

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>
	12/11/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 1/22/2016**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

08 18 25 02, .05

**3. Name of Promulgating Authority**

Department of Natural Resources

**4. Name of Regulations Coordinator Telephone Number**

Lisa A Eutsler 410-260-8107

**Mailing Address**

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

**City State Zip Code**

Annapolis MD 21401

**Email**

[lisa.eutsler@maryland.gov](mailto:lisa.eutsler@maryland.gov)

**5. Name of Person to Call About this Document Telephone No.**

Michael Grant 410-260-8013

**Email Address**

[Michael.Grant@Maryland.gov](mailto:Michael.Grant@Maryland.gov)

**6. Check applicable items:**

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: November 30, 2015.

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 Eisenhower, Assistant Attorney General, (telephone #410-260-8355) on December 9, 2015. A written 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**

December 9, 2015

**Title 08**  
**DEPARTMENT OF NATURAL RESOURCES**  
**Subtitle 18 BOATING--SPEED LIMITS AND OPERATION OF VESSELS**  
**08.18.25 South River**

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

**Notice of Proposed Action**

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The Secretary of the Maryland Department of Natural Resources proposes to amend Regulation .02 and .05 under COMAR 08.18.25.

**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 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 Michael Grant, Regulations Coordinator, Department of Natural Resources, 580 Taylor Avenue, Boating Services E-4, Annapolis, MD 21401, or call 410-260-8013, or email to Michael.Grant@maryland.gov, or fax to 410-260-8453. Comments will be accepted through February 22, 2016. 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:  
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 25 South River

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

#### **.02 South River Proper.**

A. [The South River proper areas, with their corresponding speed limits, are set forth in §B—G of this regulation. The Upper South River Controlled Ski Area is part of the South River Proper and the requirements for this area are set forth in Regulation .05 of this chapter.] *Lower South River area. This encompasses the area upstream of a line beginning at Thomas Point, at or near Lat. 38° 54.433' N., Long. 76° 27.615' W., then running 227° (True) to Saunders Point, at or near Lat. 38° 53.108' N., Long. 76° 29.445' W., and downstream of a line beginning at Shadow Point, at or near Lat. 38° 56.783' N., Long. 76° 32.981' W., then running 32° (True) to a point, at or near Lat. 38° 57.057' N., Long. 76° 32.762' W. Except as otherwise restricted, the speed limits for this area are:*

- (1) 35 knots from sunrise to sunset during the boating season; and
- (2) 20 knots from sunset to sunrise during the boating season.

B. [The ]Route 2 bridge area. *This encompasses the area upstream of a line beginning at a point at or near Lat. 38° 56.783' N., Long. 76° 32.981' W., then running 32° (True) to Shadow Point, at or near Lat. 38° 57.057' N., Long. 76° 32.762' W., and downstream of a line beginning at a point, at or near Lat. 38° 56.916' N., Long. 76° 33.429' W., then running 358° (True) to a point, at or near Lat. 38° 57.377' N., Long. 76° 33.447' W., and not including Warehouse and Gingerville Creeks. [This area has a 6-knot speed limit all year.] Except as otherwise restricted, the speed limit for this area is 6 knots.*

C. The area between Riva Bridge and the Route 2 Bridge. *This encompasses the area upstream of a line beginning at a point Lat. 38° 56.916' N., Long. 76° 33.429' W., then running 358° (True) to a point, at or near Lat. 38° 57.377' N., Long. 76° 33.447' W., and downstream of a line beginning at a point at or near Lat. 38° 57.229' N., Long. 76° 34.330' W., then running 30° (True) to a point, at or near Lat. 38° 57.451' N., Long. 76° 34.166' W. [This area has a:] Except as otherwise restricted, the speed limits for this area are:*

- (1) [20-knot]35 knots [speed limit,] from sunrise to sunset [sunset to sunrise,] during the boating season; and

(2) [35-knot]20 knots [speed limit,] from sunset to sunrise [sunrise to sunset,] during the boating season.

D. The Riva bridge area. *This* encompasses the area upstream of a line beginning at a point at or near Lat. 38° 57.229' N., Long. 76° 34.330' W., then running 30° (True) to a point, at or near Lat. 38° 57.451' N., Long. 76° 34.166' W., and downstream of a line beginning at a point, at or near Lat. 38° 57.211' N., Long. 76° 34.545' W., then running 20° (True) to Addison Point, at or near Lat. 38° 57.495' N., Long. 76° 34.412' W. *Except as otherwise restricted, the speed limit for this area is 6 knots on* [This area has a 6-knot speed limit] Saturdays, Sundays, and Holidays during the boating season.

E. The area between the Riva Bridge and the Upper South River controlled ski area. *This* encompasses the area upstream of a line beginning at a point at or near Lat. 38° 57.211' N., Long. 76° 34.545' W., then running 20° (True) to a point, at or near Lat. 38° 57.495' N., Long. 76° 34.412' W., and downstream of a line beginning at a point, at or near Lat. 38° 58.637' N., Long. 76° 36.365' W., then running 72° (True) to a point, at or near Lat. 38° 58.685' N., Long. 76° 36.177' W. [This area has a:] *Except as otherwise restricted, the speed limits for this area are:*

(1) [20-knot]35 knots [speed limit,] from sunrise to sunset [sunset to sunrise,] during the boating season; and

(2) [35-knot]20 knots [speed limit,] from sunset to sunrise [sunrise to sunset,] during the boating season.

F. [The Route 50 bridge area encompasses the area upstream of a line beginning at a point at or near Lat. 38° 58.637' N., Long. 76° 36.365' W., then running 72° (True) to a point, at or near Lat. 38° 58.685' N., Long. 76° 36.177' W., and running to the head of the river. This area has a minimum wake zone all year.] *Upper South River Controlled Ski Area. This encompasses the area upstream of a line beginning at a point at or near Lat. 38° 58.085' N., Long. 76° 36.013' W., then running 65° (True) to a point, at or near Lat. 38° 58.168' N., Long. 76° 35.780' W., and downstream of a line beginning at a point at or near Lat. 38° 58.637' N., Long. 76° 36.365' W., then running 72° (True) to a point, at or near Lat. 38° 58.685' N., Long. 76° 36.177' W. Except as otherwise restricted, the speed limit for this area is 6 knots. This area may have a controlled ski course as set forth in COMAR 08.04.16.*

G. [The lower South River area encompasses the area upstream of a line beginning at Thomas Point, at or near Lat. 38° 54.433' N., Long. 76° 27.615' W., then running 227° (True) to Saunders Point, at or near Lat. 38° 53.108' N., Long. 76° 29.445' W., and downstream of a line beginning at Shadow Point, at or near Lat. 38° 56.783' N., Long. 76° 32.981' W., then running 32° (True) to a point, at or near Lat. 38° 57.057' N., Long. 76° 32.762' W., excluding any creek or area otherwise regulated under this chapter. This area has a:

(1) 35-knot speed limit, sunrise to sunset, during the boating season; and

(2) 25-knot speed limit, sunset to sunrise, during the boating season.] *The Route 50 bridge area. This encompasses the area upstream of a line beginning at a point at or near Lat. 38° 58.637' N., Long. 76° 36.365' W., then running 72° (True) to a point, at or near Lat. 38° 58.685' N., Long. 76° 36.177' W., and running to the head of the river. Except as otherwise restricted, the speed limit for this area is a minimum wake zone.*

**.03 - .04** (text unchanged)

#### **[.05 Upper South River Controlled Ski Area.**

A. The Department may designate a controlled ski area within the waters of the upper South River by marking with buoys. This area shall encompass a slalom ski course or ski jump course permitted by the U.S. Army Corps of Engineers pursuant to the River and Harbor Act of 1899, §10 (33 U.S.C. 403).

B. The Upper South River Controlled Ski Area encompasses the area upstream of a line beginning at a point at or near Lat. 38° 58.085' N., Long. 76° 36.013' W., then running 65° (True) to a point, at or near Lat. 38° 58.168' N., Long. 76° 35.780' W., and downstream of a line beginning at a point at or near Lat. 38° 58.637' N., Long. 76° 36.365' W., then running 72° (True) to a point, at or near Lat. 38° 58.685' N., Long. 76° 36.177' W.

C. The Upper South River Controlled Ski Area is a minimum wake zone when the permitted:

(1) Slalom ski course is in use; or

(2) Ski jump course is in use.

D. A person may not place or give permission to place a mooring buoy when the arc of the swing is closer than 200 feet to the permitted:

(1) Slalom ski course; or

(2) Ski jump course.

E. The Department shall mark the controlled ski area.]

MARK J. BELTON  
Secretary of Natural Resources