

MARYLAND REGISTER

Emergency Action on Regulations

TO BE COMPLETED BY AELR COMMITTEE	EMERGENCY Transmittal Sheet	TO BE COMPLETED BY DSD
Date Received by AELR Committee		Date Filed with Division of State Documents
05/06/2015		
Emergency Status		Document Number
Approved		
-Yes-No		Date of Publication in MD Register
Emergency Status Begins On		
On		
Emergency Status Ends On		
On		
Name of AELR Committee Counsel		

1. COMAR Codification

Title Subtitle Chapter Regulation
 08 18 02 03, .04, .05, .06

2. Name of Promulgating Authority

Department of Natural Resources

3. Name of Regulations Coordinator Telephone Number
 Lisa A Eutsler 410-260-8107

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4. Name of Person to Call About this Document
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5. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
- Repeal of Existing Regulations
- Incorporation by Reference of Documents Requiring DSD Approval

6. Date Requested for Emergency Status to Begin: May 6, 2016

Date Requested for Emergency Status to Expire: October 31, 2015

7. Agency Will Take the Following Action on These Regulations

- Promulgate them in accordance with State Government Article, §§ 10-101 -- 10-126
- Allow them to expire

8. Is there proposed text which is identical to emergency text:

- Yes - No

9. Check the following item if it is included in the attached document:

- 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.)

10. Reason for Request for Emergency Status

This renewed request is to ensure safe operation of a type of vessel new to Maryland waters known, generally, as "jet pack" or "jet propelled" vessels. The Department of Natural Resources (DNR) requests the reimplemention of the 2014 emergency regulation regarding the personal and professional use of these vessels to allow commercial livery operators the opportunity to continue with their business plan for the summer of 2015 and simultaneously study the effects of the vessels on the waters of the State. While the vessels have been in use in Florida, Texas, Arizona, and on the West Coast, Maryland waters offer unique situations, which may pose issues with safety, environmental impacts, effects on personal and private property and the rights of citizens to recreate on our waters. The Secretary requests the emergency regulations and a 180-day study period culminating with a public hearing in the fall. The DNR and the commercial livery operators developed the emergency regulations cooperatively. The operators are in agreement with the need for regulations specific to the safe operation of these vessels. During the initial 2014 emergency study period, issues arose and the Department addressed them with the NRP and livery operators. In addition, the Deep Creek Lake Policy & Review Board expressed concerns with these vessels operating on the lake and those concerns are addressed in this emergency regulation request.

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 May 5, 2015. A signed copy of the approval is on file at this agency.

Name of Authorized Officer

Mark J. Belton

Title

Secretary

Telephone No.

410-260-8100

Date

May 6, 2015

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 18 BOATING--SPEED LIMITS AND OPERATION OF VESSELS

08.18.02 Personal Watercraft

Authority: Natural Resources Article, §§8-704

Notice of Emergency Action

[]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amend Regulations .03-.06 under COMAR 08.18.02.

Emergency status began:

Emergency status expires:

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Estimate of Economic Impact

The emergency action has no economic impact.

Economic Impact on Small Businesses

The emergency action has a meaningful economic impact on small business. An analysis of this economic impact follows.
This regulation will allow commercial livery operators the opportunity to continue

with their business plans for the summer of 2015 and simultaneously study the effects on the vessels on the waters of the State. This should have a positive economic impact on the local economy.

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:

N/A

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

G. Response to small business worksheet:

Attached Document:

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

Chapter 02 Personal Watercraft

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

.01 - .03 (text unchanged)

A. (text unchanged)

B. The following activities, if approved by the Department of Natural Resources [or the U.S. Coast Guard]:

(1) – (5) (text unchanged)

.04 (text unchanged)

A.– B. (text unchanged)

(1) – (3) (text unchanged)

(4) *“Restricted Visibility” means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms or any other similar causes.*

.05 (text unchanged)

A. – D. (text unchanged)

E. A person may not operate or give permission to operate a personal watercraft on the waters of the State [between sunset and sunrise.]:

(1) *Between sunset and sunrise; or*

(2) *Within an area of restricted visibility.*

F.– M. (text unchanged)

N. [A personal watercraft livery owner, or the livery owner's agent or employee shall:

(1) Prominently display these regulations governing personal watercraft.

(2) Advise renters to read the regulations.

(3) Within 30 days of the effective date of these regulations, add to the rental contract a statement that the renter or operator has read and understands the personal watercraft regulations. This statement shall be signed by the renter or operator, retained in the files of the livery operator for at least 30 days, and be made available to the Department upon request.] *Any person who leases, rents, or otherwise receives consideration for the use of personal watercraft shall comply with COMAR 08.04.08.*

O.- P. (text unchanged)

.06 [Prohibited Areas] Violation of Regulations.

[A. Personal watercraft (PWC) owned or leased by a livery vessel owner operating in Worcester County may not operate in the Atlantic Ocean and the Ocean City Inlet at any time. All of the waters east of a line beginning at a point at the west end of the Second Street seawall, at or near Lat. 38° 19.572' N., Long. 75° 5.473' W., then running 230° (True) to a point on the shore of Assateague Island, at or near Lat. 38° 19.445' N., Long. 75° 5.668' W.

B. Personal watercraft (PWC) owned or leased by a livery vessel owner operating in Worcester County may not operate at any time during the boating season, April 15—October 15, in the following areas:

(1) Herring and Turville Creeks. All of the waters of Herring and Turville Creeks west of a line beginning at a point on the south shore of an unnamed gut, at or near Lat. 38° 21.711' N., Long. 75° 7.072' W., then running 26° (True) to a point on the north shore of the gut, at or near Lat. 38° 21.745' N., Long. 75° 7.051' W.; and south of a line beginning at a point on the east shore of Herring Creek, at or near Lat. 38° 21.964' N., Long. 75° 7.251' W., then running 272° (True) to a point on the west shore of Herring Creek, at or near Lat. 38° 21.971' N., Long. 75° 7.609' W.

(2) Manklin Creek and St. Martin River. All of the waters of Manklin Creek and St. Martin River west of a line beginning at a point on the south shore of Manklin Creek, at or near Lat. 38° 22.401' N., Long. 75° 7.481' W., then running 10° (True) to a point at the eastern corner of a bulkhead, at or near Lat. 38° 22.738' N., Long. 75° 7.406' W., then running 34° (True) to a point on the shore on the southwest side of Isle of Wight, at or near Lat. 38° 23.392' N., Long. 75° 6.838' W.

C. A person who violates any provision of this regulation is subject to the penalties and fines of Natural Resources Article, §8-2001, Annotated Code of Maryland.] *A person who violates any provision of this chapter is subject to the penalties and fines of Natural Resources Article, §8-2001, Annotated Code of Maryland.*

MARK J. BELTON, SECRETARY
MARYLAND DEPARTMENT OF NATURAL RESOURCES

