

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Natural Resources
(DLS Control No. 15-404)**

Overview and Legal and Fiscal Impact

The regulations update boating speed limits for portions of the Gunpowder River and its tributaries.

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: Gunpowder River:
COMAR 08.18.11.01, .02, .03, .04, .05, .06

Legal Analysis

Background

The Maryland Boat Act Advisory Committee was established as part of the Maryland State Boat Act in 1960. The purpose of the committee is to make recommendations to the Secretary of the Department of Natural Resources on boating regulation requests. Members of the committee include boaters and representatives from different water use organizations.

At its October 2015 meeting, the committee considered a regulation request to restrict speed limits in portions of the Gunpowder River, from the beginning of the Little Gunpowder River and upstream of Mariner Park, to and through the quarry pit. The request stated that speed restrictions were necessary to protect canoers and kayakers from high speed power vessels, as well as to reduce erosion of the shoreline and siltation of the water. At the meeting, the committee heard testimony that motorboats and jet skis currently navigate sharp turns in this area at high speed, creating a hazard for themselves and nonmotorized boaters. The committee voted to approve the request, recommending that the department establish a six knot, year-round speed limit for the area.

Summary of Regulations

The regulations update boating speed limits for portions of the Gunpowder River and its tributaries. The regulations define a new area called “Joppa Quarry Canal, Little Gunpowder River, Big Gunpowder River, and Days Cove.” This area includes, but is not limited to, the area previously designated “Upper Gunpowder River.” Except as otherwise restricted, the speed limit for this area is six knots. The regulations pertaining only to “Gunpowder River” and “Upper Gunpowder River” are repealed.

The regulations also define a new area, called “Entrance Foster Branch and Joppatowne.” Except as otherwise restricted, the speed limit for this area is six knots on Saturdays, Sundays, and State holidays during the boating season.

The regulations pertaining to Dundee Creek, the Amtrak Railroad Bridge, Foster Branch and Joppatowne Channel, and Railroad Creek have been reorganized, but the coordinates and speed limits for these waterways remain unchanged.

Legal Issues

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 statutory 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.

The 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

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