

The Secretary of the Maryland Department of Natural Resources proposes to amend/add Regulation .03 under COMAR 08.18.33 The purpose of this action is to update and clarify existing boating laws and coordinates of certain boundaries. This will ensure safe boating on Maryland's waterways.

Items in [parenthesis] are being deleted; items in *italics* are being added.

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

Chapter 33 Deep Creek Lake

Authority: Natural Resources Article, §§5-209, 8-703, and 8-704, Annotated Code of Maryland

.01 Definitions.

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

B. Terms Defined.

- (1) "Houseboat" means a boat constructed for use as a residence or used principally as a residence.
- (2) "Lake" means the area of pooled water within the watershed of Deep Creek in Garrett County, Maryland, formed by the Penelec dam and the lake bottom.
- (3) Length Overall.
 - (a) "Length overall" means the distance measured in a straight line from the foremost part of the vessel to the aftermost part of the vessel, exclusive of sheer.
 - (b) "Length overall" includes integrally formed, molded, or welded components and appendages including but not limited to:
 - (i) Bow pulpits;
 - (ii) Swim platforms;
 - (iii) Attached structures for propulsion systems; and
 - (iv) Structural rub rails installed by the builder.
 - (c) "Length overall" does not include:
 - (i) Bowsprits;
 - (ii) Bumpkins;
 - (iii) Rudders;
 - (iv) Outboard motors;
 - (v) Outdrives;
 - (vi) Brackets; or
 - (vii) Items, including swim platforms, bolted on or secured to the primary structure.
- (4) "Penelec" means the Pennsylvania Electric Company.
- (5) "Personal watercraft" means a Class A vessel which:
 - (a) Has an inboard motor using an internal combustion engine powering a water jet pump as its primary source of motive propulsion;
 - (b) Is designed with the concept that the operator and passenger ride on the outside surfaces of the vessel as opposed to riding inside the vessel;
 - (c) Has the probability that the operator and passenger may, in the normal course of use, fall overboard; and
 - (d) Is designed with no open load carrying area which would retain water.
- (6) "Specialty prop craft" means a vessel less than 16 feet in length similar in appearance and operation to a personal watercraft, but the primary source of propulsion is a propeller. For the purpose of this chapter, a specialty prop craft is considered a personal watercraft.

.02 Boating on Deep Creek Lake.

A. An individual may not have or use on the waters of the lake a vessel 26 feet or more in length overall, except for a:

- (1) Pontoon boat, which may not exceed 30 feet in length overall;
- (2) Vessel operating under a valid nonconforming use permit; or
- (3) Boat with a molded platform, which may not exceed 27 feet in length.

B. An individual may not operate a vessel with an engine or engines:

- (1) Exceeding the manufacturer's recommended maximum horsepower capacity; or
- (2) With a total displacement of greater than 550 cubic inches.
- C. Except for an authorized patrol vessel, an individual may not use a siren on a vessel.
- D. An individual may not have or use a houseboat on the waters of the lake.
- E. An individual may not deposit or cause to be deposited garbage, sewage, waste of any kind, food stuff, paper, or other litter in the waters of Deep Creek Lake.
- F. An individual may not operate a vessel with an installed marine sanitation device capable of discharging treated or untreated sewage into the waters of the lake.
- G. The Department shall position buoys on the lake to mark hazards and public swimming areas. An individual may not operate a vessel inshore from a buoy which designates a public swimming area.
- H. Only Penelec may position buoys associated with the operation of the dam, intake, and spillway.
- I. An individual may not:
 - (1) Operate on the lake a vessel which is towing another individual who is attached to a parachute or other device which causes that individual to become airborne;
 - (2) Be towed by a vessel while attached to a parachute or other device which causes that individual to become airborne.
- J. Personal Watercraft and Air-Cushioned Vessels. Except for vessels owned and operated by the State or local government, an individual may not operate a personal watercraft or air-cushioned vessel on the lake from 11 a.m. to 4 p.m. on:
 - (1) The Saturday, Sunday, and holiday of Memorial Day weekend; and
 - (2) The Saturdays, Sundays, and holidays from July 1 through Labor Day.

.03 Speed Limits and Restrictions.

A. Restricted Skiing Area—North Glade Cove. From 12 noon until sunset on each Saturday, Sunday, and each holiday officially recognized by the State or federal government, or both, an individual may not operate a vessel towing an individual on a ski, aquaplane, or similar device in that area of Deep Creek Lake described as that portion of North Glade Cove lying eastward of a line beginning[at the Penelec monument designated Y-84 and extending to the Penelec monument designated N-351.] *at a point, at or near Lat. 39° 30.238' N., Long. 79° 16.157' W., then running 159° (True) to a point, at or near Lat. 39° 30.099' N., Long. 79° 16.090' W.*

B. Speed Limit. The following areas are designated minimum wake zones:

- (1) Within 100 feet of shoreline, except that an individual may operate a vessel at a speed in excess of minimum wake through the 100-foot area when towing a skier from a dock or the shore, if the individual immediately leaves the 100-foot area;
- (2) The area of Meadow Mountain Run lying east of Meadow Mountain Bridge as it enters Deep Creek Lake State Park;
- (3) North of a line[drawn from Penelec monument N-266 in an easterly direction to the southernmost point on a peninsula in McHenry Cove, then continuing on in an easterly direction to Penelec monument N-683] *beginning at a point, at or near Lat. 39° 33.333' N., Long. 79° 21.530' W., then running 97° (True) to a point, at or near Lat. 39° 33.311' N., Long. 79° 21.312' W., then running 94° (True) to a point, at or near Lat. 39° 33.301' N., Long. 79° 21.121' W.;*
- (4) That portion of Red Run Cove lying southwest of a line[drawn between Penelec monuments SS-78 and N-181-1/2;] *beginning at a point, at or near Lat. 39° 29.924' N., Long. 79° 22.188' W., then running 316° (True) to a point, at or near Lat. 39° 29.999' N., Long. 79° 22.280' W.;*
- (5) That portion of Thayerville Cove lying southwest of a line[drawn from the easternmost point of the Arrowhead peninsula extending in a southeasterly direction to the Penelec monument designated Y-60] *beginning at a point, at or near Lat. 39° 30.243' N., Long. 79° 19.377' W., then running 128° (True) to a point, at or near Lat. 39° 30.119' N., Long. 79° 19.170' W.;*
- (6) That portion of Hoop Pole Cove which lies southwest of a line[drawn from Penelec monument N-518 to Penelec monument N-764;] *beginning at a point at or near Lat. 39° 29.249' N., Long. 79° 18.951' W., then running 306° (True) to a point, at or near Lat. 39° 29.340' N., Long. 79° 19.112' W.;*
- (7) Those portions of Pawn Run Cove which lie northwest of a line[drawn from Penelec monument N-467 to the southeasternmost point of the Penn Cove Peninsula, and southwest of a line drawn from that same point on the peninsula to Penelec monument N-468] *beginning at a point, at or near Lat. 39° 28.012' N., Long. 79° 18.711' W., then running 263° (True) to a point, at or near Lat. 39° 28.000' N., Long. 79° 18.842' W., then running 147° (True) to a point, at or near Lat. 39° 27.890' N., Long. 79° 18.749' W.;*
- (8) From 11 a.m. to 4 p.m., each Saturday and Sunday, and each holiday from Memorial Day holiday weekend through Labor Day, that area of North Glade Cove which connects to Beckman's Cove, lying north of a line[drawn from Penelec monument Y-82 to monument S-317c and south of a line drawn from Penelec monument N-330 to monument Y-80.] *beginning at a point, at or near Lat. 39° 29.871' N., Long. 79° 16.920' W., then running 260° (True) to a point, at or near Lat. 39° 29.831' N., Long. 79° 17.215' W., and south of a line beginning at a point at or near Lat. 39° 30.074' N., Long. 79° 16.971' W., then running 283° (True) to a point, at or near Lat. 39° 30.109' N., Long. 79° 17.167' W.*

The proposed regulation will appear in the Maryland Register on Thursday November 14, 2014, comments concerning this regulation will be accepted through Monday December 15, 2014. The regulation will be adopted on Tuesday December 30, 2014 and become effective on Monday January 19, 2015.

Comments may be sent to Michael Grant, Regulations Coordinator, Boating Services, Clean Waterways, Facilities and Regulations Division, Maryland Department of Natural Resources, 580 Taylor Avenue, E-4, Annapolis, MD 21401, or call 410-260-8013, or fax to 410-260-8453, or e-mail to Michael.Grant@maryland.gov

**JOSEPH P. GILL, SECRETARY
DEPARTMENT OF NATURAL RESOURCES**