

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	06/30/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 8/7/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

08 03 04 02

3. Name of Promulgating Authority

Department of Natural Resources

4. Name of Regulations Coordinator

Lisa A Eutsler

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5. Name of Person to Call About this Document

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6. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
 - Date when existing text was downloaded from COMAR online: 6/12/2015.
- 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 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 6/18/2015. 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

6/29/2015

Title 08
DEPARTMENT OF NATURAL RESOURCES

Subtitle 03 WILDLIFE

08.03.04 Forest Wildlife

Authority: Natural Resources Article, §§10-205 and 10-408, Annotated Code of Maryland

Notice of Proposed Action

[]

The Secretary of Natural Resources proposes to amend Regulation .02 under COMAR 08.03.04 Forest Wildlife.

Statement of Purpose

The purpose of this action is to comply with legislation passed during the 2015 General Assembly that allows the use of breech loading rifles by persons shooting deer under the authority of a Deer Management Permit. The proposed actions also broaden when a Deer Management Permit may be issued to include certain managed tracts experiencing significant ecological damage to native plant communities. This latter change is in response to input received during a formal public input process conducted with stakeholders in deer management in Maryland. Finally, some actions address inadvertent omissions or unclear language in this regulation.

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 peter.jayne@maryland.gov, or fax to 410-827-5186.

Comments will be accepted through September 8, 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:

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:

These regulations will have minimal impact to the Department. We do not anticipate any material increase in operational costs associated with this amendment.

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 anticipate a slight decrease in crop damage to agricultural crops as a result of a slight increase in the number of deer killed by Deer Damage Permit holders.

G. Small Business Worksheet:

Attached Document:

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 03 WILDLIFE

.04 Forest Wildlife.

Authority: Natural Resources Article, §§10-205 and 10-408, Annotated Code of Maryland

.02 Deer Management Permit Procedures.

A. — C. (text unchanged)

D. Service Action.

(1) A deer management permit may be issued to a landowner, or the agricultural lessee of a landowner, for economic loss *or significant ecological damage* to:

(a) — (c) (text unchanged)

- (d) Ornamental vegetation; [or]
- (e) Woodland areas that have forest management plans or tree planting plans that are written by a Department forester or a licensed private forester[.]; *or*
- (f) *Native plant communities of ecological significance managed under the direction of a professional botanist or ecologist.*

(2) — (3) (text unchanged)

E. (text unchanged)

F. Deer Reduction Procedure.

(1) — (2) (text unchanged)

(3) The permit in §E(1) of this regulation shall describe:

(a) — (b) (text unchanged)

(c) [Whether the] *The type of deer to be taken [is] as antlered, antlerless, or both.*

(4) (text unchanged)

(5) Tagging and Confirmation Procedures.

(a) The permittee, or agent of the permittee as described in §[E]F(6) of this regulation, is responsible for tagging each deer before removing the carcass from the place of kill.

(b) Each deer shall be field tagged with a tag that includes:

(i) (text unchanged)

(ii) Name and [address] *DNRid number* of the permittee or agent; and

(iii) (text unchanged)

(c) (text unchanged)

(d) The permittee or agent shall record the confirmation *number* on the permittee's or agent's copy of the confirmation number log sheet supplied with the deer management permit.

(e) — (g) (text unchanged)

(6) Agents.

(a) — (b) (text unchanged)

(c) [Agents shooting deer under the authority of a deer management permit using a firearm, or any weapon during the firearms or muzzleloader season shall wear fluorescent orange clothing in accordance with Natural Resources Article, §10-418(b), Annotated Code of Maryland. Landowners or lessees are exempt from this fluorescent orange requirement.] *Agents shooting under the authority of a deer management permit shall wear fluorescent orange clothing in accordance with Natural Resources Article, §10-418(b), Annotated Code of Maryland when:*

(i) *Using a firearm anytime;*

(ii) *Using any weapon during the deer firearms or muzzleloader season; or*

(iii) *Using any weapon during the black bear season in a county or zone where the black bear season is*

open.

(7) (text unchanged)

(8) Using a Deer Management Permit [During an Open Season].

(a) Except as provided for in §[E]F(8)(b) [and (c)] of this regulation, all permittees and their agents shooting deer under the authority of a deer management permit [during the bow, firearms, or muzzleloader season shall conform to those laws and regulations pertaining to the hunting of deer in the county where the permit is valid] *may use any hunting device legal for hunting deer during the deer firearms season in that county or zone.*

[(b) An individual may shoot deer during any established deer hunting season with any hunting device allowed to be used during the deer firearms season in the region where the permit is issued, if that individual is:

(i) The permittee;

(ii) Allowed to hunt on the property without a license as described in Natural Resources, §10-301,

Annotated Code of Maryland;

(iii) A commercial farm employee who receives an Internal Revenue Service W-2 form from the permittee;

(iv) A nonresident owner of land who purchases a hunting license; or

(v) The child, or the spouse of a child, of the landowner of the property for which the deer management permit is issued.

(c) All permittees and agents shooting deer under the authority of a valid deer management permit may shoot deer from January 1 through September 14, using any hunting device legal for hunting deer during that county's deer firearms season.]

(b) In Charles and St. Mary's counties during the deer bow, firearms or muzzleloader season, all persons shooting deer under the authority of a valid deer management permit may shoot deer using a rifle or any hunting device legal for hunting deer during the deer firearms season.

G. [Until June 30, 2017, an] An individual authorized as a permittee [or agent] on a deer management permit for property in Charles or St. Mary's county *who leases State agricultural crop land* may shoot deer *on the leased* State agricultural land in Charles and St. Mary's counties to the same extent, and subject to the same conditions, that the individual is authorized to shoot deer under the deer management permit.

H. — K. (text unchanged)

