

will have, but some harvesters will have more or easier access to fish, which will in turn positively impact 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 Susquehanna Gear Line Regulations, Regulatory Staff, Maryland Department of Natural Resources, Fishing and Boating Services, 580 Taylor Ave., E-4, Annapolis, MD 21401, or call 410-260-8300, or fill out the form at <https://dnr.state.md.us/fisheries/Pages/regulations/changes.aspx#susq>. Comments will be accepted through February 2, 2022. A public hearing has not been scheduled.

.02 General Fishing Prohibitions.

A.—F. (text unchanged)

G. [A] *In the waters of the Susquehanna River, a commercial tidal fish licensee may not:*

- (1) *Harvest or attempt to harvest fish upstream of a line beginning at a point at or near the Harford County shore defined by Lat. 39°39.262' N, Long. 76°10.338' W; then running 30° True to a point at or near the Cecil County shore defined by Lat. 39°39.7467' N, Long. 76°10.060' W; and*
- (2) [set] *Set or use any other type of fishing gear [or] other than hook-and-line gear to harvest or attempt to harvest fish [in the waters of the Susquehanna River] upstream of a line drawn direct from the northernmost point from the mouth of Deer Creek in Harford County, in a northeasterly direction to the intersection of U.S. Route 222 and Canal Road in Cecil County.*

H. (text unchanged)

I. Except as provided in [§L]§J of this regulation, a commercial tidal fish licensee may not catch or possess fish of the species listed in Natural Resources Article, §4-215, Annotated Code of Maryland, except crabs or shellfish, for commercial purposes and have more than:

(1)—(2) (text unchanged)

J. Hook and Line Fishing Exceptions.

(1) Children 12 years old or younger may be on board a vessel engaged in commercial hook and line fishing in addition to any crew members and licensees as described in [§K] §I of this regulation.

(2) Tidal fish licensees registered in and engaged in the Chesapeake Bay individual transferrable quota striped bass fishery are not subject to the crew member limit or boat limit on individuals as described in [§K] §I of this regulation.

K. From February 1 through March 31, inclusive, a person may not set a fyke net in any of the areas described in COMAR [08.02.21.03K] 08.02.25.09.

L.—M. (text unchanged)

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.08 Shellfish—General

Authority: Natural Resources Article, §4-904, Annotated Code of Maryland

Notice of Proposed Action

[22-012-P]

The Secretary of Natural Resources proposes to adopt new Regulation .08 under **COMAR 08.02.08 Shellfish—General**.

Statement of Purpose

The purpose of this action is to adopt a regulation to create a shrimp fishery in the State waters of Maryland, as well as the

framework to develop a pilot program for the commercial shrimp fishery to test new and developing fishing methods in the fishery.

Senate Bill 343, enrolled as Chapter 119 in the 2021 Laws of Maryland, allowed the Department to adopt regulations pertaining to the shrimp fishery and to develop a pilot program for the commercial shrimp fishery. This action would allow commercial harvesters the ability to use gear which they are currently licensed to use to commercially harvest shrimp. Commercially-licensed harvesters would be able to obtain a free shrimp permit that would allow the use of the gear currently allowed under their license to commercially harvest shrimp. As an example, an individual with an Unlimited Finfish Harvester License (FIN) or Unlimited Tidal Fish License (UTFL) would be able to use gear such as cast nets, gill nets, and pound nets to catch and sell shrimp. Rules currently in place for those gears such as mesh size, attendance requirements, registration, etc. would still have to be followed. While the enacted legislation allows for it, the Department would not be adopting closed areas, catch limits, seasons, or size limits for the commercial harvest of shrimp at this time. This means that there would be no closed areas, daily or seasonal catch limits, closed seasons, or minimum sizes. All commercial harvest would have to be reported to the Department.

The Department would continue to work with the commercial fishing industry to develop the parameters of a shrimp pilot program in State waters. The enacted legislation requires the Department to adopt regulations in order to institute a pilot program, but does not require the parameters of the pilot program to be incorporated to the regulation – just that the regulation authorize the creation of a pilot program. The pilot program will be developed similarly to other pilot programs the Department has instituted under Code of Maryland Regulations (COMAR) 08.02.01.10.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This action will allow for the commercial harvest of shrimp in the state waters of Maryland and allow the Department to create a pilot program to test new gears and harvest methods in the commercial shrimp fishery. The impact is indeterminable because of a number of variables but it will be a positive impact to commercial licensees.

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:		
Commercial Harvesters	(+)	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. Shrimp numbers have been increasing in Maryland waters over the last decade. As such, commercial harvesters have increasingly encountered them in their harvesting activities. Due to the licensing and regulatory structure of shellfish harvest in Maryland, commercial harvesters have not been able to legally catch and sell shrimp. With the creation of a permit available to anyone who has a current commercial license, harvesters who encounter shrimp will now be able to sell their shrimp catch and benefit economically from that activity. The magnitude of that benefit is indeterminable because it is not known how many commercial licensees will harvest shrimp, how much shrimp will be available to harvest, or what the market price will be.

Economic Impact on Small Businesses

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

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Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Shrimp Regulations, Regulatory Staff, Maryland Department of Natural Resources, Fishing and Boating Services, 580 Taylor Ave., E-4, Annapolis, MD 21401, or call 410-260-8300, or complete the form at <https://dnr.state.md.us/fisheries/Pages/regulations/changes.aspx#shrimp>. Comments will be accepted through February 2, 2022. A public hearing has not been scheduled.

.08 Shrimp.

A. Recreational Fishery.

(1) An individual may use any gear authorized in COMAR 08.02.25.03 to catch shrimp for recreational purposes.

(2) There is no closed season, size limit, or catch or possession limit for the recreational fishery.

(3) An individual catching or attempting to catch shrimp for recreational purposes must be licensed or registered in accordance with COMAR 08.02.01.07.

B. Commercial Fishery.

(1) A person shall be licensed in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland, and permitted in accordance with this regulation in order to catch, possess, or land shrimp for commercial purposes.

(2) Maryland Shrimp Permit.

(a) An individual is eligible to declare for a permit to catch and land shrimp in Maryland if they are properly licensed in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland.

(b) A shrimp permit:

(i) Is valid for the commercial license year; and

(ii) May not be transferred.

(3) A person licensed in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland, and permitted in accordance with this regulation, may use any of the gear listed under COMAR 08.02.25.01 to catch shrimp, as long as that gear would otherwise be allowed to harvest fish under their license and the gear is used in accordance with the rules established under COMAR 08.02 and Natural Resources Article, Title 4, Annotated Code of Maryland.

(4) Pilot Program.

(a) The Department may conduct a pilot project to demonstrate and evaluate new approaches to managing the shrimp fishery.

(b) Notwithstanding Natural Resources Article, Title 4, Annotated Code of Maryland and COMAR 08.02, pilot projects may be conducted to implement and assess conservation and management measures.

(c) The Department may select and designate certain persons licensed under Natural Resources Article, §4-701, Annotated Code of Maryland, to participate in a pilot project. A participating licensee shall:

(i) Apply for a pilot program permit on forms provided by the Department;

(ii) Have a pilot program permit in order to participate in a pilot program;

(iii) Comply with any conditions of the permit; and

(iv) Be eliminated from the pilot project at the discretion of the Department.

(d) The Department shall:

(i) Develop pilot projects in cooperation with the commercial fishing industry; and

(ii) Provide adequate notice of a pilot program through various media so that an interested individual has reasonable opportunity to be informed.

C. Reporting and Penalties.

(1) An individual shall record the harvest of shrimp in accordance with Natural Resources Article, §4-206, Annotated Code of Maryland.

(2) In addition to any other penalty, failure to comply with this regulation may result in the suspension of the current permit or the denial of a subsequent permit.

(3) Prior to suspending a permit or denying an application for a permit under this regulation, the Department shall give the licensee notice of its intended action and an opportunity to appear at a hearing conducted in accordance with the contested case procedures set forth in State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 08.01.04.

D. General.

(1) The Secretary may establish or modify catch limits, size limits, or seasons for shrimp or open or close areas for shrimp harvest in order to implement the South Atlantic Fishery Management Council Shrimp Fishery Management Plan for the South Atlantic Region, 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.

(3) The Secretary shall make a reasonable effort to disseminate the public notice through various other media so that an affected person has reasonable opportunity to be informed.

(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