

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Natural Resources**
(DLS Control No. 14-181)

Overview and Legal and Fiscal Impact

These regulations update the boundary coordinates and descriptions of the Elk River, Upper Cabin John Creek, and Elk River (Elkmore).

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Department of Natural Resources:

Boating – Speed Limits and Operation of Vessels: Elk River: COMAR 08.18.31.01-.03

Legal Analysis

Background

According to the Department of Natural Resources, the existing coordinate designations for the Elk River, Upper Cabin John Creek, and Elk River are based on obsolete charts and use an out-of-date coordinate system. The regulations are based on current charts, more accurate surveys, and global positioning system coordinates.

Summary of Regulation

The regulations update the coordinate delineations and revise the descriptions of various areas of the Elk River, Upper Cabin John Creek, and Elk River (Elkmore). In addition, this action adds § 8-703 of the Natural Resources Article as additional statutory authority. This action also repeals a parenthetical miles-per-hour speed limit description and repeals a prohibition against a person operating a vessel in excess of the slowest possible speed necessary to maintain steerage under prevailing wind and sea conditions on the Upper Cabin John Creek.

Legal Issue

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites §§ 8-703 and 8-704 of the Natural Resources Article as legal authority for the regulations. Section 8-703 requires the department to designate and mark channels in the waters of the State. Section 8-704 broadly authorizes the department to adopt regulations to carry out the provisions of the State Boat Act.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

Legal Analysis: Crystal L. Lemieux – (410) 946/(301) 970-5350

Fiscal Analysis: Scott D. Kennedy – (410) 946/(301) 970-5510