

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Natural Resources
(DLS Control No. 16-092)**

Overview and Legal and Fiscal Impact

This regulation reduces the fee for an Endangered Species Permit issued by the Department of Natural Resources.

The regulation presents no legal issues of concern.

Special fund revenues decrease minimally.

Regulation of COMAR Affected

Department of Natural Resources:

Wildlife: Threatened and Endangered Species: COMAR 08.03.08.03

Legal Analysis

Background

On September 15, 2015, Governor Larry Hogan announced a plan to reduce or eliminate a number of fees across State government. Governor Hogan announced a second round of fee reductions or eliminations on May 12, 2016. This regulation is part of the second round of reductions or eliminations. Additional information regarding Governor Hogan's fee reduction initiative may be found [here](#).

State law generally prohibits a person from taking, possessing, transporting, exporting, processing, selling, offering for sale, or shipping any endangered or threatened species of wildlife or plant. However, the department may issue an Endangered Species Permit authorizing an incidental taking or a specified action to enhance the conservation of an endangered or threatened species.

Summary of Regulation

The regulation reduces the fee for an Endangered Species Permit from \$25 to \$10.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites §§ 10-2A-03 and 10-2A-05 of the Natural Resources Article as statutory authority for the regulation. Section 10-2A-03 requires the Secretary of Natural Resources to adopt regulations placing limitations on taking, possession, transportation, exportation, processing, sale or offer for sale, or shipment as necessary to conserve nongame wildlife. Section 10-2A-05 requires the Secretary to adopt regulations necessary and advisable to provide for the conservation of any species of wildlife or plant that is listed as threatened. This section also prohibits, unless permitted by the Secretary for specified purposes, a person from (1) exporting, taking, possessing, processing, selling, offering for sale, delivering, carrying, transporting, or shipping any endangered species of wildlife or plant or (2) violating any regulation pertaining to the conservation of any endangered or threatened species of wildlife or plant. In addition, this section authorizes the Secretary to permit, under terms and conditions prescribed by the Secretary, an act that is otherwise prohibited if the act is to be conducted for scientific purposes or to enhance the propagation or survival of the affected species.

This authority is correct and complete. However, if the fee reductions affect the balance of the Wildlife Management and Protection Fund to the extent that the department would be unable to carry out its responsibilities, the regulation may not reflect the legislative intent of the law.

Fiscal Analysis

Special fund revenues decrease minimally.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation results in a slight reduction in special fund (Wildlife Management and Protection Fund) revenues. The Department of Legislative Services concurs. The Department of Natural Resources indicates that there are a relatively small number of permits issued (19) annually. For 19 permits, the fee reduction results in a decrease in fee revenues of \$285.

Impact on Budget

There is no material 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, since the regulation results in minimal savings for affected small businesses.

Contact Information

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