

## Fisheries Regulatory Scoping January 2016

Please review the following possible regulatory changes. DNR is looking for your advice on how to proceed with scoping (i.e. open houses, web feedback only, etc.).

### **Black Bass — Largemouth and Smallmouth**

Add 6 tidal catch and return areas for black bass.

Discussion: The 6 water bodies include (see map for details): Chicamuxen Creek, The Spoils, Upper Mattawoman Creek, Furnace Bay, Lower Susquehanna River and Lloyd Creek. The areas are intended to improve the number of fishable bass and offer recreational anglers an opportunity to fish areas that are not fished intensively by tournament anglers during tournament days. The areas were chosen because they represent annually stable and suitable habitat for black bass (all areas) and because most are easily identified by posted speed restrictions that also minimize disturbance to black bass nests (Chicamuxen Creek, Mattawoman Creek, lower Susquehanna River). Most areas are currently surveyed annually for juvenile and adult black bass by the Department's Fisheries Service Tidal Bass Program, which limits an expansion of the Department's effort to assess effectiveness of the regulation. Effectiveness will be demonstrated as improvement over existing catch indices detailed in the tidal bass Fishery Management Plan every 5 years. When a catch-and-return area fails to achieve objectives, the catch-and-return area may be recovered to an area that allows possession, but another catch-and-return area will be chosen as replacement.

Scoping Recommendation: Scope on the Department's website, Constant Contact, Facebook and Twitter. This topic has been discussed at the Black Bass Roundtable (February 2015); presented to SFAC (July 2015); mentioned at TFAC (July 2015); results of the survey (11,000 anglers; 965 responses) conducted September-November 2015 will be presented to SFAC at the January meeting, to the Roundtable on February 4 and at a public meeting for PRFC on February 11. Additional effort will be made to distribute information for feedback to bass fishing clubs, County boards of tourism (Charles County, Cecil County) and popular venues for bass tournaments (Smallwood State Park, Anchor Marine in North East).

### **Blue Crab — Crabbing Charters**

Change the date that the crabbing charter decal is valid from a calendar year to the commercial license year.

Discussion: Currently the decal is valid for the calendar year. Since an individual needs a commercial license to purchase a crabbing charter decal, it makes more sense to make the decal effective for the same time period as the commercial licenses. It would make it easier for a commercial licensee to renew everything at once and not be required to make more than one trip to the service center.

Scoping Recommendation: Scope on the Department's website, Constant Contact, Facebook and Twitter.

### **Jonah Crab**

List Jonah crabs as in need of conservation and adopt regulations for management in response to the Atlantic States Marine Fisheries Commission (ASMFC).

Discussion: The ASMFC Interstate Fishery Management Plan for Jonah Crab, August 2015, states that Jonah crab is in need of protection against the potential negative impacts resulting from an unregulated fishery. Implementation of a coastwide conservation program is required. ASMFC is requiring commercial and recreational management measures to be in place by June 2016.

Commercial:

- Participation in the directed trap fishery is limited to only those vessels and permit holders that already hold a lobster permit or can prove prior participation in the Jonah crab fishery before the control date of June 2, 2015;
- All traps must conform to specifications of the lobster management plan, including the trap tag and escape vent requirements;
- Landing of Jonah crab by all others would require an incidental permit and would be subject to landing limits;
- Mandatory reporting;
- 4.75” minimum size;
- No possession of egg-bearing females;
- Only whole crabs may be harvested and sold with the exception of individuals who can prove a history of claw landings before the June 2, 2015 control date.

Recreational:

- 50 daily possession limit
- No size restrictions;
- No possession of egg bearing females.

Scoping Recommendation: Scope on the Department’s website, Constant Contact, Facebook and Twitter.

### **Shellfish Lines — Commercial**

Clarification of several issues.

#### Discussion/Specific Issues:

1) Area descriptions for Patent Tong Areas (COMAR 08.02.04.01), Dredge Boat Areas (COMAR 08.02.04.08) and Dredging with an Auxiliary Yawl Boat (COMAR 08.02.04.10). These regulations contain ambiguous language that make determining the described areas difficult, for example by referencing points of land that are not defined by coordinates and in some cases no longer exist due to erosion. The Department plans to clarify these areas by assigning coordinates to each point where they are lacking. Coordinates will be based on physical descriptions, natural oyster bar charts, and the most recently available satellite imagery such that the current understanding of the gear areas are not changed, only clarified. This will also strengthen enforcement of these areas.

2) Patent Tong Areas (COMAR 08.02.04.01) — Housekeeping clarification for the Patuxent River. Section A states “a person may not use patent tongs to catch oysters in any of the waters listed in this section”. However, the area described in Section 6 (Patuxent River) is an area where patent tonging has always been allowed. Lines on the natural oyster bar charts also indicate that patent tonging should be allowed here, but that it should be prohibited up stream of this area. The coordinates and text are correct, but that they were placed in the wrong section. Section 6 should have gone into Section B which says “a person may catch oysters by patent tong in the areas listed in this section”.

3) Dredge Boat (sail dredge) Areas (COMAR 08.02.04.08) and Power Dredge Areas (COMAR 08.02.04.12). There is overlap of sail dredge and power dredge areas and the Department would like to clarify the areas. There are power dredge areas that are not power dredge-only areas, just areas where power dredging is allowed. All other gears are allowed to be used in those areas. However, the sail dredge regulation says that power dredging is not allowed in areas designated as a sail dredge area. This was not intended and current practice is that if an area is designated as a power dredge area, harvesters are using power dredge gear, even in the overlap with the sail dredge areas. The Department would like to maintain the use of power dredge gear in the areas described as allowing power dredging in the regulation, even in those places that overlap with the sail dredge areas. If this is not fixed there is significantly less power dredge bottom than was

intended when the power dredge regulation was adopted. The Department plans to clarify the areas.

4) Dredge Boat (sail dredge) Areas (COMAR 08.02.04.08). When the statutory text was moved into regulation several years ago, the mainstem of the Chesapeake Bay was inadvertently omitted from the regulation. The current regulation prohibits sail dredging in the entire mainstem of the Chesapeake Bay. That activity has always been allowed and the Department did not intend to prohibit it. The Department would like to make it clear in regulation that an individual may use a sail dredge in the mainstem of the Chesapeake Bay.

Scoping Recommendation: Scope on the Department's website, Constant Contact, Facebook and Twitter.