

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Natural Resources**
(DLS Control No. 14-200)

Overview and Legal and Fiscal Impact

This regulation modifies rules for the issuance of commercial snapping turtle harvest permits. The regulation allows a tidal fish licensee to enter the fishery at any point in the year and clarifies when the licensee must pay permit fees to the Department of Natural Resources.

The regulation presents no legal issues of concern.

There is no material fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Natural Resources:

Fisheries Service: Snapping Turtles:
COMAR 08.02.06.01

Legal Analysis

Background

Snapping turtles have been harvested as a food source in the Chesapeake region since pre-colonial times. Until recently, however, the fishery was small and largely unregulated. In the early 1990s, the growing demand for turtle meat in Asia accelerated harvests of snapping turtles in Maryland and other mid-Atlantic states. Concerned about the ecological effects of the declining turtle population, the department sought and obtained the authority to regulate the snapping turtle fishery in 2007.

In 2007, a workgroup representing various stakeholders and scientific experts was convened to help the department develop restrictions on both commercial and recreational snapping turtle harvests. The Snapping Turtle Workgroup has met regularly since then, developing minimum size requirements, gear restrictions, a permit and reporting system for commercial harvesters, and other rules to control the snapping turtle fishery. The department discussed this proposed action at the most recent meetings of the Snapping Turtle Workgroup and the Tidal Fisheries Advisory Commission and indicates that the regulation received support.

Summary of Regulation

The regulation modifies rules for the issuance of commercial snapping turtle harvest permits. Last year the department introduced a declaration period for the snapping turtle fishery,

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requiring tidal fish licensees to declare an intent to fish for snapping turtles between August 1 and January 31. The regulation repeals this declaration period, allowing a tidal fish licensee to enter the fishery at any point in the year. The regulation also clarifies that a tidal fish licensee must pay the fee for a snapping turtle permit, as required by § 4-701 of the Natural Resources Article, prior to receiving the permit from the department.

Legal Issue

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites § 4-218 of the Natural Resources Article as authority for the regulation. This section gives the department broad authority to adopt regulations to restrict, permit, or prohibit the catching, possessing, purchasing, transporting, or exporting of snapping turtles.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Fiscal Analysis

There is no material fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation has no impact on State or local governments. The Department of Legislative Services generally concurs, noting that removing the declaration period may minimally affect the number of snapping turtle harvest permits issued and associated fee revenue. Any impact on special fund fee revenue, however, is not material.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services generally concurs, noting, however, that a fisherman that receives a license transfer and is not otherwise able to enter the snapping turtle fishery in the immediate season, because of the declaration period having passed, benefits from the repeal of the declaration period. The department expects there to only be a small number of such instances.

Contact Information

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