



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
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DNR-FS-2020-02

SMALL BUSINESS COMPLIANCE GUIDE
Amendment to Subtitle 02 Fisheries Service
Regarding the Department's Regulations for Blue Crabs
COMAR 08.02.03.07
Released March 3, 2020
Updated July 31, 2020
Updated October 2, 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 a new crab pot line at the mouth of Eastern Bay to mitigate the expanded Poplar Island restoration footprint.

Why is this change necessary?

Currently the crab pot line at the mouth of Eastern Bay extends from "...Lowe's Point; thence in a straight line in a northwesterly direction to Bloody Point." The department considered relocating the line so that acreage is opened up to this gear type to mitigate the negative impact crab potters have experienced due to the Poplar Island restoration project. The Poplar Island restoration project began in 2001 with the goal of restoring 1,140 acres of habitat lost to erosion throughout the early 1900s. In 2007, Congress authorized an expansion of the acreage to 1,715 acres with a 110 acre open water embayment. The bottom habitat between Poplar Island and Maryland's eastern shore is very productive bottom for commercial crabbers. Due to the restoration and expansion of the island, commercial crabbers can no longer work roughly 1,825 acres of bottom in this area.

The proposed change to the pot line does not expand use of the gear into the tributary as defined by COMAR 08.02.01.06.

Who will this affect?

This action applies to commercial crabbers who utilize Eastern Bay and waters around Poplar Island.

Has this change been discussed with advisory commissions?

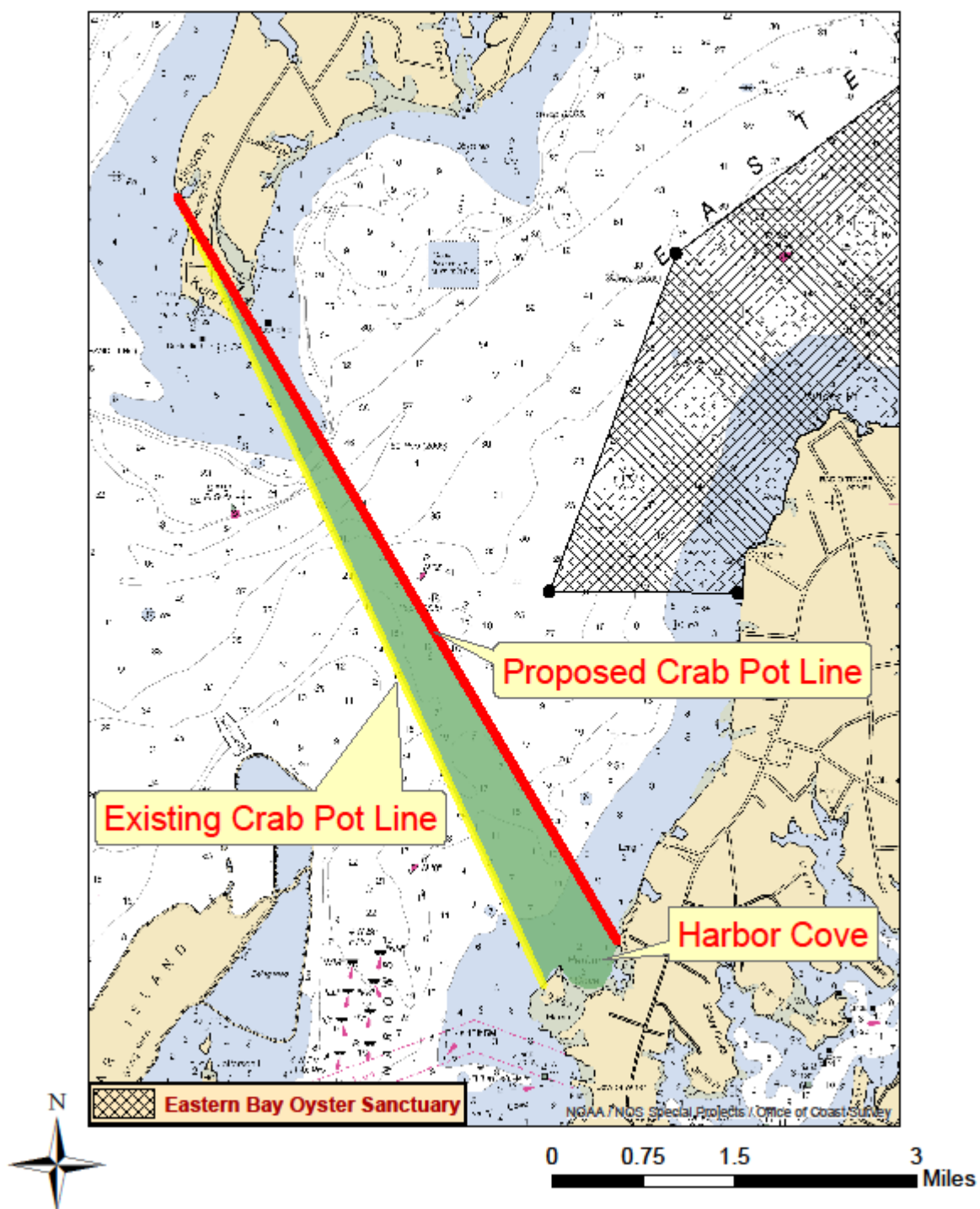
The Blue Crab Industry Advisory Committee was briefed and allowed to discuss the relocation of the Eastern Bay pot line at their October 1, 2019 meeting. They suggested focused outreach to commercial crabbers in that region. Both the Talbot County and Queen Anne's County Watermen's Associations discussed the relocation of the Eastern Bay pot line at their November meetings. Both associations were favorable of moving the line just inside Harbor's Cove.

This idea was scoped with the Sport Fisheries Advisory Commission and Tidal Fisheries Advisory Commission at their January 2020 meetings. Commissioners recommended moving forward with scoping.

What is the specific regulatory action?

Amend Regulation .07 under COMAR 08.02.03 Crabs.

Potential Regulatory Movement of Crab Pot Line to Mitigate Expanded Poplar Island Restoration Footprint



II. RECORDKEEPING AND REPORTING REQUIREMENTS

This action does not create new permit, recordkeeping or reporting requirements.

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 idea for this proposal was scoped from March 3 through March 18, 2020.

At the conclusion of the scoping process, the department determined that the action was 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 reviews the regulatory proposal for fiscal and legal analysis.
- The proposal was printed by the Division of State Documents in the Maryland Register on July 31, 2020.
- A 30 day public comment period began on the day of publication. The comment period closed at 11:59 p.m. August 31, 2020.
- After review of the comments, the department decided to adopt the changes as proposed.
- The final action adopting the regulation change was published in the Maryland Register on September 25, 2020.

IV. IMPLEMENTATION DATE

This regulation change is effective October 5, 2020.