

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Natural Resources
(DLS Control No. 20-073)**

Overview and Legal and Fiscal Impact

This regulation alters provisions relating to hunter access to the impoundments at the Deal Island and Fairmount Wildlife Management Areas during duck hunting season, and requires hunters to obtain permits to hunt at the impoundments for each day duck hunting is authorized in these areas, instead of just on opening days.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Natural Resources:

Wildlife: Use of Wildlife Areas: COMAR 08.03.02.28

Legal Analysis

Background

The duck hunting season is split into three parts – the first in October, second in November, and third beginning in December and ending in January. According to the Department of Natural Resources, there is currently a lottery system that is used to manage the number of hunters who participate in the opening day of the duck hunting season on the impoundments at the Deal Island and Fairmount Wildlife Management Areas. This opening day access is limited to those hunters who were issued a permit through the department’s lottery-based system. Outside of the opening day of each part of the duck hunting season, these permits are not required. However, hunter access on the impoundments is limited to certain days approved by the department.

Summary of Regulation

The regulation amends COMAR 08.03.02.28 to require that an individual obtain a permit to hunt on the impoundments at the Deal Island and Fairmount Wildlife Management Areas for each day duck hunting is authorized at those wildlife management areas, instead of only on opening days. Individuals must obtain permits through the department’s existing lottery-based system. The

regulation also limits the number of days that each impoundment will be open during the regular duck hunting season.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites §§ 10-205 and 10-808 of the Natural Resources Article as statutory authority for the regulation. Section 10-205 gives the Secretary of Natural Resources broad authority to adopt regulations that restrict or prohibit hunting. Section 10-205 authorizes the department to use a lottery-based system to issue hunting permits. Section 10-808 authorizes the department to adopt and post rules and regulations for the proper use and administration of any State land or water the department controls or owns.

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

Technical Corrections and Special Notes

The department notes that Maryland Wildlife Advisory Commission approved the regulation at its April 2020 meeting.

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.

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