

MARYLAND REGISTER

# Final Action on Regulations

<p>Transmittal Sheet</p> <p><b>FINAL</b></p> <p>Action on Regulations</p>	<b>TO BE COMPLETED BY DSD</b>
	<b>Date Filed with Division of State Documents</b>
	<b>Document Number</b>
	<b>Date of Publication in MD Register</b>

**1. COMAR Codification**

<b>Title</b>	<b>Subtitle</b>	<b>Chapter</b>	<b>Regulation</b>
08	04	16	01, .02, .03

**2. Name of Promulgating Authority**

Department of Natural Resources

<b>3. Name of Regulations Coordinator</b>	<b>Telephone Number</b>
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<b>4. Name of Person to Call About this Document</b>	<b>Telephone No.</b>
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**5. Check applicable items:**  
 New Regulations

- Amendments to Existing Regulations
- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference

**6. Final Action was Taken on the Following Date: March 8, 2016**

**7. Final Action Becomes Effective on the Following Date:**

10th Day after issue of the Maryland Register, or

Later Date, Specified Here:

**8. Check Kind of Final Action Taken:**

- a)  Adopted as proposed.
- b)  Adopted with nonsubstantive changes.
- c)  Withdrawn voluntarily.

**9. Indicate whether final action involves a reproposal of substantively different text:**

Yes  No

(If yes, give Maryland Register citations to both initial proposal and reproposal in No. 11 below.)

**10. Give Maryland Register Doc. No. of the proposed action** 16-033 -P.

**11. Proposed Action Published in the Maryland Register**

43:2 Md. R. 162-164 January 22, 2016

**12. 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 March 8, 2016. 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**

March 9, 2016

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**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 Final Action**

[16-033-P]

On March 8, 2016, the Secretary of the Maryland Department of Natural Resources adopted Regulations .01 -.03 under a new chapter, COMAR 08.04.16 Special Uses Areas. This action, which was proposed for adoption in 43:2 Md. R. 162-164 (January 22, 2016), has been adopted with the nonsubstantive changes below.

**Effective Date:** March 28, 2016

**Attorney General's Certification**

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

These changes are necessary for clarification due to questions that stemmed from advertising.

Mark J. Belton, Secretary  
Maryland Department of Natural Resources

**Title 08**  
**DEPARTMENT OF NATURAL RESOURCES**

**Subtitle 04 BOATING**

**Chapter 16 Special Uses Areas**

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

**.01 Controlled Ski Area**

A. (proposed text unchanged)

B. *The controlled water ski area* ~~[[shall meet the]]~~ *may contain ski slalom course(s) that must meet the ski slalom requirements set by the American Water Ski Association (AWSA).*

C. *Permits and use restrictions:*

(1) (proposed text unchanged)

[[2]](a) *The U.S. Army Corps permit holder shall have* ~~[[all]]~~ *the responsibility to mark the course* ~~[[as per]]~~ *in accordance with their U.S. Army Corps permit.* [[3]](b) *The U.S. Army Corps permit holder has* ~~[[all]]~~ *the responsibility to maintain U.S. Coast Guard approval for all markings on the course.*

[[4]] (2) *The ski slalom* ~~[[A controlled water ski course~~ ~~[[shall only]]~~ *may be used for practice. Other uses may require separate approval from the federal, State, or local agencies..*

[[5]] (3) *The* ~~[[ski slalom]]~~ *course shall only be used as a ski slalom course by vessels which display a DNR Ski Sticker as described in 08.04.16.02.*

~~[(6)](4)~~ A person ~~[[may]]~~ 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.

~~[(7)](5)~~ 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]]~~ approved location in the U.S. Army Corps permit.

~~[(8)](6)~~ 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.

~~[(9)](7)~~ 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 U.S. Army Corps permit or these regulations may result in enforcement of speed limit regulations and removal of the course ~~[[and may require a new U.S. Army Corp application]]~~ by the State.

**.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. Designated Agents.

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

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

(3) 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:

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

<b>Year(s) Approved</b>	<b>Boat Company Model</b>
85—89	American Skier Advance
90—93	American Skier Legend
94—97	American Skier TBX
00—04	American Skier TBX Pro
84, 90	American Skier Volante
83—85	American Skier
87	Baha Ski Sport
94—95	Bimini Boats Bimini Skier/Skier Pro Team
93—94	Brendella Barefooter
97	Brendella Calabria
93—95	Brendella Pro Comp
90—94	Brendella Shortline Comp
88—89	Brendella Ski Brendella
93	Brendella Sport Comp
90—91	Brendella Super Comp
86	Century Tournament Skier
93—94	Cheyenne Boats 20' Elite
89—91	Cheyenne Boats Cheyenne
98—99	Cobalt 203
03—09	Correct Craft Ski Nautique 196
2010—2015	Correct Craft Ski Nautique 200

2011	<i>Correct Craft Sport Nautique 200</i>
03—09	<i>Correct Craft 206</i>
05—08	<i>Correct Craft 211V</i>
03—04,09	<i>Correct Craft 216V</i>
88—92	<i>Correct Craft Barefoot Nautique</i>
83—02	<i>Correct Craft Ski Nautique</i>
93—94	<i>Correct Craft Ski Nautique 1:1</i>
92,94—95, 98—00	<i>Correct Craft Ski Nautique Open Bow</i>
88	<i>Correct Craft Ski Nautique, Direct Drive</i>
84	<i>Correct Craft Ski Tique</i>
93—95, 00	<i>Correct Craft Sport Nautique</i>
87	<i>Eliminator Comp Skier</i>
86—89	<i>FineLine/Ski Centurion Barefoot Warrior O/B 200hp</i>
92—93	<i>FineLine/Ski Centurion Bimini Skier</i>
2011—2015	<i>FineLine/Ski Centurion Carbon Pro</i>
99—01	<i>FineLine/Ski Centurion Eclipse</i>
88—89,98,08	<i>FineLine/Ski Centurion Falcon</i>
90	<i>FineLine/Ski Centurion Falcon Barefoot</i>
08	<i>FineLine/Ski Centurion Falcon V—Drive</i>
96—97, 02—03	<i>FineLine/Ski Centurion LaPoint</i>
02—03	<i>FineLine/Ski Centurion LaPoint Open Bow</i>
94—95	<i>FineLine/Ski Centurion LaPoint Tru Trac</i>
88	<i>FineLine/Ski Centurion Outboard</i>
84	<i>FineLine/Ski Centurion Ski Centurion</i>
04—05,	<i>08 FineLine/Ski Centurion T5 Comp</i>
90—93	<i>FineLine/Ski Centurion Tru Trac III</i>
85—86	<i>FineLine/Ski Centurion Tru Trac</i>
87—88	<i>FineLine/Ski Centurion Tru Trac II</i>
94—95	<i>FineLine/Ski Centurion Warrior Barefoot Comp</i>
89	<i>Finghtcraft 18XL Outboard</i>
87—89	<i>Flightcraft Flightcraft</i>
88	<i>Flightcraft Inboard</i>
89	<i>Flightcraft XLSS</i>
02—07	<i>Gekko GTR 22</i>
85	<i>Glastron Ski Machine O/B 150hp</i>
85—86	<i>Hydrodyne O/B 150hp,235hp</i>
92—93	<i>Hydrodyne 20' Inboard Comp</i>
87—90	<i>Hydrodyne 20' O/B</i>
94—96	<i>Hydrodyne Comp XP</i>
94	<i>Hydrodyne Grand Sport</i>
85	<i>Hydrodyne I/O</i>
84	<i>Hydrodyne O/B 150hp Johnson</i>
84	<i>Hydrodyne O/B 150hp Mercury</i>

87	<i>Hydrostream Vegas Skier</i>
00—03	<i>Infinity ZX—1</i>
01—02	<i>Infinity ZX—1 Open Bow</i>
93—97	<i>Malibu Echelon</i>
93	<i>Malibu Echelon LX Open Bow</i>
90—92	<i>Malibu Flightcraft 18XLT</i>
90—99	<i>Malibu Flightcraft 09 Malibu FXi</i>
89—93	<i>Malibu Malibu Skier Euro Sport</i>
95—96,	<i>98 Malibu Response</i>
02—04,	<i>08 Malibu Response Barefooter</i>
96—04	<i>Malibu Response LX 1:1</i>
01	<i>Malibu Response LX 365</i>
00	Malibu Response LX 1.5:1
03—11	Malibu Response LXi
06	Malibu Response LXi 383
2012—2015	Malibu Response TXi
85—90	Malibu Skier
98,02	Malibu Sportster
03	Malibu Sportster LX
92,95,99	Malibu Sunsetter
96	Malibu Tantrum
08	Malibu VTX
86 —91	Marlin Magnum Skier
91 —99	MasterCraft Barefoot 200
83 —84	MasterCraft Direct Drive
84 —85	MasterCraft Geared Drive
86	MasterCraft O/B 150hp,200hp
83 —86	MasterCraft Power Slot
14 —15	MasterCraft ProStar
87 —13	MasterCraft ProStar 190
00 —01	MasterCraft ProStar 195
02 —13	MasterCraft ProStar 197
87—91	MasterCraft ProStar 200
92 —98, 00	MasterCraft ProStar 205
01, 03—05	MasterCraft ProStar 209
08—09	MasterCraft ProStar 214
09	MasterCraft 214V
01	MasterCraft 19 Skier
98 —00	MasterCraft Sportstar
99	MasterCraft Sportstar Open Bow
94,97 —03	MB Sports 190
04	MB Sports 190 Plus
95	MB Sports Boss 2

00 96	MB Sports LS200
93,97—99	Moomba Boomerang
98 —01	Moomba Kanga
99	Moomba Mobius
98 —01,03 —09	Moomba Outback
99 —01	Moomba Outback LS
92 —93	Moore Marine Ski Pro 2000 Footer
94 —97	Moore Marine Ski Pro Footer EX I/O
85 —87	Moore Marine Ski Pro I/O
42039	Moore Marine Ski Pro Extreme Comp
98 —06	Sanger DXII Barefooter
88 —97	Sanger Barefoot O/B
92 —94, 07	Sanger Ski Sanger DXII
87 —91	Sanger Skier
91 —92	Sea Ray 190SK
93 —96	Sea Ray Spitfire
96 Sea	Ray Spitfire EFI
93 —94	Sea Ray Sportster
93 —94	Sea Ray Sportster BR
85,87	Ski Eliminator
91—92, 94—95	Ski West California Skier
92	Ski—Riffic Ski—Riffic
90	Sleek Craft Boats Ski Sleek
98—01	Supra Comp
06—07	Supra Comp 20
03—04	Supra Comp LTS
85—87, 89—92	Supra Comp TS—6M
91—92	Supra Impulse
99—01	Supra Legacy
87	Supra Marauder Skier
01	Supra Sunsport
84	Supra Tournament
92	Supreme Competition Series
90	Supreme MS Series
83—89	Supreme Ski Supreme
90—91	Supreme Tournament Series
06	Svfara SV1
83	the Dyne
04 —05	Tige Switch I
06 —07	Tige 20i
01 —03	Tige 20 ci
99—02	Toyota Epic 21
89—90	U.S. Marine Challenger

**.03 Public Bathing Beaches.**

A. ~~[[The Department may designate Public Bathing Beaches.]]~~Swim Beach Areas may be approved by the Department of Natural Resources only if the area:

(1) Meets the requirements for Public Bathing Beach areas under COMAR 26.08.09; and

(2) Is located within an approved Public Bathing Beach area as defined under COMAR 26.08.09.

B. Approved Swim Beach Areas Rules.

(1)~~[[ Swim Beach Areas shall be approved by the local health department or Maryland Department of the Environment as Public Bathing Beaches.]]~~ A person may not operate or give permission to operate a vessel of any kind within a marked Swim Beach Area, except authorized emergency and rescue vessels.

(2) A person may not ~~[[operate]]~~ place or give permission to ~~[[operate]]~~ place a mooring buoy or other vessel ~~[[of any kind in]]~~ anchoring device inside a marked Swim Beach ~~[[Areas, except authorized rescue vessels.]]~~Area.

(3) Swim Beach Area ~~[[Designation]]~~ Markings.

(a) The area to be enforced by a Swim Beach ~~[[Areas, to be properly established,]]~~ shall be marked ~~[[by]]~~ with U.S. Coast Guard permitted boat exclusion area markers~~[[ for swim areas]].~~

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

(c) ~~(proposed text unchanged)~~

~~[[~~(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