

MARYLAND REGISTER

## Proposed Action on Regulations

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	12/05/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 1/9/2015

2. COMAR Codification

**Title Subtitle Chapter Regulation**

08 03 02 01 and .02

3. Name of Promulgating Authority

Department of Natural Resources

4. Name of Regulations Coordinator

Eileen C Mosley

Telephone Number

410-260-8107

Mailing Address

Tawes State Office Building, 580 Taylor Avenue, C-4

**City**

Annapolis

**State**

MD

**Zip Code**

21401

**Email**

emosley@dnr.state.md.us

5. Name of Person to Call About this Document

Glenn D. Therres

Telephone No.

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: 11/21/2014.

☐ Repeal of Existing Regulations

☐ Recodification

☐ Incorporation by Reference of Documents Requiring DSD Approval

☐ Reproposal of Substantively Different Text:

: Md. R

(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

**7. Is there emergency text which is identical to this proposal:**

☐ Yes ☒ No

**8. Incorporation by Reference**

☐ Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

**9. Public Body - Open Meeting**

☐ OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

☐ OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

**10. Children's Environmental Health and Protection**

☐ Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

**11. Certificate of Authorized Officer**

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Shara Mervis Alpert, Assistant Attorney General, (telephone #410-260-8358) on 12/4/2014. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Shara Mervis Alpert

**Title**

Assistant Attorney General

**Telephone No.**

410-260-8358

**Date**

December 4, 2014

**Title 08**  
**DEPARTMENT OF NATURAL RESOURCES**

**Subtitle 03 WILDLIFE**

**08.03.02 Use of Wildlife Areas**

Authority: Natural Resources Article, §10-808, Annotated Code of Maryland

**Notice of Proposed Action**

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The Secretary of Natural Resources proposes to amend Regulations .01 and .02 under COMAR 08.03.02 Use of Wildlife Areas.

**Statement of Purpose**

The purpose of this action is to define certain terms and update the list of Wildlife Management Areas within the statewide system. The new or revised definitions will be used throughout COMAR 08.03.02 to help clarify the use of those terms. The list of Wildlife Management Areas is being updated to include the areas acquired during the past several years and certain lands owned by the Department that are currently undesignated. Acreages of each Wildlife Management Area listed in the Regulation are proposed to be deleted so that every time additional land is acquired for a given Wildlife Management Area the Regulation does not have to be amended. Note, Heaters Island Wildlife Management Area will become part of the Islands of the Potomac.

**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, 3 Pershing Street, Room 110, Cumberland, MD 21502, or call 301-777-2136, or email to [karina.stonesifer@maryland.gov](mailto:karina.stonesifer@maryland.gov), or fax

to 301-777-2029. Comments will be accepted through February 9, 2015. A public hearing has not been scheduled.

### **Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 15

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:

There will be no increase in revenues or costs associated with these proposed amendments.

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 increase in revenues to small businesses associated with these proposed amendments.

G. Small Business Worksheet:

Attached Document:

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## **Title 08 DEPARTMENT OF NATURAL RESOURCES**

### **Subtitle 03 WILDLIFE**

#### **.02 Use of Wildlife Areas.**

Authority: Natural Resources Article, §10-808, Annotated Code of Maryland

##### **.01 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) *“Bait” means fruit, vegetables, nuts, hay, corn, wheat, other feed, salt, or other mineral-based attractant intentionally placed, exposed, deposited, distributed or scattered so as to serve as an attraction or enticement to forest game birds or mammals. Bait does not include standing crops or where fruit, vegetables, nuts, hay, corn, wheat, other*

feed, salt or other minerals have been scattered solely as the result of bona fide agricultural operations or procedures such as planting, harvesting or livestock care.

(2) "Baited area" means any area where bait is placed, exposed, deposited, distributed or scattered.

(3) "Camping" means erecting tents or other shelters, sleeping in vehicles or trailers overnight, or otherwise attempting to reside temporarily upon the property overnight.

[(1)] (4) "Cooperative wildlife management area" means an area under private, corporate, or government ownership for which the landowner or his agent allows controlled public wildlife recreation opportunities in accordance with the provisions of a cooperative agreement or lease with the Service.

(5) "Dog Training" means using a dog to hunt or retrieve, or simulate the hunting or retrieving of, a game bird or mammal outside the hunting season established for that species. It does not include the activity of walking with a dog on a leash or engaging in a permitted field trial in accordance with Natural Resources Article §10-701, Annotated Code of Maryland.

(6) "Geocaching" means to hide a small container or other item at discrete locations for the purpose of using GPS coordinates to locate the item.

(7) "Natural resources management area" (NRMA) means an area where multiple-use management practices are implemented for the maximum use of the natural resources of the area.

[(2)] (8) "[Managed] Permit hunting area" means a wildlife management area (WMA), cooperative wildlife management area, or [wildlife] natural resource management area (NRMA) for which [written permission] a permit from the Service is required [for hunting] to hunt, birdwatch, fish, hike, horseback ride, and train dogs.

(9) "Target shooting" means to practice or discharge an airgun, BB gun, bow, crossbow, firearm, or paintball gun at a bottle, can, stump, paper target, any other object, into the air, or into a body of water.

(10) "Use permit" means written permission provided by the service provided on Department letter head and signed by the director or designee.

(11) "Vehicle" means any motorized vehicle or vessel that is capable of traveling on land, water, snow or ice. Vehicle includes, but is not limited to, all terrain vehicles, automobiles, boats, mini-bikes, mopeds, motorcycles, personal watercraft, scooters, snowmobiles and trucks.

[(3)] (12) "Wildlife management area" (WMA) means an area acquired by the State to protect, propagate, or manage wildlife, or for hunting purposes[, and for which entire control of the area of land and water shall be under the Service's direction]. The Department may open these areas to nature-based outdoor recreational activities, including hunting, fishing, hiking, camping and wildlife watching.

[(4)] (13) "[State wildlife] Wildlife refuge" or "wildlife sanctuary" means a designated area on any [State-owned or leased or federally owned forest,] Service controlled land[, or water in which wildlife may not be hunted, disturbed, or molested at any time.

## **.02 Wildlife Management Area System.**

A. The wildlife management area system consists of the units in §B of this regulation as delineated on maps filed in the Office of the Secretary of Natural Resources.

B. Wildlife Management Areas.

Name of Area	[Acreage]	County
Avondale		Carroll
Belle Grove		Allegany
Billmeyer	[1,064]	Allegany
Bodkin Island		Queen Anne's
Bowen	[313]	Prince George's
Cedar Island	[2,880]	Somerset
Cedar Point		Charles
Cheltenham	[10]	Prince George's
Chicamuxen		Charles
Chicone Creek		Dorchester
Cunningham Swamp		Garrett
Dan's Mountain	[9,081]	Allegany
Deal Island	[12,363]	Somerset
Devil Island		Worcester
Dierrsens	[40]	Montgomery

Earleville	[190]	Cecil
E. A. Vaughn	[1,751]	Worcester
Ellis Bay	[2,874]	Wicomico
Fairmount	[4,031]	Somerset
Fishing Bay	[21,153]	Dorchester
<i>Fort Hill</i>		<i>Allegany</i>
<i>Globe Comm</i>		<i>Anne Arundel</i>
<i>Gravel Hill Swamp</i>		<i>Frederick</i>
<i>Grove Farm</i>		<i>Cecil</i>
Gwynnbrook	[74]	Baltimore
[Heater's Island]	[194]	[Frederick]
Hugg-Thomas	[274]	Howard, Carroll
Idylwild	[2,994]	Caroline
Indian Springs	[6,363]	Washington
Islands of the Potomac	[598]	Montgomery
Isle of Wight	[224]	Worcester
Johnson	[115]	Wicomico
LeCompte	[485]	Dorchester
Linkwood	[313]	Dorchester
<i>Little Patuxent Oxbow</i>		<i>Anne Arundel</i>
Maryland Marine Properties	[1,030]	Somerset
<i>McIntosh Run</i>		<i>St. Mary's</i>
McKee-Beshers	[1,971]	Montgomery
Millington	[3,702]	Kent
Mt. Nebo	[1,763]	Garrett
Myrtle Grove	[831]	Charles
<i>Nanjemoy</i>		<i>Charles</i>
<i>Nanjemoy Creek</i>		<i>Charles</i>
Nanticoke River	[1,688]	Wicomico
<i>Old Bohemia</i>		<i>Cecil</i>
Pocomoke River	[821]	Worcester
Pocomoke Sound	[922]	Somerset
<i>Prather's Neck</i>		<i>Washington</i>
<i>Ridenour Swamp</i>		<i>Frederick</i>
<i>Riverside</i>		<i>Charles</i>
Sideling Hill	[3,016]	Allegany, Washington
Sinepuxent Bay	[75]	Worcester
South Marsh Island	[2,969]	Somerset
Strider	[267]	Montgomery
<i>Tar Bay</i>		<i>Dorchester</i>
Taylor's Island	[2,500]	Dorchester
Warrior Mountain	[4,310]	Allegany
Wellington	[389]	Somerset

<i>Wetipquin</i>		<i>Wicomico</i>
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