

MARYLAND REGISTER

**Proposed Action on Regulations**

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	10/23/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 11/30/2015**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

08 07 04 01,.03

**3. Name of Promulgating Authority**

Department of Natural Resources

**4. Name of Regulations Coordinator**

Lisa A Eutsler

**Telephone Number**

410-260-8107

**Mailing Address**

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

**City State Zip Code**

Annapolis MD 21401

**Email**

[lisa.eutsler@maryland.gov](mailto:lisa.eutsler@maryland.gov)

**5. Name of Person to Call About this Document**

Marian Honecny

**Telephone No.**

410-260-8511

**Email Address**

[marian.honecny@maryland.gov](mailto:marian.honecny@maryland.gov)

**6. Check applicable items:**

- New Regulations
  - Amendments to Existing Regulations
    - Date when existing text was downloaded from COMAR online: 9/30/2015.
  - 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 10/22/15. 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**

10/23/15

**Title 08**  
**DEPARTMENT OF NATURAL RESOURCES**

**Subtitle 07 FORESTS AND PARKS**

**08.07.04 Forest Fire Protection**

Authority: Natural Resources Article, §§5-209 and 5-604, Annotated Code of Maryland

**Notice of Proposed Action**

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The Department of Natural Resources proposes to amend Regulations .01 Definitions and .03 Open Air Burning under COMAR 08.07.04 Forest Fire Protection

**Statement of Purpose**

The purpose of this action is to update the references to the state agency and add definitions.

**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 Marian Honeczy , Supervisor, Urban & Community Forestry, MD DNR Forest Service, 580 Taylor Ave E-1, Annapolis, MD 21401, or call 410-260-8511, or email to [marian.honeczy@maryland.gov](mailto:marian.honeczy@maryland.gov), or fax to 410-260-8595. Comments will be accepted through Dec. 30, 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:

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:  
revision are to make the regulations current; no substantive changes.

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

revision are to make the regulations current; no substantive changes.

G. Small Business Worksheet:

## Attached Document:

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### **.01 Definitions.**

In this chapter, the following terms have the meanings indicated:

*A. "Authorities having jurisdiction" means organizations, offices, or individuals responsible for enforcing requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.*

*[A.] B. "Director" means the Director of the [Maryland Forest Service, a unit of the] Department of Natural Resources - Forest Service, or the Director's authorized representative.*

*[B.] C. (text unchanged)*

*D. "Fireworks" means combustible, implosive or explosive compositions, substances, combinations of substances, or articles that are prepared to produce a visible or audible effect by combustion, explosion, implosion, deflagration, or detonation.*

*[C.] E. "Open air burning" means a fire where any material is burned in the open, except for small recreational fires such as campfires.*

*[D.] F. "Prescribed burning" means the planned scientific application of fire with an intent to confine it to a predetermined area.*

*[E.] G. "Slash" means the residue accumulating or left on the ground as a result of felling, thinning, improvement cutting, weeding, cleaning, girdling, poisoning, or trimming of trees or other woody vegetation.*

*[F.] H. "Woodland" means a public or private area in any stage of growth of woody vegetation.*

### **.03 Open Air Burning.**

A. A person may not engage in open air burning except under the following conditions:

(1) – (3) (text unchanged)

(4) Burning occurs between the hours of 4 p.m. and 12 midnight [E.S.T.], except that when the ground is covered with snow the burning may occur at any time so long as all other requirements are met.

B. A person may engage in open air burning, or prescribed burning, which does not comply with §A of this regulation, if the person has submitted a plan for that burning to the Department for review and the Department has

issued a permit for that burning. The Director [, in his discretion,] may require conditions in the permit which are more stringent or less stringent than the requirements in §A of this regulation.

C. In addition to the conditions and requirements in A and B of this regulation, a person engaged in open air burning *or prescribed burning* shall comply with all other requirements of State and local [jurisdictions.] *authorities having jurisdiction.*

Mark Belton, Secretary  
Department of Natural Resources