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DNR-FS-2022-03

SMALL BUSINESS COMPLIANCE GUIDE
Amendment to Subtitle 02 Fisheries Service
Regarding the Department's Regulations for Gear
COMAR 08.02.25.06
Released April 20, 2022
Updated September 28, 2022

This Guide is prepared in accordance with the requirements of State Government Article, §10-110, Annotated Code of Maryland. It is intended to help small businesses comply with the revised rules adopted in the above-referenced sections of the Code of Maryland Regulations. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small businesses, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply.

The Department will clarify or update the text of the Guide as an idea moves through the regulatory process. Direct your comments and recommendations, or calls for further assistance, to Fishing and Boating Services Regulatory Division:

410-260-8300

410-260-8DNR; toll free in Maryland 877-620-8DNR; TTY Users Call via the Maryland Relay

I. SUMMARY & FAQs

What has been proposed?

The department has proposed removing the requirement that a licensed commercial harvester obtain an additional permit in order to use finfish trotline gear with an applicable fishing license.

Why is this change necessary?

The finfish trotline permit was part of the department's initial regulatory structure after the gear was first legalized by the General Assembly in 2016. Because it was a new gear in State waters, the department, General Assembly, and both commercial harvesters and recreational anglers all harbored some level of concern that finfish trotlines might inadvertently catch striped bass or other unintended species, resulting in a potential conservation concern. By requiring the additional permit, the department was able to gather additional data specific to commercial harvest with finfish trotline gear. The data gathered from the additional reporting by finfish trotline permit holders, as well as stakeholder feedback, indicates that none of the concerns have come to fruition. Between how the gear has been utilized by harvesters and the regulations the department has enacted for the gear, the use of finfish trotlines overwhelmingly has resulted in the harvest of catfish with almost no bycatch. Therefore, the permit and the additional reporting that has been submitted under the permit is no longer necessary.

Who will this affect?

The proposed regulation would affect commercial finfish harvesters who use finfish trotlines.

Has this change been discussed with advisory commissions?

This idea was scoped with the Sport Fisheries Advisory Commission and Tidal Fisheries Advisory Commission at their April 2022 meetings. Commissioners recommended moving forward with scoping.

What is the specific regulatory action?

Amend Regulation .06 under COMAR 08.02.25 Gear.

II. RECORDKEEPING AND REPORTING REQUIREMENTS

This action would remove current recordkeeping or reporting requirements associated with the finfish trotline permit.

III. IMPLEMENTATION DATE

The department expects this change to be effective in the fall of 2022, however the exact date cannot be determined. The department will follow our normal scoping and proposal procedures.

During the scoping process, the department gathers suggestions and ideas from stakeholders and others about how to solve a fishery problem or address a need. The goal of scoping is to identify issues, potential impacts, and reasonable alternatives associated with the issues so that

management actions can be developed. After the public has had an opportunity to comment on possible management actions during the scoping process, the department considers these comments and develops an appropriate management strategy. The idea for this proposal was scoped from April 20 — May 4, 2022.

At the conclusion of the scoping process, the department determined that the action is necessary and appropriate. The rules will be promulgated following the Administrative Procedures Act described in Title 10, Subtitle 1 of the State Government Article Annotated Code of Maryland.

- The General Assembly’s Administrative, Executive, and Legislative Review Committee reviews the regulatory proposal for fiscal and legal analysis.
- The proposal is printed by the Division of State Documents in the Maryland Register.
- A 30 day public comment period begins on the day of publication. The proposed action was printed in the Maryland Register on September 23, 2022. The comment period will close at 11:59 p.m. October 24, 2022.
- After review of the comments, the department may adopt the changes.
- If the department adopts the changes, they become effective after a notice is published in the Maryland Register that announces approval and the effective date.