

Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.03 Blue Crabs

Authority: Natural Resources Article, §4-803, Annotated Code of Maryland

Notice of Proposed Action

[24-197-P]

The Secretary of Natural Resources proposes to amend Regulation .07 under **COMAR 08.02.03 Blue Crabs**.

Statement of Purpose

The purpose of this action is to correct the coordinates for two points in Fishing Bay. The Department modified its crab pot lines in March 2024 by assigning coordinates to many points in regulation that had previously been used to delineate areas where crab pots may be set that did not have specific latitude and longitude coordinates assigned to them. In doing so, two points in Fishing Bay were misidentified. Because of this, the crab pot line and the oyster power dredge line, which previously had been identical, were no longer the same. This meant there were two sets of buoy lines delineating the crab pot line versus the oyster dredge line. The buoy lines are approximately 20 yards apart and could cause confusion for harvesters and law enforcement. The proposed action corrects the coordinates in order to realign these two lines, which will reduce regulatory complexity and better communicate to harvesters where certain gears are allowed.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Blue Crabs - Crab Pot Lines Housekeeping, Regulatory Staff, Maryland Department of Natural Resources, 580 Taylor Avenue, E-4, Annapolis, MD 21401, or call 410-260-8300, or email to submit comment to https://dnr.maryland.gov/fisheries/pages/regulations/changes.aspx#bc_rabpotlineH. Comments will be accepted through February 10, 2025. A public hearing will be held on January 28, 2025 at 1 p.m.

.07 Crab Pots.

A.—G. (text unchanged)

H. Lower Eastern Shore — South of the William Preston Lane Jr. Memorial Bridge (Chesapeake Bay Bridge).

(1)—(4) (text unchanged)

(5) Upper Honga River to Tangier Sound.

(a)—(e) (text unchanged)

(f) Holland Strait and Northern end of Tangier Sound (Malkus Line). All the waters north of a line beginning at a point at or near where the Dorchester County-Somerset County line meets a line running from the south end of Holland Island to Sedgy Point on South Marsh Island defined by Lat. 38° 5.781' N, Long. 76° 3.724' W then running approximately 21° True to a point at or near Johnson Point defined by Lat. 38° 6.665' N, Long. 76° 3.297' W then running approximately [27°] 28° True along the Dorchester County-Somerset County line to a point defined by Lat. 38° 7.508' N, Long. 76° 2.725' W then running approximately [26°] 27° True to a point at or near Lower Island Point defined by Lat. 38° 8.845' N, Long. 76° 1.873' W then running approximately [64°] 63° True following the Dorchester County-Somerset County line to its junction with county line buoy A defined by [Lat. 38° 9.774' N, Long. 75° 59.534' W] *Lat. 38° 9.792' N, Long. 75° 59.517' W* then running approximately 6° True toward Sharkfin Shoal Light to its junction with a straight line running from range marker AA northeasterly to range marker BB and the Dorchester County-Somerset County line defined by [Lat. 38° 11.173' N, Long. 75° 59.346' W] *Lat. 38° 11.167' N, Long. 75° 59.338' W* then running approximately 50° True to a point where the Dorchester County-

Somerset County line meets a line running from point at or near the shore immediately adjacent to the Thomas Tigner house near Haines Point to the southwesterly most point of land on Clay Island defined by Lat. 38° 12.339' N, Long. 75° 57.552' W then running approximately 164° True to a point at or near the shore immediately adjacent to the Thomas Tignor house near Haines Point defined by Lat. 38° 10.771' N, Long. 75° 56.979' W.

(6)—(8) (text unchanged)

I.—K. (text unchanged)

JOSH KURTZ
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.10 Horseshoe Crabs

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

Notice of Proposed Action

[24-196-P]

The Secretary of Natural Resources proposes to amend Regulation .01 under **COMAR 08.02.10 Horseshoe Crabs**.

Statement of Purpose

The purpose of this action is to allow individuals to catch and land 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 no longer anticipates conflicts on Sundays 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 as determined by the Atlantic States Marine Fisheries Commission is set annually. There is no female harvest permitted. 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.

The proposed action removes the prohibition of catching and landing horseshoe crabs on Sundays. This change gives 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.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action may have a positive economic impact for commercial harvesters and seafood dealers.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
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 and Dealers (+) 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. While the annual total allowable landings of male horseshoe crabs is not increasing, allowing harvest on Sundays gives commercial harvesters the flexibility to operate their businesses for maximum efficiency by allowing them to harvest horseshoe crabs when the weather and market conditions are optimal. If horseshoe crabs are harvested when market conditions are optimal, seafood dealers could benefit from the sale of bait crabs when the demand is high. The actual amount that this action could economically benefit harvesters and dealers is indeterminable.

Economic Impact on Small Businesses

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

While the annual total allowable landings of male horseshoe crabs is not increasing, allowing harvest on Sundays gives commercial harvesters the flexibility to operate their businesses for maximum efficiency by allowing them to harvest horseshoe crabs when the weather and market conditions are optimal. If horseshoe crabs are harvested when market conditions are optimal, seafood dealers could benefit from the sale of horseshoe crabs when the demand is high. The actual amount that this action could economically benefit harvesters and dealers is indeterminable.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Horseshoe Crabs - Harvest on Sundays, Regulatory Staff, Maryland Department of Natural Resources, 580 Taylor Avenue, E-4, Annapolis, MD 21401, or call 410-260-8300, or email to submit comment to <https://dnr.maryland.gov/fisheries/pages/regulations/changes.aspx#horseshoe>. Comments will be accepted through February 10, 2025. A public hearing has not been scheduled.

.01 Horseshoe Crabs.

A.—B. (text unchanged)

C. Time Restrictions. A person may not catch or land horseshoe crabs on Saturday [or Sunday].

D.—G. (text unchanged)

JOSH KURTZ
Secretary of Natural Resources