

determined it may be approved in accordance with Natural Resources Article, Title 4, Subtitle 11A, Annotated Code of Maryland. Consequently, the proposed lease area meets the regulatory criteria for declassifying this portion of the PSFA.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposed action may have an economic impact on the regulated industry.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
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:

(1) PSFA declassification — aquaculturists	(+)	Indeterminable
(2) PSFA declassification — commercial harvesters	NONE	NONE
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.)

D(1). If issued, the proposed lease sites will allow for the development of commercial aquaculture businesses in the name of the applicants. The direct economic impacts to the applicants are indeterminable. However, because these will be commercial operations, it is assumed that the applicants will be receiving revenue from the aquaculture activity that is proposed at these sites.

D(2). This action will remove approximately 119 acres of bottom from the existing public shellfish fishery areas. The process for declassification of a public shellfish fishery area is set forth in COMAR 08.02.04.17. Resource surveys of each of the areas yielded a density of oysters below the minimum threshold necessary to consider the bottom viable for the commercial oyster fishery. Therefore, removing the acres should have no economic impact for commercial fishermen.

**Economic Impact on Small Businesses**

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

The proposed lease sites will allow for the development of commercial aquaculture businesses in the name of the applicants. The direct economic impacts to the applicants are indeterminable. However, because these will be commercial operations, it is assumed that the applicants will be receiving revenue from the aquaculture activity that is proposed at the sites.

**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, Department of Natural Resources, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through February 18, 2020. 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 document entitled Public Shellfish Fishery Areas of the Chesapeake Bay and its Tidal Tributaries (November 2019) 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 47:1 Md. R. 9 (January 3, 2020), and is available online at www.dsd.state.md.us. 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 [(September 2018)] (November 2019) designates public shellfish fishery areas in the Chesapeake Bay and its tidal tributaries and is hereby incorporated by reference.

B. (text unchanged)

JEANNIE HADDAWAY-RICCIO  
Secretary of Natural Resources

**Subtitle 02 FISHERIES SERVICE**

**08.02.05 Fish**

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

**Notice of Proposed Action**

[20-014-P]

The Secretary of Natural Resources proposes to amend Regulation **.21** under **COMAR 08.02.05 Fish**.

**Statement of Purpose**

The purpose of this action is to update requirements for gear used to catch black sea bass. Black sea bass is managed jointly by the Atlantic States Marine Fisheries Commission and the Mid-Atlantic Fishery Management Council under Amendment 13 to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan (August 2002) and its subsequent addenda (Addenda XII—XXXII). The objectives of the fishery management plan are to reduce fishing mortality to assure overfishing does not occur, reduce fishing mortality on immature black sea bass to increase spawning stock biomass, improve yield from the fishery, promote compatible regulations among states and between federal and state jurisdictions, promote uniform and effective enforcement, and minimize regulations necessary to achieve the stated objectives.

The fishery management plan for black sea bass specifies the threshold that governs trawl mesh size. The mesh size of a net determines what size fish are captured by a net. The larger the mesh size, the larger the size of the fish that are retained by the net. Mesh size regulations are used to decrease retention of fish smaller than the legal size. The goal is to retain only legal size fish. Trawl catch mesh

thresholds are put into place to decrease by catch of sub-legal fish. Only a small incidental catch of the target species is allowed to be retained before a required mesh size is regulated to be used. The threshold is that amount of fish that may be retained before the required mesh size of larger must be used. Maryland is required to comply with the provisions of the fishery management plan. The proposed action updates the thresholds that require a certain mesh size in a trawl.

The fishery management plan for black sea bass requires that black sea bass traps or pots must contain two escape vents and one ghost panel affixed to the trap or pot with degradable fasteners and hinges. The opening to be covered by the ghost panel must measure at least 3 inches by 6 inches. Maryland regulations currently do not require two escape vents nor do they have the size requirement for the opening. The proposed action adds a requirement for an additional escape vent and the size of the panel to ensure Maryland’s compliance with the fishery management plan.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**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 Black Sea Bass Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through February 18, 2020. A public hearing has not been scheduled.

**.21 Black Sea Bass.**

A.—C. (text unchanged)

D. Gear Restrictions.

(1) Trawls.

[(a) Except for an individual possessing less than 50 pounds of black sea bass per trip, an individual may not use a trawl to catch black sea bass with mesh less than 4-1/2 inches stretched mesh size throughout the net or a minimum of 75 meshes in the codend.]

*(a) Except for an individual landing less than a total of 500 pounds of black sea bass from January 1 through March 31 or 100 pounds of black sea bass from April 1 through December 31, a person may not use a trawl with mesh less than 4-1/2 inch diamond mesh applied throughout the:*

*(i) Codend for at least 75 continuous meshes forward of the end of the net; or*

*(ii) Entire net for codends with fewer than 75 meshes.*

(b) (text unchanged)

(2) Pots and Traps. A pot or trap used to catch black sea bass shall have:

(a) [An] Two unobstructed escape [vent of] vents located in the parlor portion of the trap that are each at least a:

(i)—(iii) (text unchanged)

(b) [Hinges] One panel or door that is a minimum of 3 inches by 6 inches that has hinges and fasteners [on a panel or door] made of one of the following degradable materials:

(i)—(iii) (text unchanged)

E.—F. (text unchanged)

JEANNIE HADDAWAY-RICCIO  
Secretary of Natural Resources

**Subtitle 02 FISHERIES SERVICE**

**08.02.13 Fishing Licenses—Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure**

Authority: Natural Resources Article, §§4-206, 4-220, 4-701, 4-745, and 4-1201, Annotated Code of Maryland

**Notice of Proposed Action**

[20-026-P]

The Secretary of Natural Resources proposes to amend Regulations .03, .05, .08, and .10 under COMAR 08.02.13 Fishing Licenses — Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure.

**Statement of Purpose**

The purpose of this action is to update the commercial, recreational, charter, and seafood dealer license suspension and revocation schedules. This update will better deter potential violators from committing illegal acts, protect the State’s fisheries resources, and update certain references to statute and regulation. Prior to considering changes or updates to the penalty regulations under COMAR 08.02.13, the Department consults with the Joint Penalty Workgroup of the Tidal and Sport Fisheries Advisory Commissions.

The commercial penalty system will be updated by adding violations of public notices to oyster violations, buy station violations, soft-shell clam refrigeration requirements, black sea bass catch limits, shellfish sanitation violations other than waste bucket violations, soft-shell clam size limits, refusal to allow inspection of catch by the Natural Resources Police, adjusting oyster tagging violations from number of bushels to percentage of catch, adding additional tiers for violations of shellfish harvest in Maryland Department of Environment polluted areas and egg-bearing crab violations, and adding additional authority for certain offenses.

The recreational penalty system will be updated by clarifying the activities prohibited during a period of suspension, adding suspensions for exceeding the number of allowable crab pots, egg-bearing female crab violations, exceeding the oyster daily catch limit, violations of oyster harvest times, failing to kill a snakehead upon retention, violating an oyster area that has been closed by public notice, adding a tier for yellow perch that was inadvertently omitted in previous versions of the recreational penalty system, adding tiers of suspension for certain egregious striped bass violations, and adding additional authority for certain offenses.

The charter penalty system will be updated by adding additional authority for certain offenses.

The seafood dealer penalty system will be updated by adding failing to be licensed as a buy station when buying oysters, as well as additional authority for certain offenses.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposed action may have an economic impact on suspended or revoked licensees, but the extent of the impact is indeterminable.