

Fisheries Regulatory Update

Dates Covered: 7/18/13 to 9/16/13

Public Notices Issued

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

- **Recreational Shark Size Limits**
Effective at 12:01 am August 1, 2013, the minimum fork length for finetooth and blacknose sharks is 54 inches and the minimum fork length for scalloped hammerhead, great hammerhead, and smooth hammerhead sharks is 78 inches. Posted on the Fisheries Service website and published in the Maryland Register.
- **Commercial Horseshoe Crab Daily Landing Limit**
Effective at 12:01 a.m. August 8, 2013, an individual in possession of a valid horseshoe crab landing permit may not land more than 150 horseshoe crabs per day. The Maryland horseshoe crab fishery will be closed to all non-permit holders in the Chesapeake Bay and its tidal tributaries and the Atlantic coast and coastal bays. All other rules remain the same. Posted on the Fisheries Service website and published in the Maryland Register.
- **Shellfish Aquaculture Lease — Wisner**
Application for a shellfish aquaculture submerged land lease by Eric Wisner in Nanticoke River, Dorchester County, Maryland, generally east southeast of Sandy Island Cove and south of Mulberry Point. Published in The Daily Banner on 8/7/13 and 8/14/13.
- **Shellfish Aquaculture Lease — Sharpless**
Application for shellfish aquaculture water column lease by Jeffery Sharpless in Little Annemessex River, Somerset County, Maryland, northwest and shoreward of green channel marker “5” entering Crisfield from Tangier Sound. Published in the Crisfield Times on 8/14/13 and 8/21/13.
- **Horseshoe Crabs**
Establishes the quota and season and modifies the catch limits for the commercial horseshoe crab fishery, effective 12:01 a.m. August 9, 2013. Posted on the Fisheries Service website and published in the Maryland Register.
- **Striped Bass — Commercial Hook and Line Closure**
The hook and line fishery closed at 12:01 a.m. on 8/13/13. The fishery will reopen on 9/3/13 with a catch limit of 400 lbs/permit/week. Open fishing days will be limited to Tuesdays and Wednesdays only. Published in The Baltimore Sun on 8/9/13.
- **Shellfish Aquaculture Lease — VanAlstine and VanAlstine**
Application for a shellfish aquaculture submerged land lease by John VanAlstine and Julie VanAlstine in West River, Anne Arundel County, Maryland, due west of channel marker “4”.
Published in the Evening Capital 9/14/13 and 9/21/13.

Regulations that became Effective

- Summer Flounder and Black Sea Bass — 08.02.05.12 and .21 — Effective 8/5/13
- Horseshoe Crabs — 08.02.10.01 — Effective 8/5/13
- Striped Bass — 08.02.15.02, .04, .05, .07, and .12 — Effective 8/5/13
- Atlantic Menhaden — 08.02.05.07 and 08.02.12.03
Emergency extension approved after AELR hearing 8/28/13; Proposed action effective 9/2/13

Regulations that have been Proposed and are Following the APA Process

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

View Proposed Regulations at

<http://www.dnr.maryland.gov/fisheries/regulations/proposedregulations.asp>

- Nuisance Species — Asian Horseshoe Crabs — Proposed — 08.02.19.04, .06
Proposed — Maryland Register 8/23/13, Comment Period Ends 9/23/13, Scheduled Effective 10/28/13
Adds three species of Asian horseshoe crabs (*Tachypleus tridentatus*, *Tachypleus gigas*, and *Carcinoscorpius rotundicauda*) to the list of species that may not be imported, transported, purchased, propagated, possessed, sold, or released into State waters.
- SAV lines — Proposed — 08.02.01.12
Maryland Register 9/6/13, Comment Period Ends 10/7/13, Scheduled Effective 11/11/13
Delineates submerged aquatic vegetation (SAV) protection zones and prohibits certain gear.
- Shellfish Aquaculture — Nursery Permits — Emergency and Proposed — 08.02.23.08
Emergency — Pending AELR approval
Proposed — Maryland Register 9/20/13, Comment Period Ends 10/20/13, Scheduled Effective 11/25/13
Implements House Bill 306 to allow individuals to grow shellfish seed outside of a leased area when issued a Shellfish Nursery Permit by the Department.
- Fishing in Nontidal Waters — Proposed — 08.02.11.01
Maryland Register 10/18/13, Comment Period Ends 11/18/13, Scheduled Effective 12/23/13
Changes the upper boundary of the Put-and-Take/Catch-and-Return area on Owens Creek from Raven Rock Road to Buck Lantz Road.
- Crabs — Proposed — 08.02.03.03, .06, .07, .09, .10, .11, and .14
Maryland Register 10/18/13, Comment Period Ends 11/18/13, Scheduled Effective 12/23/13
Amends Chesapeake Bay recreational crab regulations to improve the sustainability of blue crab and Diamondback terrapin (Maryland State reptile) resources. The proposed action is specific to Chesapeake Bay and its tidal tributaries, and does not apply to Maryland coastal bays.
- Gear — Proposed — 08.02.05.01 and .02, 08.02.11.04, and 08.02.25.01 and .02
Maryland Register 10/18/13, Comment Period Ends 11/18/13, Scheduled Effective 12/23/13
Creates gear chapter to define and regulate recreational gear use. A follow-up package to the emergency that is currently in effect. Additionally, changes are made in order to align regulations with proposed changes to the striped bass chapter.

- Oysters & Shellfish Aquaculture — Proposed — 08.02.04.04 and 08.02.23.04
Maryland Register 10/18/13, Comment Period Ends 11/18/13, Scheduled Effective 12/23/13
The purpose of this action is to increase tagging flexibility. The proposed action is currently in place by emergency regulation; however, this action will remove the tagging and container requirements for shellfish aquaculture from the oyster chapter and place them into the more appropriate shellfish aquaculture and leasing chapter.
- Striped Bass — Proposed — 08.02.15.02, .04, .05, .07, and .12
Maryland Register 10/18/13, Comment Period Ends 11/18/13, Scheduled Effective 12/23/13
The purpose of these regulations is to establish the fishing rules for the Chesapeake Bay's Commercial Striped Bass Individual Transferable Quota (ITQ) and Common Pool (CP) fisheries. Each Chesapeake Bay commercial striped bass permit holder was required to select either the ITQ or CP fishery during the 2014 declaration period in August 2013. Based on the difference in the management approach of these fisheries, permit holders will be required to follow different rules depending on their selection of the ITQ or CP. There are, however, some rules that will apply to both fisheries that all permit holders (ITQ and CP) must follow.
- Leasing in St. Mary's Oyster Sanctuary — Proposed — 08.02.04.15
Maryland Register 10/18/13, Comment Period Ends 11/18/13, Scheduled Effective 12/23/13
Adds criteria for leasing in the St. Mary's Sanctuary.

Emergency Regulations in Effect

- Gear – Emergency – 08.02.05.01 and .02, 08.02.11.04, 08.02.25.01, and .02
Effective 7/1/13 through 12/27/13
Creates gear chapter to define and regulate recreational gear use.
- Oysters – Emergency – 08.02.04.04
Effective 7/19/13 through 1/15/14
The purpose of this action is to increase oyster tagging flexibility. Harvesters that are also certified by the Maryland Department of Health and Mental Hygiene may use a dealer tag in lieu of a Department-issued harvester tag, meaning that such individuals may print their own tags so long as the tags meet the requirements stipulated in the National Shellfish Sanitation Program Model Ordinance.