

MARYLAND REGISTER

**Proposed Action on Regulations**

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	10/07/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 11/14/2014**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

08 18 33 01 - .03

**3. Name of Promulgating Authority**

Department of Natural Resources

**4. Name of Regulations Coordinator**

Eileen C Mosley

**Telephone Number**

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**

Donna Morrow

**Telephone No.**

410-260-8773

**Email Address**

Donna.Morrow@Maryland.gov

**6. Check applicable items:**

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: September 29, 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  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 October 7, 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**

October 10, 2014

**Title 08**  
**DEPARTMENT OF NATURAL RESOURCES**

**Subtitle 18 BOATING--SPEED LIMITS AND OPERATION OF VESSELS**

**08.18.33 Deep Creek Lake**

Authority: Natural Resources Article, §§5-209, 8-703 and 8-704, Annotated Code of Maryland

**Notice of Proposed Action**

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The Secretary of the Department of Natural Resources proposes to amend Regulations .01-.03 under COMAR 08.18.33.

**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 December 15, 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:

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**Title 08**

**DEPARTMENT OF NATURAL RESOURCES**

**Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS**

**Chapter 33 Deep Creek Lake**

Authority: Natural Resources Article, §§5-209, 8-703, and 8-704, Annotated Code of Maryland

**.01 Definitions.**

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
  - (1) "Houseboat" means a boat constructed for use as a residence or used principally as a residence.
  - (2) "Lake" means the area of pooled water within the watershed of Deep Creek in Garrett County, Maryland, formed by the Penelec dam and the lake bottom.
  - (3) Length Overall.
    - (a) "Length overall" means the distance measured in a straight line from the foremost part of the vessel to the aftermost part of the vessel, exclusive of sheer.
    - (b) "Length overall" includes integrally formed, molded, or welded components and appendages including but not limited to:
      - (i) Bow pulpits;

- (ii) Swim platforms;
- (iii) Attached structures for propulsion systems; and
- (iv) Structural rub rails installed by the builder.
- (c) "Length overall" does not include:
  - (i) Bowsprits;
  - (ii) Bumpkins;
  - (iii) Rudders;
  - (iv) Outboard motors;
  - (v) Outdrives;
  - (vi) Brackets; or
  - (vii) Items, including swim platforms, bolted on or secured to the primary structure.
- (4) "Penelec" means the Pennsylvania Electric Company.
- (5) "Personal watercraft" means a Class A vessel which:
  - (a) Has an inboard motor using an internal combustion engine powering a water jet pump as its primary source of motive propulsion;
  - (b) Is designed with the concept that the operator and passenger ride on the outside surfaces of the vessel as opposed to riding inside the vessel;
  - (c) Has the probability that the operator and passenger may, in the normal course of use, fall overboard; and
  - (d) Is designed with no open load carrying area which would retain water.
- (6) "Specialty prop craft" means a vessel less than 16 feet in length similar in appearance and operation to a personal watercraft, but the primary source of propulsion is a propeller. For the purpose of this chapter, a specialty prop craft is considered a personal watercraft.

**.02 Boating on Deep Creek Lake.**

- A. An individual may not have or use on the waters of the lake a vessel 26 feet or more in length overall, except for a:
  - (1) Pontoon boat, which may not exceed 30 feet in length overall;
  - (2) Vessel operating under a valid nonconforming use permit; or
  - (3) Boat with a molded platform, which may not exceed 27 feet in length.
- B. An individual may not operate a vessel with an engine or engines:
  - (1) Exceeding the manufacturer's recommended maximum horsepower capacity; or
  - (2) With a total displacement of greater than 550 cubic inches.
- C. Except for an authorized patrol vessel, an individual may not use a siren on a vessel.
- D. An individual may not have or use a houseboat on the waters of the lake.
- E. An individual may not deposit or cause to be deposited garbage, sewage, waste of any kind, food stuff, paper, or other litter in the waters of Deep Creek Lake.
- F. An individual may not operate a vessel with an installed marine sanitation device capable of discharging treated or untreated sewage into the waters of the lake.
- G. The Department shall position buoys on the lake to mark hazards and public swimming areas. An individual may not operate a vessel inshore from a buoy which designates a public swimming area.
- H. Only Penelec may position buoys associated with the operation of the dam, intake, and spillway.
- I. An individual may not:
  - (1) Operate on the lake a vessel which is towing another individual who is attached to a parachute or other device which causes that individual to become airborne;
  - (2) Be towed by a vessel while attached to a parachute or other device which causes that individual to become airborne.
- J. Personal Watercraft and Air-Cushioned Vessels. Except for vessels owned and operated by the State or local government, an individual may not operate a personal watercraft or air-cushioned vessel on the lake from 11 a.m. to 4 p.m. on:
  - (1) The Saturday, Sunday, and holiday of Memorial Day weekend; and
  - (2) The Saturdays, Sundays, and holidays from July 1 through Labor Day.

**.03 Speed Limits and Restrictions.**

- A. Restricted Skiing Area—North Glade Cove. From 12 noon until sunset on each Saturday, Sunday, and each holiday officially recognized by the State or federal government, or both, an individual may not operate a vessel towing an individual on a ski, aquaplane, or similar device in that area of Deep Creek Lake described as that portion of North Glade Cove lying eastward of a line beginning[at the Penelec monument designated Y-84 and extending to the Penelec monument designated N-351.] *at a point, at or near Lat. 39° 30.238' N., Long. 79° 16.157' W., then running 159° (True) to a point, at or near Lat. 39° 30.099' N., Long. 79° 16.090' W.*
- B. Speed Limit. The following areas are designated minimum wake zones:
  - (1) Within 100 feet of shoreline, except that an individual may operate a vessel at a speed in excess of minimum wake through the 100-foot area when towing a skier from a dock or the shore, if the individual immediately leaves the 100-foot area;

(2) The area of Meadow Mountain Run lying east of Meadow Mountain Bridge as it enters Deep Creek Lake State Park;

(3) North of a line[ drawn from Penelec monument N-266 in an easterly direction to the southernmost point on a peninsula in McHenry Cove, then continuing on in an easterly direction to Penelec monument N-683] *beginning at a point, at or near Lat. 39° 33.333' N., Long. 79° 21.530' W., then running 97° (True) to a point, at or near Lat. 39° 33.311' N., Long. 79° 21.312' W., then running 94° (True) to a point, at or near Lat. 39° 33.301' N., Long. 79° 21.121' W.;*

(4) That portion of Red Run Cove lying southwest of a line[ drawn between Penelec monuments SS-78 and N-181-1/2;] *beginning at a point, at or near Lat. 39° 29.924' N., Long. 79° 22.188' W., then running 316° (True) to a point, at or near Lat. 39° 29.999' N., Long. 79° 22.280' W.;*

(5) That portion of Thayerville Cove lying southwest of a line[ drawn from the easternmost point of the Arrowhead peninsula extending in a southeasterly direction to the Penelec monument designated Y-60] *beginning at a point, at or near Lat. 39° 30.243' N., Long. 79° 19.377' W., then running 128° (True) to a point, at or near Lat. 39° 30.119' N., Long. 79° 19.170' W.;*

(6) That portion of Hoop Pole Cove which lies southwest of a line[ drawn from Penelec monument N-518 to Penelec monument N-764;] *beginning at a point at or near Lat. 39° 29.249' N., Long. 79° 18.951' W., then running 306° (True) to a point, at or near Lat. 39° 29.340' N., Long. 79° 19.112' W.;*

(7) Those portions of Pawn Run Cove which lie northwest of a line[ drawn from Penelec monument N-467 to the southeasternmost point of the Penn Cove Peninsula, and southwest of a line drawn from that same point on the peninsula to Penelec monument N-468] *beginning at a point, at or near Lat. 39° 28.012' N., Long. 79° 18.711' W., then running 263° (True) to a point, at or near Lat. 39° 28.000' N., Long. 79° 18.842' W., then running 147° (True) to a point, at or near Lat. 39° 27.890' N., Long. 79° 18.749' W.;*

(8) From 11 a.m. to 4 p.m., each Saturday and Sunday, and each holiday from Memorial Day holiday weekend through Labor Day, that area of North Glade Cove which connects to Beckman's Cove, lying north of a line[ drawn from Penelec monument Y-82 to monument S-317c and south of a line drawn from Penelec monument N-330 to monument Y-80.] *beginning at a point, at or near Lat. 39° 29.871' N., Long. 79° 16.920' W., then running 260° (True) to a point, at or near Lat. 39° 29.831' N., Long. 79° 17.215' W., and south of a line beginning at a point at or near Lat. 39° 30.074' N., Long. 79° 16.971' W., then running 283° (True) to a point, at or near Lat. 39° 30.109' N., Long. 79° 17.167' W.*

JOSEPH P. GILL, SECRETARY  
DEPARTMENT OF NATURAL

RESOURCES