



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary
Allan Fisher, Deputy Secretary

DNR-FS-2021-02

SMALL BUSINESS COMPLIANCE GUIDE
Amendment to Subtitle 02 Fisheries Service
Regarding the Department's Regulations for Pound Nets
COMAR 08.02.25.07
Released October 19, 2021
Updated January 18, 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 has been proposed?

The department has proposed changing the timeframe required to activate pound net sites at a regional service center. Pound net site activation would now be for the license year and would be able to be conducted during license renewal, at the same time as other administrative processes are completed for the upcoming license year.

Why is this change necessary?

Licensees are currently required to notify the department at least seven days before a registered pound net site is set, as well as notify the department within seven days of taking down a registered pound net. Due to the timing requirements, this notification procedure often requires at least one extra trip to a license service center. Allowing pound net activation for the following year during license renewal should still provide the department with the information necessary to manage fisheries while making activation more efficient and convenient for licensees.

Alternatively, a licensee would still be able to activate a pound net site at any time during the license year if they did not do so during license renewal but decided later in the license year they wished to do so, just so long as the site was activated prior to the net being set up.

Who will this affect?

This action applies to commercial licensees who use pound nets.

Has this change been discussed with advisory commissions?

This change was requested by the Commercial Striped Bass Advisory Committee organized under the Tidal Fisheries Advisory Commission in order to simplify and clarify the requirements for activating pound net sites.

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

What is the specific regulatory action?

Amend Regulation .07 under COMAR 08.02.25 Gear.

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 in the spring of 2022, however the exact date cannot be determined. The department will follow 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 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.
- 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.