

## **Fisheries Regulatory Update**

**Dates Covered: 1/19/13 to 4/30/13**

### **Public Notices Issued**

View Public Notices at <http://www.dnr.maryland.gov/fisheries/notices/notices.asp>

- Shellfish Aquaculture Lease – Hollywood Oyster Co.  
Application for a shellfish aquaculture water column lease by Hollywood Oyster Company in the Patuxent River, St. Mary's County, Maryland, at the mouth of Hog Neck Creek. Published in the Enterprise on Wednesdays, January 30 and February 6, 2013.
- Oyster Harvest Reserve Area Opening — Date Correction  
The Bramleigh Creek Oyster Reserve in the Wicomico River (Hand Tong Only) — Open Monday through Friday from 12/10/12 through 3/29/13 from sunrise till 3pm; 3" minimum cull size; 15 bushel/day/license not to exceed 30 bushels/boat (oyster surcharge fee must be paid for each harvester); cultch consisting of shells, stones, gravel and slag must be returned to the bar. Oysters must be measured, tagged and sold in accordance with COMAR 08.02.04. This opening was requested by the St. Mary's County oyster committee. Published in the Baltimore Sun 2/8/13 and the Enterprise 2/13/13.
- Commercial Striped Bass Gill Net Season Modification  
Effective 2/11/13, the 2013 striped bass commercial gill net fishery will close. The fishery will reopen from February 26 through February 28 only. The daily catch limit will remain 300 lbs/permit with a daily vessel limit of 1200 lbs/vessel. Published in the Baltimore Sun 2/9/13.
- Commercial Striped Bass Gill Net Season Modification  
Effective 2/14/13, the 2013 striped bass commercial gill net fishery will reopen for one day only. The daily catch limit will be 175 pounds/ permit with a daily vessel limit of 700 lbs/vessel. The fishery will reopen from February 26<sup>th</sup> through February 28<sup>th</sup> with a daily catch limit of 300 lbs/permit with a daily vessel limit of 1200 lbs/vessel. Published in the Baltimore Sun 2/12/13.
- Commercial Striped Bass Gill Net Season Modification  
Effective 2/26/13, the 2013 striped bass commercial gill net fishery will open 2/26/13 and 2/27/13 only. The fishery will be closed on 2/28/13. The daily catch limit will be 300 lbs/permit with a daily vessel limit of 1200 lbs/vessel. Published in the Baltimore Sun 2/23/13.
- Delineations of Submerged Aquatic Vegetation (SAV) Protection Zones  
The delineations announced are identical to previous delineations which were compiled and published on DNR's website on December 7, 2012. These delineations are re-published here to provide additional notice to the public. Published on the Fisheries Service website 3/1/13.
- Shellfish Aquaculture Lease — Cooney  
Application for a shellfish aquaculture water column lease by Ted D. Cooney in Tar Bay, Dorchester County, Maryland, West of Middle Hooper Island between Bluff Point and Swan Island. Published in the Dorchester Star on 3/8/13 and 3/15/13.

- Shellfish Aquaculture Lease — Nossick  
Application for a shellfish aquaculture water column lease by John Nossick and Dianne Nossick in Tar Bay, Dorchester County, Maryland, west of Middle Hooper Island between Bluff Point and Swan Island. Published in the Dorchester Star on 3/8/13 and 3/15/13.
- Shellfish Aquaculture Lease — Crismond  
Application for a shellfish aquaculture water column lease by Shawn Crismond in Tar Bay, Dorchester County, Maryland, West of Middle Hooper Island between Bluff Point and Swan Island. Published in the Dorchester Star on 3/8/13 and 3/15/13.
- Shellfish Aquaculture Lease — Thorpe, Jr.  
Application for a shellfish aquaculture water column lease by Charles G. Thorpe, Jr. in Tar Bay, Dorchester County, Maryland, West of Middle Hooper Island between Bluff Point and Swan Island. Published in the Dorchester Star on 3/8/13 and 3/15/13.
- Commercial Yellow Perch Fishery Modification  
The 2013 commercial yellow perch season on the Upper Bay and Patuxent River, as defined in COMAR 08.02.21.03D, will be extended through Saturday, March 16, 2013. The Chester River fishery, as defined in COMAR 08.02.21.03D, will close on March 10, 2013. The Upper Bay and Patuxent River yellow perch fisheries are subject to closure when the harvest target is projected to be met. Published on the Fisheries Service website on 3/8/13.
- Shellfish Aquaculture Lease — Pomeroy  
Application for three shellfish aquaculture submerged land leases by Frederick C. Pomeroy in the Little Choptank River, Dorchester County, Maryland. Published in the Daily Banner on 3/15/13 and 3/22/13.
- Commercial Mature Female Hard Crab Catch Limit and Crew Requirements  
Announced the commercial mature female hard crab bushel limit and closure periods for 2013 for the Chesapeake Bay and its tidal tributaries pursuant to COMAR 08.02.03.14. Notwithstanding COMAR 08.02.03.11A(5), there are no closure periods for female harvest in 2013. Published in the Baltimore Sun on 3/22/13.
- 2013 Recreational Summer Flounder Regulations  
Announced that the recreational summer flounder fishery is opens 3/28/13 through 12/31/13. Recreational anglers may keep up to 4/person/day. The minimum size is 16 in all Maryland state waters. The commercial hook and line minimum size is also 16 in all Maryland state waters. Published on the Fisheries Service website on 3/25/13.
- Shellfish Aquaculture Lease - Chesapeake Fresh Oyster Company, LLC  
Application for a water column lease by Chesapeake Fresh Oyster Co., LLC in St. Jerome Creek, St. Mary's County, Maryland, near the mouth of St. Jerome Creek near channel marker 7. Published in the Enterprise on 4/19/13 and 4/26/13.

## **Regulations that became Effective**

- Billfish — 08.02.05.26 and 08.02.12.03 — Effective 3/4/13  
Roundscale spearfish regulations and change the genus of white marlin.
- Penalties — 08.02.13.01, .02, .03, .05, .08 — Effective 4/XXX/13  
Adjustments to the recreational, commercial, and charter boat/fishing guide penalty systems.
- Pound Nets — 08.02.05.02 and 08.02.15.07 — Effective 4/XXX/13  
Requires notification prior to set/take down and frequency of fishing.

## **Regulations that have been Proposed and are Following the APA Process**

View Maryland Register at <http://www.dsd.state.md.us/MDRegister/mdregister.aspx>

- Sharks — Proposed — 08.02.22.02, .04  
Maryland Register 3/22/13, Comment Period Ends 4/22/13, Scheduled Effective 5/27/13  
Adds shark species to the recreational catch card reporting program and updates public notice provision.
- Summer Flounder and Black Sea Bass — Proposed — 08.02.05.12 and .21  
Maryland Register 4/19/13, Comment Period Ends 5/20/13, Scheduled Effective 6/24/13  
Removes the current regulatory language regarding the specific minimum size, creel limit and season for the recreational fisheries and changes the language to say that the recreational limits will be established by public notice in order to implement the Atlantic States Marine Fisheries Commission's fishery management plans.
- Horseshoe Crabs — Proposed — 08.02.10.01  
Maryland Register 5/3/13, Comment Period Ends 6/3/13, Scheduled Effective 7/8/13  
Removes the current regulatory language regarding the specific quota, seasons and some catch limits for the horseshoe crab fishery and changes the language to say that the limits will be established by public notice in order to implement the Atlantic States Marine Fisheries Commission's (ASMFC) fishery management plan. The action also adds a prohibition on harvesting females based on a requirement from the ASMFC fishery management plan.
- Shellfish Aquaculture — Proposed — 08.02.23.02, .03 and .04  
Maryland Register 5/3/13, Comment Period Ends 6/3/13, Scheduled Effective 7/8/13  
Allow water column leaseholders to harvest oysters that are a minimum of 2 inches for sale year round; allow submerged land leaseholder to harvest oysters that are a minimum of 2 inches 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), add an application fee for water column leases of \$300 (same as submerged land leases), and add an annual rent of \$25 per acre for all water column leases.
- Striped Bass — Proposed — 08.02.15.  
Maryland Register 5/31/13, Comment Period Ends 7/1/13, Scheduled Effective 8/5/13  
The purpose of this action is to achieve compliance with new Atlantic States Marine Fisheries Commission (ASMFC) requirements coupled with industry goals and objectives for flexibility. See statement of purpose on Fisheries proposed regulations

page for more information.

**Emergency Regulations in Effect**

- Aquaculture — Emergency — 08.02.23.02-.04  
Effective September 13, 2012 through July 8, 2013  
Smaller size limit for aquaculture during closed wild fishery, fees and rent for water column leases; seed oyster size.