

Process for Adopting or Amending Regulations at Deep Creek Lake

The procedure for adopting or modifying regulations related to the Deep Creek Lake (DCL) Natural Resources Management Area (NRMA) varies based on the nature of the proposed regulation—specifically, whether it pertains to boating activities or other aspects of lake management.

1. Boating Regulations:

- **Submission to the Deep Creek Lake Policy and Review Board (PRB)**
 - Individuals or groups proposing new or amended boating regulations on Deep Creek Lake must submit their requests to the Policy and Review Board (PRB). This board, whose composition is defined by Maryland law (COMAR), advises the Maryland Department of Natural Resources (DNR) on matters related to boating and the use of Deep Creek Lake, the Buffer Strip, and the Conservation Easement.
 - Once a request is submitted, the PRB will review it and determine the appropriate course of action. The board may reject the request, approve it as presented, or more commonly, refer it to a subcommittee for further study and recommendations before taking final action.
- **PRB Subcommittee Evaluation**
 - The PRB may appoint a subcommittee to review the proposal within a predetermined timeframe. This evaluation includes:
 - Consulting with the Department for subject matter expertise;
 - Facilitating public input and ensuring community engagement.
 - Development of a draft regulation proposal for the PRB's consideration.
- **PRB Deliberation**
 - The PRB reviews the subcommittee's recommendation and public input related to the proposal.

- Based on this comprehensive evaluation, the PRB decides to approve or disapprove the proposal:
 - If disapproved, the process concludes.
 - If approved, the proposal advances to the Boat Act Advisory Committee (BAAC).
- **Review by the Boat Act Advisory Committee (BAAC)**
 - The BAAC, appointed by the DNR Secretary, examines all proposed boating regulations statewide. During its review of the PRB-approved proposal, the BAAC:
 - Conducts its standard evaluation procedures.
 - Votes in executive session on the proposal.
 - If the BAAC disapproves, the process terminates.
 - If approved, the proposal is forwarded to the DNR Secretary for further action.
- **Action by the Department and Legislature**
 - Upon receiving the BAAC's favorable recommendation, the Department:
 - Reviews the proposal, including evaluation by the Office of the Attorney General.
 - The Department advances the proposal to the Administrative, Executive and Legislative Review committee of the legislature. The committee reviews the proposal.
 - The committee may approve, recommend disapproval or hold a public hearing on the proposal.
 - If approved, the proposal is published to the Maryland Register for 30 days. Public comment is received through the Register and considered by the Department before moving to adopt the final regulation. The Department must wait at least 45 days before moving to adopt the final regulation.
- **Codification into the Code of Maryland Regulations (COMAR):**

- The newly approved regulation is incorporated into COMAR, granting it official legal status and enforceability.

2. Non-Boating Regulations

- **Submission to the PRB**

- Proposals related to non-boating matters, such as environmental policies or land use, are submitted to the PRB.

- **PRB Review and Decision**

- The PRB reviews the proposal and, if it does not pertain to boating regulations, may approve it without involving the Boating and Aquatics Advisory Committee (BAAC). If approved, the Department then drafts the proposed regulation.

- **Action by the Department and Legislature**

- Upon receiving the PRB's favorable recommendation, the Department:
 - Reviews the proposal, including evaluation by the Office of the Attorney General.
 - The Department advances the proposal to the Administrative, Executive and Legislative Review committee of the legislature. The committee reviews the proposal.
 - The committee may approve, recommend disapproval or hold a public hearing on the proposal.
 - If approved, the proposal is published to the Maryland Register for 30 days. Public comment is received through the Register and considered by the Department before moving to adopt the final regulation. The Department must wait at least 45 days before moving to adopt the final regulation.

Key Considerations for Proposals

- **Thorough Preparation:** Ensure proposals are meticulously developed and supported by statutory authority specific to the regulatory proposal.

- **Avoid Redundancy:** Do not propose regulations that duplicate existing rules. For example, suggesting a no-wake zone in areas already protected within 100 feet of the shoreline is unnecessary, as current regulations already address this.
- **Public Engagement:** Recognize that public participation is integral throughout the entire regulatory process. Opportunities for community input, such as public notices and comment periods, are provided at various stages to ensure transparency and inclusivity.

This structured process allows stakeholders to contribute effectively to the governance of Deep Creek Lake, ensuring that any regulatory changes are thoughtfully considered, publicly vetted, and aligned with Maryland's commitment to responsible natural resource management.