

08.03.13.00

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 03 WILDLIFE

Chapter 13 Regulated Shooting Areas

Authority: Natural Resource Article, §§10-205, 10-206, 10-301, 10-404—10-409, 10-415, 10-418, 10-902, 10-903, and 10-906, Annotated Code of Maryland

08.03.13.01

.01 Definitions.

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

B. Terms Defined.

(1) "Commercial regulated shooting area" means a regulated shooting area that is open to the public and charges a fee.

(2) "Flighted mallards" means captive-raised mallard ducks that are properly marked by the permittee, released on the property designated as a regulated shooting area, and hunted immediately after release.

(3) "Free-flying mallards" means captive-raised mallard ducks that are properly marked by the permittee, reared and released on the property designated as a regulated shooting area, and hunted during the open season established by federal regulation pursuant to 50 CFR Part 20 for mallard ducks.

(4) "Noncommercial regulated shooting area" means a regulated shooting area that is not open to the public or has closed membership.

(5) "Permittee" means a person possessing a regulated shooting area permit or an individual authorized by the permit holder to act pursuant to the provisions of the permit and this chapter.

(6) "Regulated shooting area", referred to as regulated shooting ground in Natural Resources Article, §10-906, Annotated Code of Maryland, means a tract of land,

including any waters, on which the permittee may raise, release, and hunt captive-raised pheasant, bobwhite quail, chukar partridge, Hungarian partridge, turkey, and mallard ducks as specified on the permit and provided for in this chapter.

08.03.13.02

.02 Permits.

A. Permit Required.

(1) A permit to operate a regulated shooting area allows the permittee to raise, release, and hunt captive-raised pheasant, bobwhite quail, chukar partridge, Hungarian partridge, turkeys and mallard ducks on the permitted regulated shooting area as provided on the permit and subject to the regulations in this chapter. Turkeys may be authorized for release only on a regulated shooting area that was permitted to release turkeys before September 1, 1992.

(2) A person may not operate a regulated shooting area without a regulated shooting area permit.

B. Application.

(1) To apply for a regulated shooting area permit, a person shall submit to the Wildlife and Heritage Service (the Service):

(a) A completed application form provided by the Service;

(b) A copy of a tax map on which the applicant has delineated the tract of land to be permitted, demonstrating the property meets the minimum size requirements in Regulation .04 of this chapter;

(c) An application fee of \$150;

(d) The species the person seeks authority to raise, release, and hunt;

(e) If an applicant is requesting to release mallard ducks, a statement whether the applicant desires to release and hunt flighted mallard ducks, free-flying mallard ducks, or both; and

(f) If an applicant is requesting authority to release and hunt free-flying mallard ducks, the number of free-flying mallard ducks to be released and an annual habitat management plan that ensures that adequate amounts of water and food are available year-round to sustain the number of free-flying mallards ducks released.

(2) The Service shall provide applicants with guidelines for habitat management plans with the permit application.

(3) Permit applications may be obtained from the Wildlife and Heritage Service, Tawes State Office Building, 580 Taylor Ave., E-1, Annapolis, Maryland 21401, or by calling (410) 260-8540. Complete applications shall be mailed or delivered to: Permits Coordinator, Wildlife and Heritage Service, Tawes State Office Building, 580 Taylor Ave., E-1, Annapolis, Maryland 21401.

C. Conditions for Issuance. Upon receipt of the application, the Service shall review the application for its compliance with this chapter. The Service may not issue a permit to operate a regulated shooting area until it is satisfied that issuance of the permit will not be harmful or adverse to the conservation of native game species or to any public interest. The Service may inspect the property prior to issuance of the permit.

D. Duration. The permit shall be valid from the date of issuance until the following June 30, unless revoked by the Service. Applications to release and hunt free-flying mallard ducks shall be received by the Service before September 1 annually. Applications to release and hunt flighted mallard ducks, pheasant, bobwhite quail, chukar partridge, Hungarian partridge, and turkey may be made at any time.

08.03.13.03

.03 Record-keeping Requirements.

A. Annual Reports.

(1) The permittee shall make an annual report of operations by April 30 of each permit year on forms provided by the Service with the regulated shooting area permit.

(2) The report shall include:

(a) The number and species of captive-raised birds that have been released, killed, or recaptured on the regulated shooting area each day;

(b) The number and species of all wild waterfowl that have been killed on the regulated shooting area excluding any of the captive-raised birds listed in §A(2)(a) of this regulation;

(c) An estimate of how many captive-raised birds by species were released and not captured; and

(d) Any outbreaks of avian influenza or other diseases in the captive-raised birds raised, released, or captured on the regulated shooting ground.

(3) The Department may not issue a new permit for a regulated shooting area to an existing permit holder unless the report required under this section has been filed.

B. Records of Birds Purchased.

- (1) The permittee shall maintain records of:
 - (a) The number and species of captive-raised birds purchased;
 - (b) The date on which they were purchased; and
 - (c) The name and address from whom they were purchased.
- (2) These records shall be retained for 12 months from the date of the transaction.

08.03.13.04

.04 Area Requirements.

A. Minimum Size. Each regulated shooting area shall be in one tract of land, or land and water combined. A regulated shooting area permit may not be issued for less than 50 acres for hunting flighted mallard ducks, or less than 100 acres for hunting all other species. The regulated shooting area may include areas bisected by roads with easements less than 60 feet wide.

B. Signage and Boundary Posting.

The permittee shall post at each entrance to the property printed notices that contain the following wording:

REGULATED SHOOTING AREA
This area is governed by regulations authorized in
Natural Resources Article, §10-906,
Annotated Code of Maryland
UNAUTHORIZED HUNTING
OR TRESPASSING PROHIBITED
(Name of Permit Holder)

C. The permittee shall maintain in the permittee's possession an aerial photograph delineating the boundaries of the regulated shooting area and make the photograph available for inspection by the Department.

08.03.13.05

.05 Hunting.

A. Hunting Seasons.

- (1) The open season for captive-raised pheasant, chukar partridge, Hungarian partridge, turkey, and flighted mallard ducks is September 1 through April 30.

(2) The open season for captive-raised bobwhite quail shall conform to the regular Statewide seasons except:

(a) Captive-raised bobwhite quail may be hunted on the regulated shooting area from September 1 through April 30 if the regulated shooting area was granted these extended season dates for captive-raised bobwhite quail prior to July 1, 2003; or

(b) An applicant for a regulated shooting area permit may request approval from the Service, at the time of application, to hunt captive-raised bobwhite quail on the regulated shooting area from September 1 through April 30.

(3) Approval of a request under §A(2)(b) of this regulation shall be noted on the face of the regulated shooting area permit, if the Service finds, after investigation, that these extended season dates will not be harmful or adverse to the conservation of native game species.

(4) Hunting on Sunday is authorized only as provided in Natural Resources Article, §10-410(a), Annotated Code of Maryland.

(5) The open season for free-flying mallard ducks is the same as the open season for mallard ducks established by federal regulation pursuant to 50 CFR Part 20.

B. Hunting Hours. Hunting hours in regulated shooting areas shall conform to:

(1) Natural Resources Article, §10-410(b), Annotated Code of Maryland; and

(2) Federal hunting hours pursuant to 50 CFR Part 20.

C. Bag and Possession Limit. The permittee may take by shooting only captive-raised birds that are marked under this chapter that have been released on the permitted regulated shooting area or on any other regulated shooting area, without regard to any bag or possession limits.

D. Hunting License and Stamps Required.

(1) Unless otherwise exempted by statute, an individual may hunt released, captive-raised pheasant, bobwhite quail, chukar partridge, Hungarian partridge and turkey on the regulated shooting area only while in possession of a valid:

(a) Maryland resident or nonresident hunting license; or

(b) Regulated shooting area special hunting license.

(2) Unless otherwise exempted by statute, an individual may hunt flighted mallard ducks on the regulated shooting area only while in possession of:

(a) A valid:

(i) Maryland resident or nonresident hunting license; or

(ii) Regulated shooting area special hunting license; and

(b) A valid Maryland Migratory Game Bird Stamp.

(3) Unless otherwise exempted by statute, an individual may hunt free-flying mallard ducks on the regulated shooting area only while in possession of a valid:

(a) Maryland resident or nonresident hunting license;

(b) Maryland Migratory Game Bird Stamp; and

(c) Federal Migratory Bird Hunting and Conservation Stamp.

(4) Unless otherwise exempted by statute, an individual hunting any other game species on the regulated shooting area shall possess a valid Maryland resident or nonresident hunting license, and any required stamps.

E. Removal of Live Decoys. Captive-raised released mallard ducks that may act as live decoys may be removed by the permittee by shooting only during the open season for mallard ducks established by federal regulation and with the written approval of the Service. The hunting of wetland game birds may not occur for a period of 10 consecutive days after removal of these birds. Any violation of these conditions is a violation of COMAR 08.03.07.05.

F. Dog Training. Dogs may be trained, and retriever or field trials may be held at any time of the year, upon the premises covered by a regulated shooting area permit. A special permit as required in Natural Resources Article, §10-701, Annotated Code of Maryland, first shall be obtained to conduct a retriever trial or field trial.

G. Hunting of Other Species. All other game that is taken or hunted on regulated shooting areas is subject to the wildlife laws and regulations of this State.

08.03.13.06

.06 Captive Birds.

A. Care of Captive Birds. Birds held in captivity under the authority of this chapter shall be maintained under conditions providing adequate space, food, and water to meet the physical requirements of the birds.

B. Release. All captive-raised birds released shall be full-winged and fully able to care for themselves in a wild state.

C. Marking.

(1) Before release, all captive-raised birds, except mallard ducks, shall bear a leg band or other marking device prescribed by the Service. The leg band shall remain attached to each captive-raised bird until prepared for consumption and shall be destroyed immediately upon removal.

(2) Mallard ducks shall be physically marked by removal of the hind toe from the right foot before they are 4 weeks old and may not be marked with leg bands or any other marking device.

D. Recapture of Released Birds.

(1) Pheasant, bobwhite quail, turkey, chukar partridge, and Hungarian partridge that are properly marked may be recaptured by the permittee on the lands and waters of the regulated shooting area.

(2) Flighted mallard ducks may be recaptured by the permittee on the lands and waters of the regulated shooting area only if allowed as a specific condition on the face of the permit.

(3) Free-flying mallard ducks may not be recaptured.

E. Feeding.

(1) If the permittee feeds free-flying mallard ducks released on the regulated shooting area, all feeding shall be done by a feeder located on dry land. All feed shall be completely removed for at least 10 consecutive days before hunting free-flying mallard ducks or any wetland game bird on the regulated shooting area. This subsection does not apply if the only wetland game birds being hunted are flighted mallard ducks. A violation of these conditions is a violation of COMAR 08.03.10.07.

(2) The feeding of captive-raised mallard ducks in tidal waters, or within 25 feet of the mean high water line of tidal waters bordering the regulated shooting area, is prohibited.

F. Sale of Live Birds. If a permittee desires to sell live birds, the permittee shall obtain a game husbandry permit as described in Natural Resources Article, §10-905, Annotated Code of Maryland.

G. Possessing, Transporting, and Marking of Mallard Carcasses.

(1) Except as provided in §G(2) and (3) of this regulation, at all times during possession, transportation, and storage until the raw carcasses are finally processed immediately before cooking, smoking, or canning, the toe-clipped foot of captive-raised mallard ducks shall remain attached to each carcass.

(2) A permittee may remove the toe-clipped foot of captive-raised mallard ducks if the number of the regulated shooting area permit first has been legibly stamped in ink:

(a) On the back of each carcass or breast; and

(b) On the container in which the carcass or breast is stored.

(3) If properly marked under §G(2) of this regulation, the carcasses and breasts may be:

(a) Given to or acquired from any person; and

(b) Possessed and transported in any number at any time or place.

08.03.13.07

.07 Health, Inspection, and Testing.

A. Report of Disease Outbreaks. The permittee shall report unusual death or sickness of captive-raised birds immediately to the nearest Department of Agriculture animal health laboratory, and transport dead and sick captive-raised birds to the nearest Department of Agriculture animal health laboratory for diagnostic examination.

B. Inspection. The permittee shall allow the Department or the Department's representative to enter the regulated shooting area at all reasonable hours to inspect:

(1) Records required to be maintained under this chapter;

(2) All hatcheries, equipment, and facilities used for rearing and holding captive-raised birds; and

(3) The grounds and water of the regulated shooting area.

C. Testing.

(1) The permittee shall allow the Department or the Department's representative to enter the regulated shooting area at all reasonable hours to:

(a) Collect environmental samples from all hatching, rearing, and holding facilities;

(b) Culture or biochemical test these samples for the presence of avian diseases; and

(c) Test a sample of captive-raised birds from the permittee's flock.

(2) The permittee shall provide the Department captive-raised birds for testing at no cost to the Department, as the Department considers necessary.

08.03.13.08

.08 Penalties.

A. Revocation and Suspension.

(1) The Service may revoke or suspend a regulated shooting area permit for any violation of this chapter or of the terms of the permit.

(2) If a regulated shooting ground permit is suspended, a new permit may not be issued for that regulated shooting ground, regardless of who applies, until the period of suspension ends.

B. Additional Penalties.

(1) For the purposes of this section a second or subsequent conviction is a violation that has occurred within 2 years of the first conviction and that arises out of a separate set of circumstances than the first conviction.

(2) In addition to any other penalty provided by this chapter or Natural Resources Article, Annotated Code of Maryland, if a person who holds a permit to establish and operate a regulated shooting ground under this chapter or any other guest of that person is convicted of violating on the premises of the regulated shooting area a provision of State or federal law or regulation that establishes daily or seasonal bag limits, prohibits baiting, or prohibits the hunting of wetland game birds on a regulated shooting area by the use or aid of live birds as decoys, the Director shall suspend the permit:

(a) For the first conviction, for the following permit year; and

(b) For the second or subsequent conviction, for the following 2 permit years.