

MARYLAND REGISTER

Proposed Action on Regulations

Comparison to Federal Standards Submission and Response

Name: Lisa A Eutsler
Agency: Department of Natural Resources
Address: Tawes State Office Building, 580 Taylor Avenue, C-4
State: MD
Zip: 21401
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In accordance with Executive Order 01.01.1996.03 and memo dated July 26, 1996, the attached document is submitted to the Department of Business and Economic Development for review.

The Proposed Action is not more restrictive or stringent than corresponding federal standards.

COMAR Codification: 08.03.10.07

Corresponding Federal Standard:

Title 50, Code of Federal Regulations, Part 20.21(i)

Discussion/Justification:

Federal regulations prohibit the use of bait while hunting migratory game birds, including waterfowl, with the following language: "No persons shall take migratory game birds: (i) By the aid of baiting, or on or over any baited area, where a person knows or reasonably should know that the area is or has been baited." In 2015, the Maryland General Assembly amended Natural Resources article 10-412 to be consistent with the federal baiting language. The proposed amendment to COMAR 08.03.10.07 incorporates the changes made by the General Assembly.

TO BE COMPLETED BY DBED

- Agree

-Disagree

Comments:

DBED does not have the subject matter expertise in this matter but believes that DNR does and trusts their assertion that the regulations are not more stringent than corresponding federal standards.

Name: Sandy Popp

Date: 6/3/2015

_ -Submit to Governor's Office
Governor's Office Response

Comments:

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee 06/03/2015	TO BE COMPLETE D BY DSD Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

Title 08
DEPARTMENT OF NATURAL RESOURCES

Subtitle 03 WILDLIFE

08.03.10 General Wildlife Hunting Regulations

Authority: Natural Resources Article, §10-412, Annotated Code of Maryland

Notice of Proposed Action

□

The Secretary of Natural Resources proposes to amend Regulation .07 under COMAR 08.03.10 General Wildlife Hunting Regulations.

1. Desired date of publication in Maryland Register: 6/26/2015

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
08	03	10	07

3. Name of Promulgating Authority

Department of Natural Resources

4. Name of Regulations Coordinator
 Lisa A Eutsler

Telephone Number
 410-260-8107

Mailing Address

Statement of Purpose

The purpose of this action is to comply with legislation passed during the 2015 General Assembly session that refined when

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

City	State	Zip Code
Annapolis	MD	21401

Email

lisa.eutsler@maryland.gov

5. Name of Person to Call About this Document

Glenn D. Therres

Telephone No.

410-260-8572

Email Address

glenn.therres@maryland.gov

6. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
Date when existing text was downloaded from COMAR online: 4/27/2015.
- 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

an area is considered to be a baited area for the purposes of hunting certain game birds.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

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 Peter.jayne@maryland.gov, or fax to 410-827-5186. Comments will be accepted

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 May 12, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Mark J. Belton

Title

Secretary

Telephone No.

410-260-8100

Date

May 19, 2015

through July 27, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 16

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:

General

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 proposal will have minimal impact to the Department. We do not anticipate any material increase in hunting license sales though there may be a slight operational costs associated with enforcement of hunting in baited areas.

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

These regulations will have minimal impact to small businesses. We do not anticipate any material increase in sales of hunting equipment or in the use of waterfowl hunting guide services as a result of this amendment.

G. Small Business Worksheet:

Attached Document:

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 03 WILDLIFE

.10 General Wildlife Hunting Regulations.

Authority: Natural Resources Article, §10-412, Annotated Code of Maryland

.07 Baiting.

A. A person may not hunt, or attempt to hunt, any upland game bird (except pheasant and quail) or wetland game birds, by the aid of baiting, or on or over any baited area *if the person knows or reasonably should know that the area is a baited area.*

B. Definitions.

(1) (text unchanged)

(2) "Baited area" means:

(a) Any area where shelled, shucked or unshucked corn, wheat or other grain, salt, or other feed capable of luring, attracting, or enticing upland game birds (except pheasant and quail) or wetland game birds is directly or indirectly placed, exposed, deposited, distributed, or scattered.

(b) With respect to mourning dove or any wetland game bird, any area which has been seeded for a cover crop by broadcasting, within the 10 days immediately preceding the hunting of mourning dove or any wetland game birds, where the seed has not germinated or been plowed or disced under, or removed by other means. An area is considered a baited area for 10 days following the complete removal of all corn, wheat or other grain, salt, or other feed.

C. – D. (text unchanged)