

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Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken.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an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.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

08.02.23 Shellfish Aquaculture and Leasing

Authority: Natural Resources Article, §4-11A-12, Annotated Code of Maryland

Notice of Proposed Action

[23-197-P]

The Secretary of Natural Resources proposes to adopt new Regulation .05 under **COMAR 08.02.23 Shellfish Aquaculture and Leasing**.

Statement of Purpose

The purpose of this action is to create a pilot program permit structure for future aquaculture pilot programs. The Department would then be able to conduct certain voluntary pilot projects for the practical demonstration and evaluation of alternative aquaculture management methods to increase accountability as well as efficiency and value within the industry. The Department believes the regulatory burden on both the management agency and the aquaculture industry can be reduced by emphasizing improved harvest accountability techniques and resulting increased efficiency value in the industry. However, rather than temporarily create additional regulations that only apply to permit holders, the Department is proposing conducting pilot projects developed in cooperation with the aquaculture industry. Individuals participating in these projects would receive permits from the Department. The permits would specify the details of the project. Additionally, Natural Resource Police would be informed of all permit holders and projects. Pilot projects for demonstration and evaluation of alternative accountability practices would potentially enhance development and application of improved management practices.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action alone will not have any economic impact. Any future pilot program undertaken by the Department under this authority may have an indeterminable positive economic impact on the aquaculture industry by lowering certain regulatory burdens, but given that the Department is not currently proposing any specific pilot program any actual economic impact is indeterminable.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:		
Department of Natural Resources	(E-)	Indeterminable
B. On other State agencies:		
	NONE	
C. On local governments:		
	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:		
Aquaculture leaseholders	(+)	Indeterminable
E. On other industries or trade groups:		
	NONE	
F. Direct and indirect effects on public:		
	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. This action may have an indeterminable impact on the Department, depending on if the Department creates pilot programs under this regulation, and depending on the type of pilot program the Department creates. The ultimate goal of any pilot program undertaken would likely include a reduction in the administrative burden on the

agency, in addition to the industry, resulting in lower expenditures by the agency.

D. This action may have an indeterminable impact on aquaculture leaseholders by reducing their regulatory burden, depending on if the Department creates pilot programs under this regulation, and depending on the type of pilot program the Department creates. The ultimate goal of any pilot program undertaken would likely reduce the regulatory burden on leaseholders, resulting in an indeterminable positive economic impact.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows:

This action may have long-term positive impacts on small businesses engaged in shellfish aquaculture by reducing their regulatory burden, depending on if the Department creates pilot programs under this regulation and depending on the type of pilot program the Department creates. Any program created under this authority would be discussed and vetted through the Aquaculture Coordinating Council, which is made up of a wide range of industry participants and overseers and provides the Department advice on how to manage the industry.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Shellfish Aquaculture — Pilot Program Authority, Regulatory Staff, Department of Natural Resources, 580 Taylor Avenue, E-4, Annapolis, MD 21401, or call 410-260-8300, or submit comments to <https://dnr.maryland.gov/fisheries/pages/regulations/changes.aspx#aq> ua. Comments will be accepted through October 23, 2023. A public hearing has not been scheduled.

.05 Aquaculture Pilot Programs.

A. *The Department may conduct pilot projects to demonstrate and evaluate new approaches to managing shellfish aquaculture in the State.*

B. *The Department may select and designate certain persons named on a Shellfish Aquaculture Harvester Permit or Shellfish Aquaculture Harvester Registration Card to participate in a pilot project. A participating permittee or registrant shall:*

(1) *Apply for a pilot program permit on forms provided by the Department;*

(2) *Have a pilot program permit in order to participate in a pilot program;*

(3) *Comply with any conditions of the permit; and*

(4) *Be eliminated from the pilot project at the discretion of the Department.*

C. *The Department shall:*

(1) *Develop pilot projects in cooperation with the aquaculture industry; and*

(2) *Provide adequate notice of a pilot program through various media so that an interested individual has a reasonable opportunity to be informed.*

JOSH KURTZ
Secretary of Natural Resources

**Title 13A
STATE BOARD OF
EDUCATION**

**Subtitle 01 STATE SCHOOL
ADMINISTRATION**

**13A.01.05 Appeals to the State Board of
Education**

Authority: Authority: Education Article, §§2-205, 4-205, 6-202, and 7-305[, and 23-406]; State Government Article, §§10-122 and 10-201 et seq.; Annotated Code of Maryland

Notice of Proposed Action

[23-196-P]

The State Board of Education proposes to amend Regulations .01— .04, .08, .10, and .12 under COMAR 13A.01.05 Appeals to the State Board of Education. This action was considered by the State Board of Education at their July 25, 2023 meeting.

Statement of Purpose

The purpose of this action is to provide further direction to those submitting appeals to the State Board of Education and efficiency to the appeal process.

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 Michelle Phillips, Administrative Officer, Office of the Attorney General, 200 St. Paul Place, Baltimore, MD 21202, or call 410-576-6465, or email to mphillips@oag.state.md.us. Comments will be accepted through October 23, 2023. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(4) (text unchanged)

(5) "File" means:

(a) In regard to an initial appeal, petition for declaratory ruling, or request for removal of a local board member:

(i) Delivery of the papers to the State Board in hard copy on or before the date the papers are due; [or]

(ii) Depositing the papers in the United States mail as registered or certified mail or Express Mail, or deposited with a delivery service, such as Fed Ex, UPS, or DHL, that provides verifiable tracking of the item from the point of origin on or before the date the papers are due[.]; or

(iii) Submitting the papers electronically to the State Board on or before the date the papers are due.

(b) In regard to all other motions, memoranda, and responses:

(i)—(ii) (text unchanged)

(iii) Submitting the papers electronically to the State Board on or before the date the papers are due.

(6)—(10) (text unchanged)