

.04 Oyster Container and Tagging Requirements.

A. Containers.

(1)—(2) (text unchanged)

(3) Oysters stored in accordance with [§A(1)(a) and (b)] §A(1) of this regulation may not extend beyond the top of the container.

(4)—(5) (text unchanged)

B.—E. (text unchanged)

JOSH KURTZ
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

Notice of Proposed Action

[24-051-P]

The Secretary of Natural Resources proposes to amend:

(1) Regulations **.23**, **.26**, and **.27** under **COMAR 08.02.05 Fish**; and

(2) Regulation **.02** under **COMAR 08.02.22 Sharks**.

Statement of Purpose

The purpose of this action is to make it easier for recreational anglers to comply with the catch card census program’s reporting and tag requirements. The Department is proposing the following changes: switching from paper to electronic catch cards, eliminating tags, and requiring all releases of bluefin tuna, both live and dead, to be reported.

The National Marine Fisheries Service requires all recreational anglers to report bluefin tuna, billfishes, and swordfish. Additionally, all landed sharks (except spiny dogfish) are required to be reported in Maryland. To fulfill this requirement, the National Marine Fisheries Service works with the Department by providing technical support and funding to implement a catch card census program.

Anglers are required to complete a catch card when they return to port for each bluefin tuna, billfish, swordfish, or shark on board the vessel. The angler returns the catch card to a reporting station, and a tag is provided for each completed catch card. The angler is required to place this tag around the tail of the fish before removing it from the vessel. Trailered boats cannot be pulled from the water until the tag is in place. Shore-based shark anglers must turn in the catch card and tag the shark prior to moving it from the point of landing.

Catch cards are available from the Department’s website, reporting stations, and kiosks. Tags can only be obtained by exchanging the completed catch card at an open reporting station. When reporting stations are closed, anglers must use a self-serve kiosk. Anglers must complete the catch card and the attached receipt. The angler retains the receipt, which replaces the tag, and deposits the catch card into the locked box at the kiosk. This is inconsistent with the current regulatory requirement but is necessary for reporting purposes. Making the change from paper to electronic reporting in regulation will allow for easy, timely reporting while eliminating the need for plastic tags and reducing reporting redundancy for charter/headboats.

The requirement for shore-based anglers to tag the shark prior to moving it from the point of landing creates many issues for anglers. The drive to the nearest reporting station or self-serve kiosk can be long and burdensome, requiring all gear to be put away, airing up tires, finding someone to attend to their catch, and, on busy park days, possibly not being allowed back on the beach until capacity allows. Allowing shore-based anglers to electronically report will make it easier for anglers while eliminating the need for plastic tags.

Electronic reporting is anticipated to improve compliance because it will be easier than going to a reporting station to exchange a catch card for a tag. It will also eliminate the need for some vessels to make a stop at a reporting station prior to proceeding to their private dock or pulling their vessel from the water.

Eliminating plastic tags has environmental and financial advantages. It would be beneficial to the environment as the manufacturing, delivery, and disposal processes would not be needed. Improperly disposed of used tags would no longer be found in the coastal environment. Additionally, there is a financial savings in both cost and in staff time spent on accounting.

Lastly, the Department is proposing to add the requirement to report all releases of bluefin tuna, both live and dead. This would be consistent with NOAA Fisheries reporting requirements for HMS permit holders. NOAA Fisheries is required to report this information to the International Commission for the Conservation of Atlantic Tunas (ICCAT). Currently, this information is only obtained when anglers report landing a species required to have a catch card.

Estimate of Economic Impact

I. Summary of Economic Impact. This action may have an indeterminable positive economic impact for recreational anglers who fish for bluefin tuna, billfish, swordfish, or sharks by removing the requirement to go to a check station to get a tail tag for a fish that has been retained.

II. Types of Economic Impact.

Impacted Entity	Revenue	Magnitude
	(R+/R-)	
	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:		
Recreational anglers and charter captains	(+)	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. Recreational anglers and charter captains will no longer have to go to a check station to get a tail tag for a fish that has been retained. This will simplify the landing procedures and save time and fuel. Shore-based anglers will have a much easier time with complying as they will no longer have to leave their fish at the point of catch, go to a check station, then return to the point of catch with the tail tag.

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 Bluefin Tuna, Billfish, Swordfish, and Shark — Recreational Reporting, Regulatory Staff, Department of Natural Resources, Fishing and Boating Services, 580 Taylor Avenue, E-4, Annapolis, MD 21401, or call 410-260-8300, or submit comments to <https://dnr.maryland.gov/fisheries/pages/regulations/changes.aspx#HMS>. Comments will be accepted through June 17, 2024. A public hearing has not been scheduled.

08.02.05 Fish

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

.23 Bluefin Tuna.

A.—B. (text unchanged)

C. Before removing the bluefin tuna caught for recreational purposes from a boat or removing a boat from the water, a person shall[:

(1) Immediately] report *all required information* to [a reporting station designated by] the Department *in the required electronic format as designated on the Department’s website.*]; and

(2) Obtain and affix a tail tag, provided by the reporting station, between the fifth dorsal finlet and the keel.]

D. *A person shall report all released bluefin tuna, both live and dead, and all required information relating to the release to the Department in the required electronic format as designated on the Department’s website within 2 hours of returning to dock.*

[D.] E. (text unchanged)

.26 Billfish.

A.—C. (text unchanged)

D. Before removing a landed billfish caught for recreational purposes from a boat or removing a boat containing a billfish from the water, a person shall[:

(1) Immediately] report *all required information* to [a reporting station designated by] the Department *in the required electronic format as designated on the Department’s website.*

[(2) Complete a catch information form provided by the reporting station; and

(3) Affix a tail tag, provided by the reporting station, to the billfish.]

E. (text unchanged)

.27 Swordfish.

A.—C. (text unchanged)

D. Before removing a landed swordfish caught for recreational purposes from a boat or removing a boat containing a swordfish from the water, a person shall[:

(1) Immediately] report *all required information* to [a reporting station designated by] the Department *in the required electronic format as designated on the Department’s website.*

[(2) Complete a catch information form provided by the reporting station; and

(3) Affix a tail tag, provided by the reporting station, to the swordfish.]

E. (text unchanged)

08.02.22 Sharks

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

.02 Recreational Shark Fishery.

A.—E. (text unchanged)

F. Tags and Reporting.

[(1) An individual shall obtain tags and catch information forms from a reporting station designated by the Department.]

[(2)] (1) Before removing a landed shark from a boat or removing a boat containing a shark from the water, a person shall[:

(a) Affix a tail tag, provided by the reporting station, to the shark; and

(b) Complete a catch information form provided by the reporting station] *report all required information to the Department in the required electronic format as designated on the Department’s website.*

[(3)] (2) Before removing a landed shark from the point of landing if caught on shore, a person shall[:

(a) Affix a tail tag, provided by the reporting station, to the shark; and

(b) Complete a catch information form provided by the reporting station] *report all required information to the Department in the required electronic format as designated on the Department’s website.*

[(4)] (3) Upon landing a shark, an individual shall [immediately return the catch information form to a reporting station designated by the Department.] *report all required information to the Department in the required electronic format as designated on the Department’s website.*

G. (text unchanged)

JOSH KURTZ
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

[24-045-P]

The Secretary of Natural Resources proposes to amend Regulation **.29** under **COMAR 08.02.05 Fish**.

Statement of Purpose

The purpose of this action is to implement a recreational minimum size for sheepshead and a combined catch limit of no more than 10 fish for a single species of snapper listed in COMAR 08.02.05.29. The overall combined catch limit of 20 total fish of the species listed in that regulation would remain the same.

This action proposes a 12-inch recreational minimum size for sheepshead. This change is necessary to allow sheepshead an opportunity to reproduce before being harvested. After their first year, sheepshead in South Carolina average 10 inches, at which less than 50 percent are sexually mature. Most mature at age 2 (12 inches fork length), and all sheepshead are mature by ages 3 to 5 (14 inches fork length). Due to the nature of the commercial fishery, which seasonally harvests sheepshead in trawls, it is likely that establishing a commercial minimum size would lead to increased dead discards. In order to minimize waste, the Department is not applying a minimum size to the commercial sector at this time.

The action proposes to limit a recreational angler to ten of any single species of snapper caught in Maryland waters, while leaving the overall aggregated catch limit of 20 in place. This modification is being taken to address concerns of local depletion of certain species while still maximizing opportunity for harvest across the snapper complex.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action may have a minor indeterminable negative economic impact on recreational harvesters by resulting in the harvesting of fewer sheepshead in the short-term but a minor indeterminable positive economic impact on recreational harvesters by resulting in a more robust sheepshead population in the long-term.