

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	10/15/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 12/1/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

08 01 02 02, .04, .05, .06

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.
John F. Wilson 410-260-8412

Email Address
johnf.wilson@maryland.gov

6. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
Date when existing text was downloaded from COMAR online: 9/24/14.
- 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 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 Julia Solomon, Assistant Attorney General, (telephone #410-260-8353) on October 15, 2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Eileen C. Mosley

Title

Regulations Coordinator

Telephone No.

410-260-8107

Date

October 15, 2014

Title 08
DEPARTMENT OF NATURAL RESOURCES

Subtitle 01 OFFICE OF THE SECRETARY

08.01.02 Wildlands in Maryland

Authority: Natural Resources Article, §5-1203, Annotated Code of Maryland

Notice of Proposed Action

[]

The Secretary of Natural Resources proposes to amend Regulations .02, .04, .05 and .06 under COMAR 08.01.02 Wildlands in Maryland.

Statement of Purpose

The purpose of this action is to implement Natural Resources Article, §5-1203, Annotated Code of Maryland, which became effective October 1, 2014. The proposed action clarifies the statute by placing all wildlands and their restrictions into an easy to read, organized location. Specifically, land was added to fourteen existing wildland areas, nine new wildland areas were added, and special provisions for several of the new wildland areas were identified.

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 John F. Wilson, Associate Director, Stewardship, Land Acquisition and Planning, E-4, 580 Taylor Avenue, Annapolis, MD 21401, or call 410-260-8412, or email to johnf.wilson@maryland.gov, or fax to 410-260-8404. Comments will be accepted through December 15, 2014. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2015

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

No

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

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

No funds are necessary to implement the regulation.

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

These regulations implement Natural Resources Article, §5-1203, Annotated Code of Maryland. The regulation clarifies the statute by placing all wildlands and their restrictions in an easy to read location. The regulation does not create additional economic burden on the Department or the public.

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

Please see reason in E.

G. Small Business Worksheet:

Attached Document:

.02 State Wildlands System.

A. (text unchanged)

B. Types of Wildlands.

(1) "Type [I] 1 wildland" means a primitive area which by its size and location is in effect untouched by urban civilization and can offer the experience of solitude and self-reliance. Type [I] 1 wildlands are usually lands located at higher elevations that protect watersheds and are ecologically vulnerable to human interferences.

(2) "Type [II] 2 wildland" means a unit of importance for natural sciences and ecology with outstanding value for education, research, and appreciation of natural processes. Preservation of the desired natural condition is the prevailing purpose of the Type [II] 2 wildlands.

(3) "Type [III] 3 wildland" means an area which is not of ecological or primitive stature but which has the appearance of being in an untouched natural state.

C. (text unchanged)

D. Name, Location, and Acreage of State Wildlands.

(1) There are presently [27] 38 State-owned areas administered by the Department identified as State wildlands.

(2) The general location, types, and acreage of State-owned wildlands are as follows:

Type	Project Acreage	Location	County
Type 1			
Big Savage Mountain	[2691] 2879 acres	Savage River SF	Garrett
Bear Pen	1517 acres	Savage River SF	Garrett
Middle Fork	[1916] 2932 acres	Savage River SF	Garrett

High Rock	650 acres	Savage River SF	Garrett
Maple Run	[2760] 5125 acres	Green Ridge SF	Allegany
Cunningham Falls	[3452] 4397 acres	Cunningham Falls SF	Frederick
<i>Savage Ravines</i>	2789 acres	<i>Savage River SF</i>	Garrett
<i>Dan's Mountain</i>	4047 acres	<i>Dan's Mountain WMA</i>	Allegany
<i>Upper White Rock</i>	300 acres	<i>Garrett SF</i>	Garrett
<i>Backbone Mountain</i>	1706 acres	<i>Potomac SF/Savage River SF</i>	Garrett
<i>Maple Lick Run</i>	600 acres	<i>Potomac SF</i>	Garrett
<i>Puzzley Run</i>	457 acres	<i>Savage River SF</i>	Garrett
Type [III] 2			
Deep Run	[1260] 1416 acres	Green Ridge SF	Allegany
Potomac Bends	[2034] 2645 acres	Green Ridge SF	Allegany
Rocky Gap	943 acres	Rocky Gap SP	Allegany
Sideling Hill	922 acres	Sideling Hill WMA	Washington
Islands of the Potomac	[670] 790 acres	Islands of the Potomac WMA	Frederick/Montgomery
Black Marsh	667 acres	North Point SP	Baltimore
Gunpowder Falls	792 acres	Gunpowder Falls SP	Baltimore
Patuxent River	1579 acres	Patuxent River SP	Howard/Montgomery
Soldiers Delight	[1526] 1798 acres	Soldiers Delight NEA	Baltimore
Morgan Run	499 acres	Morgan Run NEA	Carroll
Panther Branch	735 acres	Gunpowder Falls SP	Baltimore
Sweathouse Branch	1073 acres	Gunpowder Falls SP	Baltimore
Mingo Branch/Bush Cabin Run	1272 acres	Gunpowder Falls SP	Baltimore
Belt Woods	610 acres	Belt Woods NEA	Prince George's
Calvert Cliffs	1079 acres	Calvert Cliffs SP	Calvert
St. Mary's River	1445 acres	St. Mary's River SP	St. Mary's
Mattawoman	[1605] 2993 acres	Mattawoman NEA	Charles
[Ilylwild] <i>Idylwild</i>	570 acres	Idylwild WMA	Caroline
Pocomoke River	[2481] 3029 acres	Pocomoke SF/SP	Worcester
Cypress Swamp	[1784] 2090 acres	Pocomoke SF	Worcester
Cedar Island	2880 acres	Cedar Island WMA	Somerset
<i>South Savage</i>	2079 acres	<i>Savage River SF</i>	Garrett
<i>Janes Island</i>	3125 acres	<i>Janes Island SP</i>	Somerset
<i>Parker's Creek</i>	1756 acres	<i>Parker's Creek WMA</i>	Calvert
<i>Zekiah Swamp</i>	443 acres	<i>Zekiah Swamp NEA</i>	Charles
<i>Chapman</i>	694 acres	<i>Chapman SP</i>	Charles

Type [III] 3 (None At This Time)

Total acreage of wildlands = [39412] 65669 acres Key: SP = State Park WMA = Wildlife Management Area SF = State Forest NEA = Natural Environment Area

.04 Permitted Activities – Select Units of the State Wildlands Preservation System

A. The uses and activities in §§B—[J] N of this regulation are permitted only in the wildlands specified.

B.—I. (text unchanged)

J. Cypress Swamp Wildlands.

(1) Activities related to the maintenance of existing public drainage within Cypress Swamp wildland are permitted if all local and State requirements for review, permit, and approval are followed.

(2) *The existing stand of planted pine trees in Parcel 5 identified in Natural Resources Article, §5-1203(c)(2) may be harvested by the Department using mechanical or motorized equipment, and the area then reforested or allowed to naturally revert to a forested condition.*

K. *Mattawoman Wildland. With prior approval of the Maryland Historical Trust and after an internal Departmental review, the Department may authorize:*

(1) *Archaeological inventories, studies, and research that involve surface examination or limited substrate sampling;*

(2) *Salvage and excavation of archaeological sites; and*

(3) *Stabilization and restoration of historic structures existing as of October 1, 2014.*

L. *Parker's Creek Wildland. In order to preserve, maintain, study, research, and educate the public about the unique ecological features and rare habitats in the Parker's Creek Wildland area, within Parker's Creek Wildland the Department may:*

(1) *Retain, maintain, remove, or replace existing structures, trails, parking areas, and roads using mechanical or motorized equipment;*

- (2) Remove, replace, or dispose of non-native species using mechanical or motorized equipment;
- (3) Erect fencing, gates, or signs in order to protect or identify unique natural or historical elements;
- (4) Construct and maintain not more than two viewing platforms adjacent to hiking trails for public observation;
- (5) Construct and maintain a footbridge across Parker's Creek at the historical crossing found at the southern terminus of Old Parker's Creek Road; and
- (6) Continue to authorize agricultural management activities on the Goldstein Bay Farm for so long as an agricultural lease is in effect.

M. Chapman Wildland. With prior approval of the Maryland Historical Trust and after an internal Departmental review, the Department may authorize:

(1) Archaeological inventories, studies, and research that involve surface examination or limited substrate sampling;

(2) Salvage and excavation of archaeological sites; and

(3) Stabilization and restoration of historic structures existing as of October 1, 2014.

N. Dan's Mountain Wildland. In Dan's Mountain Wildland area the Department may:

(1) Establish and maintain roads and trails to provide access for wildlife-dependent recreation;

(2) Improve and manage habitat for early-succession wildlife; and

(3) Take all other actions necessary to manage the area in a way that fulfills the purposes of the 1966 Federal Aid in Fish and Wildlife Restoration Act grant from the Department of the Interior that partially funded acquisition of the area.

.05 Prohibited Activities – State Wildlands Preservation System.

A. Except when expressly permitted under Regulation [.02 or].03 *or* .04 of this chapter, the uses and activities in §§B—G of this regulation are prohibited in a wildland.

B.—G. (text unchanged)

.06 Restricted and Conditional Activities – State Wildlands Preservation System.

A. Except when expressly permitted under Regulation [.02 or].03 *or* .04 of this chapter, the uses and activities listed in §§B—J of this regulation are restricted.

B.—J. (text unchanged)

JOSEPH P. GILL

Secretary of Natural Resources