

Fisheries Regulatory Scoping October 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.).

Blue Crab

1) Housekeeping — Correct inconsistency relating to the use of recreational gear.

Discussion: Code of Maryland Regulations (COMAR) 08.02.03.09 Section A says that individuals with a crabbing license may use all recreational gear, meaning an individual may use trotlines and collapsible traps at the same time. Section B says that an individual with a crabbing boat license cannot use the gear at the same time. It is the Department's intention that anyone with a crabbing license (individual or boat) may use all of the gear simultaneously. The regulation proposal will fix the inconsistency.

2) Housekeeping — Remove Female Closure Period

Discussion: The crab regulation lists several time periods when a harvester may not harvest female hard crabs. The commercial female crab daily catch limit is determined by license type, based on the abundance target and published by public notice. Therefore, having a closure in regulation is confusing and unnecessary.

3) Housekeeping — Clarify the meaning of who cannot catch crabs on a declared day off.

Discussion — Harvesters who declare a day off cannot set or retrieve 'their' gear or catch crabs using 'their' license. Currently, the regulation prohibits a harvester from working on the water on their day off. The regulation needs to be clarified to mean 'their' license, gear and vessel. The harvester can mate or be an authorized user for someone else.

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

Cobia

List cobia as in need of conservation.

Discussion: Cobia (*Rachycentron canadum*) are caught in both state and federal waters along the Atlantic Coast and in the Chesapeake Bay. In 2015, both the recreational and the total annual catch limits of Atlantic migratory group cobia were exceeded. As a result, changes in management are needed in order to protect against the potential negative impacts resulting from an unregulated fishery. More recently, the Atlantic States Marine Fisheries Commission approved the initiation of a new Interstate Fishery Management Plan (FMP) for the Atlantic Migratory Group of Cobia to complement fishery management efforts of the South Atlantic Fishery Management Council (Council). This action responds to a request by the South Atlantic Fisheries Management Council for the Commission to consider joint or complementary management of the resource in light of the significant overage of the 2015 recreational annual catch limit (ACL), the impact of those overages to state management, and the observation that approximately 82% of reported recreational landings are harvested in state waters. The addition of cobia to the in need of conservation list provides the Secretary of Natural Resources authority to adopt rules and regulations relating to the taking, possession, transportation, sale or offer for sale, size limits, and other regulations necessary to conserve the fish when federal recommendations are made.

Additional Information:

http://sero.nmfs.noaa.gov/sustainable_fisheries/faqs/documents/pdfs/south_atlantic/cobia/2016/cobia_rec_closure_faqs.pdf

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

Clam — Hard and Soft

Create regulations for clam harvest in accordance with the National Shellfish Sanitation Program Model Ordinance.

Discussion: In order for clam harvest in Maryland to be in compliance with the U.S. Food and Drug Administration and to allow our harvesters to participate in interstate commerce, the Department needs to adopt rules for harvesting clams that are similar to the rules adopted for wild caught oysters. The rules will apply to both hard and soft shell clams. Harvesters will be required to harvest clams in accordance with the National Shellfish Sanitation Program Model Ordinance which includes tags, containers (already required for soft clams) and selling to a certified dealer. Harvesters of hard clams will also have to follow a vibrio control plan. Each container of clams will have to be tagged at the location of harvest and the harvester's license #, date, bar name, and type and quantity of shellfish will be recorded on the tag by the harvester in permanent marker or ink. The tags must stay attached to the container until they are transported to the dealer, where they can be removed if they are repackaged and then retagged. The dealer must retain the harvester tag for 90 days.

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

Cownose Rays

List cownose rays as in need of conservation and create daily catch limits.

Discussion: Cownose rays are a migratory species that range from Florida to New Jersey and use the Chesapeake Bay as nursery habitat between the months of May and October. Male cownose rays depart the Bay in late June – early July. Therefore, cownose rays present in the Bay after July 1 are predominantly pregnant females and young of the year pups.

Cownose rays are a species that matures late (males 6-7 years, females 7-8 years), has a prolonged gestation period of 11 months, and has only 1 pup per year. This combination of traits limits population growth in cownose rays and causes the animal to be sensitive to additional sources of mortality including fishing.

There are currently un-regulated commercial and recreational fisheries in Maryland that have the potential to expand if markets develop. Currently, the Department has no authority to manage cownose rays and is concerned about the lack of any protection for this animal and the potential for emerging markets.

Potential Actions: Declaring cownose rays 'in need of conservation' gives the Department authority to place reasonable guardrails on the taking of cownose rays, thereby preventing a sudden and potentially insupportable increase in harvest. Although, cownose ray populations are inherently limited because of their life history, there is not sufficient data to set specific, creel, size or season limits to ensure maintenance of a target fishing rate. Potential regulations would not prohibit particular activities, but would place reasonable limits on both commercial and recreational catch, and require certain information from recreational tournaments in order to acquire data.

In the case of commercial harvest, daily vessel limits would be implemented that would prevent substantial growth in harvest but allow current, incidental catch to continue. The department will work with the industry to develop potential daily vessel limits. An example could include: 10 fish per vessel, per day, upwards to 30 fish per vessel, per day.

In the case of recreational harvest, daily limits would be implemented. In addition, we would require that cownose ray tournament and charter operators obtain a permit from the Department. This would allow the Department to monitor effort. A requirement of the permit would be data reporting by tournament and charter operators which would allow the Department to better understand harvest, effort, and some biological characteristics of the catch (size, sex, etc.). Examples of potential daily creel limits for charter boats and for tournaments could be: 1-3 fish per person per day.

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

Sharks — Recreational

Require certain sharks to be released in a manner that maximizes survivability.

Discussion: The Department is considering a change to recreational shark regulations that would require some sharks to be released in a manner that maximizes survivability. Proper handling of released sharks is important as there are many prohibited, undersized, or sharks not kept for consumption in this area. Maximizing survivability would be a complimentary measure to the federal Highly Migratory Species shark rules and would help shark populations. This change would require shore and vessel based anglers to release certain sharks in the water in order to prevent damage that can occur when sharks are removed from water.

Additional Information: Atlantic Highly Migratory Species Recreational Fishing Compliance Guide

http://www.fisheries.noaa.gov/sfa/hms/compliance/guides/documents/hms_rec_compliance_guide.pdf

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

Smooth Dogfish — Commercial Catch Composition

Implement Addendum IV to the Atlantic States Marine Fisheries Commission (ASMFC) Interstate Fishery Management Plan (FMP) for Atlantic Coastal Sharks.

Discussion: The ASMFC Coastal Sharks Management Board approved Addendum IV to the FMP for Atlantic Coastal Sharks on August 2, 2016. As a result, the Department is required to implement Addendum IV in state waters by January 1, 2017. The Addendum amends the FMP to allow smooth dogfish carcasses to be landed with corresponding fins removed from the carcass as long as the total retained catch on board at the time of offloading is composed of at least 25 percent, by weight, smooth dogfish. Fishermen in state waters and in possession of a valid state commercial fishing license can eviscerate and remove the head and all shark fins of smooth dogfish (*Mustelus canis*) while at sea provided smooth dogfish make up at least 25 percent, by weight, of the total catch on board at the time of offloading. Trips that do not meet the 25 percent catch composition requirement can land smooth dogfish, but the fins must remain naturally attached to the carcass. Fishermen may retain other sharks on board provided the fins of other shark species remain naturally attached to the carcass through offloading. Naturally attached is defined as attached to the corresponding shark through some portion of uncut skin.

The Addendum maintains consistency between federal and state shark FMPs and better incorporates the intent of the smooth dogfish limited exception in the Shark Conservation Act of 2010 (SCA) into state regulations.

Additional Information: Addendum IV is available on the coastal shark page of the ASMFC website

http://www.asafc.org/uploads/file/57b2347aCoastalSharksAddendumIV_Aug2016.pdf

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

Yellow Perch — Commercial

Change the size limits for commercial hook and line to be consistent with other commercial harvest methods (8 ½" minimum size limit and an 11" maximum size limit).

Discussion: Currently, the commercial yellow perch hook and line fishery operates under the same size and daily creel limits as the recreational hook and line yellow perch fishery (9 inch minimum size limit and a 10 fish daily creel limit). The proposed change will change the size limits for commercial hook and line to an 8 ½" minimum size limit and an 11" maximum size limit, while retaining the 10 fish per day limit. This change will provide consistency among all commercial harvesting methods. This change is requested by commercial fishermen. There would be no biological effect on the population, and will standardize all size limits among the commercial fishery.

Scoping Recommendations: SFAC and TFAC meetings, constant contact, Twitter, Facebook, and DNR website.