(b) Disobeying any lawful order of a law enforcement official, site manager, or authorized associates.

(c) Knowingly giving a false or fictitious report or other false information:

1. To a government employee or agent in the conduct of official duties; or

2. On an application, registration form, or other document required by law or regulation.

(7) **First Amendment Activities.**

(a) Public assemblies, meetings, gatherings, demonstrations, religious activities and other public expressions of views under the First Amendment of the U.S. Constitution, including the distribution of non-commercial printed matter, are allowed within sites, provided a permit therefore has been issued by the director or site manager.

(b) An application for such a permit shall set forth the name of the applicant; the name of the organization (if any); the date, time, duration, nature and place of the proposed event or activity; the estimated number of persons expected to participate; the equipment and facilities to be used; and any other information required by the permit application form.

(c) Where the number of persons expected to attend, or participate is ten or fewer, a permit may be issued by the site manager. If more than ten persons are expected to attend or participate, approval of the director is required. Permit applications requiring the director's approval will be approved or denied within five business days. Permit applications submitted to the site manager will be approved or denied within 48 hours.

(d) The site manager or director shall, within the prescribed time, issue a permit on proper application unless:

1. A prior application for a permit for the same time and place has been made that has been or will be granted and the activities authorized by that permit do not reasonably allow multiple occupancy of that particular area; or
 2. It reasonably appears that the event or activity will threaten the health, safety, and welfare of persons using the site; or
 3. The event or activity is of such nature or duration that it cannot reasonably be accommodated in the particular location applied for, considering such things as damaged to site resources or facilities, impairment of the atmosphere of peace and tranquility in natural or historic areas, interference with interpretive, visitor service, program, or administrative activities, or impairment of public use facilities or services of concessionaires or contractors;
- or

4. The event or activity would constitute a violation of an applicable law or regulation.

(e) The permit may contain such conditions as are reasonably consistent with protection and use of the site for the purposes for which it is operated including limitations on the time, location, number of participants, use and facilities, and number and types of equipment used, but not on the content or the message. Locations which are not appropriate for first amendment activities include but are not limited to: museums; archaeological and interpretive areas, historic structures; ruins; trails; sensitive or fragile natural areas; and the habitats of threatened or endangered species.

(f) No permit shall be issued for a period in excess of 14 consecutive days, provided that permits may be extended for like periods, upon a new application, unless another applicant has requested use of that same location and multiple occupancy of that location is not reasonably possible.

(g) If a permit is denied, the applicant shall be so informed in writing, with the reason(s) for the denial set forth.

(h) It is prohibited for persons engaged in activities covered under this section to obstruct or impede pedestrians or vehicles, or harass site visitors with physical contact or persistent demands.

(i) Participants in events and activities covered under this section are subject to usual fees for site parking, admission, or use.

(j) Violation of the terms and conditions of a permit issued in accordance with this section may result in the suspension or revocation of the permit.

(8) Special Events.

(a) Special events, attractions, and entertainments are allowed, provided there is a meaningful association between the site and the events, or the observance contributes to visitor understanding of the significance of the site, and a permit therefore has been issued by the director. A permit shall be denied if such activities would:

1. have an undesirable impact on site resources; or
2. threaten the health, safety, and welfare of persons using the site; or

3. be contrary to the purposes for which the site is operated or compromise the atmosphere of peace and tranquility maintained in natural or historic areas; or

4. interfere with normal site usage or operations.

(b) An application for such a permit shall set forth the name of the applicant, the name of the organization (if any) the date, time, duration, nature and place of the proposed event, an estimate of the number of persons expected to attend, a statement of equipment and facilities to be used, and any other information required by the permit application form. The application shall be submitted so as to reach the director at least thirty days in advance of the proposed event.

(c) As a condition of permit issuance, the director may require:

1. The filing of a bond payable to the department in an amount adequate to cover costs such as restoration, rehabilitation, and cleanup of the area used, and other costs resulting from the special event. In lieu of a bond, a permittee may elect to deposit cash equal to the amount of the required bond. No interest shall be paid by the department on cash deposits.

2. Compliance with other statutory requirements, including but not limited to bonds for fireworks displays.

3. The acquisition of liability insurance in which the State of Georgia is named as co-insured in an amount sufficient to protect the State of Georgia.

(d) Permits may contain such conditions as are reasonably consistent with protection and use of the site for the purposes for which it is operated. It may also contain reasonable limitations on the equipment used and the time and area within which the event is allowed.

(e) Concession agreements.

1. Persons sponsoring or conducting special events at which money will be collected must be covered under a concession agreement signed by the director.

2. The director may waive the required fees when he deems such waiver to be in the best interest of the division.

(f) Violation of the terms and conditions of a permit or concession agreement issued in accordance with this section is prohibited and may result in the suspension or revocation of the permit or concession agreement.

(9) **Solicitation.** No person shall solicit contributions in any site in the form of money, goods, services, or otherwise for any purpose. This paragraph shall not apply to contributions made by members of the public to the department for the benefit of state parks and historic sites.

(10) **Vending, Advertising, Signs, and Broadcasts.**

(a) Vending. No person, other than a licensed concessionaire, citizen support group, or authorized site associates, shall offer for sale, lease, rent or hire any goods, perishable or non-perishable, services, property, or merchandise, or engage in any business or erect any building, booth, tent, stall or any other structure whether temporary or permanent in nature for purposes of offering for sale, lease, rent, or hire any goods, services, property or merchandise.

(b) Advertising.

1. No person shall display, distribute, post or fix any handbill, pamphlet, literature, circular, poster or other printed matter containing advertising within any site; provided, however, authorization may be obtained from the site manager to post, at specified locations, announcements of site- sponsored or authorized events and gatherings.

2. This section shall not apply to signs placed or authorized by the site manager advertising goods or services available at the site or to informational brochures published by governmental or non-profit organizations describing natural or historic attractions in Georgia to which admission may be charged.

3. No person shall operate, park, moor or station in a site any vehicle or vessel displaying a sign advertising goods or services for sale or exchange. This paragraph shall not apply to commercial vehicles making deliveries or providing services to the site.

(c) Signs. No signs or notices of any kind shall be posted in any site without permission of the site manager.

(d) **Broadcasts.** No musical instrument, radio, tape recording, television or sound tract shall be operated or any noise made which demonstrates, advertises or calls attention to any article or service for sale, rent or hire, except as provided for in a written concession agreement approved by the director.

(e) **Still and Motion Pictures.** No person shall take still or motion pictures, either commercial or private, involving the use of special settings or structures or the performance of a cast of persons, either amateur or professional, without first obtaining written permission from the director.

(11) **Authorization of Special Uses.** Authorization of special uses of government-owned property administered by the division shall be in writing on forms prescribed by the division and must be approved by the director.

(12) **Property.**

(a) **Unattended and Abandoned Property.** No personal property of any kind shall be abandoned or left unattended on site lands or waters. Unattended personal property shall be presumed to be abandoned after a period of 24 hours, or at any time after a posted closure hour, except in locations where longer time periods have been designated or in accordance with conditions established by the site manager.

(13) **Reporting Accidents.** Accidents involving bodily injury, death, or damage to property shall be reported to site associates as expeditiously as possible.

Authority: O.C.G.A. Sec. 12-2-24.

Rule 391-5-1-.06. Facilities and Activities.

(1) **General.** State parks and historic sites will provide facilities that allow visitors a day use or overnight experience in a natural or historic environment consistent with the management and protection of the resource and the health, safety, and welfare of all persons using the site. The director shall determine which activities are appropriate to each site and establish terms and conditions for the use of site facilities by visitors. Such terms and conditions shall

be made known to users of site facilities by signs, printed materials or other means designed to provide reasonable notice.

(2) **Fees.** The director is authorized to establish and implement a schedule of reasonable fees for activities and the use and enjoyment of facilities at state parks and historic sites. Rates are established, and from time to time revised, by the director and made available at all sites, upon request. In establishing rates, the division shall consider the discount for certified disabled veterans provided for in the Official Code of Georgia Annotated Section 12-3-9.1. The director shall have the authority to waive the imposition of a fee in cases where he deems such waiver to be in the best interest of the division.

(3) **Reservations and Refunds.** The director is authorized to establish terms and conditions for accepting reservations, collecting deposits and fees, setting check-in and check-out times and procedures, and making refunds for activities and facilities at state parks and historic sites. Such terms and conditions may vary from site to site and shall be made available at all sites, upon request.

(4) **Boating and Water Use Activities.**

(a) Boating.

1. The authority of the director to establish conditions for the use of site waters shall include, but is not limited to, limiting the type of vessels permitted, prohibiting the use of privately owned vessels, prohibiting the use of motors, or stipulating the type and power of motors permitted and the hours of their use. Conditions established by the director shall not be in conflict with the restrictions specified in the Official Code of Georgia Annotated, Section 12-3-10(e) through (h).

2. All vessels using site waters shall be launched and removed at designated water access areas only. No privately-owned vessel shall be left unattended in site waters for longer than 24 hours without authorization from the site manager.

3. No person, other than a licensed concessionaire or site associates shall rent, hire or operate for charge any vessel in any site. Nor shall any watercraft operating for hire or carrying

passengers for a fee land, receive or discharge passengers at any dock, wharf or anchorage within the jurisdiction of the division, except by permit or concession agreement.

4. No person shall operate any vessel in such a manner as to annoy, frighten or endanger other site visitors or users.

5. No person, other than authorized site associates, law enforcement officers, or emergency rescue personnel, shall operate any vessel other than a float or inner tube in a site swimming area.

6. The operation of vessels in waters administered by the U.S. Army Corps of Engineers or the U.S. Fish and Wildlife Service shall be in conformity with applicable federal laws and regulations.

(b) Water Skiing.

1. The towing of persons by vessels is prohibited, except in designated waters.

2. Towing or being towed in channels or within 500 feet of areas designated as marinas, swimming beaches, or mooring areas, or within 100 feet of a person fishing or a diver's marker is prohibited.

(c) Swimming.

1. No person shall swim, dive, snorkel, or wade in the waters of any site except in designated areas.

2. All individuals in swimming areas shall comply with posted hours, conditions of use, and instructions given by authorized site associates.

(d) SCUBA Diving.

1. No person shall SCUBA dive in the waters of any site except in designated areas, which shall not include areas reserved for swimming, docking, or mooring.

2. All SCUBA divers must be in possession of a certification card and display a standard diver flag when diving.

(e) Fishing.

1. No person shall fish within areas designated for swimming only.

2. Site managers may prohibit fishing from boat docks or other areas to ensure the safety of those using site facilities.

(5) **Horseback Riding.**

(a) Horseback riding is prohibited except in specially designated sites and areas. In sites where riding is prohibited, horses must be confined to a trailer at all times.

(b) Where permitted, horses shall be thoroughly broken, properly restrained and ridden with due care, and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or plant.

(6) **Golf.** No person shall play golf or drive, pitch, putt or otherwise strike a golf ball in any site except in designated areas and under conditions specified by the director.

(7) **Picnicking.**

(a) Picnicking is allowed, except in areas closed under Rule 391-5-1.03(2). The director may establish conditions for picnicking in areas where picnicking is allowed. Picnicking in violation of established conditions is prohibited.

(b) Picnic areas shall not be used for purposes other than picnicking without authorization from the site manager.

(c) Use of picnic area facilities including picnic shelters, grills, tables and benches is on a "first come, first served" basis.

However, this practice shall not preclude the division from assigning or reserving these facilities for the use of particular persons or groups. No person or group shall use any picnic area, shelter, or facilities to the exclusion of other persons for an unreasonable time if facilities are crowded. The determination of what is unreasonable will be made by site associates based on the number of visitors waiting to use the picnic facilities.

(8) **Camping.** No person shall erect any temporary shelter, such as a tent, of natural or synthetic material, or prepare a sleeping bag or other bedding material for the purpose of overnight occupancy in any site or bring into any site any movable structure or special vehicle to use for overnight occupancy without registering with site associates, paying the required camping fees, and complying with conditions of use as posted or provided by the site.

(9) **Games and Athletic Contests.** No games or athletic contests are allowed in any site except in areas designated for such activities or under terms and conditions specified by the site

manager. No games or athletic contests shall be engaged in or practiced for either material or financial gain, either directly or indirectly, and there shall be no commercialization or advertising by the participants.

(10) Other recreational activities may be permitted when the director has determined that they do not:

- (a) have an undesirable impact on site resources;
- (b) threaten the health, safety, and welfare of persons using the site;
- (c) interfere with normal site usage or operations;
- (d) compromise the historic or natural character of the site;
- (e) cause unwarranted risk to participants due to the nature or the activity, inadequate equipment, lack of qualifications, or weather;
- (f) constitute a consumptive form of use;
- (g) take the form of special events; or
- (h) are not provided primarily for the benefit of spectators.

Authority: O.C.G.A. Sec. 12-3-9

Rule 391-5-1-.07. Repealed.

Authority: O.C.G.A. Sec. 12-3-9.

Rule 391-5-1-.08. Citizen Support Organizations.

(1) The department is authorized to enter into agreements with citizen support organizations to promote, through financial and other means, the purposes of the State Parks and Historic Sites System.

(2) The director may terminate any operating agreement with a citizen support organization by written notice after a determination that the organization is in violation of federal, state, or local laws or regulations or the terms of its operating agreement, or the organization has ceased to promote the purposes of the division or the best interests of the state. After such termination or suspension by the director, the organization shall cease to hold itself out as a citizen support organization for the department.

Authority: O.C.G.A. Sec. 12-3-9.

CHAPTER 391-5-7
TRANSFER OF TY COBB BASEBALL MEMORIAL
COMMISSION
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391-5-7-.01 Repealed

Rule 391-5-7-.01. Repealed.

Authority: O.C.G.A. Sec. 12-2-24.

CHAPTER 391-5-12
PERMITTING BOAT DOCKS AT HIGH FALLS
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391-5-12-.04 Standards for Design and Construction

Rule 391-5-12-.04. Standards for Design and Construction.

(1) All new docks must be constructed in accordance with the Department's standard design criteria.

(2) Dock design shall contain detailed plans as to include width, length, and layout of the dock. Floating docks supported by encapsulated flotation units will be permissible. Individual plans need to be submitted with the application. All docks must be structurally sound.

(3) Lakefront property owners or lessees with written permission of the landowner may request the use of rip-rap to control erosion into the lake. The department will accept requests and review them on a case by-case-basis. The department will approve a request only where obvious erosion issues exist that threatens the water quality of the lake. Construction specifications may be obtained at the park office.

(4) Once approval for the dock is received, Lakefront property owners or lessees have 90 days to complete the construction. Permit will be revoked if not completed within the 90-day time limit. The Director of Parks, Recreation and Historic Sites Division or designee may grant one 30-day extension. Permit will be revoked and any partial work removed at the owner's expense if not completed within timeframe.

Authority: O.C.G.A. Sec. 12-2-24.