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SMALL BUSINESS COMPLIANCE GUIDE

Amendment to Subtitle 02 Fisheries Service

Regarding the Department's Regulations for Striped Bass – Commercial Transfer Processes

COMAR 08.02.15

Released July 31, 2025

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

410-260-8DNR; toll free in Maryland 877-620-8DNR; TTY Users Call via the Maryland Relay

Fax: 410-260-8310

I. SUMMARY

What is being considered?

The Department is considering modifying rules regarding the transfer of commercial striped bass permits, shares, and allocation. The license season (September to August) has a different period of time than the striped bass permit season (January to December). Given the differences in the two time periods and in conjunction to temporary transferring 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 and/or allocation be transferred under current regulations.

Change #1

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 away. In this scenario, under current rules, the permit and allocation cannot be fished or transferred. Per the recommendation by the Striped Bass Industry Advisory Workgroup, the Department is considering allowing a permanent license holder that permanently 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.

Change #2

Under current rules, when a temporary license transfer expires prior to the expiration of a temporary striped bass permit and allocation transfer, the permit and allocation can no longer be fished or transferred. Because the individual is no longer licensed, the permit and allocation are unusable. To avoid future instances, per the recommendation by the Striped Bass Industry Advisory Workgroup, the Department is considering the following options:

Option 1: Require a temporary permit and/or quota transfer to have an expiration date equal to the individual's temporary license expiration date. This would also require the transferee to return the tags to the original permit holder by the end of the transfer period or renew the transfer from the original permit holder along with renewing the license transfer in order to complete the season.

or

Option 2: Allow an individual whose temporary license transfer has expired while they still have an active permit to temporarily transfer the permit and/or allocation to a currently-licensed individual. This would allow the allocation to be harvested prior to the end of the permit year.

Why is this change necessary?

Current regulation states that a permit can only be used and allocation can only be harvested by a commercially licensed individual. Current regulation also requires that an individual be licensed in order to complete a transfer of a permit, share, or allocation. The changes under consideration would provide more flexibility for the commercial licensees and striped bass permit holders to

transfer a striped bass permit, shares in the commercial striped bass fishery, or allocation to commercially licensed individuals.

Who will this affect?

Commercially licensed individuals that hold striped bass permits.

Has this change been discussed with advisory bodies or other interested individuals?

The Striped Bass Industry Advisory Workgroup discussed this in May 2025 and recommended the Department pursue these changes. This idea was discussed with the Sport Fisheries and Tidal Fisheries Advisory Commissions at their July 2025 meetings.

II. DEFINITIONS

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

"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. IMPLEMENTATION DATE

The Department expects this change to be effective in the spring of 2026, however the exact date cannot be determined. The Department will follow our normal [procedures](#) if this concept moves forward.

This idea is in the scoping process (July 31 —August 17). 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.