

38°48.383' N, Long. 76°18.754' W; then running approximately 7° True to a point defined by Lat. 38°48.813' N, Long. 76°18.695' W; then running approximately 112° True to a point at or near the shore defined by Lat. 38°48.760' N, Long. 76°18.526' W; then running southerly along the shore to the point of beginning.

(o)—(r) (text unchanged)

(s) All of the waters of Oak Creek and Miles River enclosed by a line beginning at a point at or near the [eastern] *western* shore of Oak Creek defined by Lat. 38°45.212' N, Long. 76°10.426' W; then running approximately 31° True to a point defined by Lat. 38°45.243' N, Long. 76°10.402' W; then running approximately 314° True to a point defined by Lat. 38°45.330' N, Long. 76°10.515' W; then running approximately 265° True to a point at or near the shore defined by Lat. 38°45.320' N, Long. 76°10.701' W; then running southeasterly along the shore to the point of beginning.

(t) All of the waters of [Back] *Oak* Creek enclosed by a line beginning at a point defined by Lat. 38°45.090' N, Long. 76°10.444' W; then running approximately 319° True to a point defined by Lat. 38°45.121' N, Long. 76°10.479' W; then running approximately 51° True to a point at or near the eastern shore of Oak Creek defined by Lat. 38°45.199' N, Long. 76°10.356' W; then running southerly along the shore to the point of beginning.

(u)—(v) (text unchanged)

(4) Saint Mary's County.

(a) (text unchanged)

(b) All of the waters of Saint Mary's River enclosed by a line beginning at a point at or near the shore at Windmill Point defined by Lat. 38°09.500' N, Long. 76°27.099' W; then running approximately 97° True to a point defined by Lat. 38°09.470' N, Long. 76°26.822' W; then running approximately 27° True to a point defined by Lat. 38°09.528' N, Long. 76°26.785' W; then running approximately 320° True to a point defined by Lat. 38°09.642' N, Long. 76°26.906' W; then running approximately 301° True to a point defined by Lat. 38°09.772' N, Long. 76°27.180' W; then running approximately 214° True to a point at or near the shore north of Windmill Point defined by Lat. [38° 09.772'] 38°09.737' N, Long. [76° 27.180'] 76°27.210' W; then running southerly along the shore to the point of beginning.

(c)—(i) (text unchanged)

(5)—(7) (text unchanged)

(8) Kent County.

(a) All of the waters of Huntingfield Creek, Rock Hall Harbor, and Chesapeake Bay enclosed by a line beginning at a point at or near the shore [south of Windmill] *at the northern tip of Huntingfield* Point defined by Lat. 39°07.129' N, Long. 76°14.839' W; then running approximately 355° True to a point at or near the shore [at the northern tip of Huntingfield] *south of Windmill* Point defined by Lat. 39°07.832' N, Long. 76°14.917' W; then running southerly along the shore to the point of beginning.

(b) All of the waters of *Chesapeake Bay, Wilson Pond, and* Chester River enclosed by a line beginning at a point at or near the shore north of Wilson Point defined by Lat. 39°03.358' N, Long. 76°13.719' W; then running approximately 241° True to a point defined by Lat. 39°03.075' N, Long. 76°14.379' W; then running approximately 19° True to a point defined by Lat. 39°03.622' N, Long. 76°14.127' W; then running approximately 7° True to a point at or near the shore at the defined by Lat. 39°04.996' N, Long. 76°13.892' W; then running southerly along the shore to the point of beginning.

(c) All of the waters of Long Cove, [Wilson Pond,] Short Cove, *Eastern Neck Narrows*, and Chester River enclosed by a line beginning at a point at or near the shore on the east side of Wilson Point defined by Lat. 39°03.168' N, Long. 76°13.580' W; then running approximately 79° True to a point defined by Lat. 39°03.174' N, Long. 76°13.543' W; then running approximately 26°

True to a point defined by Lat. 39°03.306' N, Long. 76°13.459' W; then running approximately 71° True to a point at or near the shore north of the Eastern Neck Island Road Bridge defined by Lat. 39°03.341' N, Long. 76°13.322' W; then running northwesterly along the shore to the point of beginning.

(d) All of the waters of *Frying Pan Cove, Eastern Neck Narrows*, and Chester River enclosed by a line beginning at a point at or near the shore at Boxes Point defined by Lat. 39°02.971' N, Long. 76°12.741' W; then running approximately 32° True to a point defined by Lat. 39°03.036' N, Long. 76°12.688' W; then running approximately 295° True to a point defined by Lat. 39°03.056' N, Long. 76°12.742' W; then running approximately 331° True to a point defined by Lat. 39°03.202' N, Long. 76°12.842' W; then running approximately 290° True to a point defined by Lat. 39°03.310' N, Long. 76°13.220' W; then running approximately 271° True to a point defined by Lat. 39°03.312' N, Long. 76°13.329' W; then running approximately 191° True to a point at or near the shore south of the Eastern Neck Island Road Bridge defined by Lat. 39°03.297' N, Long. 76°13.333' W; then running southeasterly along the shore to the point of beginning.

(e) All of the waters of *Calfpasture Cove, Tubby Cove, Eastern Neck Narrows*, and Chester River enclosed by a line beginning at a point at or near the shore on the west side of Ingleside defined by Lat. 39°02.753' N, Long. 76°14.149' W; then running approximately 303° True to a point defined by Lat. 39°02.801' N, Long. 76°14.240' W; then running approximately 48° True to a point defined by Lat. 39°02.999' N, Long. 76°13.954' W; then running approximately 80° True to a point defined by Lat. 39°03.029' N, Long. 76°13.728' W; then running approximately 58° True to a point defined by Lat. 39°03.154' N, Long. 76°13.464' W; then running approximately 19° True to a point defined by Lat. 39°03.285' N, Long. 76°13.406' W; then running approximately 78° True to a point at or near the shore south of the Eastern Neck Island Road Bridge defined by Lat. 39°03.296' N, Long. 76°13.337' W; then running southwesterly along the shore to the point of beginning.

(9) (text unchanged)

JEANNIE HADDAWAY-RICCIO  
Secretary of Natural Resources

## Subtitle 02 FISHERIES SERVICE

### 08.02.15 Striped Bass

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

#### Notice of Proposed Action

[20-194-P]

The Secretary of Natural Resources proposes to amend Regulation .04 under **COMAR 08.02.15 Striped Bass**.

#### Statement of Purpose

The purpose of this action is to remove the cap on the amount of striped bass shares that can be permanently transferred within a single year by a permittee registered in a Chesapeake Bay commercial striped bass fishery. Removing the annual transfer cap would allow a permit holder to sell or buy up to that maximum amount in one transaction, rather than having to break it up in multiple transactions over multiple years.

The purpose of the transfer cap implemented in 2015 was to slow down any perceived fishery consolidation. The Department and the industry have both found this cap to be restrictive and unnecessarily burdensome. Removing the cap will allow business flexibility by allowing individuals to more efficiently acquire or dispose of shares in a manner that is more beneficial to their business, as well as reducing the burden of paperwork the industry and the Department

must complete. The cap on possession of more than 1 percent of the fishery is not changing and is enough to prevent fishery consolidation.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The action will make it easier for striped bass permittees to transfer up to the maximum total allowable share in a Chesapeake Bay commercial striped bass fishery.

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 (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups: Commercial striped bass permittees	(+)	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. The ability to transfer larger portions of shares in the Chesapeake Bay commercial striped bass fishery may allow individuals to more efficiently acquire or dispose of shares in a manner that is more beneficial to their business.

**Economic Impact on Small Businesses**

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

The ability to transfer larger portions of shares in the Chesapeake Bay commercial striped bass fishery may allow individuals to more efficiently acquire or dispose of shares in a manner that is more beneficial to 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 Commercial Striped Bass Transfer Cap, Regulatory Staff, Fishing and Boating Services, E-4, 580 Taylor Ave, Annapolis MD 21401, or call 410-260-8300, or complete the form at [https://dnr.maryland.gov/fisheries/Pages/regulations/changes.aspx#sb\\_baycomm](https://dnr.maryland.gov/fisheries/Pages/regulations/changes.aspx#sb_baycomm). Comments will be accepted through January 4, 2021. A public hearing has not been scheduled.

**.04 Tidal Fish Licensee Intent to Fish.**

- A.—F. (text unchanged)
- G. Permanent Transfers.
- (1)—(5) (text unchanged)

(6) A commercial tidal fish licensee registered in either of the Chesapeake Bay fisheries may not receive a share in a permanent transfer[:

(a) That] *that* would result in the transferee possessing more than 1 percent of the total commercial quota for the Chesapeake Bay fisheries[; or

(b) Equal to more than 0.2 percent of the Chesapeake Bay commercial quota in a single quota year].

(7)—(13) (text unchanged)

H. (text unchanged)

JEANNIE HADDAWAY-RICCIO  
Secretary of Natural Resources

**Subtitle 02 FISHERIES SERVICE**

**08.02.15 Striped Bass**

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

**Notice of Proposed Action**

[20-191-P]

The Secretary of Natural Resources proposes to amend Regulation **.07** under **COMAR 08.02.15 Striped Bass**.

**Statement of Purpose**

The purpose of this action is to extend the commercial striped bass Chesapeake Bay Individual Transferable Quota (ITQ) fishery seasons for hook and line, haul seines, and drift gill nets. The proposed action does not allow additional harvest. It provides fishery participants with greater flexibility in their business model by allowing fishermen to time their fishing activity with meeting market demands. The changes are consistent with the Chesapeake Bay ITQ fishery priorities developed jointly by the Department and the industry when the ITQ program was first implemented. The proposed action also reorganizes certain sections to clarify which provisions apply to each fishery.

Specifically for the hook and line Chesapeake Bay individual transferable quota fishery, the proposed action extends the season through December 31, removes the prohibition for fishing on Friday, and extends the fishing hours to 1 hour after sunset. The current regulation specifies that the hook and line season ends November 30. The Department has extended this season through December by issuing a public notice for several years (2014—2019). Adding this provision to regulation will allow businesses to plan their seasonal activity in advance. Extending the fishing hours and days allows harvesters to time their harvest to market conditions.

Specifically for the haul seine Chesapeake Bay individual transferable quota fishery, the proposed action extends the season through the end of February. The current regulation specifies that the haul seine season ends November 30. The Department extended this season through December in 2019 by issuing a public notice. Haul seines are used in January and February primarily to harvest catfish and occasionally catch striped bass as bycatch. The harvest of striped bass in January and February is expected to be minimal and is not expected to impact the market, while still allowing for efficiency in haul seine activity.

Specifically for the drift gill net Chesapeake Bay individual transferable quota fishery, the proposed action allows harvest on Saturdays and Sundays throughout the drift gill net season. The current regulation specifies that harvesters may not use drift gill nets on Saturdays or Sundays. The Department allowed harvest on Saturdays during December in 2018 and both Saturdays and Sundays in December in 2019 by issuing a public notice. Adding Saturday and Sundays to the entire fishing season for drift gill nets will provide fishermen invested in drift gill net fishing gear additional days to access the market.