

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
Department of Natural Resources  
(DLS Control No. 20-104)**

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**Overview and Legal and Fiscal Impact**

This regulation designates the Cushwa Hatchery in Washington County as a fishery management propagation area.

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:**

Fisheries Service: General: COMAR 08.02.01.13

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**Legal Analysis**

**Background**

The Department of Natural Resources is vested with the authority to designate fish refuges that it controls or owns. These refuges, commonly known as fishery management areas, are designated by regulation and divided into two categories: fishery management propagation areas and fishery management public fishing areas. While the public is authorized to access and use fishery management public fishing areas subject to certain limitations, access to fishery management propagation areas is generally prohibited.

Located in Washington County, the Cushwa Hatchery has operated as a breeding ground for fish since its construction in the 1920s. The department advises that it purchased the Cushwa Hatchery in May 2020 after continuously leasing and operating the facility since the 1980s.

**Summary of Regulation**

The regulation amends COMAR 08.02.01.13 to add the Cushwa Hatchery to the list of State-designated fishery management propagation areas.

## **Legal Issues**

The regulation presents no legal issue of concern.

## **Statutory Authority and Legislative Intent**

The department cites § 4-407 of the Natural Resources Article as statutory authority for the regulation. Section 4-407 authorizes the department to adopt and promulgate rules and regulations for the proper use and administration of any State fish refuge it controls or owns.

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

## **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.

## **Contact Information**

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