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DNR-FS-2025-02

SMALL BUSINESS COMPLIANCE GUIDE
Amendment to Subtitle 02 Fisheries Service
Regarding the Department's Regulations for Striped Bass –
Commercial Allocation Caps and Transfer Processes
COMAR 08.02.15
Released July 31, 2025
Updated January 14, 2026

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. Furthermore, the Department retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decisions regarding a particular small business will be based on the statute and any relevant rules and regulations.

In any civil or administrative action against a small business for a violation of rules, the content of the Small Business Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties, or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation. The Department will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The Department may decide to revise this Guide without public notice to reflect changes in the Department's approach to implementing a rule, or it may clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to Fishing and Boating Services:

410-260-8300
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I. SUMMARY

What was proposed?

The Department proposed to:

1. Increase the allocation cap in the Chesapeake Bay commercial striped bass fishery from 1.5% to 2%.

The Chesapeake Bay Individual Transferrable Quota Fishery currently has maximum caps on the amount of the fishery that any participant may own permanently (share) or temporarily (annual allocation). For temporary transfers, a commercial tidal fish licensee may not receive an allocation transfer when the licensee possesses 1.5% percent or more of the total commercial quota for the Chesapeake Bay fishery for that year. Due to permit consolidation over time and instances where a permit or share/allocation could not be transferred based on going over the cap, the Striped Bass Industry Advisory Workgroup requested the Department to consider changing the allocation cap. Based on feedback received during the scoping process, the proposed action increases the allocation cap to 2 percent. This would allow individuals to temporarily possess an additional 0.5 percent of the Chesapeake Bay commercial striped bass quota.

2. Modify the transfer rules for permits, allocation, and shares in both the Chesapeake Bay and Atlantic Ocean commercial striped bass fisheries.

Currently, the license season (September to August) is different from the striped bass permit season (January to December). Given the differences in the two time periods and in conjunction with the transferring of licenses, permits, shares, and allocation, there are rare instances when a striped bass permit may be held by a commercially unlicensed individual for a short period of time. Striped bass permits held by commercially unlicensed individuals cannot be fished nor can permits or allocation held by a commercially unlicensed individual be transferred under current regulations. When a commercial license is temporarily transferred, the striped bass permit does not have to be transferred at the same time. In these instances, the permit is now held by an unlicensed individual since the permanent license holder has temporarily transferred their license. The proposed action allows a permanent license holder who holds a striped bass permit to be able to transfer their permit, share, or allocation, even during a time period when they have temporarily transferred their license away. Under current rules, that permit and any allocation or shares associated with that permit cannot be fished or transferred. This action allows a permanent license holder to conduct striped bass permit, allocation, and share transfers even when the license has been temporarily transferred away, thereby increasing the efficiency of their business. The modifications to this language also allows an individual whose temporary license transfer has expired while they still have an active striped bass permit to temporarily transfer the permit, allocation, or both to a currently licensed individual. Under current rules, when a temporary license transfer expires prior to the expiration of a temporary striped bass permit transfer, because the individual is no longer licensed, the permit and any associated allocation can no longer be fished or transferred. Allowing the individual who properly obtained the temporary permit transfer to then transfer that permit, allocation, or both to a currently licensed individual will allow the allocation to be harvested prior to the end of the permit year.

Why are these changes necessary?

The Striped Bass Industry Advisory Workgroup informed the Department that these changes will provide more flexibility for the commercial licensees and striped bass permit holders as well as provide a greater possibility of being able to harvest the annual quota. The annual quota is set by the Atlantic States Marine Fisheries Commission and is not impacted by this action.

Who will this affect?

Commercially licensed individuals that hold striped bass permits.

What is the specific regulatory action?

Amend Regulation .04 under COMAR 08.02.15 Striped Bass.

Was this change discussed with advisory bodies or other interested individuals?

1. The Striped Bass Industry Advisory Workgroup discussed this in May 2025 and recommended the Department pursue these changes.
2. The ideas were discussed with the Sport Fisheries and Tidal Fisheries Advisory Commissions at their July 2025 meetings.
3. The ideas were scoped with the general public from July 31, 2025 through August 17, 2025.

II. DEFINITIONS

"Allocation" means pounds or numbers of striped bass which a striped bass permittee is provided on an annual basis.

"Individual Transferrable Quota" means the fishery in the Chesapeake Bay and its tidal tributaries that provides exclusive privileges to an individual by assigning a fixed share of the commercial striped bass quota to each individual registered with a striped bass permit.

"Striped bass permit" means a permit issued by the Department which allows a person the privilege to commercially harvest striped bass.

"Share" means a percentage of the quota that is assigned to a specific striped bass permittee.

III. REGULATORY PROCESS

Fishing rules in Maryland may be created by either the General Assembly or the Department. When the Department creates a fishing rule, it is called a regulation. When the General Assembly creates a rule, it is called a statute. The Department often has to create a regulation to implement a statute. The regulatory process begins with scoping and the Department follows normal procedures as regulatory concepts move 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. The ideas for this proposal were scoped from July 31, 2025, through August 17, 2025.

At the conclusion of the scoping process, the Department determined that the action is necessary and appropriate. The rules are being 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 9, 2026. The comment period closes at 11:59 p.m. February 9, 2026.
- 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. EFFECTIVE DATE

If these changes progress through the regulatory process, the Department expects this change could be effective in the spring of 2026, however the exact date cannot be determined at this time.