

MARYLAND REGISTER

## Proposed Action on Regulations

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	04/25/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 5/30/2014

2. COMAR Codification

**Title Subtitle Chapter Regulation**

08 03 01 01

3. Name of Promulgating Authority

Department of Natural Resources

**4. Name of Regulations Coordinator Telephone Number**  
Eileen C Mosley 410-260-8107

**Mailing Address**

Tawes State Office Building, 580 Taylor Avenue, C-4

**City State Zip Code**  
Annapolis MD 21401

**Email**  
emosley@dnr.state.md.us

**5. Name of Person to Call About this Document Telephone No.**  
Glenn D. Therres 410-260-8572

**Email Address**  
gtherres@dnr.state.md.us

6. Check applicable items:  
 New Regulations

**X-** Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: 4/3/2014.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R

(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

**7. Is there emergency text which is identical to this proposal:**

Yes **X-** No

**8. Incorporation by Reference**

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

**9. Public Body - Open Meeting**

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

**10. Children's Environmental Health and Protection**

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

**11. 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 Shara Mervis Alpert, Assistant Attorney General, (telephone #410-260-8358) on April 23, 2014. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Shara Mervis Alpert

**Title**

Assistant Attorney General

**Telephone No.**

410-260-8358

**Date**

April 23, 2014

**Title 08**

# DEPARTMENT OF NATURAL RESOURCES

## Subtitle 03 WILDLIFE

### 08.03.01 General

Authority: Natural Resources Article, §10-205, Annotated Code of Maryland

#### Notice of Proposed Action

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The Secretary of Natural Resources proposes to amend Regulation .01 under COMAR 08.03.01 General Definitions.

#### Statement of Purpose

The purpose of this action is to establish a definition of what is considered to be a point on a white-tailed deer antler. The term point is used to define an antlered white-tailed deer and to establish whether an antlered deer meets any minimum antler size that may be required for legal harvest. This definition is needed because the Department is proposing to impose an antler point restriction on 1 of 3 of the antlered deer a hunter may take during the deer seasons starting in the fall of 2014. That restriction will be proposed in a change to COMAR 08.03.03.07.

#### 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 Peter Jayne, Associate Director, Wildlife and Heritage Service, Department of Natural Resources, P.O. Box 68, Wye Mills, MD 21679, or call 410-827-8612, or email to [pjayne@dnr.state.md.us](mailto:pjayne@dnr.state.md.us), or fax to 410-827-5186. Comments will be accepted through June 30, 2014. A public hearing has not been scheduled.

#### Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 15

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:  
special (Wildlife Management and Protection Fund)

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

This regulation is not anticipated to result in any more or less hunting activities, therefore no change in the economic impact of hunters.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

This regulation is not anticipated to result in any more or less hunting activities, therefore no change in the sale of hunting equipment to hunters.

G. Small Business Worksheet:

Attached Document:

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

### **Subtitle 03 WILDLIFE**

Authority: Natural Resources Article, §10-205, Annotated Code of Maryland

#### **.01 General**

##### **.01 Definitions.**

A. In this subtitle, the following terms have the meanings indicated.

B. Terms Defined.

(1) "*Antler point*" means any antler projection, including the brow tine, at least one inch in length from base to tip. An antler point may project from the main beam or any antler tine. The brow tine is the point immediately above the top of the skull. The main antler beam tip shall be counted as a point, regardless of length.

(2) "Antlered sika deer" means a sika deer with at least one antler visible above the hairline.

[(2)] (3) — [(39)] (40) (text unchanged)