

## Fisheries Regulatory Scoping February 2013

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.).

**Summer Flounder** — The Department is proposing to remove the current regulatory language regarding the specific minimum size, creel limit and season for the recreational fishery and change the language to say that the recreational limits will be consistent with interstate management and established by public notice. Currently, the Department issues a public notice after ASMFC approves Maryland's summer flounder management decisions and then submits both emergency and proposed regulations with the limits specified in the public notice. There is a time period where the restrictions are different and can be confusing (regulation says one thing and the public notice something different). Removing the size, creel and season language from the regulation will make it clear where to find the information.

2013 Specifics: The Department intends to propose regulations in 2013 that expand the recreational summer flounder fishery. The Maryland harvest estimates in 2012 were significantly lower than the target that is set for Maryland in 2013, and we can therefore expand the fishery. Options that are currently being proposed to the ASMFC Summer Flounder, Black Sea Bass, and Scup Technical Committee all include expansion of the fishery through decreased minimum sizes, expanded seasons, increased creels or a combination of those management measures. The ASMFC management board meets the week of February 18 to approve/deny the options. Options for the fishery will be posted on Fisheries Services' website to obtain feedback from stakeholders.

**Black Sea Bass** — The Department is proposing to remove the current regulatory language regarding the specific minimum size, creel limit and season for the recreational fishery and change the language to say that the recreational limits will be consistent with interstate management and established by public notice. Currently, the Department issues a public notice after the management decision has been approved and then submits both emergency and proposed regulations with the limits specified in the public notice. There is a time period when the restrictions in the regulation and public notice are different and it can be confusing (regulation says one thing and the public notice something different). Removing the size, creel and season language from the regulation will make it clear where to find the information.

2013 Specifics: The Department intends to implement regulations that are consistent with management measures determined to meet the coastwide reduction in recreational harvest in 2013. A coastwide 51% reduction in harvest, in numbers of fish, would be required to achieve the 2013 Recreational Harvest Limit (1.84 million pounds or 1 million fish). Maryland is working with our partners to limit our share of the reduction and a resolution will be reached through the ASMFC and MAFMC management process.

**Menhaden** — On December 14, 2012 the Atlantic States Marine Fishery Commission adopted Amendment 2 to the Atlantic Menhaden Fisheries Management Plan establishing a coast wide Total Allowable Catch (TAC) to reduce harvest of Atlantic Menhaden. The TAC is divided into state by state quotas, with each state being responsible for establishing management measures and harvest monitoring capabilities to stay within their quota. There currently is no Maryland specific or Chesapeake Bay FMP for Atlantic menhaden. Therefore, in order for Maryland to be in compliance with the management measures in Amendment 2 in a timely manner, Atlantic menhaden needs to be declared a species in need of conservation to promulgate regulations for the species. The regulations would allow the Department to set an annual commercial quota for Atlantic menhaden, set trip limits, set bycatch limits and impose new reporting requirements for commercial fishermen landing Atlantic menhaden. \*\*Topic will be discussed in greater detail during Estuarine and Marine Fisheries Division Updates.

**Striped Bass** — DNR has been working with the Striped Bass Industry Workgroup to look at commercial fishery changes for 2014. This Workgroup will be meeting at the end of January 2013 and ideas for fishery changes will be scoped this spring at an Open House.

**Aquaculture** — Emergency regulations have been in effect since September 2012, which allow leaseholders to harvest oysters that are a minimum of 2” for sale while the public fishery is closed, create a one inch maximum seed size limit, allow a 5% tolerance limit (same as commercially harvested oysters), adds an application fee for water column leases of \$300 (same as submerged land leases), and adds an annual rent of \$25 per acre for all water column leases.

The Department has been working with the Aquaculture Coordinating Council to determine harvest size requirements. The regulatory proposal would expand the ability to sell oysters harvested from a water column lease that are a minimum of 2” by allowing year round sale of such oysters. Leaseholders with submerged land leases would only be authorized to sell oysters that are a minimum of 2” while the public oyster fishery is closed, April 1-September 30. This regulation will provide the industry with the ability to supply existing markets with smaller oysters in order to remain competitive and increase profitability.

The proposal would additionally allow for leaseholders that are also certified by the Maryland Department of Health and Mental Hygiene to utilize a dealer tag that meets the requirements stipulated in the National Shellfish Sanitation Program Model Ordinance in lieu of a Department issued harvester tag. The specifications for the information that must be included on the tag will be included in the regulation. This regulation will provide increased flexibility for shellfish dealers and be a cost savings to the Department not having to supply harvester tags to these folks.

Seed size, tolerance limit, application fee and annual rent will be the same as in the emergency.

**Scoping:** Discussed at the Aquaculture Coordinating Council meetings in 2012.

**Horseshoe Crabs** —The Department is proposing to remove the current regulatory language regarding the annual quota and change the language to say that the annual quota will be consistent with interstate management and established by public notice. Currently, the Department issues a public notice after the management decision has been approved and then submits both emergency and proposed regulations with the limits specified in the public notice. There is a time period where the restrictions are different and can be confusing (regulation says one thing and the public notice something different). Removing the quota language from the regulation will make it clear where to find the information. The prohibition of harvesting females will also be added to regulation.

**2013 Specifics:** The Department intends to implement the 255,580 male-only horseshoe crab cap approved by the ASMFC horseshoe crab management process. This harvest level is based on the output of a multi-year, federal, state, and NGO partnership process that uses the Framework for Adaptive Resource Management (ARM) model to set harvest levels. The harvest levels proposed by the model are designed to be lower than necessary to ensure a sustainable harvest of horseshoe crabs and an overabundance of horseshoe crab eggs for red knots and other shorebird populations.

**Recreational Sharks** — The Department intends to propose regulations in 2013 that would add shark species to our recreational catch card reporting program. Currently, Bluefin Tuna, swordfish, and billfishes are required to be reported through this program. We will be proposing the addition of sharks in an effort to: 1) validate recreational estimates of shark harvest in Maryland, and 2) collect biological data such as length and weight to supplement stock assessments. Both of these kinds of data are lacking, and Maryland will be the first state to implement a census of recreational shark harvest.