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DNR-FS-2022-07

SMALL BUSINESS COMPLIANCE GUIDE  
Amendment to Subtitle 02 Fisheries Service  
Regarding the Department's Regulations for Blue Crabs — Crab Pot Line Clarifications  
COMAR 08.02.03.07E—H  
Released August 1, 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

## I. SUMMARY & FAQs

### What is being considered?

The department is considering rewriting the crab pot line regulation COMAR 08.02.03.07E-H in a simpler, more effective, and accurate manner. The main objectives are to remove the large mainstem polygon (COMAR 08.02.03.07E(3)) and replace it with individual lines for each tributary, creek, cove, inlet, etc., address lines that are inaccurate, confusing, or of concern for the resource, remove the ambiguity of the phrase "along the shore," provide and update coordinates for all points and references to landmarks in the regulation, and address emerging issues in the canals of the Coastal Bays.

Proposed changes to specific crab pot lines by region are detailed below. Figures of these changes can be found in the Appendix, as referenced below.

### Upper Bay: above the Bay Bridge, both eastern and western shores

- Romney Creek – proposed changes to match Aberdeen Proving Ground restricted areas ([Figure 1](#))
- Seneca Creek, Middle River, and Hawk Cove – utilizing the northwesterly point of Hart-Miller Island, original regulation was crafted prior to the completion of the restoration of this island ([Figure 2](#))
- Back River – utilizing the southwestern tip of Hart-Miller Island, original regulation was crafted prior to the completion of the restoration of this island ([Figure 3](#))
- Shallow Creek – providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore"
- Little Magothy River - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore" ([Figure 4](#))
- Podickory Point Marina - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore" ([Figure 5](#))
- Sandy Point Boat Exclusion Zone – incorporating the boat exclusion zone into the crab pot restricted area ([Figure 5](#))
- Mezick Pond - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore" ([Figure 5](#))
- Chester River – utilizing the rock jetty on Eastern Neck Island to address erosion issues in the area ([Figure 6](#))
- Eastern Neck Narrows - utilizing the rock jetty on Eastern Neck Island to address erosion issues in the area ([Figure 6](#))
- Rock Hall Harbor/Swan Creek/Tavern Creek – providing coordinates for Huntingfield point to address erosion issues in the area ([Figure 7](#))
- Fairlee and Worton Creeks – utilizing two separate lines to mark the mouths of these creeks ([Figure 8](#))
- Still Pond - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore" ([Figure 9](#))
- Pond Creek - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore" ([Figure 10](#))

### Lower Western Shore

- Black Walnut Creek - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore" ([Figure 11](#))

- Oyster Creek - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore" ([Figure 11](#))
- Fishing Creek (South River) - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore" ([Figure 11](#))
- Jack Creek - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore" ([Figure 12](#))
- Flag Pond Creek - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore" ([Figure 13](#))
- Deep Creek (Calvert County) - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore" ([Figure 13](#))
- Broadwater Creek - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore" ([Figure 13](#))
- Carrs Creek - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore" ([Figure 13](#))
- Herring Bay – providing coordinates to mark the north side of the entrance into Parkers Creek to address ambiguity in the regulation ([Figure 14](#))
- Fishing Creek (Chesapeake Beach) - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore"
- Plum Point Creek - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore"
- Parkers Creek (Port Republic) - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore"
- Long Beach - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore"
- Calvert Cliffs and LNG Gas Docks - including the power plant restricted areas into the crab pot restricted area
- Goose Creek - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore"
- Deep Creek/Long Neck Creek (St. Mary's County) - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore"
- Tanner Creek - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore"

#### **Potomac River - Maryland Tributaries & Sounds**

- St. Clements Bay - providing coordinates at the mouth of Canoe Neck Creek and St. Patrick Creek to remove the ambiguity of the previous regulatory language of "along the shore" ([Figure 15](#))
- St. Catherine's Sound - adding a line from Whites Neck Point to the southernmost point of St. Margaret's Island to fully encompass the waters of St. Catherine Sound that are restricted to crab pots ([Figure 16](#))
- Little Wicomico - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore"

#### **Lower Eastern Shore**

- Broad Creek - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore" ([Figure 17](#))

- Matapeake - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore" ([Figure 17](#))
- Kentmorr - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore" ([Figure 18](#))
- Price Creek - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore" ([Figure 18](#))
- Tolson Creek - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore" ([Figure 18](#))
- Carter Creek - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore" ([Figure 18](#))
- Little Choptank and James Island – adjusting the crab pot line to encompass changes to James Island associated with the restoration project ([Figure 19](#))
- Punch Island Creek & St. Johns - providing coordinates at the mouth of the creek to remove the ambiguity of the previous regulatory language of "along the shore"
- Richland, Cow, & Thorofare Coves - providing coordinates across the three coves to remove the ambiguity of the previous regulatory language of "along the shore"
- Holland Strait/Malkus Line/Marks Northern end of Tangier Sound – addresses the inaccurate coordinates and reference to Tigner House by utilizing Haines Point ([Figure 20](#))
- Manokin - changes the crab pot line to match the oyster sanctuary line for consistency ([Figure 21](#))
- Pocomoke River - simplifying the mouth of the river to run from Bullbegger Point westward to the northeastern most point of land on Fair Island ([Figure 22](#))

### **Coastal Bays**

The department proposes to utilize the 6-knot speed zones in the Coastal Bays (COMAR 8.18.18), excluding the slow speed zone in Herring Creek (COMAR 08.18.18.02), as areas where crab pots cannot be set in Maryland's Coastal Bays and Inlets. Maps of the slow speed zones can be found here: <https://maryland.maps.arcgis.com/apps/webappviewer/index.html?id=42260be2ce4d4b349c12698a685e7c2d>

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

The current regulation does not accurately reflect where many crab pot lines are located. Many lines have changed or shifted over the years as buoys and channel markers were removed, or the area's topography changed. Some, but not all, of the points and references to landmarks have coordinates in the current regulation, and some of the coordinates are no longer accurate. This leaves the precise location up for interpretation. For all these reasons, it has become challenging for the industry, public, and enforcement to know the exact locations of these lines. The ambiguity of the lines among all users has led to conflict in many cases.

The main objectives are to remove the large mainstem polygon (COMAR 08.02.03.07E(3)) and replace it with individual lines for each tributary, creek, cove, inlet, etc., address lines that are inaccurate, confusing, or of concern for the resource, remove the ambiguity of the phrase "along the shore," provide and update coordinates for all points and references to landmarks in the regulation, and address emerging issues in the canals of the Coastal Bays.

**Who will this affect?**

This directly affects commercial crabbers who utilize crab pots, as it determines where crab pots can legally be set. It indirectly affects commercial crabbers who use other gear types that do not remain in the water (e.g., trotline, scrape, net rings, etc.) as it is a spatial allocation.

**Has this change been discussed with advisory commissions?**

The broad project was discussed with the Blue Crab Industry Advisory Committee at their February 2, 2022, meeting. Following that discussion, four regional public meetings were held with the industry to get focused feedback on the proposed changes: 1. Upper Bay (Areas above Bay Bridge, both Eastern and Western Shore): February 23, 2022, Online Meeting, 2. Lower Eastern Shore: March 16, 2022, Online Meeting, 3. Lower Western Shore: March 23, 2022, Online Meeting, 4. Coastal Commercial Fisheries Forum: April 1, 2022, at the Worcester County Library - Ocean Pines.

**What is the specific regulatory action?**

Amend Regulation .07E—H under COMAR 08.02.03 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 in the spring of 2023, however the exact date cannot be determined. The department will follow our normal scoping and proposal procedures.

This idea is in the scoping process (August 1—August 15). 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.