

MARYLAND REGISTER

Proposed Action on Regulations

| | | |
|--------------------------------------------------------------------------------------------------------|-------------------------------------------|------------------------------------------------|
| Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations | Date Filed with AELR Committee | TO BE COMPLETED BY DSD |
| | 07/07/2020 | Date Filed with Division of State Documents |
| | | Document Number |
| | | Date of Publication in MD Register |

1. Desired date of publication in Maryland Register: 8/14/2020

2. COMAR Codification

Title Subtitle Chapter Regulation

08 03 04 02

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: 5/4/2020.

Repeal of Existing Regulations

Authority: Natural Resources Article, §§10-205 and 10-415, Annotated Code of Maryland

Notice of Proposed Action

□

The Secretary of Natural Resources proposes to amend Regulation .02 under COMAR 08.03.04 Forest Wildlife.

Statement of Purpose

The purpose of this action is to revise the process for reporting deer taken under the authority of a Deer Management Permit. The new process replaces the need to tag each deer before removing the carcass from the place of kill if a confirmation number has been generated. The new process will allow the person to obtain a confirmation number for each deer taken through an online reporting system in lieu of tagging the deer. If the person does not obtain the confirmation number prior to removing the carcass from the field, the person must observe the current system of reporting, consisting of tagging the deer and obtaining a confirmation number within 24 hours of taking possession of the deer. The new regulation will require the shooter to make a reasonable effort to retrieve and take possession of the wounded or dead deer. In addition, the action would add two counties, Baltimore and Harford, to the list of counties allowing the use of rifles when shooting under the authority of a Deer Management Permit. The purpose of this proposed change is to conform the regulation with recent statutory additions (Chapters 175 and 176 of 2019 and Chapter 454 of 2020).

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 Karina Stonesifer, Associate Director, Wildlife and Heritage Service, Department of Natural Resources, 12512 Pleasant Valley Road, Flintstone, MD 21536, or call 301-777-2136, or email to karina.stonesifer@maryland.gov, or fax to 301-777-2029. Comments will be accepted through September 14, 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: The will be no changes in expenditures or revenue to the Department as a result of this action.

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

There will be no changes in expenditures or revenue to small businesses as a result of this action.

G. Small Business Worksheet:

Attached Document:

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 03 WILDLIFE

.04 Forest Wildlife

Authority: Natural Resources Article, §§10-205 and 10-415, Annotated Code of Maryland

.02 Deer Management Permit Procedures.

A. Form of Request. Pursuant to Natural Resources Article, [10-206] *10-415*, Annotated Code of Maryland, a person may request that the Service investigate severe damage caused by deer for the purpose of having the Service reduce the deer population in the area.

B. – E. (text unchanged)

F. Deer Reduction Procedure.

(1) – (3) (text unchanged)

(4) *While attempting to take deer under the terms of the permit, [The] the permittee and all [agents] designated shooters shall possess a copy of the deer management permit [while attempting to take deer under the terms of the*

permit] signed by both the permittee and the designated shooter, and present the permit to Department personnel upon request.

(5) In accordance with COMAR 08.03.04.24, wanton waste is prohibited and an individual who intentionally wounds or kills a deer under the authority of a Deer Management Permit shall make a reasonable effort to take possession of the wounded or dead deer.

[5](6) Tagging and Confirmation Procedures.

[(a) The permittee, or agent of the permittee as described in §F(6) of this regulation, is responsible for tagging each deer before removing the carcass from the place of kill.

(b) Each deer shall be field tagged with a tag that includes:

- (i) The deer management permit number;
- (ii) Name and DNRid number of the permittee or agent; and
- (iii) County and date of harvest.

(c) The tag shall remain attached to the deer until:

- (i) The deer has been reported through the Service's telephone or Internet-based checking system; and
- (ii) A confirmation number has been issued; and
- (iii) The deer has been processed for consumption.

(d) The permittee or agent shall record the confirmation number on the permittee's or agent's copy of the confirmation number log sheet supplied with the deer management permit.]

(a) A confirmation number shall be generated or a game field tag shall be attached to the deer before removing it from the place of kill that includes:

- (i) The deer management permit number;
- (ii) Name and DNRid number of the permittee or designated shooter that killed the deer; and
- (iii) County and date of harvest.

(b) An individual shall report each deer killed to the Department through the Service's telephone or Internet-based checking system not later than 24 hours after the deer was taken into the permittee's or designated shooter's possession.

(c) Once a confirmation number has been generated by reporting the deer through the Service's telephone or Internet-based checking system, attaching a game field tag is not required while the deer remains in the hunter's possession.

(d) When leaving a deer unattended or in the possession of another person, the deer shall be tagged with:

- (i) A game field tag as described in §F(5)(a) of this regulation, if the deer has not been reported to the Department; or
- (ii) A tag that includes the permittee's or designated shooter's name and the confirmation number provided by the Department, if the deer has already been reported to the Department.

(e) The tag required under §F(5) of this regulation shall remain attached to the deer until the carcass is either:

- (i) Processed for consumption; or
- (ii) Disposed of by a processing facility.

[(e)](f) [The agent shall supply the information from the confirmation number log sheet to the permittee.] Upon request, permittees and designated shooters shall provide a completed log sheet or an electronic record stored on a mobile device as proof that deer taken under the authority of the deer management permit were reported to the Department's checking system.

[(f)](g) On the master copy of the confirmation number log sheet supplied with the deer management permit, a [A] permittee shall record all the confirmation [number on the master copy of the confirmation number log sheet supplied with the deer management permit] numbers with the date of kill, designated shooter number, and species and sex of any deer taken under the authority of the permit.

[(g)](h) (text unchanged)

[6](7) – [7](8) (text unchanged)

[8](9) Using a Deer Management Permit.

(a) (text unchanged)

(b) In Baltimore, Calvert, Charles, Harford and St. Mary's counties, all persons shooting deer under the authority of a valid deer management permit may shoot deer using a breech loading center fired rifle or any hunting device legal for hunting deer during the deer firearms season.

G. – K. (text unchanged)