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DNR-FS-2020-05

SMALL BUSINESS COMPLIANCE GUIDE  
Amendment to Subtitle 02 Fisheries Service  
Regarding the Department's Regulations for Striped Bass  
COMAR 08.02.15.04  
Released July 29, 2020  
Updated December 4, 2020  
Updated February 8, 2021

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 removing the cap on the amount of striped bass shares that can be permanently transferred within a single year by a permittee registered in a Chesapeake Bay commercial striped bass fishery. Removing the annual transfer cap would allow a permit holder to sell or buy up to the maximum allowable share amount in one transaction, rather than having to break the share transfers up in multiple transactions over multiple years.

Currently, a permittee may not receive shares equal to more than 0.2% of the Chesapeake Bay commercial quota each year, unless they also receive the transferor's commercial tidal fish license.

The cap on how much of the total Chesapeake Bay striped bass fishery one person can own still exists so that no one person can own more than 1% of the Chesapeake Bay commercial quota.

### **Why is this change necessary?**

The purpose of the transfer cap implemented in 2015 was to slow down any perceived fishery consolidation. The department and the industry have both found this cap to be restrictive and unnecessarily burdensome. Removing the cap will allow business flexibility and reduce the burden of paperwork the industry and the department must complete. The cap on possession of more than 1% of the fishery is not changing and this should be enough to prevent fishery consolidation.

### **Who will this affect?**

This action applies to all striped bass permittees in a commercial striped bass fishery in the Chesapeake Bay.

### **Where do the rules apply?**

They apply in the Chesapeake Bay and its tidal tributaries.

### **Has this change been discussed with advisory commissions?**

These changes were requested by and discussed with the striped bass industry work group and reflect the recommendations of the workgroup. The recommendations were provided as updates to the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission as meeting notes in July 2020, and scoped at the same meeting. Commissioners recommended moving forward with scoping.

### **What is the specific regulatory action?**

Amend Regulation .04 under COMAR 08.02.15 Striped Bass.

## **II. DEFINITIONS**

"Commercial tidal fish licensee" is defined in regulation (COMAR 08.02.15.02) as a person licensed by the Department to catch and sell finfish.

"Share" is defined in regulation (COMAR 08.02.15.02) as a percentage of the quota that is assigned to a specific striped bass permittee.

"Striped bass permit" is defined in regulation (COMAR 08.02.15.02) as a permit issued by the Department which allows a person the privilege to commercially harvest striped bass.

## **III. RECORDKEEPING AND REPORTING REQUIREMENTS**

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

## **IV. 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 July 29 through August 12, 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 December 4, 2020.
- A 30 day public comment period began on the day of publication. The comment period closed at 11:59 p.m. January 4, 2021.
- 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 January 29, 2021.

## **V. IMPLEMENTATION DATE**

This regulation change is effective February 8, 2021.