

# Final Action on Regulations

## Symbol Key

- Roman type indicates text already existing at the time of the proposed action.
- *Italic type* indicates new text added at the time of proposed action.
- Single underline, italic indicates new text added at the time of final action.
- Single underline, roman indicates existing text added at the time of final action.
- ~~[[Double brackets]]~~ indicate text deleted at the time of final action.

## Title 08 DEPARTMENT OF NATURAL RESOURCES

### Subtitle 02 FISHERIES SERVICE

#### 08.02.01 General

Authority: Natural Resources Article, §4-1006.1, Annotated Code of Maryland

#### Notice of Final Action

[20-028-F]

On May 15, 2020, the Secretary of Natural Resources adopted amendments to Regulation .12 under **COMAR 08.02.01 General**. This action, which was proposed for adoption in 47:3 Md. R. 179—196 (January 31, 2020), has been adopted with the nonsubstantive changes shown below.

**Effective Date: June 15, 2020.**

#### 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:

In accordance with Natural Resources Article, §4-1006.1, Annotated Code of Maryland, the Department is modifying several of the submerged aquatic vegetation (SAV) delineations. These zones are established for the protection from uprooting and restoration of SAV. The final proposal revises the coordinates for SAV protection in several zones including Eastern Bay near Wittman, Eastern Bay near Claiborne, Eastern Bay between Hambleton Point and Seth Point, Miles River, Choptank River, Trippe Bay, and Brannock Bay. The final delineations, as compared to the originally proposed coordinates, protect the same amount of SAV from uprooting and do not adversely impact restoration of SAV. The changes do not increase any burdens on the regulated industry, nor do they result in a significant decrease in the SAV protection or restoration benefits that would have been achieved in the proposed regulation. For these reasons, the changes are nonsubstantive, and the regulation does not need to be repropoed.

#### .12 Submerged Aquatic Vegetation (SAV) Protection Zones.

A. (proposed text unchanged)

B. Submerged Aquatic Vegetation (SAV) Protection Zones.

(1) (proposed text unchanged)

(2) Dorchester County.

(a)—(b) (proposed text unchanged)

(c) *All of the waters of Trippe Bay, Brannock Bay, and Covey Creek enclosed by a line beginning at a point at or near Mills Point defined by [[Lat. 38°34.447' N, Long. 76°18.177' W]] Lat. 38°34.476' N, Long. 76°18.111' W; then running approximately [[343°]] 342° True to a point defined by [[Lat. 38°34.869' N, Long. 76°18.341' W]] Lat. 38°34.782' N, Long. 76°18.239' W; then running*

*approximately [[48°]] 39° True to a point defined by [[Lat. 38°35.622' N, Long. 76°17.273' W]] Lat. 38°35.329' N, Long. 76°17.688' W; then running approximately [[2°]] 64° True to a point defined by [[Lat. 38°37.082' N, Long. 76°17.201' W]] Lat. 38°35.405' N, Long. 76°17.489' W; then running approximately [[35°]] 136° True to a point defined by Lat. 38°35.208' N, Long. 76°17.330' W; then running approximately 60° True to a point defined by Lat. 38°35.386' N, Long. 76°17.095' W; then running approximately 332° True to a point defined by Lat. 38°35.559' N, Long. 76°17.214' W; then running approximately 12° True to a point defined by Lat. 38°35.840' N, Long. 76°17.139' W; then running approximately 23° True to a point defined by Lat. 38°36.303' N, Long. 76°16.890' W; then running approximately 328° True to a point defined by Lat. 38°36.551' N, Long. 76°17.091' W; then running approximately 356° True to a point defined by Lat. 38°37.138' N, Long. 76°17.151' W; then running approximately 35° True to a point at or near the south side of Cook's Point defined by Lat. 38°37.389' N, Long. 76°16.925' W; then running southerly along the shore to the point of beginning.*

(d) *All of the waters of Cook's Point Cove enclosed by a line beginning at a point at or near the shore of Cook's Point defined by [[Lat. 38°37.402' N, Long. 76°16.833' W]] Lat. 38°37.338' N, Long. 76°16.768' W; then running approximately [[78°]] 81° True to a point defined by [[Lat. 38°37.725' N, Long. 76°14.757' W]] Lat. 38°37.457' N, Long. 76°15.860' W; then running approximately [[104°]] 149° True to a point defined by Lat. 38°37.270' N, Long. 76°15.712' W; then running approximately 44° True to a point defined by Lat. 38°37.596' N, Long. 76°15.311' W; then running approximately 74° True to a point defined by Lat. 38°37.725' N, Long. 76°14.757' W; then running approximately 98° True to a point defined by Lat. 38°37.683' N, Long. 76°14.339' W; then running approximately 117° True to a point at or near the east shore of Todds Point defined by Lat. 38°37.591' N, Long. 76°14.111' W; then running westerly along the shore to the point of beginning.*

(e) *All of the waters of Chapel Creek and Choptank River enclosed by a line beginning at a point at or near the shore at the west side of Castle Haven Point defined by Lat. 38°37.564' N, Long. 76°10.691' W; then running approximately [[306°]] 301° True to a point defined by [[Lat. 38°37.679' N, Long. 76°10.890' W]] Lat. 38°37.655' N, Long. 76°10.883' W; then running approximately [[238°]] 239° True to a point defined by [[Lat. 38°36.786' N, Long. 76°12.769' W]] Lat. 38°37.501' N, Long. 76°11.208' W; then running approximately [[307°]] 233° True to a point defined by Lat. 38°37.220' N, Long. 76°11.685' W; then running approximately 239° True to a point defined by Lat. 38°36.862' N, Long. 76°12.427' W; then running approximately 270° True to a point defined by Lat. 38°36.860' N, Long. 76°12.996' W; then running approximately 301° True to a point defined by Lat. 38°37.044' N, Long. 76°13.391' W; then running approximately 329° True to a point defined by Lat. 38°37.258' N, Long. 76°13.555' W; then running approximately 308° True to a point at or near the east shore of Todds Point defined by Lat. 38°37.591' N, Long. 76°14.111' W; then running easterly along the shore to the point of beginning.*

(3) Talbot County.

(a)—(d) (proposed text unchanged)

(e) All of the waters of Miles River and Porter Creek enclosed by a line beginning at a point on the western shore of Hambleton Point defined by Lat. 38°49.215' N, Long. 76°14.103' W; then running approximately 343° True to a point defined by Lat. 38°49.254' N, Long. 76°14.119' W; then running approximately 298° True to a point defined by Lat. 38°49.271' N, Long. 76°14.128' W; then running approximately 277° True to a point defined by Lat. 38°49.286' N, Long. 76°14.331' W; then running approximately 248° True to a point defined by Lat. 38°49.248' N, Long. 76°14.448' W; then running approximately 201° True to a point defined by Lat. 38°49.197' N, Long. 76°14.474' W; then running approximately 157° True to a point defined by Lat. 38°49.158' N, Long. 76°14.453' W; then running approximately 134° True to a point defined by Lat. 38°49.055' N, Long. 76°14.317' W; then running approximately 163° True to a point defined by Lat. 38°48.988' N, Long. 76°14.290' W; then running approximately 183° True to a point defined by Lat. 38°48.958' N, Long. 76°14.292' W; then running approximately 209° True to a point defined by Lat. 38°48.933' N, Long. 76°14.308' W; then running approximately 321° True to a point defined by Lat. 38°49.042' N, Long. 76°14.419' W; then running approximately 256° True to a point defined by Lat. 38°49.033' N, Long. 76°14.462' W; then running approximately 150° True to a point defined by Lat. 38°48.900' N, Long. 76°14.363' W; then running approximately 263° True to a point defined by Lat. 38°48.893' N, Long. 76°14.435' W; then running approximately 174° True to a point at or near the shore defined by Lat. 38°14.868' N, Long. 76°14.431' W; then running northeasterly along the shore to the point of beginning.

[(e)] (f) All of the waters of Miles River, Tilghman Creek, and Porter Creek enclosed by a line beginning at a point defined by [[Lat. 38°49.202' N, Long. 76°14.289' W]] Lat. 38°49.056' N, Long. 76°14.734' W; then running approximately [[317°]] 141° True to a point defined by Lat. 38°49.011' N, Long. 76°14.684' W; then running approximately 64° True to a point defined by Lat. 38°49.070' N, Long. 76°14.533' W; then running approximately 351° True to a point defined by Lat. 38°49.164' N, Long. 76°14.553' W; then running approximately 333° True to a point defined by Lat. 39°49.244' N, Long. 76°14.606' W; then running approximately 56° True to a point defined by Lat. 38°49.298' N, Long. 76°14.506' W; then running approximately 12° True to a point defined by Lat. 38°49.371' N, Long. 76°14.486' W; then running approximately 318° True to a point defined by Lat. 38°49.416' N, Long. 76°14.538' W; then running approximately [[310°]] 266° True to a point defined by [[Lat. 38°49.620' N, Long. 76°14.845' W]] Lat. 38°49.408' N, Long. 76°14.676' W; then running approximately [[333°]] 313° True to a point defined by Lat. 38°49.620' N, Long. 76°14.970' W; then running approximately 58° True to a point defined by Lat. 38°49.620' N, Long. 76°14.970' W; then running approximately 329° True to a point defined by Lat. 38°49.779' N, Long. 76°14.962' W; then running approximately 338° True to a point defined by Lat. 38°49.927' N, Long. 76°15.040' W; then running approximately [[349°]] 297° True to a point defined by Lat. 38°49.958' N, Long. 76°15.116' W; then running approximately 344° True to a point defined by Lat. 38°50.150' N, Long. 76°15.188' W; then running approximately 21° True to a point defined by Lat. 38°50.278' N, Long. 76°15.126' W; then running approximately 293° True to a point at or near the shore southeast of Seth Point defined by Lat. 38°50.380' N, Long. 76°15.427' W; then running southeasterly along the shore to the point of beginning.

[(f)] (g) All of the waters of Miles River, Woodland Creek, and Leeds Creek enclosed by a line beginning at a point defined by Lat. 38°48.151' N, Long. 76°11.986' W; then running approximately 332° True to a point defined by Lat. 38°48.455' N, Long. 76°12.185' W; then running approximately [[15°]] 16° True to a point defined by [[Lat. 38°49.834' N, Long. 76°11.700' W]] Lat. 38°48.137' N, Long. 76°11.945' W; then running approximately [[26°]] 31° True to a

point defined by Lat. 38°49.319' N, Long. 76°11.809' W; then running approximately 10° True to a point defined by Lat. 38°49.594' N, Long. 76°11.750' W; then running approximately 55° True to a point defined by Lat. 38°49.834' N, Long. 76°11.700' W; then running approximately 358° True to a point defined by Lat. 38°50.013' N, Long. 76°11.584' W; then running approximately 72° True to a point at or near the eastern shore of the mouth of Woodland Creek defined by Lat. 38°50.057' N, Long. 76°11.408' W; then running southerly along the shore to the point of beginning.

[(g)] (h) All of the water of Eastern Bay enclosed by a line beginning at a point at Wades Point defined by [[Lat. 38°49.686' N, Long. 76°17.768' W]] Lat. 38°49.668' N, Long. 76°17.728' W; then running approximately [[55°]] 56° True to a point defined by [[Lat. 38°50.056' N, Long. 76°17.093' W]] Lat. 38°49.944' N, Long. 76°17.206' W; then running approximately [[8°]] 68° True to a point defined by Lat. 38°49.985' N, Long. 76°17.079' W; then running approximately 3° True to a point at or near the shore at the end of the Claiborne Jetty defined by Lat. 38°50.216' N, Long. 76°17.064' W; then running southwesterly along the shore to the point of beginning.

[(h)] (i) — [(k)] (l) (proposed text unchanged)

[(l)] (m) All of the waters of Ferry Cove, Cabin Cove, [[Harbor Cove,]] and Eastern Bay enclosed by a line beginning at or near a point on the shore of Punch Point defined by [[Lat. 38°45.639' N, Long. 76°20.234' W]] Lat. 38°45.650' N, Long. 76°20.181' W; then running approximately [[353°]] 40° True to a point defined by [[Lat. 38°46.484' N, Long. 76°20.357' W]] Lat. 38°45.725' N, Long. 76°20.138' W; then running approximately [[37°]] 56° True to a point defined by [[Lat. 38°47.941' N, Long. 76°18.939' W]] Lat. 38°45.874' N, Long. 76°19.980' W; then running approximately [[12°]] 296° True to a point defined by [[Lat. 38°48.813' N, Long. 76°18.695' W]] Lat. 38°45.947' N, Long. 76°19.842' W; then running approximately [[32°]] 296° True to a point defined by Lat. 38°46.016' N, Long. 76°20.027' W; then running approximately 356° True to a point defined by Lat. 38°46.113' N, Long. 76°20.277' W; then running approximately 81° True to a point at or near the shore of the southern tip of [[Wades]] Lowes Point defined by [[Lat. 38°49.497' N, Long. 76°18.139' W]] Lat. 38°45.274' N, Long. 76°20.294' W; then running southerly along the shore to the point of beginning.

(n) All of the waters of Harbor Cove and Eastern Bay enclosed by a line beginning at or near a point on the shore of Lowes Point defined by Lat. 38°46.271' N, Long. 76°20.294' W; then running approximately 352° True to a point defined by 38°46.708' N, Long. 76°20.986' W; then running approximately 38° True to a point defined by Lat. 38°47.378' N, Long. 76°19.314'; then running approximately 20° True to a point defined by Lat. 38°47.530' N, Long. 76°19.247' W; then running approximately 37° True to a point defined by Lat. 38°47.837' N, Long. 76°18.958' W; then running approximately 21° True to a point defined by Lat. 38°48.004' N, Long. 76°18.875' W; then running approximately 14° True to a point defined by Lat. 38°48.383' N, Long. 76°18.754' W; then running approximately 7° True to a point defined by Lat. 38°48.813' N, Long. 76°18.695' W; then running approximately 112° True to a point at or near the shore defined by Lat. 38°48.760' N, Long. 76°18.526' W; then running southerly along the shore to the point of beginning.

(o) All of the waters of Eastern Bay enclosed by a line beginning at or near a point on the shore defined by Lat. 38°48.941' N, Long. 76°18.418' W; then running approximately 318° True to a point defined by Lat. 38°49.045' N, Long. 76°18.539' W; then running approximately 36° True to a point defined by Lat. 38°49.384' N, Long. 76°18.230' W; then running approximately 120° True to a point at or near the shore of the southern tip of Wades Point defined by Lat. 38°49.350' N, Long. 76°18.154' W; then running southerly along the shore to the point of beginning.

[(m)] (p) — [(s)] (v) (proposed text unchanged)  
 (4)—(9) (proposed text unchanged)

JEANNIE HADDAWAY-RICCIO  
 Secretary of Natural Resources

## **Title 14**

# **INDEPENDENT AGENCIES**

### **Subtitle 35 MARYLAND HEALTH BENEFIT EXCHANGE**

#### **Notice of Final Action** [19-213-F]

On January 25, 2020, the Maryland Health Benefit Exchange adopted:

(1) Amendments to Regulation **.04** under **COMAR 14.35.02 Individual Exchange Navigator Certification and Training Standards**;

(2) Amendments to Regulations **.02—.04** under **COMAR 14.35.03 Individual Exchange Navigator Certification — Renewal, Reinstatement, Deactivation, and Suspension or Revocation of Certification**;

(3) Amendments to Regulation **.04** under **COMAR 14.35.04 Insurance Producer Authorization to Sell Qualified Plans in the SHOP Exchange and Individual Exchange Authority**;

(4) Amendments to Regulation **.02** under **COMAR 14.35.05 Insurance Producer Authorization — Renewal, Reinstatement, and Suspension or Revocation of Authorization**;

(5) Amendments to Regulation **.06** under **COMAR 14.35.08 Captive Producer Training and Authorization Standards**;

(6) Amendments to Regulation **.06** under **COMAR 14.35.09 Consolidated Service Center Employee Training and Permit Standards**;

(7) The repeal of existing Regulations **.02** and **.07**, new Regulation **.02**, amendments to Regulations **.04** and **.05**, and the recodification of existing Regulation **.08** to be Regulation **.07** under **COMAR 14.35.12 Application Counselor Sponsoring Entity Designation Standards**; and

(8) The repeal of existing Regulations **.02** and **.09**, new Regulation **.02**, amendments to Regulations **.03—.05**, and the recodification of existing Regulation **.10** to be Regulation **.09** under **COMAR 14.35.13 Application Counselor Training and Certification Standards**.

This action, which was proposed for adoption in 46:22 Md. R. 1019—1022 (October 25, 2020), has been adopted as proposed.

**Effective Date: June 15, 2020.**

MICHELE EBERLE  
 Executive Director

## **Title 15**

# **MARYLAND DEPARTMENT OF AGRICULTURE**

### **Subtitle 05 PESTICIDE USE CONTROL**

#### **15.05.01 Use and Sale of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses**

Authority: Agriculture Article, §§2-103, 5-104, 5-105, 5-106, 5-204, 5-207, and 5-210.2, Annotated Code of Maryland; Ch. 598, §11, Acts of 2018

#### **Notice of Final Action** [20-080-F]

On May 27, 2020, the Maryland Department of Agriculture adopted amendments to Regulation **.02** under **COMAR 15.05.01 Use and Sale of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses**. This action, which was proposed for adoption in 47:8 Md. R. 441—442 (April 10, 2020), has been adopted as proposed.

**Effective Date: June 15, 2020.**

JULIANNE A. OBERG  
 Deputy Secretary

## **Title 20**

# **PUBLIC SERVICE COMMISSION**

### **Subtitle 62 COMMUNITY SOLAR ENERGY GENERATION SYSTEMS**

#### **Notice of Final Action** [20-072-F]

On May 14, 2020, the Maryland Public Service Commission adopted amendments to:

(1) Regulations **.01—.04** under **COMAR 20.62.02 Pilot Program**; and

(2) Regulations **.04** and **.08** under **COMAR 20.62.03 Pilot Program Administration**.

This action, which was proposed for adoption in 47:7 Md. R. 396—397 (March 27, 2020), has been adopted as proposed.

**Effective Date: June 15, 2020.**

ANDREW S. JOHNSTON  
 Executive Secretary