

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	07/03/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 8/8/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

08 18 31 01-.03

3. Name of Promulgating Authority

Department of Natural Resources

4. Name of Regulations Coordinator Telephone Number
Eileen C Mosley 410-260-8107

Mailing Address

Tawes State Office Building, 580 Taylor Avenue, C-4

City State Zip Code
Annapolis MD 21401

Email
emosley@dnr.state.md.us

5. Name of Person to Call About this Document Telephone No.
Donna Morrow 410-260-8773

Email Address
Donna.Morrow@Maryland.gov

6. Check applicable items:
 New Regulations

X- Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: June 19, 2014.

- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes **X-** No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Mark Talty, Assistant Attorney General, (telephone #410-260-8352) on July 2, 2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Eileen Mosley

Title

Regulations Coordinator

Telephone No.

410-260-8107

Date

July 2, 2014

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 18 BOATING--SPEED LIMITS AND OPERATION OF VESSELS

08.18.31 Elk River

Authority: Natural Resources Article, §§8-703 and 8-704, Annotated Code of Maryland

Notice of Proposed Action

□

The Secretary of the Maryland Department of Natural Resources proposes to amend Regulations .01-.03 under COMAR 08.18.31.

Statement of Purpose

The purpose of this action is to update and clarify existing boating laws and coordinates of certain boundaries and to ensure safe boating on Maryland's waterways.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Donna Morrow, Division Director, Clean Waterways, Facilities & Regulations Division, Maryland Department of Natural Resources-Boating Services Unit, 580 Taylor Avenue, E/4, Annapolis, Maryland 21401, or call 410-260-8773, or email to Donna.Morrow@Maryland.gov, or fax to 410-260-8453. Comments will be accepted through September 8, 2014. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

Waterway Improvement Fund

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

Funds are currently budgeted for marking waterways.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

N/A

G. Small Business Worksheet:

Attached Document:

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

Chapter 31 Elk River

Authority: Natural Resources Article, §§8-703 and 8-704, Annotated Code of Maryland

.01 Elk River.

The Elk River encompasses all the waters of the Elk River and its tributaries, except the Bohemia River, northeasterly of a line [from Lat. 39°26'57.86"N., Long. 76°00'35.32"W. (Turkey Point), running 137° True to the opposite shore, Lat. 39°25'59.70"N., Long. 75°59'26.05"W. (Wroth Point).] *beginning at Turkey Point, at or near Lat. 39° 26.97' N., Long. 76° 0.60' W., then running 137° (True) to Wroth Point, at or near Lat. 39° 26.00' N., Long. 75° 59.43' W.*

.02 Upper Cabin John Creek.

Upper Cabin John Creek encompasses the area beginning at a point [Lat. 39°27'32.3"N., Long. 75°56'55.73"W., a line running 126° True to Lat. 39°27'24.07"N., Long. 75°56'41.12"W., then 180° True to Lat. 39°27'12.07"N., Long. 75°56'41.12"W.], *at or near Lat. 39° 27.528' N., Long. 75° 56.975' W., then running 123° (True) to a point, at or near Lat. 39° 27.407' N., Long. 75° 56.732' W., then running 192° (True) to a point, at or near Lat. 39° 27.258' N., Long. 75° 56.773' W., and running to the head of the creek. This area has a minimum wake zone all year. [A person may not operate a vessel in excess of the slowest possible speed necessary to maintain steerage under prevailing wind and sea conditions.]*

.03 Elk River (Elkmore).

[All of the waters of the]Elk River (Elkmore) *encompasses the area enclosed by a line beginning at a point on shore, at or near Lat. 39°33.297'N., Long. 75°52.22'W., then running 107° (True) to a point, at or near Lat. 39°33.266'N., Long. 75°52.087'W., then running 196° (True) to a point, at or near Lat. 39°33.068'N., Long. 75°52.158'W., then running 290° (True) to a point on shore, at or near Lat. 39°33.102'N., Long. 75°52.278'W. This area has a 6-knot [(6.9 MPH)] speed limit Saturdays, Sundays, and State holidays during the boating season.*

JOSEPH P. GILL
Secretary, Department of Natural Resources