

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	09/14/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 10/16/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

08 07 03 01, .02, .03

3. Name of Promulgating Authority

Department of Natural Resources

4. Name of Regulations Coordinator

Lisa A Eutsler

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410-260-8107

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

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lisa.eutsler@maryland.gov

5. Name of Person to Call About this Document

Marian Honecny

Telephone No.

410-260-8511

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6. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
 - Date when existing text was downloaded from COMAR online: 9/2/2015.
- 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 Alpert, Assistant Attorney General, (telephone #410-260-8358) on 9/4/2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Mark Belton

Title

Secretary

Telephone No.

410-260-8101

Date

9/9/2015

Title 08
DEPARTMENT OF NATURAL RESOURCES

Subtitle 07 FORESTS AND PARKS

08.07.03 Forest Management Programs

Authority: Tax-Property Article, §8-211(p); Annotated Code of Maryland

Notice of Proposed Action

[]

The Secretary of Natural Resources proposes to amend Regulations .01, .02, and .03 under Chapter .03 Forest Management Programs.

Statement of Purpose

The purpose of this action is to reduce enrollment fees and update the names of the Department's units referenced throughout the regulations. The Department is proposing to reduce the fees to more closely conform them to the cost of processing the transaction.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

This amendment will reduce the enrollment fees to a \$50 entry fee and a \$100 inspection fee.

II. Types of Economic Impact.

	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
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A. On issuing agency:	(R-)	minimum
	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	
	Cost (-)	Magnitude
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- D. On regulated industries or trade groups: NONE
- E. On other industries or trade groups: NONE
- F. Direct and indirect effects on public: (+) minimum

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A(). \$3,000 reduction in revenue

F. reduction in fees for some as current entry fee is based on a percentage of assessed woodland value and \$50, whichever is greater

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 Marian Honeczy , Supervisor, Urban & Community Forestry , MD Forest Service, 580 Taylor Ave E-1, Annapolis, MD 21401, or call 410-260-8511, or email to marian.honeczy@maryland.gov, or fax to 410-260-8595. Comments will be accepted through Nov 16, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

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 (Forest and Parks Reserve Funds)

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:

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

G. Small Business Worksheet:

Attached Document:

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "(text unchanged)

(2) "Forest Conservation and Management Agreement" means an agreement between the [Department of Natural Resources, Public Lands and Forestry,] *Department of Natural Resources - Forest Service* and a woodland owner of 5 or more contiguous acres which sets the conditions by which a woodland owner may enter and remain in the management program.

(3) (text unchanged)

.02 Planting and Sale of Trees and Seedlings at the Maryland Forest Tree Nursery.

A. Limitation. The [Department of Natural Resources, Public Lands and Forestry,] *Department of Natural Resources - Forest Service* may sell trees and seedlings produced at the Maryland Forest Tree Nursery only for conservation purposes.

B. Requirements.

(1) A representative of the [Department of Natural Resources, Public Lands and Forestry,] *Department of Natural Resources - Forest Service* shall develop a tree-planting plan and examine the planting site of trees planted for conservation purposes.

(2) – (3) (text unchanged)

(4) All trees for roadside planting shall be planted on public road rights-of-way or other public lands. A tree-planting plan shall be developed by a representative of the [Department of Natural Resources, Public Lands and Forestry,] *Department of Natural Resources - Forest Service* before the trees are allocated.

(5) A report of the planting shall be furnished by the planter when requested by the Department of Natural Resources - *Forest Service*.

(6) – (7) (text unchanged)

.03 Charges for Administering the Forest Conservation and Management Program.

A. (text unchanged)

B. Definitions. For the purpose of this regulation:

(1) "Assistant Secretary" means Assistant Secretary of [Public Lands and Forestry] *Land Resources*; and

(2) (text unchanged)

C. Charges for Participating in a Forest Conservation and Management Agreement. A woodland owner shall pay a nonrefundable fee for participating in the Forest Management Program as follows:

(1) Upon application, an entry fee [equal to 0.22 percent of the assessment of the woodland, but not less than] of \$50;

(2) An inspection fee every 5 years [equal to 20 percent of the entry fee but not less than] of \$100; and

(3) (text unchanged)

D. (text unchanged)

E. Charges for Inspections. A Forest Conservation and Management Agreement shall contain a provision which requires that inspections to determine compliance with the Agreement shall be made at least once every 5 years by a representative of [Public Lands and Forestry] *Department of Natural Resources – Forest Service*. Failure to allow an inspection by [Public Lands and Forestry] *Department of Natural Resources – Forest Service* to be conducted or to reimburse [Public Lands and Forestry] *Department of Natural Resources – Forest Service* for costs shall invalidate the Agreement, and result in a reassessment.

MARK BELTON, SECRETARY
DEPARTMENT OF NATURAL RESOURCES

