



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

DNR-FS-2021-03

SMALL BUSINESS COMPLIANCE GUIDE
Amendment to Subtitle 02 Fisheries Service
Regarding the Department's Regulations for Shrimp
COMAR 08.02.08.08
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 allowing commercial harvesters the ability to use gear which they are currently licensed to use to commercially harvest shrimp. The action would also allow the department to develop a framework that will be used to create a pilot program for further investigations of the shrimp fishery in Maryland.

Commercially-licensed harvesters would be able to obtain a free shrimp permit that would allow the use of the gear currently allowed under their license to commercially harvest shrimp. As an example, an individual with an Unlimited Finfish Harvester License (FIN) or Unlimited Tidal Fish License (UTFL) would be able to use gear such as cast nets, gill nets, pound nets and trawls to catch and sell shrimp. Rules currently in place for those gears such as mesh size, attendance requirements, distance requirements, registration, etc. would still have to be followed. While the enacted legislation allows for it, the department would not be adopting closed areas, catch limits, seasons, or size limits for the commercial harvest of shrimp at this time. This means that there would be no closed areas, daily or seasonal catch limits, closed seasons, or minimum sizes. All commercial harvest would have to be reported to the department.

The department would continue to work with industry to develop the parameters of a shrimp pilot program in State waters. The enacted legislation requires the department to adopt regulations in order to institute a pilot program, but does not require the parameters of the pilot program to be incorporated to the regulation – just that the regulation authorize the creation of a pilot program. The pilot program will be developed similarly to other pilot programs the department has instituted under Code of Maryland Regulations (COMAR) 08.02.01.10.

Why is this change necessary?

Senate Bill 343 of 2021, codified at Laws of Maryland 2021, Chapter 119, granted the department the authority to adopt regulations governing the shrimp fishery in Maryland and establish and implement a pilot program relating to fishing for shrimp. In order for commercially licensed harvesters to legally sell the shrimp they catch in Maryland waters, or for the department to allow commercial licensees to participate in a shrimp pilot program, the department must first adopt regulations for the shrimp fishery in Maryland.

Who will this affect?

This action applies to commercial licensees who catch shrimp in Maryland waters.

Has this change been discussed with advisory commissions?

This idea has been discussed with the Shrimp Workgroup, organized under the Tidal Fisheries Advisory Commission. The workgroup recommended moving forward with regulations that would authorize licensees to use their current gear to harvest shrimp, as well as authorize the development of a pilot program for the commercial harvest shrimp to test different types of gears in appropriate manners.

This idea was scoped 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?

Adopt Regulation .08 under COMAR 08.02.08 Shellfish—General.

II. RECORDKEEPING AND REPORTING REQUIREMENTS

This action would create a new permit, available for free, for any current commercial licensee, which would allow the licensee to commercially harvest shrimp using gear their license currently allows. Any licensee who obtained that permit would be required to report their catch on their monthly commercial report logs.

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 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.