



*Wes Moore, Governor*  
*Aruna Miller, Lt. Governor*  
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DNR-FS-2023-02

SMALL BUSINESS COMPLIANCE GUIDE  
Amendment to Subtitle 02 Fisheries Service  
Regarding the Department's Regulations for Gear– Projectile Gear  
COMAR 08.02.25.02, .03, and .05  
Released January 27, 2023

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 amending the language to projectile gear safety zones regarding international diving flags. The change would simplify the terminology regarding diving flags and be consistent with neighboring jurisdictions.

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

This change is necessary because the term "international diving flag" refers to a specific style of diving flag; it is not a general term for a diving flag. Different types of flags have particular colors, all with unique names. The Department is concerned that there could be confusion about the different terminology, what flags are supposed to be used by divers, and what flags are included in the safety zone for projectile gears. Ultimately, accidents could occur because someone thinks they can use projectile gears near one of these flags when they cannot.

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

This change would affect commercial harvesters and recreational anglers who use projectile gears.

### **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 2023 meetings.

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

Amend Regulation .02, .03, and .05 under COMAR 08.02.25 Gear.

## **II. RECORDKEEPING AND REPORTING REQUIREMENTS**

This action would not create any new recordkeeping or reporting requirements.

## **III. IMPLEMENTATION DATE**

The Department anticipates this change could be effective in late spring of 2023, however the exact date cannot be determined. The Department will follow our normal scoping and proposal procedures if the action moves forward.

This idea is in the scoping process (January 27—February 12). 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.