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DNR-FS-2022-09

SMALL BUSINESS COMPLIANCE GUIDE

Amendment to Subtitle 02 Fisheries Service

Regarding the Department's Regulations for Blue Crabs — Coastal Bays Commercial Crab Pot Limits

COMAR 08.02.03.07D(6).

Released August 1, 2022

Updated January 12, 2024

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 was proposed?

The Department has proposed clarifying the 300-crab pot limit in Maryland's Coastal Bays COMAR 08.02.03.07D(6). Currently, the regulation states not more than 300 pots per day may be set or fished. The Department has proposed to remove "per day" from this statement, to be clear that the total number of pots a license holder should have in the water in this region at any time is 300 pots.

Why is this change necessary?

The intention of the regulation was to limit pots in Maryland's coastal bays of the Atlantic Ocean and their tidal tributaries, given the size of the water bodies, to avoid gear saturation and overharvesting of the resource. The higher pot limits (i.e., 600 and 900 pot permits were intended to be utilized in the Chesapeake Bay and its tributaries; the higher limits were not intended to be used in the Atlantic Ocean and the coastal bays. Allowing crabbers to maximize the gear permitted by their license in Maryland's coastal bays of the Atlantic Ocean and their tidal tributaries would likely lead to gear saturation and overharvesting in these waters.

Who will this affect?

This change will impact commercial crabbers who crab in Maryland's coastal bays of the Atlantic Ocean and their tidal tributaries.

Has this change been discussed with advisory commissions?

This change was discussed with the Sport Fisheries Advisory Commission and Tidal Fisheries Advisory Commission at their July 2022 meeting. The commissions recommended moving forward with scoping.

What is the specific regulatory action?

Amend Regulation COMAR 08.02.03.07D(6).

II. RECORDKEEPING AND REPORTING REQUIREMENTS

This action will not create new permit, recordkeeping or reporting requirements.

III. IMPLEMENTATION DATE

The Department expects this change to be effective in the spring of 2024, however the exact date cannot be determined. The Department will follow our normal scoping and proposal procedures if this concept moves forward.

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. This proposal was scoped from August 1, 2022—August 15, 2022.

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 12, 2024. The comment period will close at 11:59 p.m. February 12, 2024.
- 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.