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DNR-FS-2024-6

SMALL BUSINESS COMPLIANCE GUIDE
Amendment to Subtitle 02 Fisheries Service
Regarding the Department's Regulations for Horseshoe Crabs – Harvest on Sundays

Released October 21, 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 is being considered?

The Department is considering allowing the catching and landing of horseshoe crabs on Sundays. Currently, a person may not catch or land horseshoe crabs on Saturday or Sunday. This requirement was put in place many years ago to prevent user conflicts on the weekends. The Department does not anticipate conflicts at this time because horseshoe crabs are generally harvested in the late afternoon or evening. The annual total allowable landings of male horseshoe crabs for the commercial fishery is 255,980 male crabs. There is no female harvest permitted. The number of landings is set annually and is determined by the Atlantic States Marine Fisheries Commission. Allowing harvest on Sundays will not increase the allowable landings. There is a strict cap on harvest and any overages must be subtracted from the total allotment for the following year.

Why is this change necessary?

Commercial harvesters requested that we consider allowing harvest and landing on Sunday to allow them some flexibility. This change would give commercial harvesters the flexibility to operate their business for maximum efficiency by allowing them to harvest horseshoe crabs when the weather and market conditions are optimal.

Who will this affect?

Horseshoe crab harvesters and dealers.

Has this change been discussed with advisory bodies?

1. This was discussed at the Coastal Recreational and Commercial Fisheries Forums on October 4, 2024.
2. This idea was scoped with the Sport Fisheries Advisory Commission and the Tidal Fisheries Advisory Commission at their meetings in October 2024.

What is the specific regulatory action?

This idea is being considered and is in the scoping process. The specific regulatory action will be determined if the Department moves forward with the idea.

II. RECORDKEEPING AND REPORTING REQUIREMENTS

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

III. REGULATORY PROCESS

This idea is in the scoping process (October 21—November 5). 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.

IV. IMPLEMENTATION DATE

The Department projects that this change could be effective in the summer of 2025. However, the exact date cannot be determined. The Department will follow our normal proposal procedures if this concept moves forward.