

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Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken.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an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.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

08.02.01 General

Authority: Natural Resources Article, §4-407, Annotated Code of Maryland

Notice of Proposed Action

[22-152-P]

The Secretary of Natural Resources proposes to amend Regulation .13 under **COMAR 08.02.01 General**.

Statement of Purpose

The purpose of this action is to establish a Fish Propagation Area on the North Branch of the Potomac River. The area would begin at the upper boundary of the upper Catch and Release Management Area and continue upstream to the outfall of Jennings-Randolph Reservoir. The Department aims to provide resource protection where fish spawning occurs to maximize recruitment while improving enforcement.

The Department believes this change is necessary to provide resource protection where fish spawning occurs. Natural reproduction supports a large percentage of the trout population in the area and needs protection.

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 Fishery Management Area 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 comment form at <https://dnr.maryland.gov/fisheries/pages/regulations/changes.aspx#general>. Comments will be accepted through September 26, 2022. A public hearing has not been scheduled.

.13 Fishery Management Areas.

A. (text unchanged)

B. Fishery Management Propagation Areas.

(1) The following areas are Fishery Management Propagation Areas:

(a)—(e) (text unchanged)

(f) Unicorn Lake Hatchery — Queen Anne's County; [and]

(g) Cushwa Hatchery — Washington County[.]; and

(h) *North Branch of the Potomac River downstream of Jennings Randolph Reservoir and upstream of the overhead cable and red bank post located approximately 345 yards below the Jennings Randolph Reservoir spillway — Garrett County.*

(2) (text unchanged)

C.—D. (text unchanged)

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources