

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Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken.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an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.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

08.02.03 Blue Crabs

Authority: Natural Resources Article, §§4-215 and 4-803, Annotated Code of Maryland

Notice of Proposed Action

[23-068-P]

The Secretary of Natural Resources proposes to amend Regulation .14 under **COMAR 08.02.03 Blue Crabs**.

Statement of Purpose

The purpose of this action is to modify the tolerance limits for hard mature female and undersized male crabs to six crabs per container smaller than a barrel. The current tolerance limit is five crabs per bushel and 13 crabs per barrel. The undersize tolerance limit for hard crabs stored in barrels and the tolerance limits for soft crabs and peeler crabs will remain the same.

This action will aid Natural Resource Police in enforcing tolerance limits. Since male hard crabs are not required to be held in bushels, specifying female and undersize tolerance limits by bushels makes compliance and enforcement challenging. Setting the limits by container makes the tolerance limits more universally applicable. Since most alternate blue crab containers are larger than a bushel but smaller than a barrel, raising the tolerance limit from five to six alleviates concerns associated with culling errors and/or carapace breakage during storage.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action will have an indeterminable positive impact on the regulated industry by allowing commercial harvesters to catch six crabs per container smaller than a barrel for hard mature female and undersized male crabs instead of 5.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
D. On regulated industries or trade groups:		
Commercial licensees	(+)	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. The proposed action may have an indeterminable positive impact on commercial licensees by allowing commercial licensees to catch one additional undersized crab in every container smaller than a barrel. It is not likely that this impact will be significant, although it may help certain individuals avoid a citation for a minor violation.

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 Crab Tolerance Regulations, Regulatory Staff, Department of Natural Resources, 580 Taylor Avenue, 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#hard>.
Comments will be accepted through June 5, 2023. A public hearing will be held on a date yet to be determined.

.14 General.

- A. (text unchanged)
- B. Commercial—General.
 - (1)—(5) (text unchanged)
 - (6) Except as specified in §F(2) of this regulation, an individual licensed to catch crabs for commercial purposes may not catch or possess in the Chesapeake Bay and its tidal tributaries more than:
 - (a) [Five] *Six* mature female hard crabs per [bushel] *container smaller than a barrel* of male crabs; or
 - (b) (text unchanged)
 - (7)—(13) (text unchanged)
- C.—D. (text unchanged)
- E. Notwithstanding Natural Resources Article, §4-809, Annotated Code of Maryland, a person may not:
 - (1) Catch or possess more than [5] *6* hard crabs per [bushel] *container smaller than a barrel* or 13 hard crabs per barrel which measure less than the minimum size specified in these regulations;
 - (2)—(8) (text unchanged)
- F.—G. (text unchanged)

JOSH KURTZ
Secretary of Natural Resources

Subtitle 18 BOATING—SPEED LIMITS AND OPERATION OF VESSELS

08.18.07 Chesapeake Bay

Authority: Natural Resources Article, §§8-703 and 8-704, Annotated Code of Maryland

Notice of Proposed Action
[23-067-P]

The Secretary of Natural Resources proposes to amend Regulation **.01** under **COMAR 08.18.07 Chesapeake Bay**.

Statement of Purpose

The purpose of this action is to establish a 6-knot speed limit in the Chesapeake Bay for the area surrounding the construction site of the Maryland Transportation Authority’s Eastbound Bay Bridge Deck Replacement Project. The project involves replacing the eastbound deck of William Preston Lane Jr. Memorial Bay Bridge (Bay Bridge) in sections. The re-decking project will include replacement of the deck floor system, barrier upgrades, major structural rehabilitation of the truss superstructure, lane use signal gantry replacements and utility relocations, as well as off-site stormwater management work. The deck replacement is scheduled to be completed by winter 2025/2026. The proposed action describes an area around the construction site and establishes a speed limit for the area. This provision will be effective through March 31, 2026.

The proposed action is required to ensure public safety and protect human life. Without an established speed limit, the construction zone poses safety threats for all waterway users, employees, and contractors. The proposed speed limit will help protect all workers and barges from excessive wake actions. This action will positively support the project and prevent delays. Additionally, this action has been developed in cooperation with the Maryland Transportation Authority and the U.S. Coast Guard.

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 Chesapeake Bay — Bay Bridge Speed Zone Regulations, Regulatory Staff, Department of Natural Resources, Fishing and Boating Services, 580 Taylor Avenue, E-4, Annapolis, MD 21401, or call 410-260-8300, or email to boatingregpubliccomment.dnr@maryland.gov. Comments will be accepted through June 5, 2023. A public hearing has not been scheduled.

.01 Eastern Shore.

A.—K. (text unchanged)

L. East Bay Bridge Construction Area.

(1) *Area. All of the waters enclosed by a line beginning at or near Lat. 38° 59.388' N., Long. 76° 22.828' W., then running 17° True, approximately 777 meters to a point at or near Lat. 38° 59.790' N., Long. 76° 22.667' W., then running 107° True, approximately 3541 meters to a point at or near Lat. 38° 59.230' N., Long. 76° 20.322' W., then running 200° True, approximately 769 meters to a point at or near Lat. 38° 58.840' N., Long. 76° 20.507' W., then running 288° True, approximately 3503 meters to the point of beginning.*

(2) *The area described in §L(1) of this regulation has a 6-knot speed limit at all times.*

(3) *This section shall be effective through March 31, 2026.*

JOSH KURTZ
Secretary of Natural Resources

Title 09
MARYLAND DEPARTMENT OF LABOR

Subtitle 28 BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS

09.28.04 Continuing Professional Competency Requirements

Authority: Business Occupations and Professions Article, §9-309, Annotated Code of Maryland

Notice of Proposed Action
[23-031-P]

The Maryland Board of Examiners of Landscape Architects proposes to amend Regulations **.01—,06** and **.08** under **COMAR 09.28.04 Continuing Professional Competency Requirements**.

Statement of Purpose

The purpose of this action is to update the Maryland Board of Examiners of Landscape Architects’ continuing professional competency requirements to increase access for licensees to continuing education and to be consistent with regional and national changes. Additionally, the Maryland Board of Examiners of Landscape Architects is clarifying its requirements with these amendments.

Estimate of Economic Impact

The proposed action has no economic impact.