



*Wes Moore, Governor*  
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DNR-FS-2023-01

SMALL BUSINESS COMPLIANCE GUIDE  
Amendment to Subtitle 02 Fisheries Service  
Regarding the Department's Regulations for Blue Crabs – Hard Crab Tolerance Limits  
COMAR 08.02.03.14  
Released January 27, 2023  
Updated May 5, 2023  
Updated June 30, 2023

This Guide is prepared in accordance with the requirements of State Government Article, §10-110, Annotated Code of Maryland. It is intended to help small businesses comply with the revised rules adopted in the above-referenced sections of the Code of Maryland Regulations. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small businesses, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply.

The Department will clarify or update the text of the Guide as an idea moves through the regulatory process. Direct your comments and recommendations, or calls for further assistance, to Fishing and Boating Services Regulatory Division:

410-260-8300  
410-260-8DNR; toll free in Maryland 877-620-8DNR; TTY Users Call via the Maryland Relay

## **I. SUMMARY & FAQs**

### **What has been proposed?**

The Department proposed modifying the tolerance limits for undersized male hard 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 would remain the same.

### **Why is this change necessary?**

The Department believes that the change is necessary because unlike mature female hard crabs harvested by commercial crabbers, male hard crabs harvested by either recreational or commercial harvesters were not required to be held in bushel baskets. Current regulations allow for up to five undersized crabs per bushel before there is a violation of the regulation. The undersized tolerance being “per bushel”, while male hard crabs are not required to be kept in a bushel, creates compliance and enforcement challenges. Setting the limits by container will make the tolerance limits more universally applicable. Since most alternate blue crab containers are larger than a bushel but smaller than a barrel, raising the undersized tolerance limit from five to six alleviates concerns associated with culling errors and/or carapace breakage during storage when crabs are being stored in containers other than bushels.

### **Who will this affect?**

This change may affect anyone harvesting hard male blue crabs from Maryland waters.

### **Has this change been discussed with advisory commissions?**

This idea was scoped with the Sport Fisheries Advisory Commission and Tidal Fisheries Advisory Commission at their January 2023 meetings. Commissioners recommended moving forward with scoping.

### **What is the specific regulatory action?**

Amend Regulation .14 under COMAR 08.02.03 General.

## **II. RECORDKEEPING AND REPORTING REQUIREMENTS**

This action would not create any new recordkeeping or reporting requirements.

## **III. IMPLEMENTATION DATE**

This regulation change is effective July 10, 2023.