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DNR-FS-2024-4

SMALL BUSINESS COMPLIANCE GUIDE

Amendment to Subtitle 02 Fisheries Service

Regarding the Department's Regulations for Striped Bass —Seasons, Gear, Fillets

COMAR 08.02.15.08, .09, .12 and COMAR 08.02.25.03

Released January 22, 2024

Updated June 5, 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 proposed:

- 1) The elimination of the recreational and charter boat spring season (May 1—May 15) for striped bass, also known as the Trophy Season;
- 2) The elimination of the recreational and charter boat early summer and fall season (May 16—May 31) in the Susquehanna Flats, Susquehanna River, and Northeast River.
- 3) The prohibition of targeting striped bass in the areas which are being closed by this action;
- 4) The extension of gear rules (trolling prohibition and use of certain sized J hooks) to the new time frames; and
- 5) Requiring that no more than two fillets per legal fish are possessed on board a charter boat where striped bass have been filleted.

Why is this change necessary?

This action is necessary to reduce mortality in the striped bass spawning stock biomass and to maintain compliance with requirements from the Atlantic States Marine Fisheries Commission.

Maryland typically has its greatest access to the striped bass spawning stock during the spring spawning season; generally, those fish otherwise live in the Atlantic Ocean and migrate up and down the coast. This is an especially sensitive period for spawning striped bass, which depends on several environmental conditions to have a successful spawn. Due to declines in the spawning stock biomass and poor recruitment of juvenile fish over the last five years, actions have been taken both at the state level and at the coast-wide level to reduce the mortality of those fish.

The Department believes that taking this action will help to increase the spawning stock and enhance the odds of successful spawning when environmental conditions are favorable.

Most of these actions were initially included in an emergency regulation that was in effect for the spring of 2024. Following approval from the Joint Committee on Administrative, Executive, and Legislative Review (AELR), the Department has now proposed implementing these changes through the standard regulatory process.

Who will this affect?

Recreational anglers, charter boat operations, and bait and tackle shops.

Has this change been discussed with advisory bodies?

This idea was discussed with the Sport Fisheries Advisory Commission and Tidal Fisheries Advisory Commission at their January 2024 meetings.

What is the specific regulatory action?

- 1) Repeal Regulation .08 and amend Regulations .09 and .12, under COMAR 08.02.15 Striped Bass and
- 2) Amend Regulation .03 under COMAR 08.02.25 Gear.

II. DEFINITIONS

"J hook" means a hook having a point parallel to the hook shank.

"Trolling" means the method of angling during which fish are attracted to a lure or bait being trailed from a boat which is moving forward or backward by mechanical, manual, or wind power.

"Target" means to catch or attempt to catch.

III. RECORDKEEPING AND REPORTING REQUIREMENTS

This action will not create new recordkeeping or reporting requirements.

IV. IMPLEMENTATION DATE

The Department projects that this change could be effective in the summer of 2024. However, the exact date cannot be determined. The Department will follow our normal 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 January 22—February 6, 2024.

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 May 31, 2024. The comment period will close at 11:59 p.m. July 1, 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.