

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	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 04 16 01, .02, .03

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

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

Michael Grant 410-260-8013

Email Address

6. Check applicable items:

- New Regulations
 - Amendments to Existing Regulations
 - Date when existing text was downloaded from COMAR online: .
 - 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 04 BOATING

08.04.16 Special Uses Areas

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

Notice of Proposed Action

[]

The Secretary of the Maryland Department of Natural Resources proposes to add Regulations .01-.03 under COMAR 08.04.16.

Statement of Purpose

The purpose of this action is to add consistency with the Federal Regulation that references 08.04.16 for controlled water ski regulations and to create a section for statewide boating regulations.

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:

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 04 BOATING

Chapter 16 Special Uses

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

.01 Controlled Water Ski Areas.

- A. The Department may designate a controlled water ski area within the waters of the State.
- B. The controlled water ski area shall meet the ski slalom course requirements set by the American Water Ski Association (AWSA).
- C. A valid US Army Corps permit for the area shall be obtained and be on file with the US Army Corps and Maryland DNR.
- (1) The US Army Corps permit holder shall have all responsibility to mark the course as per their US Army Corps permit.
 - (2) The permit holder has all responsibility to maintain US Coast Guard approval for all markings on the course.
 - (3) The ski slalom course may be used for practice. Other uses may require approval from Federal, State or Local agencies.
 - (4) The ski slalom course shall only be used as a ski slalom course by vessels which display a DNR Ski Sticker.
 - (5) A person shall not operate or give permission to operate a vessel for the purpose of towing a water skier on the slalom ski course on Saturdays, Sundays and State Holidays between 12 noon and sunset during the months of June, July or August.
 - (6) A person may not place or give permission to place a mooring buoy near the ski slalom course when the arc of the swing is closer than 200 feet to the ski slalom course as defined in the US Army Corps permit.
 - (7) Only vessels displaying the DNR Ski Sticker and actively participating in water skiing on the controlled water ski course may exceed the regulated speed limit for the area.
 - (8) A person may not operate or give permission to operate a vessel across or within the permitted course, when the course is in use by a vessel which displays the required sticker and is towing a skier or assisting a fallen skier on the course.

D. A violation of the US Army Corp permit or these regulations may result in removal of the course and may require a new Army Corp application.

.02 DNR Ski Sticker.

A. The Department may issue DNR Ski Stickers for qualified controlled ski vessels.

B. DNR Ski Stickers are valid for the life of the controlled ski vessel as long as the vessel is not sold or modified.

C. The Secretary of the Department of Natural Resources may designate qualified individuals who may request DNR Ski Stickers.

(1) Qualified individuals may include DNR staff, Controlled Ski Course Army Corps permit holders, Maryland Water Ski Club members or other qualified individuals.

(2) The designee shall be responsible for the completeness and accuracy of the request and shall affix the sticker to the vessel.

D. A DNR Ski Sticker may be issued to vessels that have previously passed Maryland DNR water ski vessel inspections and are on file with the Department.

E. Vessel owners may request a DNR Ski Sticker if they have a registered vessel listed below:

Year(s) Approved	Boat Company Model	Year(s) Approved	Boat Company Model
85-89	American Skier Advance	01	Malibu Response LX 365
90-93	American Skier Legend	00	Malibu Response LX 1.5:1
94-97	American Skier TBX	03-11	Malibu Response LXi
00-04	American Skier TBX Pro	06	Malibu Response LXi 383
84, 90	American Skier Volante	2012-2015	Malibu Response TXi
83-85	American Skier	85-90	Malibu Skier
87	Baha Ski Sport	98,02	Malibu Sportster
94-95	Bimini Boats Bimini Skier/Skier Pro Team	03	Malibu Sportster LX
93-94	Brendella Barefooter	92,95,99	Malibu Sunsetter
97	Brendella Calabria	96	Malibu Tantrum
93-95	Brendella Pro Comp	08	Malibu VTX
90-94	Brendella Shortline Comp	86 -91	Marlin Magnum Skier
88-89	Brendella Ski Brendella	91 -99	MasterCraft Barefoot 200
93	Brendella Sport Comp	83 -84	MasterCraft Direct Drive
90-91	Brendella Super Comp	84 -85	MasterCraft Geared Drive
86	Century Tournament Skier	86	MasterCraft O/B 150hp,200hp
93-94	Cheyenne Boats 20' Elite	83 -86	MasterCraft Power Slot
89-91	Cheyenne Boats Cheyenne	14 -15	MasterCraft ProStar
98-99	Cobalt 203	87 -13	MasterCraft ProStar 190
03-09	Correct Craft Ski Nautique 196	00 -01	MasterCraft ProStar 195

2010-2015	Correct Craft Ski Nautique 200	02 -13	MasterCraft ProStar 197
2011	Correct Craft Sport Nautique 200	87-91	MasterCraft ProStar 200
03-09	Correct Craft 206	92 -98, 00	MasterCraft ProStar 205
05-08	Correct Craft 211V	01, 03-05	MasterCraft ProStar 209
03-04,09	Correct Craft 216V	08-09	MasterCraft ProStar 214
88-92	Correct Craft Barefoot Nautique	09	MasterCraft 214V
83-02	Correct Craft Ski Nautique	01	MasterCraft 19 Skier
93-94	Correct Craft Ski Nautique 1:1	98 -00	MasterCraft Sportstar
92,94-95, 98-00	Correct Craft Ski Nautique Open Bow	99	MasterCraft Sportstar Open Bow
88	Correct Craft Ski Nautique, Direct Drive	94,97 -03	MB Sports 190
84	Correct Craft Ski Tique	04	MB Sports 190 Plus
93-95, 00	Correct Craft Sport Nautique	95	MB Sports Boss 2
87	Eliminator Comp Skier	00 96	MB Sports LS200
86-89	Fineline/Ski Centurion Barefoot Warrior O/B 200hp	93,97-99	Moomba Boomerang
92-93	Fineline/Ski Centurion Bimini Skier	98 -01	Moomba Kanga
2011-2015	Fineline/Ski Centurion Carbon Pro	99	Moomba Mobius
99-01	Fineline/Ski Centurion Eclipse	98 -01,03 -09	Moomba Outback
88-89,98,08	Fineline/Ski Centurion Falcon	99 -01	Moomba Outback LS
90	Fineline/Ski Centurion Falcon Barefoot	92 -93	Moore Marine Ski Pro 2000 Footer
08	Fineline/Ski Centurion Falcon V-Drive	94 -97	Moore Marine Ski Pro Footer EX I/O
96-97, 02-03	Fineline/Ski Centurion LaPoint	85 -87	Moore Marine Ski Pro I/O
02-03	Fineline/Ski Centurion LaPoint Open Bow	42039	Moore Marine Ski Pro Extreme Comp
94-95	Fineline/Ski Centurion LaPoint Tru Trac	98 -06	Sanger DXII Barefooter
88	Fineline/Ski Centurion Outboard	88 -97	Sanger Barefoot O/B

84	<i>Fineline/Ski Centurion Ski Centurion</i>	92 -94, 07	<i>Sanger Ski Sanger DXII</i>
04-05,	<i>08 Fineline/Ski Centurion T5 Comp</i>	87 -91	<i>Sanger Skier</i>
90-93	<i>Fineline/Ski Centurion Tru Trac III</i>	91 -92	<i>Sea Ray 190SK</i>
85-86	<i>Fineline/Ski Centurion Tru Trac</i>	93 -96	<i>Sea Ray Spitfire</i>
87-88	<i>Fineline/Ski Centurion Tru Trac II</i>	96 Sea	<i>Ray Spitfire EFI</i>
94-95	<i>Fineline/Ski Centurion Warrior Barefoot Comp</i>	93 -94	<i>Sea Ray Sportster</i>
89	<i>Flightcraft 18XL Outboard</i>	93 -94	<i>Sea Ray Sportster BR</i>
87-89	<i>Flightcraft Flightcraft</i>	85,87	<i>Ski Eliminator</i>
88	<i>Flightcraft Inboard</i>	91-92, 94-95	<i>Ski West California Skier</i>
89	<i>Flightcraft XLSS</i>	92	<i>Ski-Riffic Ski-Riffic</i>
02-07	<i>Gekko GTR 22</i>	90	<i>Sleek Craft Boats Ski Sleek</i>
85	<i>Glastron Ski Machine O/B 150hp</i>	98-01	<i>Supra Comp</i>
85-86	<i>Hydrodyne O/B 150hp,235hp</i>	06-07	<i>Supra Comp 20</i>
92-93	<i>Hydrodyne 20' Inboard Comp</i>	03-04	<i>Supra Comp LTS</i>
87-90	<i>Hydrodyne 20' O/B</i>	85-87, 89-92	<i>Supra Comp TS-6M</i>
94-96	<i>Hydrodyne Comp XP</i>	91-92	<i>Supra Impulse</i>
94	<i>Hydrodyne Grand Sport</i>	99-01	<i>Supra Legacy</i>
85	<i>Hydrodyne I/O</i>	87	<i>Supra Marauder Skier</i>
84	<i>Hydrodyne O/B 150hp Johnson</i>	01	<i>Supra Sunsport</i>
84	<i>Hydrodyne O/B 150hp Mercury</i>	84	<i>Supra Tournament</i>
87	<i>Hydrostream Vegas Skier</i>	92	<i>Supreme Competition Series</i>
00-03	<i>Infinity ZX-1</i>	90	<i>Supreme MS Series</i>
01-02	<i>Infinity ZX-1 Open Bow</i>	83-89	<i>Supreme Ski Supreme</i>
93-97	<i>Malibu Echelon</i>	90-91	<i>Supreme Tournament Series</i>
93	<i>Malibu Echelon LX Open Bow</i>	06	<i>Svfara SV1</i>
90-92	<i>Malibu Flightcraft 18XLT</i>	83	<i>the Dyne</i>
90-99	<i>Malibu Flightcraft 09 Malibu FXi</i>	04 -05	<i>Tige Switch I</i>
89-93	<i>Malibu Malibu Skier Euro Sport</i>	06 -07	<i>Tige 20i</i>

95-96,	98 Malibu Response	01 -03	Tige 20 ci
02-04,	08 Malibu Response Barefooter	99-02	Toyota Epic 21
96-04	Malibu Response LX 1:1	89-90	US Marine Challenger

F. The Department may revoke the DNR Ski Sticker for a violation of this regulation.

.03 Public Bathing Beaches.

A. The Department may designate Public Bathing Beaches.

B. Swim Beach Areas.

(1) Swim Beach Areas shall be approved by the local health department or Maryland Department of the Environment as Public Bathing Beaches.

(2) A person shall not operate or give permission to operate a vessel of any kind in Swim Beach Areas, except authorized rescue vessels.

(3) Swim Beach Areas, to be properly established, shall be marked by US Coast Guard permitted boat exclusion markers for swim areas.

(a) Swim Beach Areas operated by the State or other public entity may be marked by the State.

(b) Swim Beach Areas operated by other entities shall not be marked by the State.

(4) No one shall place or give permission to place a mooring buoy inside Swim Beach Areas.

C. Bathing Beach Areas shall be in compliance with MDE Permitted Beaches as defined in COMAR 26.08.09.

MARK J. BELTON

Secretary of Natural Resources