

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Natural Resources
(DLS Control No. 20-052)**

Overview and Legal and Fiscal Impact

The regulation updates provisions governing the control and management of the resident Canada goose population in the State.

The regulation presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Natural Resources:

Wildlife: Waterfowl: COMAR 08.03.07.10

Legal Analysis

Background

Migratory birds are jointly regulated by the Department of Natural Resources and the U.S. Fish and Wildlife Service (FWS). In 2019, FWS amended the federal regulations for managing resident Canada goose populations under 50 CFR § 21.50 and 50 CFR § 21.51. These amendments changed the definition of resident Canada Geese, and extended the time period when authorized personnel may destroy Canada goose nests and eggs under depredation and control orders to any time of year. The changes under this regulation conform State provisions for managing resident Canada goose populations to the recently amended federal provisions.

Summary of Regulation

The regulation expands the definition of resident Canada goose, and extends by one month the time period when authorized agricultural producers, their employees, and agents may conduct management and control activities involving the take of resident Canada geese. The regulation also extends the time period when authorized agricultural producers, their employees, and agents may destroy the nests and eggs of resident Canada geese for the purposes of population management and control to any time of year. Finally, the regulation updates marking and reporting procedures for banded geese.

Legal Issues

The regulation presents no legal issue of concern.

Statutory Authority and Legislative Intent

The department cites § 10-205 of the Natural Resources Article as statutory authority for the regulation. Section 10-205 grants the Secretary of Natural Resources broad authority to adopt regulations to enlarge, extend, restrict, or prohibit hunting, possessing, selling, purchasing, shipping, carrying, transporting, or exporting wildlife.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Technical Corrections and Special Notes

In response to suggestions from the Department of Legislative Services, staff for the department agreed to (1) make a technical change to the regulation, and (2) revise the statement of purpose to accurately cite the corresponding federal standard and more adequately reflect the substance of the regulation.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs. In response to a follow-up question from the Department of Legislative Services, the department notes that some agricultural producers may benefit from the extended time period during which authorized agricultural producers may take resident Canada geese and destroy nests and eggs of Canada geese pursuant to authorized management and control activities. However, the department does not anticipate that these changes result in any meaningful fiscal impact for these agricultural producers.

Contact Information

Legal Analysis: Jeremy D. Baker – (410) 946/(301) 970-5350

Fiscal Analysis: Kathleen P. Kennedy – (410) 946/(301) 970-5510