

# Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

## Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

## Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

## Title 08

# DEPARTMENT OF NATURAL RESOURCES

## Subtitle 02 FISHERIES SERVICE

### 08.02.04 Oysters

Authority: Natural Resources Article, §§4-215, 4-2A-03, 4-1013, and 4-11A-12, Annotated Code of Maryland

#### Notice of Proposed Action

[15-388-P]

The Secretary of Natural Resources proposes to amend Regulation **.15** under **COMAR 08.02.04 Oysters**.

#### Statement of Purpose

The purpose of this action is to require notification while using a power dredge on a lease that is adjacent to a sanctuary and to correct a citation. The current regulation requires individuals working leases that are located in a sanctuary to call the Department 48 hours in advance of power dredging. The leases that existed prior to the creation of the sanctuaries in 2010 (Oyster Sanctuaries of the Chesapeake Bay and Its Tidal Tributaries) are adjacent to the sanctuaries, but are not considered part of the sanctuary. Therefore, these leases are currently exempt from the notification requirement. Anyone working a lease that is adjacent to a sanctuary should be required to notify the Department prior to using a power dredge. The proposed action adds the requirement. The proposed action also corrects the date of the Maryland Geological Survey sonar survey. The survey was completed in 2010, not 2012.

#### 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 Power Dredging, Regulatory Staff, Department of Natural Resources Fisheries Service, B-2, 580 Taylor Avenue, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through December 30, 2015. A public hearing has not been scheduled.

#### .15 Oyster Sanctuaries.

A.—B. (text unchanged)

C. Aquaculture in Sanctuaries.

(1) (text unchanged)

(2) Until termination in accordance with Natural Resources Article, §4-11A-10, Annotated Code of Maryland or surrender in accordance with COMAR [08.02.23.03K] *08.02.23.03J*, leased areas and all areas within 150 feet of the leased areas existing at the time of the enactment of Ch. 173, Acts of 2009 shall not be considered part of the sanctuaries as established in §A of this regulation.

(3) A leaseholder under Natural Resources Article, §4-11A, Annotated Code of Maryland, or permit registrant under COMAR 08.02.23.04 shall notify the Department as specified on the Shellfish Aquaculture Harvester Permit 48 hours in advance of using a power dredge in areas described in §A or C(2) of this regulation.

(4) (text unchanged)

(5) St. Mary's River Oyster Sanctuary.

(a) The Department shall, based on the results of the Maryland Geological Survey's [2012] *2010* sonar survey, post on its website a map of the areas of restorable bottom in the St. Mary's River Oyster Sanctuary.

(b)—(c) (text unchanged)

MARK J. BELTON  
Secretary of Natural Resources

## Subtitle 02 FISHERIES SERVICE

### Notice of Proposed Action

[15-387-P]

The Secretary of Natural Resources proposes to repeal:

- (1) Regulation .03 under COMAR 08.02.05 Fish; and
- (2) Regulation .13 under COMAR 08.02.14 Aquaculture Permits.

### Statement of Purpose

The purpose of this action is to update and clarify regulatory chapters. The proposed action repeals COMAR 08.02.05.03 because the regulation is outdated and no longer required. The details of licensing of otter and beam trawls described in the regulation are covered elsewhere in statute and in COMAR. The proposed action repeals COMAR 08.02.14.13 because it does not belong in the aquaculture permits chapter. The details of how the Department will pay for fresh shell that are described in this regulation exist in the oyster chapter, COMAR 08.02.04.

### 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 Repeal of Regulations, Regulatory Staff, Department of Natural Resources Fisheries Service, B-2, 580 Taylor Avenue, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through December 30, 2015. A public hearing has not been scheduled.

MARK J. BELTON  
Secretary of Natural Resources

## Subtitle 07 FORESTS AND PARKS

### 08.07.01 State Forests

Authority: Natural Resources Article, §5-209, Annotated Code of Maryland

### Notice of Proposed Action

[15-384-P]

The Department of Natural Resources proposes to amend Regulations .01 and .02 under COMAR 08.07.01 State Forests.

### Statement of Purpose

The purpose of this action is to update a reference to the State agency and update the listing of State forests.

### 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 Marian Honeczy, Supervisor, Urban and Community Forestry, MD DNR Forest Service, 580 Taylor Ave., E-1, Annapolis, MD, 21401, or call 410-260-8511, or email to marian.honeczy@maryland.gov, or fax to 410-260-8595. Comments will be accepted through December 30, 2015. A public hearing has not been scheduled.

### .01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Commissioned officer" means [a Forest and Park Warden, or Forest and Park Ranger having the meaning stated in Natural Resources Article, §5-206, Annotated Code of Maryland.] *a forest or park warden, or a forest or park ranger, having the authority stated in Natural Resources Article, §5-206, Annotated Code of Maryland, or a Natural Resources police officer having the authority stated in Natural Resources Article, §1-204, Annotated Code of Maryland.*

(2) — (3) (text unchanged)

(4) "Director" means the Director of the [Maryland Forest Service, a unit of the] Department of Natural Resources — *Forest Service*, or the Director's authorized representative.

(5) "*Fireworks*" means *combustible, implosive, or explosive compositions, substances, combinations of substances, or articles that are prepared to produce a visible or audible effect by combustion, explosion, implosion, deflagration, or denotation.*

[(5)] (6) — [(6)] (7) (text unchanged)

[(7)] (8) "Service" means the [Maryland Forest Service, a unit of the] Department of Natural Resources — *Forest Service*.

[(8)] (9) — [(11)] (12) (text unchanged)

### .02 State Forests.

A. (text unchanged)

B. Names and Locations of State Forests. The general locations of State-owned forests are listed below by county:

(1) Allegany [and Washington] — Green Ridge;

(2) — (5) (text unchanged)

(6) Garrett — Potomac; [Savage River;] Garrett;

(7) *Garrett and Allegany — Savage River;*

[(7)] (8) (text unchanged)

[(8)] (9) St. Mary's — Salem; *St. Inigoes;*

[(9)] (10) (text unchanged)

MARK J. BELTON  
Secretary of Natural Resources

## Subtitle 07 FORESTS AND PARKS

### 08.07.02 Roadside Tree Care

Authority: Natural Resources Article §§5-209 and 5-406, Annotated Code of Maryland

### Notice of Proposed Action

[15-386-P-I]

The Department of Natural Resources proposes to amend Regulations .02 and .02-1 under COMAR 08.07.02 Roadside Tree Care.

### Statement of Purpose

The purpose of this action is to update references to the State agency and the incorporated document.