



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
Joseph P. Gill, Secretary
Frank W. Dawson III, Deputy Secretary

January 23, 2014,

Dear Maryland Sport Fisheries Advisory Commission (SFAC), Fishing Tackle Shop Businesses, Sports Fishermen, and other Interested Parties,

The Maryland Department of Natural Resources (MD DNR) Fisheries Service will proceed with an emergency regulation in February 2014 to remove the three fishing rod limit per person that was established for tidal waters nearly 7 months ago. This decision is based upon new information that suggests this regulation may have a negative socio-economic impact on tackle shops and sports fishermen, and because the primary objective of this regulation was to address a statewide inconsistency in rod limits rather than conservation.

We at the MD DNR Fisheries Service believe public input is an important aspect of our work. Unfortunately, we did not receive input about the socio-economic impacts of the three rod limit during the extensive public engagement process that spanned two years. This process included requests for input by the SFAC, establishment and meeting of a SFAC and Tidal Fisheries Advisory Commission fishing gear workgroup, three public scoping meetings, announcements made on our webpage, email subscribers list, Facebook and Twitter, and a regulatory public comment period. The details of this process are attached, and being provided to respond to complaints that MD DNR Fisheries Service attempted to 'slip this regulation in under the rug'. No comments in opposition to this three fishing rod limit per person regulation were provided until just last week.

Advancing an emergency regulation to remove the three fishing rod limit in tidal waters will provide us an opportunity to have further discussions with the SFAC, fishing tackle shop businesses, sports fishermen and other interested parties over the next few months. Based upon this information, we will determine how to proceed beyond the emergency regulation.

For those that are not familiar with emergency regulations, they are used to implement a regulatory change faster than the minimum 94-day permanent regulatory process. Emergency regulations require approval by the Administrative, Executive and Legislative Review Committee, can be adopted as soon as 11 days after being submitted (although typically takes about three to four weeks) and have a maximum effective date of 180-days. A permanent regulation would then be submitted based upon our review of the additional input we obtain from our public participation process with an adoption date prior to the emergency regulation expiring.

Conservation concerns are also just now being expressed for the new jug fishing limits that were established in this same regulatory package. The new rules limit a person to using no more than 25 jugs. Previously, there were no limits on the number of jugs a person could use in tidal waters. MD DNR Fisheries Service is interested in learning more about these concerns, and will determine if a regulatory change to jug limits is necessary after completing a thorough review.

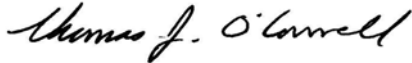
This issue highlights the need for ALL of us to examine our role in fisheries management, and what changes are needed to avoid a situation like this happening again. MD DNR Fisheries Service wants input from fisheries

stakeholders and believes it is a key part of the fishery management process, and we offer the following suggestions as a starting point.

- MD DNR Fisheries Service will work towards including more specific language in public scoping and regulatory proposals, especially for broad encompassing rule changes such as this fishing gear regulation.
- MD DNR Fisheries Service commits to establishing a more direct working relationship with fishing tackle businesses.
- Members of the SFAC, and other advisory bodies, including workgroups, can make a renewed commitment to review MD DNR Fisheries Service distributed material, share and discuss this information with the constituents they represent, and advise MD DNR Fisheries Service on the input they receive.
- Organized sport fishing associations, especially those which have members on an advisory body, can help by disseminating information on potential rule changes to their members, and also encourage their members to take advantage of MD DNR Fisheries Service's outreach tools such as subscribing to our email list and following us on Facebook and Twitter (see attachment).
- Sports fishermen and fishing tackle businesses can frequently visit the MD DNR Fisheries Service web page, and take advantage of the outreach tools described above and on the following page to learn about and provide input on potential fishing rule changes.

It seems to me that we are all on the same side here. We ALL want fishing rules to be based upon science and take into consideration public input. I look forward to working with all involved to ensure our constituents are well informed and provided an opportunity to provide input on fisheries conservation and management issues.

Sincerely,



Thomas J. O'Connell
Director, Fisheries Service

Attachment

Process for Informing / Seeking Public Input on Potential Fisheries Regulations (Scoping):

Fisheries Service uses a scoping process to inform the public of potential regulatory changes and provide an opportunity for input before regulations are submitted. We use a variety of communication tools including:

Web-page - <http://www.dnr.maryland.gov/fisheries/regulations/draftregulations.asp>. This page allows anyone to submit comments on draft regulatory ideas directly via email anytime of day. We also use forum pages on some ideas, which allow comments to be submitted and posted online through a web moderator.

E-mail Interest List: Fisheries Service has an e-mail interest list that the public can subscribe to and receive fisheries news and regulatory updates. To subscribe to the DNR Fisheries Regulatory Information e-mail list, simply sign up at www.dnr.state.md.us/fisheries/emailcontact.asp.

Facebook and Twitter: The public can follow Fisheries Service news through Facebook at www.facebook.com/MDDNRFisheriesService and through Twitter @MDDNRFISH.

Public Meetings: Fisheries Service consults with its advisory commissions to determine if a public meeting is needed for a regulatory idea. These meetings are used for issues where verbal comment seems appropriate and adds a useful dialogue for the Department to learn of concerns and comments.

Fisheries Advisory Commissions: Fisheries presents ideas to our Fisheries Advisory Commissions and appropriate working groups, and uses their input in developing the regulatory idea.

MD DNR Fisheries Service's Public Outreach on Recreational Fishing Gear Changes

In 2011, the General Assembly passed House Bill 111, which required the Department to consult with the Tidal Fisheries Advisory Commission (TFAC) and Sport Fisheries Advisory Commission (SFAC) to create regulations pertaining to recreational fishing gear and four commercial fishing gears. MD DNR Fisheries Service biologists met internally throughout 2011 to discuss all gear. The Department held a public meeting with the TFAC and SFAC Gear Workgroup in May 2012 (members included: Roger Trageser, Bill Windley, Dave Smith from SFAC and Richard Young, Dale Dawson, and Danny Webster from TFAC). The number of rods per person was one of the specific items covered at that meeting as staff specifically wanted feedback regarding this (the full draft of the regulation was a handout at this meeting and was discussed line by line). The group of commissioners, NRP, and biologists in attendance all agreed that we should proceed with three rods per person. As not all workgroup members were in attendance, efforts were made to obtain input from SFAC members not in attendance. The workgroup's recommendation was based on the benefit of having consistency across state waters (a 3 rod limit already existed in nontidal waters), which therefore makes it a more clear regulation, easier to enforce, and to err on the side of conservation.

Additionally, as noted below MD DNR Fisheries Service had open houses (public meetings) on three different days, statewide. The regulatory ideas were online along with the open house materials during May 2013 for public feedback and the material is still online (here's the link to the open house materials - <http://www.dnr.state.md.us/fisheries/regulations/pdfs/gear.pdf>). The information regarding scoping and the public meetings went out on our social media and constant contact emails during this time period in the Spring

2013 and was also on the Fisheries' calendar online. The following item was presented at the May SFAC/TFAC meetings in 2013 and was emailed to Commissioners on May 7, 2013.

“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)”

The public scoping meetings had roughly 10 people in Cambridge, less than 10 people in the meeting in Annapolis, and none at the meeting in Greenbrier State Park. The comments received were largely neutral to the proposals, although there was minor concern about the mesh size recreational traps would be allowed to use. The feedback online was also minimal and mostly concerned about fish traps. After hearing no concerns regarding any other gear rules from stakeholders, the Department proceeded with the regulations as they were scoped.

The regulations were held while statutes were rectified in 2013 in order to have consistent and clarified gear rules (SB 59, which included fixing rules pertaining to rods in statute so that these changes could be made in regulation – this legislation was in the handout at the February 2013 and mentioned at the SFAC meeting- <http://www.dnr.state.md.us/fisheries/calendar/v2/event.asp?id=469>). Again, no comments were received relating to the changes.

The regulations did not receive any public comment when the regulation was proposed (despite bringing the regulation changes to the attention of some local media), although it was in effect by emergency beginning 7/1/13. The gear regulations were mentioned again at the October 2013 SFAC meeting and they were in the handout at that meeting, as they were open for public comment. Here's the link to that handout - <http://www.dnr.state.md.us/fisheries/calendar/v2/event.asp?id=476>. Again, we received no comments.

The proposal can also still be viewed online -

<http://www.dnr.state.md.us/fisheries/regulations/proposedregulations.asp?y=2013#regsTop> (about halfway down the list on this webpage).