

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Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken.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an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.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

08.02.13 Fishing Licenses—Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure

Authority: Natural Resources Article, §§4-206, 4-220, 4-701, 4-745, 4-1201, and 4-1210, Annotated Code of Maryland

Notice of Proposed Action

[25-044-P]

The Secretary of Natural Resources proposes to amend Regulation .06 under **COMAR 08.02.13 Fishing Licenses—Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure**.

Statement of Purpose

The purpose of this action is to formalize the reporting methods for commercial and fishing guide licensees and require licensees to declare their method of reporting for each type of report they are required to submit. Reporting on paper is the only method of reporting described in regulation; however, there are electronic systems of reporting that the Department has determined are capable of collecting the necessary harvest information. The proposed action clarifies the requirements for paper reporting and adds methods for electronic reporting without hailing and electronic reporting with hailing. Currently, electronic reporting is completed through the Standard Atlantic Fisheries Information System (SAFIS), an electronic vessel trip report (eVTR), or the Fishing Activity and Catch Tracking System (FACTS), but since systems can change, the names of the systems are not being listed in the regulation.

Requiring licensees to declare a reporting method is necessary for ensuring reporting compliance. This will allow the Department to know how to expect the reports and follow up with the correct individual if a report is missing. If the Department does not know how an individual is going to report, it cannot conduct outreach to

delinquent reporters. Currently, the Department receives only about one half of the required harvest reports each year, making declaration a critical tool as the Department works to increase reporting compliance.

The proposed action:

(a) Makes it clear that anyone licensed under Natural Resources Article, §§4-210, 4-210.1, 4-701, 4-701.1, or 4-701.2, Annotated Code of Maryland, shall accurately record their harvest information;

(b) Describes the methods of reporting and the requirements for each method;

(c) Requires a licensee to declare which reporting method they will use for each type of report they are required to complete;

(d) Provides a mechanism for a licensee to change their declaration up to two times per license year; and

(e) Describes exceptions to regulations if a licensee chooses to report with the electronic harvest reporting system with hailing.

Adding all reporting methods and their rules to regulation makes it clear for commercial harvesters and fishing guides how they need to report their harvest information. Allowing a license holder to change their reporting declaration twice per license year gives the licensee flexibility while still allowing the Department to plan accordingly.

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 Reporting Regulations, Regulatory Staff, Maryland Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue E-4, Annapolis, MD 21401, or call (410) 260-8300, submitted through the comment form at <https://dnr.maryland.gov/fisheries/pages/regulations/changes.aspx#reporting> or email fisheriespubliccomment.dnr@maryland.gov. Comments will be accepted through October 6, 2025. A public hearing has not been scheduled.

PROPOSED ACTION ON REGULATIONS

926

.06 Commercial Fishing Records.

A. General.

(1) Any person licensed [to fish commercially shall] under Natural Resources Article, §§4-210, 4-210.1, 4-701, 4-701.1, or 4-701.2, Annotated Code of Maryland:

(a) Unless they have indicated on a form provided by the Department that they will not be participating in a fishery for a particular period of time, shall accurately record their [catch on forms provided by the Department] harvest information in accordance with this regulation;

(b) Shall declare their method of reporting on a form provided by the Department:

(i) At the time of obtaining a license; and

(ii) When renewing the license;

(c) May change their reporting declaration not more than two times per license year on a form provided by the Department.

(2) Licensees are required to report:

(a) Oyster harvest, only if they have paid the oyster surcharge in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland;

(b) Clam harvest, only if they have declared to harvest clams in accordance with COMAR 08.02.08.05; and

(c) Guided fishing activities, only if they provide services as a fishing guide.

(3) For purposes of this regulation, the time period for reporting fishing guide activities is Sunday through Saturday.

(4) Electronic reports submitted in accordance with this regulation satisfy the paper reporting requirements described in this subtitle.

(5) A licensee shall submit the completed paper reports as required in §B of this regulation unless the licensee has indicated on a form provided by the Department that the licensee will report electronically in accordance with §§C or D of this regulation.

(6) An individual who is authorized to use a licensee's commercial license and vessel in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland:

(a) Shall report in the same manner as the licensee; and

(b) May not participate in the regulatory exceptions described in §§E-K of this regulation.

[B. During any season a licensee is authorized to fish commercially the licensee shall:

(1) Accurately record their catch on the report or reports described in §C of this regulation or a comparable federal form approved by the Department; and

(2) Unless the licensee has indicated on a form provided by the Department that the licensee will not be participating in a fishery for a particular period of time, the licensee shall submit the completed report or reports to the Department in accordance with §D of this regulation.]

[C.] B. Paper Reports.

(1) During the appropriate open seasons, the following reports shall be submitted to the Department [monthly] following the instructions detailed on the report not later than the 10th day of the month immediately following the month that the report pertains to:

License Type or Authorization— Finfish Harvester-All Gear	(text unchanged)
Unlimited Tidal Fish License	Daily Commercial Fisheries Catch Log, Daily Record of Commercial Crabbing, Maryland Monthly Oyster Report, [Commercial Charter Boat Captain's] Fishing Guide Daily Log, [Monthly Softshell/Razor Clam Report, Monthly Hardshell] Maryland Monthly Clam Report, Crab Charter Report
Limited Crab Catcher, Crab Harvester, or Additional Crab Pot Authorizations— Oyster Harvester or Oyster Dredge Boat	(text unchanged)
Conch, Cancer Crab, Turtles, and Lobster	Daily Commercial Fisheries Catch Log
Resident Fishing Guide	[Commercial Charter Boat Captain's] Fishing Guide Daily Log, Crab Charter Report
Nonresident Fishing Guide	[Commercial Charter Boat Captain's] Fishing Guide Daily Log, Crab Charter Report
Master Fishing Guide	[Commercial Charter Boat Captain's] Fishing Guide Daily Log, Crab Charter Report
Clam Harvester	[Monthly Softshell/Razor Clam Report, Monthly Hardshell] Maryland Monthly Clam Report
Northern Snakehead or Chesapeake Channa License	Daily Commercial Fisheries Catch Log
Blue and Flathead Catfish Finfish Trotline License	(text unchanged)

[(2) The Maryland monthly oyster report is only required of a licensee that has paid the oyster surcharge in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland.

(3) All licensees authorized under Natural Resources Article, §4-701, Annotated Code of Maryland, that guide fishing parties shall submit the Commercial Charter Boat Captain's Daily Log in accordance with this regulation.

D. The reports described in §C of this regulation shall be submitted by the 10th day of the month immediately following the month that the report or reports pertain to.]

[E.] (2) In accordance with Natural Resources Article, [§4-701(l)] §4-701, Annotated Code of Maryland, the Department may suspend a person's tidal fish license, authorization, or entitlement to engage in a particular activity or activities under a tidal fish license if the reports described in [§C] §B of this regulation are not received by the

Department within 50 days of the due date described in [§D] §B(1) of this regulation.

[F.] (3) The maximum penalty for failing to submit reports within 50 days of the due date described in [§D] §B(1) of this regulation shall be as follows:

(table unchanged)

[G.] (4) The "Number of Late Reports" described in [§F] §B(3) of this regulation means the number of late reports the Department has recorded for each individual report required by [§C] §B(1) of this regulation in any 12-month period.

[H. The "Number of Late Reports" described in §F of this regulation does not mean the total number of late reports the Department has recorded for all reports required by §C of this regulation.]

[I.] (5)—[K.] (7) (text unchanged)

C. *Electronic Harvest Reporting without Hailing.*

(1) A licensee who declares electronic harvest reporting without hailing as their method of reporting shall accurately record their harvest information in a system approved by the Department or in a comparable federal system approved by the Department.

(2) The Department shall post on its website the systems approved under this section.

(3) A licensee shall report their harvest information by the earlier deadline of:

(a) The 10th day of the month immediately following the month that the report pertains to; or

(b) The timeframe required by the federal agency which requires the submission of the report.

D. *Electronic Harvest Reporting with Hailing—General.*

(1) A licensee who declares electronic harvest reporting with hailing as their method of reporting:

(a) Shall accurately record their harvest information in an electronic format prescribed by the Department;

(b) May choose to participate in the exceptions described in §§E–K of this regulation; and

(c) Shall return all paper striped bass or yellow perch permit cards that have been issued by the Department.

(2) A licensee is not required to report on the days that they do not engage in activities authorized under their license.

(3) *Hailing Requirements.*

(a) Prior to the vessel being underway, a licensee shall send a start hail following the method prescribed by the electronic system.

(b) A licensee shall send an end hail:

(i) That includes the required information;

(ii) Following the method prescribed by the electronic system;

(iii) Within 30 minutes of completion of harvest activity; and

(iv) Prior to landing the harvest.

(c) A licensee shall revise their start hail prior to sending their end hail if the original information reported is no longer accurate.

(d) A licensee shall revise their end hail catch information if the original information reported is no longer accurate.

(4) *Vessel Marking Requirements.*

(a) The markings described in this section shall be displayed on the vessel at all times if the licensee has declared electronic harvest reporting with hailing as their method for reporting harvest.

(b) The markings described in this section shall be removed from the vessel upon declaring to report harvest using paper or electronic reporting without hailing.

(c) The letters for the abbreviation of the report being submitted electronically shall be identified and displayed on the vessel and shall be painted or firmly attached to the port side near the stern of the vessel as follows:

(i) The letters shall be positioned in such a manner as to be clearly visible to persons in passing boats;

(ii) The letters shall be plain vertical block characters of not less than 3 inches in height and shall contrast with the color of the background;

(iii) The letters "EHRC" shall be displayed when harvesting blue crabs;

(iv) The letters "EHRS" shall be displayed when harvesting oysters, soft-shell clams, or hard-shell clams;

(v) The letters "EHRG" shall be displayed when operating a guided fishing trip; and

(vi) The letters "EHRF" shall be displayed when harvesting all other fish species.

(d) If a licensee is participating in more than one fishery, the licensee may display a combination of letters described in §D(3)(c) of this regulation as directed by the Department.

(5) The exceptions described in §§E–K of this regulation are available only to a licensee who has declared electronic harvest reporting with hailing as their method of reporting.

(6) If a licensee on a vessel participates in an exception described in §§E–K of this regulation, all licensees on board that vessel shall report their harvest information in the electronic harvest reporting with hailing system.

E. *Electronic Harvest Reporting with Hailing—Blue Crabs.*

(1) For purposes of this section, the crabbing week is Wednesday through Tuesday.

(2) Except as permitted in COMAR 08.02.03.14B, a licensee or vessel may not set or retrieve gear or catch blue crabs for commercial purposes more than 6 days during any crabbing week.

(3) Notwithstanding COMAR 08.02.03.14, a licensee is not required to take their declared day off.

(4) Notwithstanding COMAR 08.02.03.11, the licensee:

(a) May set crab pots and remove blue crabs from crab pots in the Chesapeake Bay up to 2 hours before sunrise; and

(b) May, on July 3 and July 4, set crab pots and remove crabs from crab pots in the Chesapeake Bay up to 3 hours before sunrise.

(5) If a licensee begins removing blue crabs prior to the start times listed in COMAR 08.02.03.11, the licensee:

(a) Shall cease removing crabs from crab pots not more than 6 hours after sunrise; and

(b) May set crab pots already onboard a vessel up to 1 hour after the end of the time period established in §E(5)(a) of this regulation.

(6) If a licensee on a vessel participates in the harvest hours described in §E(4) of this regulation, all licensees on board that vessel shall adhere to the time periods described in §E(5) of this regulation.

F. *Electronic Harvest Reporting with Hailing—Oysters.*

(1) Notwithstanding COMAR 08.02.04.03, a licensee may:

(a) Begin harvesting up to 1 half hour before sunrise; and

(b) Designate a representative in the electronic harvest reporting system to deliver their oysters to a dealer if the designated representative:

(i) Is commercially licensed to harvest oysters;

(ii) Has purchased the oyster surcharge; and

(iii) Has declared to report harvest using the electronic harvest reporting system with hailing.

(2) A licensee who begins harvest activity early shall cease harvest one half hour earlier than the stop times listed in COMAR 08.02.04.03.

(3) If a licensee on a vessel participates in the harvest hours described in §F(1)(a) of this regulation, all licensees on board that vessel shall adhere to the time periods described in §F(2) of this regulation.

G. *Electronic Harvest Reporting with Hailing—Soft-Shell Clams.*

(1) Notwithstanding COMAR 08.02.02.03, a licensee may:

(a) Begin harvesting up to one half hour before sunrise; and

(b) Designate a representative in the electronic harvest reporting system to deliver their soft-shell clams to a dealer if the designated representative:

- (i) Is commercially licensed to harvest soft-shell clams;
- (ii) Has declared their intent to harvest soft-shell clams in accordance with COMAR 08.02.08.05; and
- (iii) Has declared to report harvest using the electronic harvest reporting system with hailing.

(2) A licensee who begins harvest activity early shall cease harvest 1 half hour earlier than the stop times listed in COMAR 08.02.02.03.

(3) If a licensee on a vessel participates in the harvest hours described in §G(1)(a) of this regulation, all licensees on board that vessel shall adhere to the time periods described in §G(2) of this regulation.

H. Electronic Harvest Reporting with Hailing—Hard-Shell Clams.

(1) Notwithstanding COMAR 08.02.07.03, a licensee may:

- (a) Begin harvesting up to 1 half hour before sunrise; and
- (b) Designate a representative in the electronic harvest reporting system to deliver their hard-shell clams to a dealer if the designated representative:

- (i) Is commercially licensed to harvest hard-shell clams;
- (ii) Has declared their intent to harvest hard-shell clams in accordance with COMAR 08.02.08.05; and

- (iii) Has declared to report harvest using the electronic harvest reporting system with hailing;

(2) A licensee who begins harvest activity early shall cease harvest 1 half hour earlier than the stop times listed in COMAR 08.02.07.03.

(3) If a licensee on a vessel participates in the harvest hours described in §H(1)(a) of this regulation, all licensees on board that vessel shall adhere to the time periods described in §H(2) of this regulation.

I. Electronic Harvest Reporting with Hailing—Fishing Guides. Notwithstanding COMAR 08.02.15.12, the captain and one mate may each possess up to one striped bass per person per day for personal consumption during the open recreational and charter boat summer and fall fishery.

J. Electronic Harvest Reporting with Hailing—Striped Bass.

(1) The Department may not issue a physical striped bass permit to a licensee who has registered for a striped bass permit and declares their reporting method to be electronic harvest reporting with hailing.

(2) Notwithstanding COMAR 08.02.15, a licensee:

- (a) Is not required to have their striped bass permit in possession;
- (b) Is not required to record their harvest on their striped bass permit;
- (c) Shall have their striped bass counted and weighed by a Department representative at a check station not later than the day immediately following harvest; and
- (d) May designate an individual to take their striped bass to be counted and weighed at a check station only if the:

- (i) Licensee has designated the individual in the electronic harvest reporting system; and
- (ii) Catch is counted and weighed the same day as harvested.

K. Electronic Harvest Reporting with Hailing—Yellow Perch.

(1) The Department may not issue a physical yellow perch harvest permit to a licensee who has declared their:

- (a) Intent to fish for yellow perch; and
- (b) Reporting method to be electronic harvest reporting with hailing.

(2) Notwithstanding COMAR 08.02.21.03, a licensee:

- (a) Prior to landing, shall:
 - (i) Except for the actual weight, complete all fields on the

Department-issued tag;

- (ii) Affix the Department-issued tag to each container of yellow perch; and

- (iii) Include the sum of all containers for the number of fish and the estimated weight with the end hail;

- (b) Is not required to have their yellow perch permit in possession; and

- (c) Is not required to record their harvest on their yellow perch permit;

(3) After the fish from each container are weighed and packed for transport the:

- (a) Licensee shall revise the end hail and provide the actual weight for each container; and

- (b) Tag shall be:

- (i) Removed from the container; and

- (ii) Retained by the licensee.

(4) In the manner specified by the Department, the licensee shall return the:

- (a) Used tags at the end of each month during the season; and

- (b) Unused tags at the end of the season.

JOSH KURTZ
Secretary of Natural Resources

08.02.15 Striped Bass

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

Notice of Proposed Action

[25-175-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 reauthorize the use of drift gill nets on Saturdays and Sundays in the Chesapeake Bay commercial striped bass gill net fishery. The Department previously authorized this activity on Saturdays during December in 2018 and both Saturdays and Sundays in December in 2019 and 2020 by issuing a public notice, then expanded the allowance to the entire drift gill net season by regulation in 2021. The provision that allowed drift gill nets to be used on Saturdays and Sundays during the open drift gill net season in the Chesapeake Bay Individual Transferrable Quota commercial striped bass fishery was inadvertently removed from regulation when the Department eliminated the Chesapeake Bay Common Pool commercial striped bass fishery at the end of 2024.

The Department originally allowed this activity in order to provide additional flexibility for commercial harvesters to conduct their fishing activities. The change was consistent with the priorities developed jointly by the Department and the industry when the ITQ program was first implemented. Reauthorizing the use of drift gill nets on Saturdays and Sundays does not allow additional harvest of striped bass, as permittees in the Individual Transferrable Quota fishery are assigned a set number of pounds they are allowed to harvest. Providing additional flexibility allows these harvesters to time their activities to market and weather conditions.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action could have a positive economic impact on commercial striped bass permittees who use drift gill nets in the Chesapeake Bay and dealers who purchase, process, or resell fish.