

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. 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.

The changes will give commercial striped bass permit holders in the Chesapeake Bay ITQ fishery additional choices to harvest their assigned quota. No additional harvest will be permitted. These changes do not increase a permittee's harvest, they allow permittees to have additional choices for harvest. Adding the extensions to regulation will allow for greater business flexibility, will allow fishermen to time their fishing activity to meet market demands, and will allow them greater ability to plan their business activities.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. It is possible that by allowing additional periods for harvest by certain gears, harvesters will be better able to time harvesting activity with more profitable market conditions, thereby creating a positive economic impact.

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:		
(1) Striped bass permittees in ITQ Fishery	(+)	Indeterminable
(2) 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(1). It is possible that by allowing additional periods for harvest by certain gears, harvesters will be better able to time harvesting activity with more profitable market conditions, thereby creating a positive economic impact for permittees registered in the ITQ fishery.

D(2). It is possible that by allowing additional flexibility, harvesters will be better able to time their activity with market demands, thereby creating a positive economic impact for dealers.

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 Chesapeake Bay ITQ Regulations, Regulatory Staff, Department of Natural Resources, Fishing and Boating Services E-4, 580 Taylor Ave, Annapolis MD 21401, or call 410-260-8300, or complete the comment form at <https://dnr.maryland.gov/fisheries/Pages/regulations/changes.aspx#sb>.

Comments will be accepted through January 4, 2021. A public hearing has not been scheduled.

.07 Commercial Fishery.

A. Chesapeake Bay and Its Tidal Tributaries.

(1)—(2) (text unchanged)

(3) Seasons. [The commercial seasons for taking striped bass are as follows:

(a) The haul seine, and hook and line seasons are June 1 through November 30;

(b) The pound net season is June 1 through December 31; and

(c) The drift gill net season is December 1 through the last day of February.]

(a) *The commercial seasons for taking striped bass for permittees registered in the Chesapeake Bay common pool fishery are as follows:*

(i) *The hook and line season is June 1 through November 30; and*

(ii) *The drift gill net season is December 1 through the last day of February.*

(b) *The commercial seasons for taking striped bass for permittees registered in the Chesapeake Bay individual transferrable quota fishery are as follows:*

(i) *The haul seine season is June 1 through the last day of February;*

(ii) *The hook and line season is June 1 through December 31;*

(iii) *The pound net season is June 1 through December 31; and*

(iv) *The drift gill net season is December 1 through the last day of February.*

(4)—(8) (text unchanged)

B. (text unchanged)

C. Drift Gill Net Fishery Limitations.

(1)—(4) (text unchanged)

(5) Except for the last Saturday and Sunday of the month of February, *only a permittee registered in the Chesapeake Bay Individual Transferable Quota Fishery may set a drift gill net [may not be set] on Saturday or Sunday.*

(6)—(8) (text unchanged)

D. Commercial Hook and Line Fishery Limitations.

(1) Except as provided in [§D(5)] §D(4) of this regulation, a total of two crew members may assist a commercial tidal fish licensee registered in the Chesapeake Bay common pool fishery to catch striped bass with hook and line.

(2) Except as provided in [§D(5)] §D(4) of this regulation, a maximum of 4 individuals, including crew members, may be present on a vessel which is engaged in commercial hook and line fishing in the Chesapeake Bay common pool fishery.

[(3) A person may not catch or attempt to catch striped bass while using commercial hook and line on a Friday, Saturday, or Sunday.]

[(4)] (3) While using commercial hook and line, a person may not catch or attempt to catch striped bass:

(a) In the Chesapeake Bay common pool fishery [between]:

(i) *Between 1 hour before sunset and 1 hour before sunrise; or*

(ii) *At any time on a Friday, Saturday, or Sunday; or*

(b) In the Chesapeake Bay individual transferable quota fishery [between]:

(i) *Between one hour after sunset and 1 hour before sunrise; or*

(ii) *At any time on a Saturday or Sunday.*

[(5)] (4) (text unchanged)

- E. (text unchanged)
- F. General.

(1) A commercial tidal fish licensee may not catch striped bass between 6 p.m. Friday and 5 a.m. Monday, except as provided in §§C, D, and E of this regulation.

- (2)—(6) (text unchanged)

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.25 Gear

Authority: Natural Resources Article, §§4-215 and 4-221, Annotated Code of Maryland

Notice of Proposed Action

[20-195-P]

The Secretary of Natural Resources proposes to amend Regulation .03 under **COMAR 08.02.25 Gear**.

Statement of Purpose

The purpose of this action is to implement the circle hook requirement of Addendum VI to Amendment 6 to the Atlantic States Marine Fisheries Commission Atlantic Striped Bass Interstate Fishery Management Plan. The plan requires the mandatory use of non-offset circle hooks when fishing for striped bass with bait. The requirement is for all striped bass recreational fisheries and must be implemented by January 1, 2021. The proposed action reorganizes the regulation so that rules are in the appropriate locations and easier to understand.

The intent of the requirement is to improve post-release survival of striped bass and reduce discard mortality. Discard mortality accounts for a considerable amount of removals in the Atlantic striped bass fishery along the east coast. The latest assessment assumes 9 percent of fish that are released alive die as a result of being caught, although there is some evidence it may be higher, particularly in the summer months.

The use of non-offset circle hooks by anglers targeting striped bass with bait, live or chunk, has been identified as a method to reduce the discard mortality of striped bass in recreational fisheries. The configuration of the hook makes it less likely to fatally hook or “deep hook” a fish when using bait compared with the standard “J” hook. When a circle hook begins to exit the mouth of a fish, the shape causes the shaft to rotate towards the point of resistance and the barb is more likely to embed in the jaw or corner of the fish’s mouth and it is less likely to puncture internal organs if the hook is swallowed.

The proposed action expands the requirements for circle hook use in the Chesapeake Bay and its tidal tributaries. Currently, the rules have specific conditions and only apply during certain times of the year. The proposed action implements a year-round requirement to use a non-offset circle hook if an individual is: a) using bait while fishing for striped bass; b) live-lining; or c) chumming. The proposed action also modifies the time period during May and December that an angler is required to use a circle hook or “J” hook when using bait. This action expands the time period to May 1 through December 31.

The proposed action implements a year-round requirement to use non-offset circle hooks while recreationally fishing for striped bass using bait in the Atlantic Ocean, its coastal bays, and their tidal tributaries. If an individual is fishing for striped bass and using bait, they must use a non-offset circle hook.

Bait is defined in the Code of Maryland Regulations (COMAR 08.02.20.02). The proposed action requires the use of a non-offset circle hook when fishing for striped bass using bait. This means that the proposed rules would apply when an individual is using fish,

crabs, or worms as bait, or when an individual is using processed bait.

The Department must implement this requirement to be in compliance with the Atlantic States Marine Fisheries Commission (ASMFC) Atlantic Striped Bass Interstate Fishery Management Plan. The Department will continue its public education and outreach campaign on the benefits of circle hooks when fishing with bait.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

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 Circle Hook Regulations, Regulatory Staff, Maryland Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or complete the form at <https://dnr.maryland.gov/fisheries/Pages/regulations/changes.aspx#chks>. Comments will be accepted through January 4, 2021. A public hearing has not been scheduled.

.03 Recreational Gear—Tidal Waters.

A. Recreational Gear.

- (1)—(3) (text unchanged)

[(4) Chesapeake Bay and Its Tidal Tributaries — March 1 through April 30. A person recreationally angling in the Chesapeake Bay and its tidal tributaries during the period March 1 through April 30:

(a) When using fish, crabs, or worms as bait, or processed bait, shall only use a:

- (i) Circle hook; or

- (ii) “J” hook with a gap of less than or equal to 1/2 inch between the point and the shank; and

(b) May not use stinger hooks;

(5) Chesapeake Bay and Its Tidal Tributaries — March 1 through March 31. During the period March 1 through March 31:

(a) A person recreationally angling shall only use barbless hooks while trolling; and

(b) No more than six lines, regardless of the number of people on board a vessel, may be used for recreationally angling from a boat when trolling.

(6) Chesapeake Bay and Its Tidal Tributaries — April 1 through April 30. A person recreationally angling in the Chesapeake Bay and its tidal tributaries during the period April 1 through April 30 may not attempt to catch fish by trolling.

(7) Chesapeake Bay and Its Tidal Tributaries — May 16 through December 15.

(a) Except for chumming or live-lining, when using fish, crabs, or worms as bait, or processed bait, a person recreationally angling in the Chesapeake Bay and its tidal tributaries during the period May 16 through December 15 shall only use a:

- (i) Circle hook; or

- (ii) “J” hook.

(b) When chumming or live-lining, a person recreationally angling in the Chesapeake Bay and its tidal tributaries during the period May 16 through December 15 shall only use a circle hook.]