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DNR-FS-2020-10

SMALL BUSINESS COMPLIANCE GUIDE  
Amendment to Subtitle 02 Fisheries Service  
Regarding the Department's Regulations for Blue Crabs  
COMAR 08.02.03.07  
Released October 23, 2020  
Updated January 15, 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?

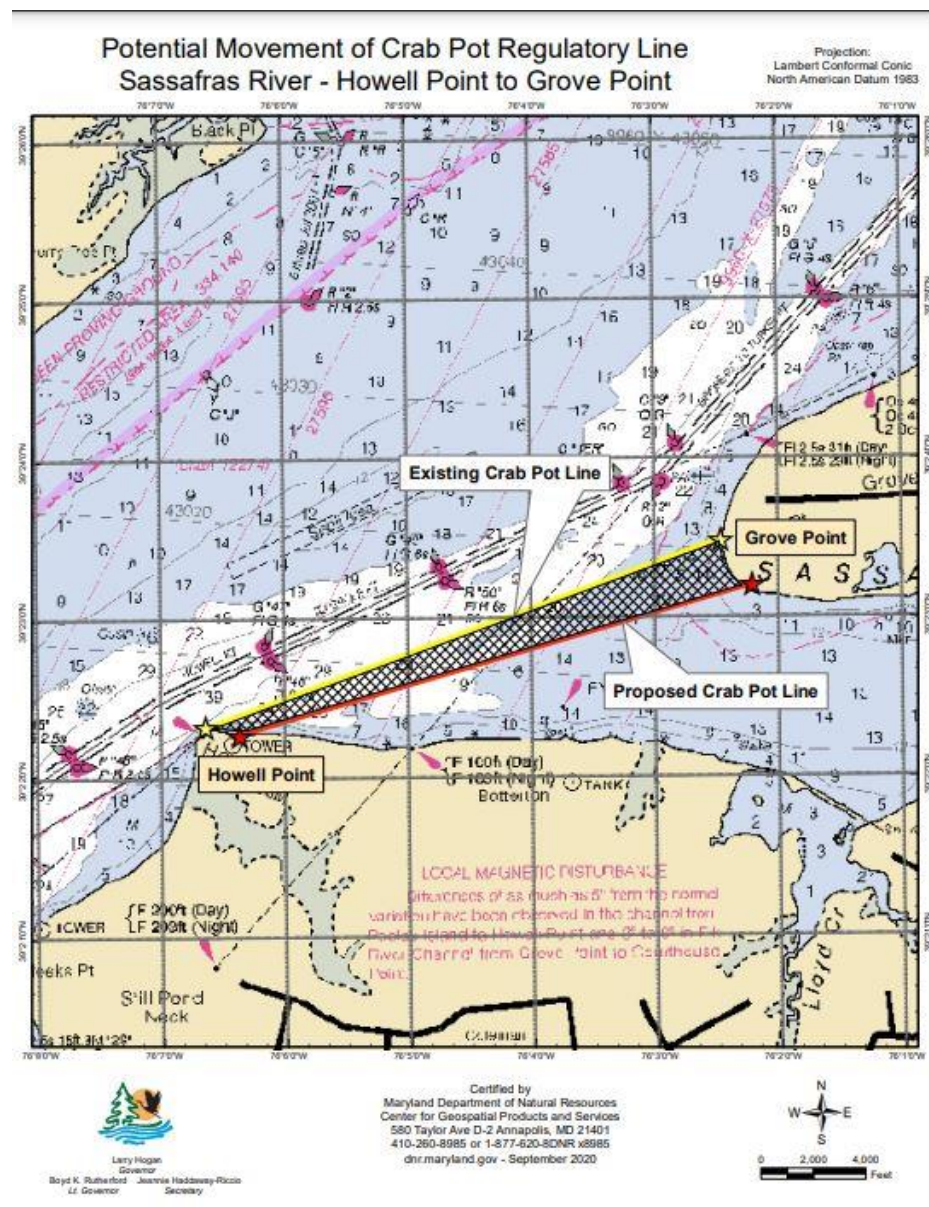
The department proposed regulation changes for the blue crab chapter to clarify portions of the chapter and relocate the crab pot line at the mouths of the Sassafra and Elk rivers.

What was proposed?	Why is this necessary?	Who will this affect?
Clarify that the chapter applies to blue crabs.	The crab chapter does not specify the species of crabs to which the regulations apply. This change will ensure that rules meant specifically for blue crabs do not apply to individuals who harvest other species of crab, like Cancer crabs.	Recreational and commercial crabbers.
Define what is meant by “bait line”. COMAR 08.02.03.03	The bait line is the portion of the trotline measured from the first bait to the last bait. Clarifying this will ensure understanding and proper compliance with length requirements for trotlines.	Recreational and commercial crabbers.
Clarify the buoy requirement. COMAR 08.02.03.03	Currently the regulation only specifies two dimensions, when in fact the buoy should have a third dimension so it can be easily seen on the water.	Recreational and commercial crabbers.
Change the crab pot line at the mouth of the Sassafra River. COMAR 08.02.03.07	A request was received to change the crab pot lines after it was discovered that the buoys marking the crab pot line in these areas have been placed off-station for many years. See map on following pages.	Commercial crabbers who utilize waters in and around the Sassafra River.
Change the crab pot line at the mouth of the Elk River. COMAR 08.02.03.07	A request was received to change the crab pot lines after it was discovered that the buoys marking the crab pot line in these areas have been placed off-station for many years. See map on following pages.	Commercial crabbers who utilize waters in and around the Elk River.
Clarifies the intention of when an individual may have female crabs in their possession. COMAR 08.02.03.10	The exception is not clear in the current regulation. The intention of the regulation is that you may only have females in your possession if you are not crabbing. You must also have a bill of sale for the female crabs.	Recreational crabbers.
Relocates the statement about commercially harvesting crabs to the general regulation with commercial restrictions. COMAR 08.02.03.10	That provision does not necessarily belong in a regulation dedicated to recreational limits and relocating it will make it easier for the commercial industry to find.	Commercial crabbers.
Clarify the number of crabs a harvester may keep from finfish gear in COMAR 08.02.03.13.	Currently, it is not explicitly clear that commercial harvesters using finfish gear can keep their limit of female crabs. This proposal would clarify the regulation to say that a harvester may keep up to two bushels of male crabs as well as their limit of female crabs.	Commercial harvesters crabbing from finfish gear.

<b>What was proposed?</b>	<b>Why is this necessary?</b>	<b>Who will this affect?</b>
<p>Update the public notice language to be consistent with other species managed by a fishery management plan. This will include publishing the notice on the department's website, notification at least 48 hours in advance, and dissemination of the notice in other manners (text, social media, email, hotline, and the Maryland Register).</p> <p>COMAR 08.02.03.14</p>	<p>The department has a specific format for how public notices are issued when rules are established or changed to implement a fishery management plan. The format for public notices issued to implement the Chesapeake Bay Blue Crab Fishery Management Plan has not been updated for blue crabs. This change will make blue crabs consistent with other species.</p>	<p>Recreational crabbers, commercial crabbers, processors, and dealers.</p>

## Sassafras River

Currently, the crab pot line at the mouth of Sassafras River is defined as from Howell Point to Grove Point (yellow line on map). In past years, the buoys marking the crab pot line have been set roughly a quarter mile upstream of the line defined in the Code of Maryland Regulations (COMAR). Crab pot users have become accustomed to utilizing this area for catching crabs. To allow for continued use of this area, the department proposed changing the regulation to reflect the historical placement of the buoys (red line on map).





Currently, the crab pot line at the mouth of Elk River is defined as extending from Pearce Creek to Buoy R 6 Fl. R 4 § to Turkey Point (yellow line on map). In past years, the buoys marking the crab pot line have been placed in a manner excluding the inclusion of the referenced buoy. To create a simpler more effective crab pot line, the department is considering changing the regulation to remove the reference to the buoy and draw a straight line from the top of the marina on the Pearce Creek side to the most downstream rock jetty on the Turkey Point side, which reflects the historical placement of the buoys (red line on map).



**Has this change been discussed with advisory commissions or stakeholders?**

All ideas were scoped at the Sport Fisheries Advisory Commission and at the Tidal Fisheries Advisory Commission meetings in 2019 and 2020. The department also conducted focused outreach to commercial crabbers in Harford and Cecil counties who routinely utilize these waters. The Blue Crab Industry Advisory Committee was apprised of the idea by email.

**What is the specific regulatory action?**

Amend Regulations .03, .07, .10, .13, and .14 under COMAR 08.02.03 Crabs.

## **II. RECORDKEEPING AND REPORTING REQUIREMENTS**

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

## **III. IMPLEMENTATION DATE**

The department expects this change to be effective by April 2021, however the exact date cannot be determined. The department will follow our normal scoping and proposal procedures.

The general clarifications were scoped at the end of 2020, but regulations were not developed in time to submit for a regulation proposal. Rather than have changes during the middle of the season, the department waited to propose regulations that will be effective for the start of the 2021 season.

The ideas for the crab pot lines in the Sassafras and Elk rivers were scoped from October 23, 202 through November 7, 2020.

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.

At the conclusion of the scoping process, the department determined that the action is necessary and appropriate. The rules are being 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 January 15, 2021.
- A 30 day public comment period begins on the day of publication. The comment period will close at 11:59 p.m. February 16, 2021.
- After review of the comments, the department may adopt the changes.
- If the department adopts the changes, they become effective after a notice is published in the Maryland Register that announces approval and the effective date.