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DNR-FS-2021-04

SMALL BUSINESS COMPLIANCE GUIDE

Amendment to Subtitle 02 Fisheries Service

Regarding the Department's Regulations for Commercial Fishing in the Susquehanna River

COMAR 08.02.05.02

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 changing the commercial hook and line fishing line in the Susquehanna River. Currently, the line is at the mouth of Deer Creek. The change would move that line upstream to the northernmost tip of Rowland Island.

Why is this change necessary?

This line was put in place during the 1990s as part of striped bass regulations. Over time, the area between Deer Creek and the Conowingo Dam was opened for recreational angling. However, hook and lining commercially was not allowed. Since the restrictions were lifted for recreational anglers, the commercial striped bass fishery has moved to an individual transferable quota system (ITQ). This means that the licensee will harvest a set amount of fish in any locations open for commercial harvest. Because of this and changes in the fishery over time, the department does not have any concerns about commercial hook and line use in this 3.5 mile stretch of the river. The change would remove the only area of tidal water where any commercial activity is currently prohibited. It will also make the rules for hook and line use the same between recreational and commercial users. Commercial hook and line licensees will also be able to harvest other species such as invasive flathead catfish and snakeheads.

Who will this affect?

This action applies to commercial licensees who use hook and line.

Has this change been discussed with advisory commissions?

This change was requested by licensees in the Susquehanna River area and was discussed with both the Sport Fisheries Advisory Commission and the Tidal Fisheries Advisory Commission at their October 2021 meetings. Sport Fisheries Advisory Commission was neutral on the change. Tidal Fisheries Advisory Commission was in favor of the change. Both commissions recommended moving forward with scoping.

What is the specific regulatory action?

Amend Regulation .02 under Fish 08.02.05.

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 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.