

Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 18 BOATING—SPEED LIMITS AND OPERATION OF VESSELS

08.18.21 Potomac River

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

Notice of Proposed Action

[21-045-P]

The Secretary of Natural Resources proposes to adopt new Regulation **.07** under **COMAR 08.18.21 Potomac River**.

Also, at this time, the Secretary of Natural Resources is withdrawing new Regulation **.07** under **COMAR 08.18.21 Potomac River** that was proposed in 48:1 Md. R. 14 (January 4, 2021).

Statement of Purpose

The purpose of this action is to establish a 6-knot speed limit in the Potomac River for the area surrounding the construction site of the Maryland Transportation Authority's Harry W. Nice/Thomas "Mac" Middleton Bridge Replacement Design-Build Project. The project involves construction of a new bridge and demolition of the existing Governor Harry W. Nice Memorial/Senator Thomas "Mac" Middleton Bridge. The construction of the new bridge is scheduled to be completed by 2023, and the demolition of the old bridge is scheduled to be completed by December 31, 2024. The proposed action describes an area around the construction site and establishes a speed limit for the area. This regulation will be effective through December 31, 2024.

The proposed action is required to protect human life. The construction zone poses safety threats for all waterway users, employees, and contractors. The proposed speed limit will help protect all workers and barges from excessive wake actions. This action has been developed in cooperation with the Maryland

Transportation Authority and the U.S. Coast Guard and will positively support the project and avoid delays.

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 Potomac River Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, E-4, Annapolis, MD 21401, or call 410-260-8300, or email to boatinggregspubliccomment.dnr@maryland.gov. Comments will be accepted through April 26, 2021. A public hearing has not been scheduled.

.07 Governor Harry W. Nice Memorial/Senator Thomas "Mac" Middleton Bridge

A. *Area. All of the waters of the Potomac River upstream of a line beginning at a point defined by Lat. 38° 21' 04.07" N, Long. 77° 0' 58.24" W; then running 82° True to a point defined by Lat. 38° 21' 24.78" N, Long. 76° 58' 36.89" W; and downstream of a line beginning at a point defined by Lat. 38° 22' 18.25" N, Long. 76° 59' 04.53" W; then running 260° True to a point defined by Lat. 38° 22' 03.52" N, Long. 77° 0' 56.60" W.*

B. *The area described in §A of this regulation has a 6-knot speed limit all year.*

C. *This regulation shall be effective through December 31, 2024.*

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources