

to Point No Point to *St. Jerome Point to Deep Point* and to Point Lookout; thence southeasterly across the Potomac River to Smith Point; thence northeasterly along State line to intersection with westerly shore of Smith Island, crossing Big Thorofare at points marking its western entrance and continuing northward along shore to Fog Point; thence to southwesternmost point of land on Pry Island; thence to southernmost point of Holland Island; thence along western shores of Holland Island, Adam Island, Billys Island, and Bloodsworth Island to tip of shore on southwesterly side of entrance into Okahanikan Cove; thence to Navy-maintained tower; thence to nun Buoy N "2", thence to Honga River Light Fl. 4 § 16 ft. 4M; thence to Billy's Point at Lat. 38°14.52' N., Long. 76°07.58' W. on lower Hoopers Island; thence westerly along shore of Hoopers Island to Pons Point; thence to southernmost point of Barren Island; thence northerly along the western shore of Barren Island crossing Tar Bay at points marking its northwestern entrances, and continuing northerly along west shores of Meekins Neck, Taylors Island, and James Island to James Point; thence to Hills Point; thence to Black Walnut Bar Bell buoy; thence to Black Walnut Point; thence northerly along west shore of Tilghman Island to point on northerly side of Paw Cove; thence northerly along shore to a point on the eastern side of Harbor Cove defined by Lat. 38°46'43.98" N., Long. 76°19'23.38" W.; thence in a straight line in a northwesterly direction to Bloody Point; thence northerly along west shore to Kent Island to Love Point; thence to northwest point of Eastern Neck Island; thence northerly along west shore of Eastern Neck to Huntingfield Point; thence to Swan Point; thence northerly along shore to point on south side of Fairlee Creek marking its entrance; thence along shore to Worton Point; thence along shore to Plum Point; thence along shore to include the area known as Still Pond to Meeks Point; thence along shore to Howell Point; thence along the shore to a point defined by Lat. 39°22'16.68" N, Long. 76°6'22.04" W; thence 73° True to a point defined by Lat. 39°23'12.32" N, Long. 76°2'12.99" W; thence along shore to Grove Point; thence along the shore to a point near Pearce Creek defined by Lat. 39°26'20.04" N, Long. 75°58'46.50" W; thence 301° True to a point defined by Lat. 39°26'59.96" N, Long. 76°0'9.72" W; thence along shore to Turkey Point; thence northerly along the western shore of Elk Neck to Rocky Point; thence westerly across the Bay to Locust Point, the point of beginning.

F.—H. (text unchanged)

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.05 Fish

Authority: Natural Resources Article, §4-215, Annotated Code of Maryland

Notice of Proposed Action

[22-009-P]

The Secretary of Natural Resources proposes to amend Regulation .02 under **COMAR 08.02.05 Fish**.

Statement of Purpose

The purpose of this action is to adjust the commercial hook-and-line fishing line in the Susquehanna River. Currently, the line is at the mouth of Deer Creek. The action moves the line for this gear type to the tip of Rowland Island. The current line would remain for all other gear types.

The current commercial gear line in the Susquehanna River was put in place during the 1990s as part of the department's striped bass regulations. Over time, the area between Deer Creek and the Conowingo Dam was opened for recreational angling. However, hook and lining commercially was not allowed. Since the restrictions

were lifted for recreational anglers, the commercial striped bass fishery has moved to an individual transferable quota system (ITQ). This means that the licensee will harvest a set amount of fish in any locations open for commercial harvest. Because of this and other changes in the fishery over time, the department does not have any concerns about commercial hook-and-line use in this 3.5 mile stretch of the river. The change would remove the only area of tidal water where any commercial activity is currently prohibited. It will also make the rules for hook-and-line use the same between recreational and commercial users. Commercial licensees using hook-and-line gear will also be able to harvest other species such as invasive flathead catfish and snakeheads.

Additionally, the action updates references within the regulation and to other regulations that are no longer accurate.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This action will allow commercial licensees who use hook-and-line gear additional area to commercially harvest fish. The impact is indeterminable, but positive.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
Commercial Hook-and-Line Harvesters	(+)	Indeterminable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

D. A small number of commercial harvesters will likely take advantage of the newly-opened area to commercially harvest fish with hook-and-line gear. However, due to the hydrology of the river, it is likely to remain a small number. That area requires specialized boats in order to safely navigate, so those individuals who already have that equipment may benefit, but the benefit will likely not be so great to incentivize other individuals to acquire that gear.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

Commercial finfish harvesters who use hook-and-line gear will have an additional 3.5 miles of the Susquehanna River from which to harvest fish. It is indeterminable how much of a financial impact this

will have, but some harvesters will have more or easier access to fish, which will in turn positively impact their business.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Susquehanna Gear Line Regulations, Regulatory Staff, Maryland Department of Natural Resources, Fishing and Boating Services, 580 Taylor Ave., E-4, Annapolis, MD 21401, or call 410-260-8300, or fill out the form at <https://dnr.state.md.us/fisheries/Pages/regulations/changes.aspx#susq>. Comments will be accepted through February 2, 2022. A public hearing has not been scheduled.

.02 General Fishing Prohibitions.

A.—F. (text unchanged)

G. [A] *In the waters of the Susquehanna River, a commercial tidal fish licensee may not:*

- (1) *Harvest or attempt to harvest fish upstream of a line beginning at a point at or near the Harford County shore defined by Lat. 39°39.262' N, Long. 76°10.338' W; then running 30° True to a point at or near the Cecil County shore defined by Lat. 39°39.7467' N, Long. 76°10.060' W; and*
- (2) [set] *Set or use any other type of fishing gear [or] other than hook-and-line gear to harvest or attempt to harvest fish [in the waters of the Susquehanna River] upstream of a line drawn direct from the northernmost point from the mouth of Deer Creek in Harford County, in a northeasterly direction to the intersection of U.S. Route 222 and Canal Road in Cecil County.*

H. (text unchanged)

I. Except as provided in [§L]§J of this regulation, a commercial tidal fish licensee may not catch or possess fish of the species listed in Natural Resources Article, §4-215, Annotated Code of Maryland, except crabs or shellfish, for commercial purposes and have more than:

(1)—(2) (text unchanged)

J. Hook and Line Fishing Exceptions.

(1) Children 12 years old or younger may be on board a vessel engaged in commercial hook and line fishing in addition to any crew members and licensees as described in [§K] §I of this regulation.

(2) Tidal fish licensees registered in and engaged in the Chesapeake Bay individual transferrable quota striped bass fishery are not subject to the crew member limit or boat limit on individuals as described in [§K] §I of this regulation.

K. From February 1 through March 31, inclusive, a person may not set a fyke net in any of the areas described in COMAR [08.02.21.03K] 08.02.25.09.

L.—M. (text unchanged)

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.08 Shellfish—General

Authority: Natural Resources Article, §4-904, Annotated Code of Maryland

Notice of Proposed Action

[22-012-P]

The Secretary of Natural Resources proposes to adopt new Regulation .08 under **COMAR 08.02.08 Shellfish—General**.

Statement of Purpose

The purpose of this action is to adopt a regulation to create a shrimp fishery in the State waters of Maryland, as well as the

framework to develop a pilot program for the commercial shrimp fishery to test new and developing fishing methods in the fishery.

Senate Bill 343, enrolled as Chapter 119 in the 2021 Laws of Maryland, allowed the Department to adopt regulations pertaining to the shrimp fishery and to develop a pilot program for the commercial shrimp fishery. This action would allow commercial harvesters the ability to use gear which they are currently licensed to use to commercially harvest shrimp. Commercially-licensed harvesters would be able to obtain a free shrimp permit that would allow the use of the gear currently allowed under their license to commercially harvest shrimp. As an example, an individual with an Unlimited Finfish Harvester License (FIN) or Unlimited Tidal Fish License (UTFL) would be able to use gear such as cast nets, gill nets, and pound nets to catch and sell shrimp. Rules currently in place for those gears such as mesh size, attendance requirements, registration, etc. would still have to be followed. While the enacted legislation allows for it, the Department would not be adopting closed areas, catch limits, seasons, or size limits for the commercial harvest of shrimp at this time. This means that there would be no closed areas, daily or seasonal catch limits, closed seasons, or minimum sizes. All commercial harvest would have to be reported to the Department.

The Department would continue to work with the commercial fishing industry to develop the parameters of a shrimp pilot program in State waters. The enacted legislation requires the Department to adopt regulations in order to institute a pilot program, but does not require the parameters of the pilot program to be incorporated to the regulation – just that the regulation authorize the creation of a pilot program. The pilot program will be developed similarly to other pilot programs the Department has instituted under Code of Maryland Regulations (COMAR) 08.02.01.10.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This action will allow for the commercial harvest of shrimp in the state waters of Maryland and allow the Department to create a pilot program to test new gears and harvest methods in the commercial shrimp fishery. The impact is indeterminable because of a number of variables but it will be a positive impact to commercial licensees.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
Commercial Harvesters	(+)	Indeterminable
E. On other industries or trade groups:	NONE	