

MARYLAND REGISTER

Proposed Action on Regulations

Comparison to Federal Standards Submission and Response

Name: Lisa A Eutsler
Agency: Department of Natural Resources
Tawes State Office
Address: Building, 580 Taylor Avenue, C-4
State: MD
Zip: 21401
Phone: 410-260-8107
Email: lisa.eutsler@maryland.gov

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: 08.03.05.05

Corresponding Federal Standard:
50 CFR 21.43

Discussion/Justification:

The proposed regulations will allow control of crows and blackbirds in accordance with the federal regulations.

TO BE COMPLETED BY DBED

-Agree

-Disagree

Comments:

Name:

Date:

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

Comments:

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	05/15/2020	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 6/19/2020

2. COMAR Codification

Title Subtitle Chapter Regulation

08 03 05 05

3. Name of Promulgating Authority

Department of Natural Resources

4. Name of Regulations Coordinator Telephone Number

Lisa A Eutsler 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

5. Name of Person to Call About this Document Telephone No.

Glenn D. Therres 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: 4/22/2020.

08.03.05 Upland Game Birds and Mammals

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

Notice of Proposed Action

□

The Secretary of Natural Resources proposes to amend Regulation .05 under COMAR 08.03.05 Upland Game Birds and Mammals.

Statement of Purpose

The purpose of this action is to simplify the regulations for control of crows and blackbirds to conform to the federal regulations for these species. Since crows and blackbirds are considered migratory birds, the control of these species is regulated by the U.S. Fish and Wildlife Service. Migratory birds are jointly regulated by the Department of Natural Resources. There is a corresponding federal standard to this proposed action, but the proposed action is no more restrictive or stringent.

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 Karina Stonesifer, Associate Director, Wildlife and Heritage Service, Department of Natural Resources, 12512 Pleasant Valley Road, Flintstone, MD 21530, or call 301-777-2136, or email to karina.stonesifer@maryland.gov, or fax to 301-777-2020. Comments will be accepted through July 20, 2020. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 21

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:
Implementation of these regulations will not result in any operational or fiscal changes for the Department of Natural Resources.

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 not result in any change in revenue or expenditures of small businesses.

G. Small Business Worksheet:

Attached Document:

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 03 WILDLIFE

.05 Upland Game Birds and Mammals

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

.05 Crow and Blackbird Depredation.

A. – B. (text unchanged)

C. Crow and Blackbird Depredation.

(1) *Private landowners and managers of public lands and their employees or their agents are authorized to control crows and blackbirds in accordance with [The] the Code of Federal Regulations, 50 CFR §21.43[:].*

[(a) Authorizes private landowners and managers of public lands and their employees or their agents to control crows and blackbirds, when:

(i) Found committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife; or

(ii) Concentrated in such numbers and manner as to constitute a health hazard or other nuisance; and

(b) Specifies the following terms and conditions under which this action may be taken:

(i) A person shall attempt to control depredation by blackbirds using nonlethal methods before the person may use lethal control;

(ii) The killed birds and their plumage may not be sold or offered for sale but may be possessed, transported, and otherwise disposed of;

(iii) Any person controlling crows and blackbirds shall permit at all reasonable times including during actual operations, any federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted and shall furnish promptly to the officer whatever information the officer may require, concerning the operations;

(iv) A person using a firearm to kill crows or blackbirds under the provisions of this section shall use nontoxic shot or nontoxic bullets unless the person uses an air gun or a .22-caliber rimfire firearm to control depredating crows or blackbirds;

(v) Any person or agency taking depredating crows or blackbirds shall provide to the U.S. Fish and Wildlife Service, Migratory Bird Permit Office, P.O. Box 779, Hadley, MA 01035, an annual report for each species taken and a summary of to be submitted by January 31st of the following year;]

[(2) A person may control blackbirds and crows if the person is in compliance with the provisions of 50 CFR §21.43.]

[(3)](2) (text unchanged)

[(4)](3) [An individual] *A person* shall contact Wildlife Services in person at 1568 Whitehall Road, Annapolis, MD 21409, or by telephone at 1-877-463-6497, to request management recommendations for control within an incorporated town or city. Wildlife Services shall evaluate the problem and recommend control actions, if any.