

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	08/13/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 9/18/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

08 07 06 01, .02

3. Name of Promulgating Authority

Department of Natural Resources

4. Name of Regulations Coordinator

Lisa A Eutsler

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5. Name of Person to Call About this Document

Amanda Mock

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6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: 7/8/15.

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 Rachel Eisenhauer, Assistant Attorney General, (telephone #410-260-8355) on August 6, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Mark J. Belton

Title

Secretary of Natural Resources

Telephone No.

410-260-8100

Date

August 12, 2015

Title 08
DEPARTMENT OF NATURAL RESOURCES

Subtitle 07 FORESTS AND PARKS

08.07.06 Use of State Parks

Authority: Natural Resources Article, §5-209, Annotated Code of Maryland

Notice of Proposed Action

[]

The Secretary of Natural Resources proposes to amend regulations .01 and .02 under COMAR 08.07.06 Use of State Parks.

Statement of Purpose

The purpose of this action is to amend State park land unit designation terminology to reflect current practices and accurately list all current State park land units. The amendments delete obsolete State park designations (General Recreation Areas, Multiple-Use State Parks, Roadside Picnic Areas, Historic or Scenic Areas, Marinas, Sensitive Management Areas, and Waterfront Parks) and list all current units in the State park system, including those with four currently used sub-designations with specific management objectives (Natural Resources Management Areas, Natural Environment Areas, State Battlefields, and Rail Trails).

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 Amanda Mock, Director of Administration, Maryland Park Service, Department of Natural Resources, 580 Taylor Avenue, E-3, Annapolis, MD 21401, or call 410-260-8178, or email to Amanda.mock@maryland.gov, or fax to 410-260-8191. Comments will be accepted through October 19, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

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:

Special Funds (Forest or Park Reserve 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:

The proposed action is consistent with current practice.

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

The proposed action is consistent with current practice.

G. Small Business Worksheet:

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

Attached Document:

08.07.06.01 (July 8, 2015)

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Commissioned officer" means a Forest and Park Warden or Forest and Park Ranger having the meaning stated in Natural Resources Article, §5-206, Annotated Code of Maryland.

(2) "Developed areas" means those areas within a State park that have permanent facilities and those areas surrounding the facilities.

[(3)] (3) "General recreation area" means an area suitable for light to medium recreational development and use. Development may include any of the facilities found in a multi-use State park, but on a lesser scale.

(4) "Multiple-use State park" means an area, generally 1,000 acres or more, with physiographic features suitable for intensive recreation, development, and use. Development may include roads, parking, picnic areas, camping areas, cabins, beaches or pools, bathhouses, sanitary facilities, marinas and vessel launching facilities, hiking, visitor centers, nature study for historic or scenic areas, and facilities for individuals with disabilities.]

[(5)] (3) "Park officer" means a commissioned officer, and may include the manager, rangers, or other personnel employed by the State to manage and regulate the use of State parks.

[(6)] "Roadside picnic area" means a roadside area developed for picnicking, including a parking area, and water and sanitary facilities.

(7) "Sensitive management area" means an area generally less than 100 acres that contains rare, fragile, or exemplary flora, fauna, plant or animal communities, or all of these, or other outstanding examples of natural interest and beauty. Activities compatible with the preservation and interpretation of a sensitive management area include hiking, photography, nature walks, and environmental education or environmental research.]

[(8)] (4) "Service" means the Maryland Park Service, a unit of the Department of Natural Resources.

[(8-1)] "State battlefield" means an area of special or unique State historic interest associated with the site of a documented battle fought by the armed forces or militia of the United States.]

[(9)] (5) "State park" means a unit of the State park system.

[(10)] (6) "State park road" means a road on or adjacent to a State park which is maintained or constructed and maintained by the Service.

[(11)] (7) "Superintendent" means the Superintendent of the Maryland Park Service, which is a unit of the Department of Natural Resources.

[(12)] (8) "Undeveloped area" means those areas within a State park not having permanent facilities.

[(13)] (9) Vehicle.

(a) "Vehicle" means a mode of transportation by which an individual or property may be transported on a waterway or highway.

(b) "Vehicle" includes:

(i) Vessels;

(ii) Trailers;

(iii) Automobiles;

(iv) Trucks;

(v) Buses;

(vi) Mopeds;

(vii) Animals;

(viii) Animal-drawn vehicles; and

(ix) Bicycles.

[(14)] (10) Vessel.

(a) "Vessel" means a type of watercraft, other than a seaplane, used or capable of being used as a means of transportation on water or ice.

(b) "Vessel" includes:

(i) The vessel's motor, spars, sails, and accessories; and

(ii) Ice boats.

[(15) "Waterfront park" means an area with a waterfront on the ocean, a bay, or a lake as its principal attraction.]

08.07.06.02 (July 8, 2015)

.02 State Park System.

[A. Historic or Scenic Area.

(1) In this regulation, "historic or scenic area" means an area of special or unique State historic interest or scenic interest.

(2) Development depends on the size and the significance of the area and may include any facility found in a multi-use State park.

(3) Development may not intrude on the historical or scenic features of the area.

B. Natural Environment Area.

(1) In this regulation, "natural environment area" means an area generally 1,000 acres or more of significant natural attraction or of unique geological, botanical, or biological significance.

(2) Development is generally confined to trails, interpretative facilities, and picnicking facilities.

(3) Water and sanitary facilities are provided and limited parking is available.

C. Natural Resources Management Area.

(1) In this regulation, "natural resources management area" means an area where multiple-use management practices are employed for the maximum use of the natural resources of the area.

(2) Preparation of plans for the development and management of an area is the joint responsibility of the Service and other Department of Natural Resources agencies.

(3) The Secretary of Natural Resources shall designate the responsibility for coordinating the management of the area after plan approval.

D. State Battlefield.

(1) Development of a State battlefield shall depend on the size and significance of the area and may include any facility found in a multi-use State park.

(2) Development of a State battlefield may not intrude on the historical features of the area.]

A. The State park system is administered under the jurisdiction of the Maryland Park Service to preserve and protect the best of Maryland's natural and historic places for the enjoyment and

appreciation of its citizens. State parks are managed to provide a multitude of public benefits, including: natural resource conservation, cultural and historic preservation, watershed protection, education and interpretation and nature-based outdoor recreation, including: trails, picnicking, boating, camping, cabins, hunting, fishing and swimming.

B. The State park system includes four sub-designations that have specific management objectives:

(1) *Natural Resources Management Areas: Natural Resources Management Areas are generally State parks that feature an undeveloped, agrarian landscape of woodlands, fields and agriculture. Natural Resources Management Areas are managed for the primary benefit of wildlife habitat, sustainable farming and passive, nature-based recreation, such as hunting, fishing, wildlife observation and boat access. Historic site preservation and non-motorized trail use, including hiking, equestrian uses and mountain biking are also common in some Natural Resources Management Areas.*

(2) *Natural Environment Areas: Natural Environment Areas are generally State parks with significant or unique geological or ecological resources, including rare, threatened and endangered flora and fauna. Natural Environment Areas are often managed in cooperation with the Wildlife and Heritage Service, to preserve and restore the park's unique natural resources and biological diversity. Recreation development is secondary to preservation objectives with a primary focus on interpretation and environmental education.*

(3) *State Battlefields: State Battlefields are State parks that feature the preservation of an historic battlefield of State or national significance associated with the site of a documented battle fought by the armed forces or militia of the United States. Development is limited to providing public access and interpretation, while preserving the integrity of the battlefield grounds and historic features.*

(4) *Rail Trails: Rail Trails are State parks that feature the conversion of a former railroad right-of-way to a recreational trail open to hiking, biking and equestrian uses. Rail Trails include adjacent lands preserved along the Rail Trail as a greenway corridor, which provides natural scenery, wildlife habitat and natural and historical resource conservation. Historic features are preserved and interpreted along Rail Trails, including the history of the former railroad and its remnants.*

[E.] C. The Superintendent may regulate activities and uses of each State park in accordance with the designations *and sub-designations* provided in *this regulation* [Regulation .01 of this chapter in order to promote the designated uses for the benefit of each individual].

[F.] D. The State park system consists of the following areas in [§§G—P] §§E—I of this regulation, as delineated on maps filed in the Office of the Secretary of Natural Resources.

[G.] E. [Multi-Use] State Parks.

Name of Area ----- County

[(1) Chapman ----- Charles

- (2) Cunningham Falls ----- Frederick
- (3) Greenbrier ----- Washington
- (4) Gunpowder Falls ----- Baltimore, Harford
- (5) Patapsco Valley ----- Anne Arundel, Baltimore, Carroll, Howard
- (6) Patuxent River ----- Howard, Montgomery
- (7) Pocomoke River ----- Worcester
- (a) Shad Landing Area ----- Worcester
- (b) Milburn Landing Area ----- Worcester
- (8) Rocky Gap ----- Allegany
- (9) Seneca Creek ----- Montgomery
- (10) Susquehanna ----- Harford, Cecil
- (11) Tuckahoe ----- Caroline, Queen Anne's

H. General Recreation Parks.

Name of Area ----- County

- (1) Big Run ----- Garrett
- (2) Calvert Cliffs ----- Calvert
- (3) Chapel Point ----- Charles
- (4) Dans Mountain ----- Allegany
- (5) Franklin Point ----- Anne Arundel
- (6) Gambrill ----- Frederick
- (7) Greenwell ----- St. Mary's
- (8) Herrington Manor ----- Garrett
- (9) Martinak ----- Caroline

(10) Matthew Henson ----- Montgomery

(11) New Germany ----- Garrett

(12) Palmer ----- Harford

(13) Purse ----- Charles

(14) Rocks ----- Harford

(15) South Mountain ----- Frederick, Washington

(16) St. Mary's River ----- St. Mary's

(17) Swallow Falls ----- Garrett

I. Waterfront Parks.

Name of Area ----- County

(1) Assateague ----- Worcester

(2) Bill Burton Fishing Pier ----- Talbot, Dorchester

(3) Deep Creek Lake ----- Garrett

(4) Elk Neck ----- Cecil

(5) Janes Island ----- Somerset

(6) Love Point ----- Queen Anne's

(7) Matapeake ----- Queen Anne's

(8) North Point ----- Baltimore

(9) Point Lookout ----- St. Mary's

(10) Sandy Point ----- Anne Arundel

(11) Hart-Miller Island ----- Baltimore

J. Natural Environment Areas.

Name of Area ----- County

- (1) Mattawoman ---- Charles, Prince George's
- (2) Morgan Run ----- Carroll
- (3) Severn Run ----- Anne Arundel
- (4) Soldiers Delight ----- Baltimore
- (5) Youghiogheny Wild River ----- Garrett
- (6) Zekiah Swamp ----- Prince George's

K. Historic or Scenic Parks.

Name of Area ----- County

- (1) Casselman River Bridge ----- Garrett
- (2) Fort Frederick ----- Washington
- (3) Fort Tonoloway ----- Washington
- (4) Gathland ----- Frederick, Washington
- (5) Harriett Tubman Underground Railroad ----- Dorchester
- (6) Rosaryville ----- Prince George's
- (7) St. Clements Island----- St. Mary's
- (8) Smallwood ----- Charles
- (9) Washington Monument ----- Washington
- (10) Wills Mountain ----- Allegany

L. Roadside Picnic Areas.

Name of Area ----- County

- (1) Jonas Green ----- Anne Arundel
- (2) Wye Oak ----- Talbot

M. Natural Resources Management Areas.

Name of Area ----- County

(1) Black Walnut Point ----- Talbot

(2) Bush Declaration ----- Harford

(3) Deep Creek Lake ----- Garrett

(4) Fair Hill ----- Cecil

(5) Merkle ----- Calvert, Prince George's

(6) Monocacy ----- Frederick, Montgomery

(7) Patuxent River ----- Anne Arundel, Calvert, Charles, Prince George's

(a) Billingsley ----- Prince George's

(b) Croom ----- Prince George's

(c) Full Mill Branch ----- Prince George's

(d) Hall Creek ----- Calvert

(e) Hallowing Point ----- Calvert

(f) House Creek ----- Anne Arundel

(g) Indian Creek ----- Charles

(h) Kings Landing ----- Calvert

(i) Maxwell Hall ----- Prince George's

(j) Milltown Landing ----- Prince George's

(k) Spice Creek ----- Prince George's

(8) Upper Patuxent ----- Prince George's

(a) Chaney ----- Prince George's

(b) Honey Branch ----- Prince George's

(c) Pride Finance ----- Prince George's

(d) Uhler ----- Prince George's

(9) Sassafras ----- Kent

(10) Woodmont ----- Washington

(11) Wye Island ----- Queen Anne's

N. Sensitive Management Areas.

Name of Area ----- County

(1) Appalachian Trail Buffer Zone --- Frederick, Washington

(2) Point Lookout Barrier Island ----- St. Mary's

(3) Youghiogheny Grove ----- Garrett

O. Marinas.

Name of Area ----- County

Somers Cove ----- Somerset

P. State Battlefields.

Name of Area ----- County

(1) North Point ----- Baltimore

(2) South Mountain ----- Washington]

(1) Assateague ----- Worcester

(2) Big Run ----- Garrett

(3) Bill Burton Fishing Pier ----- Talbot, Dorchester

(4) Calvert Cliffs ----- Calvert

(5) Casselman River Bridge ----- Garrett

(6) Chapel Point ----- Charles

(7) Chapman ----- Charles

(8) Cunningham Falls ----- Frederick

- (9) *Dans Mountain ----- Allegany*
- (10) *Deep Creek Lake ----- Garrett*
- (11) *Elk Neck ----- Cecil*
- (12) *Fort Frederick ----- Washington*
- (13) *Fort Tonoloway ----- Washington*
- (14) *Franklin Point ----- Anne Arundel*
- (15) *Gambrill ----- Frederick*
- (16) *Gathland ----- Frederick, Washington*
- (17) *Greenbrier ----- Washington*
- (18) *Greenwell ----- St. Mary's*
- (19) *Gunpowder Falls ----- Baltimore, Harford*
- (20) *Harriet Tubman Underground Railroad ----- Dorchester*
- (21) *Hart-Miller Island ----- Baltimore*
- (22) *Herrington Manor ----- Garrett*
- (23) *Janes Island ----- Somerset*
- (24) *Jonas Green ----- Anne Arundel*
- (25) *Love Point ----- Queen Anne's*
- (26) *Martinak ----- Caroline*
- (27) *Matapeake ----- Queen Anne's*
- (28) *Matthew Henson ----- Montgomery*
- (29) *New Germany ----- Garrett*
- (30) *Newtowne Neck ----- St. Mary's*
- (31) *North Point ----- Baltimore*
- (32) *Palmer ----- Harford*
- (33) *Patapsco Valley ----- Anne Arundel, Baltimore, Carroll, Howard*

- (34) Patuxent River ----- Howard, Montgomery
- (35) Pocomoke River ----- Worcester
 - (a) Milburn Landing Area ----- Worcester
 - (b) Shad Landing Area ----- Worcester
- (36) Point Lookout ----- St. Mary's
- (37) Rocks ----- Harford
- (38) Rocky Gap ----- Allegany
- (39) Rosaryville ----- Prince George's
- (40) Sandy Point ----- Anne Arundel
- (41) Seneca Creek ----- Montgomery
- (42) Smallwood ----- Charles
- (43) South Mountain ----- Frederick, Washington
- (44) St. Clements Island----- St. Mary's
- (45) St. Mary's River ----- St. Mary's
- (46) Susquehanna ----- Harford, Cecil
- (47) Swallow Falls ----- Garrett
- (48) Tuckahoe ----- Caroline, Queen Anne's
- (49) Washington Monument ----- Washington
- (50) Wills Mountain ----- Allegany
- (51) Wye Oak ----- Talbot

F. Natural Resources Management Areas.

- (1) Black Walnut Point ----- Talbot
- (2) Bush Declaration ----- Harford
- (3) Cypress Branch ----- Kent
- (4) Deep Creek Lake ----- Garrett

- (5) *Fair Hill ----- Cecil*
- (6) *Merkle ----- Calvert, Prince George's*
- (7) *Monocacy ----- Frederick, Montgomery*
- (8) *Patuxent River ----- Anne Arundel, Calvert, Charles, Prince George's*
 - (a) *Billingsley ----- Prince George's*
 - (b) *Croom ----- Prince George's*
 - (c) *Full Mill Branch ----- Prince George's*
 - (d) *Hall Creek ----- Calvert*
 - (e) *House Creek ----- Anne Arundel*
 - (f) *Indian Creek ----- Charles*
 - (g) *Kings Landing ----- Calvert*
 - (h) *Maxwell Hall ----- Prince George's*
 - (i) *Milltown Landing ----- Prince George's*
 - (j) *Spice Creek ----- Prince George's*
- (9) *Upper Patuxent ----- Prince George's*
 - (a) *Chaney ----- Prince George's*
 - (b) *Honey Branch ----- Prince George's*
 - (c) *Pride Finance ----- Prince George's*
 - (d) *Uhler ----- Prince George's*
- (10) *Sassafras ----- Kent*
- (11) *Woodmont ----- Washington*
- (12) *Wye Island ----- Queen Anne's*

G. Natural Environment Areas.

- (1) *Belt Woods -----Prince George's*
- (2) *Mattawoman ---- Charles, Prince George's*

- (3) *Morgan Run ----- Carroll*
- (4) *Severn Run ----- Anne Arundel*
- (5) *Soldiers Delight ----- Baltimore*
- (6) *Youghiogheny Wild River ----- Garrett*
- (7) *Zekiah Swamp ----- Prince George's*

H. State Battlefields.

- (1) *North Point ----- Baltimore*
- (2) *South Mountain ----- Washington*

I. Rail Trails

- (1) *Torrey C. Brown ----- Baltimore*
- (2) *Western Maryland ----- Washington*
- (3) *Weverton-Roxbury ----- Washington*