

DRAFT
Deep Creek Lake NRMA
Proposal for Management of Tour Boats Carrying Passengers for Hire

Version 1.6 September 2005

The changes/additions made at the Sept. 12, 2005 PRB meeting are highlighted in red.

I. Background and Introduction:

In the late 1990's, the Deep Creek Lake Advisory and Review Committee (DCLARC) recommended that the Department of Natural Resources (DNR) look into the possibility of permitting larger tour boats on Deep Creek Lake. State regulations limit the length of vessels on the lake to a maximum 26 feet LOA (Length overall), or 30 feet LOA if it is a pontoon boat. The owner of the lake, the Pennsylvania Electric Company, disagreed with the proposal and the issue was tabled pending the outcome of the lake's purchase by the State of Maryland. The pending creation of a Deep Creek Lake Policy and Review Board (PRB), with oversight on regulation changes that affect the lake, also affected the review of the issue.

In late 2000, the PRB asked DNR to study the matter and report back to them with recommendations for expanding the number and size of large tour boats on the lake. The PRB provided DNR with a number of recommendations for inclusion in the program. No action was taken to approve or deny tour boats on the lake and the request fell silent.

In 2004 another request to review the concept was made by a citizen of the county. In December 2004, the PRB Tour Boat committee made recommendations to the full board. (See attached notes).

Many people believe that larger tour boats are an acceptable use of the lake and would provide expanded opportunities for visitors to enjoy it. The idea has been supported by the local delegation to the Maryland General Assembly, the Board of Garrett County Commissioners, and the Garrett County Chamber of Commerce.

However, it should be noted that the idea of expanding the number and size of tour boats operating on Deep Creek Lake would be controversial. DNR will not make a final determination on expanding the program until such time as another public hearing is held, in cooperation with the PRB request and recommendations. Proposed changes to the Lake Regulations under COMAR .08.18 and COMAR .08.08 would be required before the program could be implemented.

COMAR .08.08.33.02 would need to be amended to include the following provision to facilitate the program.

“The Department may permit certain vessels not to exceed 45 feet in length overall (LOA), or exceeding an engine displacement greater than 550 cubic inches combined, under a special permit for operation of a tour boat issued by the Department. The Department of Natural Resources may permit not more than three (3) of these vessels for commercial use at any one time.”

Other regulatory recommendations made by the PRB on safety, boat operation and equipment requirements will be considered for inclusion in the conditions for the special permit.

II. Operational Requirements:

Hours of Operation – limited to sunrise to 10:00 pm and the lake manager may approve operation past these hours, until midnight, for special events and tours.

Sound – Amplified voice/tour narrative must not be audible from shore, except for announcements required for proper navigation, safety, emergencies and docking/mooring.

Lighting – except when docking or docked, exterior lighting is limited to that necessary to conform to state and federal law or regulations, except that the boat may display additional lighting projecting downwards to safely illuminate decks and stairs.

Speed Limits – Tour boats will be limited to speeds that generate wakes that do not cause damage to other boats as already established by regulations.

Area of Use at Permit Site –sites for which special permits are issued by DNR to accommodate the mooring of tour boats will not be larger than sites that are otherwise permitted under the lake regulations.

Tour boats should have restroom facilities if food or alcohol is served.

Stops – Boats approved under this program may normally only moor or stop at commercial permit sites or at Deep Creek Lake State Park, with the approval of the permittee or Lake Manager. Occasional stops to pick up and discharge passengers at private residences around the lake for specially arranged events and/or tours, such as weddings, family reunions or retreats, may occur with advance approval from the Lake Manager.

III. Safety and Operation Requirements:

1. Vessel Safety – governed by applicable provisions of the special permit, Code of Maryland Regulations (COMAR), existing state laws and the Natural Resources Article of the Annotated Code of Maryland, and by certain Federal law and regulations.

Specific conditions will be made in the special permit as follows:

A. Commercial operator must carry a minimum of \$1,000,000.00 insurance policy on the tour boat operation. The State of Maryland will be listed as co-insured.

B. The commercial operator must apply for and receive annually a special permit for the operation of a tour boat. The special permit fee will be \$250.00.

C. The commercial operator who is issued a special permit for the operation of a tour boat must put an approved tour boat on the water of Deep Creek Lake within one (1) year of the issuance of the permit or the permit will be revoked.

D. Safety Inspections – The owner of the vessel shall have it inspected by an accredited marine surveyor and that inspection report sent to the Lake Manager prior to its first year of operation, and a minimum of every third year of operation thereafter. A boat operating under a certificate of inspection from the United States Coast Guard does not require an additional inspection.

E. A statement by the marine surveyor that the boat is suitable for the intended use.

F. A statement by the marine surveyor that the boat conforms to all applicable state and federal requirements as if the boat was intended to be operated on an inland waterway.

G. The opinion of the marine surveyor as to the total number of persons who may be carried by the boat. The boat may not be operated with a number of persons that exceeds this number.

H. A statement by the marine surveyor that the boat was examined while in dry dock and while underway on Deep Creek Lake.

I. The vessel may be periodically inspected by a Natural Resources Police Officer or any law enforcement officer for conformance to safety requirements.

J. The owner of the vessel shall cause a courtesy safety inspection to be made by a Natural Resources Police Officer or any law enforcement officer each year that the special permit is maintained before the vessel is used commercially

K. If the vessel is altered, damaged, or repaired in any way, except for routine maintenance, then the owner shall immediately order a marine inspection by a licensed

surveyor as outlined above. The vessel may not be operated until the above certifications have been made. If the vessel has an accident or grounding causing physical damage, the owner shall have an inspection made by a licensed marine surveyor.

L. The owner of the vessel shall not allow the vessel to be returned to service until all repairs have been completed and the vessel has been reinspected and approved by the marine surveyor. A written report attesting that the vessel is again suitable for its intended use shall be given to DNR before the vessel may be used commercially.

M. Personnel and Operator Requirements – In addition to provisions in Maryland law or regulations, personnel operating the vessel or working as a crew member must meet the following requirements:

-Crew members shall:

Be at least 18 years of age

Capable of performing the duties required as a crew member

Be a graduate of a boating safety course recognized by the DNR

-The operator of the vessel shall:

be at least 21 years of age

capable of performing the duties required as operator.

before operating the vessel, show proof of at least 100 hours operating the type of vessel for which the special permit holder is authorized to operate on Deep Creek Lake **or take a written and practical test administered by the DNR Police to demonstrate sufficient knowledge and skill in handling a vessel of this type**

submit proof of satisfactory completion of a valid boating safety course recognized by DNR

submit a written certification from a licensed physician attesting to the physical condition of the applicant to perform the duties associated with the operation of the vessel, and the certification shall include a statement attesting to unimpaired color sense as tested by a test utilized by the US Coast Guard, or by an equivalent test in the opinion of a qualified physician

this certification shall be made before the vessel may be operated and at least every three years thereafter

N. Except for the 100 hours of operation requirement, apprentice operators of the vessel shall conform to the above requirements and may not operate the vessel unless an operator authorized by DNR is directly supervising them

O. When DNR has reason to doubt the operator's physical or visual abilities, it may require the operator, at any time, to obtain a new physical examination and submit a certification of physical condition to DNR

-Minimum crew requirements: The operator must have a crew member on board when passengers are on the boat.

2. Certificate of Inspection to be displayed on Boat – a copy of the marine surveyor's certification attesting to these requirements, or a certificate of inspection from the US Coast Guard shall be posted on the vessel in a conspicuous place so as to be clearly visible to passengers on board the vessel.

3. Vessel Information to be Displayed – The owner shall display the following in a conspicuous place so as to be clearly visible to all passengers while they are on board the vessel:

- the name of the vessel
- the registration number of the vessel
- the hull identification number of the vessel
- the name, address, and zip code of the owner(s)
- hull material
- type of propulsion and fuel
- the vessel length and beam
- passenger capacity
- passenger restrictions while underway
- total number and location of PFD's
- fire extinguisher locations and types and sizes
- hours of operation

4. Prior to leaving port with passengers aboard, the operator shall inspect the vessel for safety and seaworthiness, according to accepted marine practice, shall inspect all fire extinguishers, and shall make known to the passengers the following

- location of personal flotation devices
- what to do in case of a "man overboard" incident
- what to do in case of a fire or explosion
- what to do in case of water leaks or sinking
- other passenger safety restrictions

5. In addition to state and federal requirements for PFD's on the vessel, the owner shall:

- carry sufficient Coast Guard approved PFD's for the maximum number of passengers for which the boat has been certified

carry additional Coast Guard approved PFD's suitable for children equal to 10% of the maximum capacity of the boat

if more than 10% of passengers are children, there must be a sufficient number of Coast Guard approved PFD's available sized for children

6. The vessel shall be equipped with at least one standard 16 unit first aid kit mounted in a conspicuous location and readily accessible to passengers and crew. In addition, the operator of the vessel shall have in his/her possession an operational cellular telephone and at least one waterproof portable flashlight of two D-cells or larger, in good and serviceable condition.

7. The vessel shall be equipped with a suitable anchor, minimum 150' of anchor line, properly secured, and readily available on board the boat. In addition, the crew shall have ready access to at least two Coast Guard approved orange, 24" diameter ring buoys with one 60' length of rope tied to each ring buoy.

IV. Environmental Considerations:

Vessels under this program must conform to certain environmental requirements at port and when underway:

- chemicals and cleaning agents used while the boat is in the water or on state property must be biodegradable

- no trash, litter, rubbish or any waste of any kind may be discharged or thrown overboard

V. Esthetics:

- DNR reserves the right to approve the colors of the vessel, and will require that they be consistent with a nautical theme or subdued in color, at the sole discretion and approval of the lake manager

- advertising of the vessel shall be limited to the vessel's name, home port, phone number and owner's name in letters no larger than 12" in height

VI. Alcohol, beverage use and sales:

Alcoholic beverages may be sold on board to passengers only if the owner possesses a valid Maryland Class E license. Passengers may not bring aboard or consume their own alcoholic beverages. Alcoholic beverage sales are governed by all applicable local, state, and federal laws and regulations.

VII. Enforcement –

A special permit issued under COMAR .08.08 must be applied for by the owner of the vessel and approved and payment received by the lake manager before a tour boat may be operated on Deep Creek Lake. The enforcement provisions outlined in COMAR .08.08 shall apply. In addition, the following actions or conduct occurring during the term of the special permit shall be cause for suspension or revocation of the tour boat special permit from DNR, or a tour boat operator certification:

Operator conviction for reckless or negligent operation of a vessel

Physical impairment of the operator while the vessel is in use

Falsification of information to DNR

Operator conviction of either boat or motor vehicle operation while under the influence of drugs or alcohol

Operator conviction for a controlled dangerous substance law, unlawful use of a controlled dangerous substance, or addiction to controlled dangerous substance

In addition, the owner of the boat, operator, and crew shall be subject to all existing and applicable Maryland laws and regulations related to the vessel's operation and they are subject to arrest for violations of the same by a Natural Resources Police Officer or any law enforcement officer.

Other regular contract enforcement provisions will apply.

VIII. Records and Reporting:

The records of the owner of the vessel must be made available for inspection by DNR with reasonable notice. In addition, the owner of the vessel may be required to prepare and submit business and operational reports from time to time as required by DNR.

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