

Fisheries Regulatory Scoping May 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.).

Housekeeping Package — The proposal will remove all references to the apprenticeship program and other statutes that were repealed during the 2013 legislative session. All references to fees will also be corrected to reflect the new law (SB 662). Also, may adjust the pound net activity regulation to account for the \$20 per net activity fee. Declaration periods for certain species permits (not striped bass) may be adjusted to allow for declaration at the time of license renewal. These species permits now cost \$25 and it may be more convenient to pay at the time of license renewal.

Current Scoping Idea(s): Web feedback

Clams — The proposal will update the clamming lines based on the submerged aquatic vegetation (SAV) lines that were updated March 2013.

Current Scoping Idea(s): Web feedback

Nuisance Species —

Asian Horseshoe Crabs — The Department is proposing to add Asian horseshoe crabs to the list of prohibited species. The Atlantic States Marine Fisheries Commission is currently seeking the introduction of state bans on the importation of Asian horseshoe crabs. The importation of Asian horseshoe crabs is a relatively recent development. Asian horseshoe crabs are often imported to be used as bait for species such as eel or whelk. The danger posed by these horseshoe crabs have not been their own invasive potential, but the potential spread of pathogens, parasites, and non-native species carried by crabs. The pathogens carry the potential of harming both local fisheries and human health, and pose the danger regardless of whether the animals are alive or dead.

Current Scoping Idea(s): Web feedback, discussed with the Invasive Species Matrix Team

Oysters

Tags — The proposal would allow for harvesters to utilize a 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. Watermen may make their own tags with the specified information rather than obtaining tags from the Department. If a waterman prefers to get tags from the Department (license service center) there will be a charge (fee) for the tags and possibly a delay in receiving the tags due to unavailability of stock. This regulation will provide increased flexibility for shellfish harvesters and dealers and be a cost savings to the Department not having to supply harvester tags to these individuals.

Diving Areas — The proposal would prevent diving in some power dredge areas. As a result of cleaning up overlapping shellfish lines, some bottom previously off limits to diving

has been opened. After consultation with the county oyster committees, the areas will be closed.

Housekeeping — The proposal will fix shellfish lines. Some errors (points on land, out of order in the description, etc.) were found while mapping areas and will be clarified in this proposal. Any other overlapping areas will also be corrected.

Bushel prices — Natural Resources Article, §4-1019.2, Annotated Code of Maryland states that the Department shall determine annually the fair market value that the Department pays for fresh oyster shells and transportation and placement of fresh oyster shells. Since these prices may change annually, the Department is proposing to remove the actual amounts from regulation and replace them with a statement that the amounts will be established by public notice. That notice will be posted on the Fisheries Service website, facebook, twitter and the Maryland Register.

Current Scoping Idea(s): Web feedback, County Oyster Committees (meetings held March 13 – 27, 2013)

Shellfish Aquaculture

Tags — The proposal would 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.

Nursery Permits — Legislation passed (HB306/SB464) during the 2013 general assembly session providing the Department with the authority to issue shellfish nursery permits rather than shellfish leases for in-water structures that meet certain criteria and are used only for shellfish seed production. These types of structures would be subject to a State review and joint authorization by the Department and the U.S. Army Corps of Engineers. The regulatory proposal would establish a fee for shellfish nursery permits, developed in consultation with the Aquaculture Coordinating Council, and specific requirements for in-water structures that are authorized by the Department through a shellfish nursery permit. This action will facilitate industry development and allow businesses to begin operations in 2013.

Current Scoping Idea(s): Web feedback, Aquaculture Coordinating Council (May 9)

Spiny Dogfish — The Department is considering regulations that would implement a limited entry spiny dogfish permit. The regulations are closely based on recommendations from the Spiny Dogfish Industry Workgroup, which met monthly from November 2012 – March 2013. The goals of the workgroup were to protect local, active fishermen and provide for a fishery from November – April each year, when spiny dogfish are present off Maryland. The regulations include control date qualifications, declaration guidelines, use it or lose it

provisions, and transfer requirements. The workgroup would like the regulations to become effective by November 1, 2013.

Current Scoping Idea(s): Web feedback; Meetings with Spiny Dogfish Industry Workgroup (met monthly from November 2012 to March 2013); Another meeting will be held late May/early June with the workgroup and larger spiny dogfish industry to discuss draft regulations.

Summer Flounder — The Department is considering changing the harvestable size of summer flounder caught commercially by hook and line in the Atlantic Ocean (outside of 1 mile) to 14 inches. Currently the size limit is the same as the recreational size limit of 16 inches. This would only apply to the Atlantic Ocean 1-3 miles offshore. The size limit change will not apply to summer flounder caught recreationally or to waters of the Atlantic Ocean within 1 mile of the coast, the coastal bays or their tributaries. If the Department moves forward with the size change an electronic reporting requirement may be implemented for this fishery.

Current Scoping Idea(s): Web feedback; A scoping meeting will be held (date to be determined) near the coast to discuss the proposal with affected parties prior to submission.

Regulatory Ideas Currently Being Scoped:

Blue Crabs — Recreational and Charters — See Attached

Current Scoping Idea(s): Web feedback; Public Open Houses (May 2 and 9)

Gear — The Department is proposing to create a chapter of regulation that specifically lists recreational fishing gear (spots pots are not included) and certain commercial fishing gear and restrictions pertaining to the gears' uses. In consolidating gear rules into one chapter, DNR hopes to achieve consistency of rules, clear and concise rules, and the allowance of legal gears following rules that align with our fisheries' management.

Current Scoping Idea(s): Web feedback, Public Open Houses (May 2, 9 and 15)