

PROPOSED ACTION ON REGULATIONS

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development of a commercial aquaculture business in the name of the applicants. The direct economic impacts to the applicants are indeterminable. However, because this will be a commercial operation, it is assumed that the applicants will be receiving revenue from the aquaculture activity that is proposed at the site.

Economic Impact on Small Businesses

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

Shellfish aquaculturists and commercial harvesters are considered small businesses.

The declassification of PSFA 83 will allow the Department to issue a submerged land lease. The lease site will allow for the development of a commercial aquaculture business in the name of the applicants. The direct economic impacts to the applicants are indeterminable. However, because this will be a commercial operation, it is assumed that the applicants will be receiving revenue from the aquaculture activity that is proposed at the site.

This action will remove approximately 1.6 acres of bottom from the existing public shellfish fishery areas. The buffer area (6.4 acres) remains open for commercial harvest. The process for declassification of a public shellfish fishery area is set forth in COMAR 08.02.04.17. Resource surveys of the area yielded a density of oysters below the minimum threshold necessary to consider the bottom viable for the commercial oyster fishery. Therefore, removing the acres does not have an economic impact for commercial fishermen.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to PSFA Regulations, Regulatory Staff, Maryland Department of Natural Resources Fishing and Boating Services, 580 Taylor Ave., E-4, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov or complete the comment form at <https://dnr.maryland.gov/fisheries/Pages/regulations/changes.aspx>. Comments will be accepted through January 26, 2026. A public hearing has not been scheduled.

Editor’s Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Public Shellfish Fishery Areas of the Chesapeake Bay and Its Tidal Tributaries (October 2025) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 52:2 Md. R. 53 (January 24, 2025), and is available online at www.dsd.maryland.gov. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.17 Public Shellfish Fishery Area.

A. Public Shellfish Fishery Areas of the Chesapeake Bay and Its Tidal Tributaries [(June 2023)] (October 2025) designates public shellfish fishery areas in the Chesapeake Bay and its tidal tributaries and is hereby incorporated by reference.

B. (text unchanged)

JOSH KURTZ
Secretary of Natural Resources

08.02.05 Fish

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

Notice of Proposed Action

[25-240-P]

The Secretary of Natural Resources proposes to amend Regulation .24 under **COMAR 08.02.05 Spiny Dogfish**.

Statement of Purpose

The purpose of this action is to implement area-based commercial gear requirements in the spiny dogfish gill net fishery to reduce bycatch of Atlantic sturgeon. This action is necessary to implement the Atlantic States Marine Fisheries Commission (ASMFC) Addendum VII to the Spiny Dogfish Interstate Fishery Management Plan. Addendum VII has gear restrictions for the Delaware and Maryland Sturgeon Bycatch Reduction Areas.

In August 2024, NOAA Fisheries published a proposed rule (Federal Register notice 89 FR 65576; August 12, 2024) to approve and implement Spiny Dogfish Framework Adjustment 6, as recommended by the Mid-Atlantic and New England Fishery Management Councils. The Councils developed Spiny Dogfish Framework Adjustment 6 in response to a 2021 Biological Opinion and 2022 Action Plan that called for reducing bycatch of Atlantic sturgeon in spiny dogfish gill net fisheries. Atlantic sturgeon harvest has been under a coastwide moratorium in federal and state waters since 1998. The ASMFC Fishery Management Plan for Atlantic Sturgeon maintains the moratorium through at least 2038, and while the 2024 stock assessment update showed signs of improvement, the stock remains depleted coastwide. The proposed rule was approved in December 2024 by NOAA Fisheries and will implement area-based gear requirements in the spiny dogfish gill net fishery to reduce bycatch of Atlantic sturgeon for harvesters that possess a federal spiny dogfish permit.

Currently, harvesters who hold a Maryland Spiny Dogfish Permit, do not possess a federal spiny dogfish permit, and only fish in state waters are not captured by the federal action. Because the specific areas included for additional management span state and federal waters, action is needed by the Department to implement corresponding measures for state-only permit holders to maintain consistency between the federal and interstate fishery management plans. ASMFC developed Addendum VII to ensure consistency with the the Mid-Atlantic and New England Fishery Management Councils Spiny Dogfish Framework Adjustment 6 by applying the overnight soak restrictions for harvesters who have state spiny dogfish permits in Maryland, but do not possess a federal spiny dogfish permit.

The proposed action creates a definition for roundfish gill nets and restrictions for using the nets in State waters of the Atlantic Ocean (0-3 miles from shore). The proposed action requires harvesters that possess a Maryland spiny dogfish permit, who do not have a federal permit and use roundfish gill nets with a mesh size equal to or greater than 5.25 inches and less than 10 inches to remove roundfish gill nets from the water by 8:00 p.m. each day and prohibits them from setting the nets prior to 5:00 a.m. the following day during the time period November 1 through March 31 each year.

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 Spiny Dogfish Regulations, Regulatory Staff, Maryland Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, E-4, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov or complete the comment form at <https://dnr.maryland.gov/fisheries/pages/regulations/changes.aspx#spiny>. Comments will be accepted through January 26, 2026. A public hearing has not been scheduled.

.24 Spiny Dogfish.

A.—B. (text unchanged)

C. Commercial Season and Catch Limits.

(1)—(2) (text unchanged)

(3) The commercial catch limits for spiny dogfish shall be established and may be modified through a public notice issued in accordance with [§I] §J of this regulation.

(4) The public notice establishing the commercial catch limit issued in accordance with [§I] §J of this regulation shall state the catch limit in pounds per vessel per day for an individual:

(a)—(c) (text unchanged)

(5)—(6) (text unchanged)

D.—H (text unchanged)

I. Commercial Gear.

(1) Definition.

(a) In this regulation, the following term has the meaning indicated.

(b) Term Defined. “Roundfish gill net” means a gill net that is constructed with floats on the float line and that has no tie-down twine between the float line and the lead line.

(2) In waters of the Atlantic Ocean, during the period from November 1 through March 31, a roundfish gill net with mesh size equal to or greater than 5.25 inches and less than 10 inches:

(a) May not be set prior to 5 a.m. each day; and

(b) Shall be removed from the water no later than 8 p.m. each day.

(3) The restriction in §I(2) of this regulation applies only to a commercial tidal fish licensee who:

(a) Holds a valid Maryland spiny dogfish permit; and

(b) Does not hold a federal spiny dogfish permit.

[I.] J. General

(1)—(4) (text unchanged)

(5) A violation of the restrictions set by the Secretary in accordance with [§I] §J of this regulation is a violation of this regulation.

(6)—(7) (text unchanged)

JOSH KURTZ
Secretary of Natural Resources

**Title 09
MARYLAND DEPARTMENT
OF LABOR**

**Subtitle 12 DIVISION OF LABOR
AND INDUSTRY**

**09.12.81 Elevator, Escalator, and Chairlift
Safety**

Authority: Public Safety Article, §12-805(c) Annotated Code of Maryland

Notice of Proposed Action

[25-294-P-I]

The Commissioner of Labor and Industry proposes to amend Regulations .01, .02, and .06 under COMAR 09.12.81, Elevator, Escalator, and Chairlift Safety.

Statement of Purpose

The purpose of this action is to adopt through Incorporation by Reference the latest consensus standards, with amendments for elevators, escalators, platforms/stairlifts, and wind turbines regulated under the Elevator Inspection Unit. In addition, this proposal clarifies ladder and lighting requirements, deletes chapters on Marine and Mine elevators that are not included in the scope of the authorizing statute, corrects a typo on an electrical code reference, removes newly added door monitoring requirements for existing installations, provides how to safely secure out-of-service elevators, and separately aligns the amount of time that certain records need to be maintained with the adopted code.

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 Mischelle F Vanreusel, Deputy Commissioner, Division of Labor and Industry, 10946 Golden West Drive, Suite 160, or call 410-767-2225, or email to dli.regulations+elevators@maryland.gov. Comments will be accepted through January 26, 2026. A public hearing has not been scheduled.