

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
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.)

A(1). Currently, a public notice to make changes to the tautog fishery must be published in a newspaper. Each notice costs approximately \$260. Each year the Department issues one notice.

A(2). A special tagging gun is necessary to apply the harvest tag. The Department will supply one tagging gun to each federally permitted dealer for use by harvesters. The Department will also have one in our local coastal office that harvesters may use as well. There are two dealers that need the tagging guns. Each gun costs approximately \$30. The tagging guns may need to be replaced each year.

A(3). A specific tag is required for the commercial fishery. The Department is purchasing the tags and will distribute them to the harvesters. Based on harvest records, the Department anticipates spending approximately \$500 on tags and distribution each year.

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 Tautog Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or complete the comment form at <https://dnr.maryland.gov/fisheries/Pages/regulations/changes.aspx#tautog>. Comments will be accepted through June 8, 2020. A public hearing has not been scheduled.

.20 Tautog.

A. An individual may not catch or possess:

- (1) (text unchanged)
- (2) A tautog from [November 27] *May 16* through [December 31] *June 30*.

[B. Gear Restrictions. A pot and trap used to catch tautog shall have hinges or fasteners on one panel or door made of one of the following degradable materials:

- (1) Untreated hemp or jute string of 3/16 inch in diameter or smaller;
- (2) Magnesium alloy fasteners; or
- (3) Ungalvanized or uncoated iron wire of 0.094-inch diameter or smaller.]

[C.] *B. Season and Creel Limit.*

- (1) From [May 16] *July 1* through October 31, an individual may not catch and possess more than two tautog per day.
- (2) From November 1 through [November 26, and January 1 through] *May 15 of the following year*, an individual may not catch and possess more than four tautog per day.

C. Commercial Gear and Tagging Requirements.

(1) A pot or trap used to catch tautog shall have hinges or fasteners on one panel or door made of one of the following degradable materials:

- (a) Untreated hemp or jute string of 3/16 inch in diameter or smaller;
- (b) Magnesium alloy timed float releases (pop-up devices) or similar magnesium alloy fasteners; or
- (c) Ungalvanized or uncoated iron wire of 0.094 inch in diameter or smaller.

(2) Before removing any tautog caught for commercial purposes from a boat or removing a boat from the water, a person shall affix a tag supplied by the Department to the cheek bone of the tautog.

(3) Tags:

- (a) Shall be supplied by the Department;
- (b) Are not transferrable;
- (c) Expire at the end of each calendar year;
- (d) May not be reused, defaced, modified, or counterfeited;
- (e) Shall be securely affixed to a whole tautog or accompany fillets until sale to the final consumer; and

(f) Shall only be used by the commercial tidal fish licensee to whom they were assigned.

(4) A licensee shall return unused tags to the Department not later than February 15 of each year.

(5) Tautog caught for commercial purposes shall be landed in the state that is identified on the tag.

D. General.

(1) The Secretary may modify catch limits or size limits or open or close a season [as required by] *in order to implement the Atlantic States Marine Fisheries Commission Fishery Management Plan for Tautog by [publishing] issuing a public notice [in a daily newspaper of general circulation at least 48 hours in advance of the modification, stating the effective hour and date] on the Department's website.*

(2) *The public notice shall state its effective hour and date and shall be published on the Department's website at least 48 hours in advance of the effective hour and date.*

[(2)] (3) (text unchanged)

(4) *A violation of the restrictions set by the Secretary in accordance with this section is a violation of this regulation.*

(5) *An individual may not sell or purchase a commercially caught tautog, alive or dead, that has not been tagged in accordance with this regulation.*

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.05 Fish

Authority: Natural Resources Article, §4-2A-03, Annotated Code of Maryland

Notice of Proposed Action

[20-091-P]

The Secretary of Natural Resources proposes to amend Regulation **.22** under **COMAR 08.02.05 Fish**.

Statement of Purpose

The purpose of this action is to update requirements for gear used to catch scup. Scup is managed jointly by the Atlantic States Marine Fisheries Commission and the Mid-Atlantic Fishery Management Council under Amendment 13 to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan (August 2002) and its subsequent addenda (Addenda XII—XXXII).

The fishery management plan for scup specifies the threshold that governs trawl mesh size. The mesh size of a net determines what size fish are captured by a net. The larger the mesh size, the larger the size of the fish that are retained by the net. Mesh size regulations are used to decrease retention of fish smaller than the legal size. The goal is to retain only legal size fish. Trawl catch mesh thresholds are put into place to decrease bycatch of sub-legal fish. Only a small incidental catch of the target species is allowed to be retained before a required mesh size is regulated to be used. The threshold is that amount of fish that may be retained before the required mesh size or larger must be used. Maryland is required to comply with the provisions of the fishery management plan. The proposed action updates the thresholds that require a certain mesh size in a trawl. This change will keep Maryland in compliance with the Atlantic States Marine Fisheries Commission Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan and consistent with federal waters.

The Department has a specific format for how public notices are issued when rules are established or changed to implement a fishery management plan. This includes publishing the notice on the Department's website, notification at least 48 hours in advance, and dissemination of the notice in other manners (text, social media, email, and the Maryland Register) so that user groups can be aware of the change. The proposed action updates the format for public notices issued to implement the Atlantic States Marine Fisheries Commission's Fishery Management Plan for Scup. This change makes scup consistent with other species managed by a fishery management plan.

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 Scup Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or complete the comment form at <https://dnr.maryland.gov/fisheries/Pages/regulations/changes.aspx#scup>. Comments will be accepted through June 8, 2020. A public hearing has not been scheduled.

.22 Scup.

- A. (text unchanged)
- B. Commercial Gear Restrictions.

[(1) Trawls.

(a) Except for a person landing less than a total of 500 pounds of scup from November 1 through April 30 or 100 pounds of scup from May 1 through October 31, a person may not use a trawl with:

- (i) Mesh less than 5 inch stretched mesh size;
 - (ii) More than 25 meshes in the codend with more than 100 continuous meshes of 5 inch mesh forward of the codend; or
 - (iii) Mesh size less than 5 inches throughout the trawl net for trawl nets with codends less than 125 meshes.
- (b) A person may not use a roller rig trawl with a roller diameter in excess of 18 inches to catch scup.]

(1) Except as provided in §B(2) of this regulation, a person may not use a trawl with mesh less than 5 inch diamond mesh applied throughout the:

(a) Codend for at least 75 continuous meshes forward of the end of the net; or

(b) Entire net for codends with less than 75 meshes.

(2) A trawl shall meet the requirements specified in §B(1) of this regulation unless the individual:

(a) Possesses less than:

(i) 1,000 pounds of scup per trip during the period October 1 through April 14;

(ii) 2,000 pounds of scup per trip during the period April 15 through June 15; or

(iii) 200 pounds of scup per trip during the period June 16 through September 30; and

(b) Stores the scup separately from all other species.

(3) A person may not use a roller rig trawl with a roller diameter in excess of 18 inches to catch scup.

[(2)] (4) (text unchanged)

C. (text unchanged)

D. General.

(1) The Secretary may establish or modify [or set] a season, size limit, or catch limit [by publishing notice in a daily newspaper of general circulation at least 48 hours in advance of the modification, stating the effective hour and date] in order to implement the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Scup by issuing a public notice on the Department's website.

(2) The public notice shall state its effective hour and date and shall be published on the Department's website at least 48 hours in advance of the effective hour and date.

[(2)] (3) (text unchanged)

(4) A violation of the restrictions set by the Secretary in accordance with this section is a violation of this regulation.

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

[20-090-P]

The Secretary of Natural Resources proposes to amend Regulations .09, .10, and .12 under **COMAR 08.02.15 Striped Bass**.

Statement of Purpose

The purpose of this action is to implement Addendum VI to Amendment 6 of the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Striped Bass. The proposed action amends the catch limit, size limit, and season to reduce total removals of striped bass during the recreational and charter boat summer and fall fishery in Maryland's Chesapeake Bay and its tidal tributaries.

The 2018 benchmark stock assessment for striped bass indicated the striped bass stock is overfished and experiencing overfishing. Based on these findings, the Atlantic States Marine Fisheries Commission (ASMFC) determined that conservation measures are needed. Addendum VI to Amendment 6 of the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Striped Bass (Addendum) was finalized by ASMFC in October of 2019. The Addendum requires all states to reduce total removals (harvest + dead discards) by 18 percent beginning in 2020. The conservation goal set by ASMFC is to reduce the total number of