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DNR-FS-2021-01

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 19, 2021
Updated January 3, 2022

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 has proposed a clarification to the crab pot line at the mouth of St. Jerome's Creek in St. Mary's County. The department has also proposed removing duplicative language related to commercial licensing requirements.

Why is this change necessary?

Currently the crab pot line at the mouth of St. Jerome's Creek is covered by the line defined as "...thence along shores to Cedar Point to Point No Point and to Point Lookout." Along the shore in this instance, is intended to be from point of land to point of land, as the purpose of the crab pot lines is to restrict crab pots to the mainstem Chesapeake Bay. Due to differing definitions of "along the shore" within this regulation, the department is proposing to directly reference the points of land at the mouth of St. Jerome Creek to make it explicit that the tributary is closed to crab pots. The new language inserts St. Jerome Point and Deep Point (the two points on either side of the mouth of St. Jerome Creek) between Point No Point and Point Lookout.

The department has also proposed the removal of the statement "A person who owns or is in charge of operating a vessel used to catch crabs for commercial purposes with crab pots shall be licensed by the department" from COMAR 08.02.03.07, as it is duplicative of commercial licensing requirements elsewhere.

Who will this affect?

This action applies to commercial crabbers who utilize crab pots in the vicinity of St. Jerome's Creek.

Has this change been discussed with advisory commissions?

This idea was scoped with the Sport Fisheries Advisory Commission and Tidal Fisheries Advisory Commission at their July and October 2021 meetings. Commissioners recommended moving forward with scoping.

What is the specific regulatory action?

Amend Regulation .07 under COMAR 08.02.03 Blue 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 prior to the beginning of crab season in 2022, however the exact date cannot be determined. The department is following our normal 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 19 through November 2, 2021.

At the conclusion of the scoping process, the department determined that the action is necessary and appropriate. The rules will be 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 is printed by the Division of State Documents in the Maryland Register.
- A 30 day public comment period begins on the day of publication. The proposed action was printed in the Maryland Register on January 3, 2022. The comment period will close at 11:59 p.m. February 2, 2022.
- 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.