



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

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DNR-FS-2022-01

SMALL BUSINESS COMPLIANCE GUIDE  
Amendment to Subtitle 02 Fisheries Service  
Regarding the Department's Regulations for Pilot Programs  
COMAR 08.02.01.10  
Released January 28, 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 is being considered?**

The department is considering adding catfish to the list of species for which the department may conduct a pilot program. Pilot programs are projects which evaluate new approaches to managing fisheries under a fishery management plan.

### **Why is this change necessary?**

In order for the department to conduct a pilot program, the species must have a fishery management plan, the plan must be incorporated into regulation (COMAR 08.02.01.01), and the species must be listed as pilot program eligible in regulation (COMAR 08.02.01.10). The department adopted the Fishery Management Plan for Tidewater Catfish (December 2021) and is in the process of incorporating it into regulation. This change would give the department the ability to conduct a pilot program for a commercial catfish fishery.

### **Who will this affect?**

The proposed regulation may affect commercial catfish harvesters if the department designs a pilot program for the commercial catfish fishery. The addition of catfish to the pilot program regulation will not have an immediate effect on anyone.

### **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 January 2022 meetings. Commissioners recommended moving forward with scoping.

### **What is the specific regulatory action?**

Adopt Regulation .10 under COMAR 08.02.01 General.

## II. RECORDKEEPING AND REPORTING REQUIREMENTS

This action alone would not create any new recordkeeping or reporting requirements. If the department created a pilot program for catfish, current commercial licensees who applied to participate in the program would be issued a free permit. Any licensee who obtained that permit would be required to report the information required by the pilot program.

## III. IMPLEMENTATION DATE

The department expects this change to be effective in the summer of 2022, however the exact date cannot be determined. The department will follow our normal scoping and proposal procedures.

This idea is in the scoping process (January 28—February 13). 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.

If 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.