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DNR-FS-2019-02

SMALL BUSINESS COMPLIANCE GUIDE

Amendment to Subtitle 02 Fisheries Service

Regarding the Department's Regulations for Submerged Aquatic Vegetation Protection Zones

COMAR 08.02.01.12

Released October 25, 2019

Updated January 31, 2020

Updated June 15, 2020

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

Fax: 410-260-8310

I. SUMMARY & FAQs

What was proposed?

The department proposed revisions to the Submerged Aquatic Vegetation Protection Zones. Zones are being revised using data from aerial surveys compiled by the Virginia Institute of Marine Sciences (VIMS). This action adds 16,872 acres of protection zones and removes 2,787 acres, for a total increase of 14,085 acres. The following tables list the general areas being changed. Please see the regulation text for specific coordinates.

AREAS BEING ADDED TO SAV ZONE DESIGNATION	
COUNTY	AREA
Anne Arundel	Old Colony Cove
Calvert	Broomes Island
	Solomons Island
Dorchester	Cook Point
Kent	North of Eastern Neck Island
Queen Anne's	Crab Alley Bay
	Prospect Bay
	Wye River
Somerset	Bloodsworth Island
	South Marsh Island
	Deal Island
	Manokin River
	Big Annamessex River
	Janes Island
	Cedar Island
	Little Annamessex River
	Ape Hole Creek
	Gunby Creek
St. Mary's	Potomac River (downstream of Breton Bay)
	Potomac River (near Lake Conoy)
	Smith Creek
	Webster Field Annex
Talbot	Miles River
	Eastern Bay
	Harris Creek
	Black Walnut Cove
Worcester	Sinepuxent Bay
	Rowley Cove/Tizzard Island
	Parker Bay/Mills Island

AREAS BEING REMOVED FROM SAV ZONE DESIGNATION	
COUNTY	AREA
Somerset	Deal Island
St. Mary's	Potomac River (near St. George Island)
Worcester	Assawoman Bay
	Sinepuxent Bay
	Rowley Cove/Tizzard Island
	Parker Bay/Mills Island

Why is this change necessary?

Natural Resources Article, §4-1006.1, Annotated Code of Maryland requires the department to create and update submerged aquatic vegetation protection zones every three years using data from the annual aerial survey compiled by the Virginia Institute of Marine Sciences (VIMS) for the annual Bay-wide Submerged Aquatic Vegetation Mapping Program.

Who will this affect?

Commercial clammers who utilize any of the affected areas.

What do you need to do to comply with the change?

Individuals harvesting clams with a hydraulic clam dredge will have to stay out of the new or expanded SAV protection zones.

Has this change been discussed with advisory commissions?

This idea was discussed with the Sport Fisheries Advisory Commission and Tidal Fisheries Advisory Commission at their October 2019 meetings.

What are the specific regulatory actions?

Amend Regulation .12 under COMAR 08.02.01 General.

II. DEFINITIONS

“Hydraulic Clam Dredge” is any device used for dredging clams which consists of a manifold through which water is forced under pressure for the purpose of digging clams and working them into the mouth of the dredge where the clams then are brought up to boat level by means of an escalator. "Hydraulic clam dredge" includes the vessel on which the dredge is carried.

“Submerged Aquatic Vegetation (SAV)” is a variety of grasses that grow to the surface of, but do not emerge from, shallow water.

“Submerged Aquatic Vegetation Protection Zone” is an area delineated by the department for the protection from uprooting and the restoration of submerged aquatic vegetation.

III. REGULATORY PROCESS

The department followed 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 ideas for this proposal were scoped from October 25 through November 10, 2019.

At the conclusion of the scoping process, the department determined that the action is necessary and appropriate. The rules were 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 reviewed the regulatory proposal for fiscal and legal sufficiency.
- The proposal was printed by the Division of State Documents in the Maryland Register on January 31, 2020.
- A 30 day public comment period began on the day of publication. The comment period closed at 11:59 p.m. March 2, 2020.

At the conclusion of the comment period:

- The department decided to revise the coordinates in several SAV protection zones including Eastern Bay near Wittman, Eastern Bay near Claiborne, Eastern Bay between Hambleton Point and Seth Point, Miles River, Choptank River, Trippe Bay, and Brannock Bay. The final delineations, as compared to the originally proposed coordinates, protect the same amount of SAV from uprooting and do not adversely impact restoration of SAV.
- The final action adopting these regulations was published in the Maryland Register on June 5, 2020.

IV. IMPLEMENTATION DATE

These regulations are effective June 15, 2020.

V. INTERNET LINKS & ADDITIONAL RESOURCES

- [Natural Resources Article, §4-1001, Annotated Code of Maryland](#)
- [Natural Resources Article, §4-1006.1, Annotated Code of Maryland](#)
- [COMAR 08.02.01.12](#)