

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Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken.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an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.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

08.02.03 Blue Crabs

Authority: Natural Resources Article, §§4-215 and 4-803, Annotated Code of Maryland

Notice of Proposed Action

[25-283-P]

The Secretary of Natural Resources proposes to amend Regulation .14 under COMAR 08.02.03 Blue Crabs.

Statement of Purpose

The purpose of this action is to modify the commercial crabbing day off rules in the Chesapeake Bay and its tidal tributaries. Specifically, the proposed action removes the prohibition on using a vessel for commercial crabbing purposes on the owner's declared day off and removes the requirement to label vessels with the declared day off. Each licensed crabber is still limited to harvesting six days per week, but the vessel could be used seven days a week if there are multiple licensed commercial crabbers that use the vessel.

The prohibition on using a vessel for commercial crabbing purposes on the owner's declared day off and the requirement to label the vessel with the day off were meant to aid in the enforcement of the rule that requires commercial crabbers to take at least one day off per week. That rule is in place to manage the fishing effort for crabs. At the time the rule was implemented, it was determined that the easiest way to enforce the rule was to have each licensee mark their vessel with their day off and to prohibit the vessel from being used for commercial crabbing purposes on that day. Additionally, it was generally understood that there was limited sharing of vessels between licensees, meaning that there was usually only one licensee that used each boat.

However, as both technology and the fishery have changed, the vessel day off has not. Due to a variety of factors, it is now more common for multiple licensees to share a single vessel. Enforcement is also now able to check the licensing database remotely to verify a

licensee's declared day off and their associated landing limits. If one licensee is acting as another licensee's mate on their declared day off, the vessel would still be limited to the landing limit of the individual acting as that day's captain, regardless of who actually owns the vessel.

Removing the vessel day off requirement also resolves a conflict when multiple family members own and utilize a single vessel. Removing the vessel day off will allow individuals to list different days off on their licenses to ensure that at least one family member is able to work each day, while the other family members act as their mate (not harvesting their bushel limit that day, only assisting the valid licensee in landing their limit).

The Department does not anticipate an increase in effort since the rule limiting licensees to six days of harvest remains unchanged. Allowing the vessel to be used seven days per week may spread harvest out over the course of the week, but harvest is not expected to increase.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action could have a positive impact on commercial licensees who share a vessel when harvesting blue crabs.

II. Types of Economic Impact

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

PROPOSED ACTION ON REGULATIONS

64

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

D. Removing the requirement that a vessel take the day off that was declared by the owner of the vessel may give commercial licensees business flexibility. Each licensed crabber is still limited to harvesting six days per week, but the vessel could be used seven days a week if there are multiple licensed commercial crabbers that use the vessel. This means that if one crabber prefers to take Sunday off and the crabber that owns the vessel that they share prefers to take Monday off, both crabbers could now take their preferred day off and still be able to crab all of their six allowable days. Allowing the vessel to be used seven days per week may spread harvest out over the course of the week. The actual impact will vary by licensee and cannot be determined.

Economic Impact on Small Businesses

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

The proposed action could have a positive impact on commercial licensees. Please see the assumption in the Estimate of Economic Impact.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Blue Crab Day Off 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 form at <https://dnr.maryland.gov/fisheries/pages/regulations/changes.aspx#craboff>. Comments will be accepted through February 23, 2026. A public hearing will be held on Monday, February 2, 2026 at 1pm.

.14 General.

A. (text unchanged)

B. Commercial—General.

(1)—(2) (text unchanged)

[3) The vessel of a person licensed to catch crabs for sale may not be used to set or retrieve gear or catch crabs for commercial purposes on the day or days on which the vessel's owner may not set or retrieve gear or catch crabs for commercial purposes.]

[4) (3)—[(15)] (14) (text unchanged)

C. Closed Day Declaration of Intent.

(1) (text unchanged)

[2) Display of Declaration. The letters for the abbreviation of the day off shall be identified and displayed on the vessel and shall be painted or firmly attached to the port side near the stern of the vessel as follows:

(a) The letters shall be positioned in such a manner as to be clearly visible to persons in passing boats;

(b) The letters shall be plain vertical block characters of not less than 3 inches in height and shall contrast with the color of the background;

(c) The letters "SUN" shall be displayed as the abbreviation for Sundays; and

(d) The letters "MON" shall be displayed as the abbreviation for Monday.]

[3) (2) (text unchanged)

D. Alternate Closed Day.

(1) (text unchanged)

[2) An alternate closed day shall be displayed on the vessel in the manner set forth in §C(2) of this regulation using the first three letters of the day of the week.]

[(3)] (2)—[(4)] (3) (text unchanged)
E.—G. (text unchanged)

JOSH KURTZ
Secretary of Natural Resources

Notice of Proposed Action

[25-316-P]

The Secretary of Natural Resources proposes to:

- (1) Amend Regulation .02 under COMAR 08.02.05 Fish;
- (2) Amend Regulations .02, .09, and .12, and repeal existing Regulation .10 under COMAR 08.02.15 Striped Bass; and
- (3) Amend Regulation .03 under COMAR 08.02.25 Gear.

Statement of Purpose

The purpose of this action is to implement the Atlantic States Marine Fisheries Commission's (ASMFC) Addendum III to Amendment 7 to the Interstate Fishery Management Plan for Atlantic Striped Bass. The Addendum implements a standard method of measuring total length for size limit regulations and allows Maryland to change its Chesapeake Bay recreational season baseline. The proposed action:

- (1) Modifies the definition of total length. Addendum III specifies that when measuring total length of a striped bass, it must be a straight-line measurement with the upper and lower forks of the tail squeezed together.
- (2) Reestablishes the catch and release season for April.
- (3) Reestablishes the season from May 1 through May 15 where an individual may harvest one fish per person per day between 19—24 inches total length.
- (4) Removes the July 16 through July 31 no targeting closure and establishes a no targeting closure from August 1 through August 31.
- (5) Changes the end date of the recreational season to December 5 of each year.
- (6) Reorganizes the regulations to simplify the recreational and charter boat seasons making them easier to find and read.
- (7) Adjusts the gear and bait rules to align with the recreational seasons.
- (8) Allows for more access to recreational fishing opportunities without increasing mortality or total number of fish removed.

The ASMFC Striped Bass Management Board approved a stakeholder-developed and Department-sponsored proposal (Baseline Season Adjustment) to modify Maryland's current recreational striped bass season with the goal of addressing the needs of the recreational community in Maryland while focusing on protections for the resident striped bass to reduce mortality and boost their survivability until migration. The Baseline Season Adjustment re-directs the Department's current conservation approach (protection of large females) to one that provides protection to the more vulnerable (juvenile) resident population of striped bass in the Chesapeake Bay.

Atlantic Coast states have taken many steps to protect the large, spawning females through reductions in quotas, recreational size and creel limits, and closed seasons. This has resulted in complicated and segmented recreational fishing regulations. These management actions have resulted in increases in the numbers of large females, but the protection of the older and larger fish has not led to increases in numbers of young striped bass surviving and growing large enough to be caught. The proposed action simplifies striped bass regulations and refocuses management measures on protections to the smaller, resident population of striped bass to provide the best chance of survival to spawning and migration size while also providing anglers opportunities to fish for striped bass.

The proposed action removes the no-targeting restrictions in April and May. The no-targeting closure in April has been in place since 2020. The closure was extended through the first 15 days of May in 2024. The closures were intended to protect the large females in the population (female spawning stock biomass, or "SSB") at a time when