

Fisheries Regulatory Scoping April 2014

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.).

Blue Crab

Housekeeping — The recreational crab pot regulation requires an individual to label their crab pots with their DNRid number. Individuals in the coastal bays are not required to have a registration so they may not have a DNRid number. Language will be developed to require those individuals to label the pots with their name and address, similar to the previous language or DNRid. The distance between trotlines and collapsible traps and net rings will also be clarified.

Current Scoping Idea(s):

- Housekeeping Crab Pot Labeling & gear distance clarification — The idea would be scoped on the Department's website.

Shellfish

- 1) Power Dredge Demonstration Project – The purpose of this project is to examine the impacts of power dredge and the cost effectiveness of using power dredging to enhance natural production of oysters as compared to planting hatchery spat on shell. The study will be confined to two areas: 1) the existing Swan Point power dredge study area above the Bay Bridge that was established in 2010; and 2) an area adjacent to the Wild Grounds power dredge area in Eastern Bay that was also established in 2010. Swan Point study area will be used as the upper bay site, and the 2010 Wild Grounds. Details of the agreed upon demonstration project are contained in the attached signed agreement between the Department and involved industry representatives.

The regulatory actions that are needed to support this demonstration project include the following:

- A minor expansion to the 2010 Swan Point power dredge study area to better align buoys with land markers to facilitate on-the-water compliance by the industry.
- An approximate 100 acre expansion to the 2010 Wild Grounds power dredge study area.
- Establishing public notice authority to open and close hatchery seed planting areas, and other areas, if needed, to support the monitoring plan, on the Swan Point and Wild Grounds demonstration project area.
- Include a 5-year sunset (April 2019) for the demonstration project.

- 2) Fisheries Service received a request from the Somerset County Oyster Committee to expand (almost double) the size of the existing Evans Reserve near Deal Island. The reason for doing this is to help protect the area from poaching. Coordinates have been suggested to add a buffer allowing the popular bar to the west to be worked while giving a bigger, closed area buffer around the planted area to help with enforcement. Coordinates are being reviewed to make sure they comply with Coast Guard regulations.

3) Housekeeping

- Fix error in the coordinates for the Somerset (PD) Sanctuary
- Fix the typo in Eastern Bay area
- Fix Nanticoke River Roaring Point Sanctuary coordinates – The coordinates are not in the correct order.
- Possible clarification of shellfish line in Somerset County – I need to get confirmation one way or the other from shellfish/Louis

Current Scoping Idea(s):

- Power Dredge Demonstration Project on Swan Point and Wild Grounds – Department has discussed with industry and sport fishing leaders; scope on the Department's website
- Evans Reserve — the Somerset Oyster Committee would extend outreach locally; Scope on the Department's website; and Scope at a meeting in May in Somerset County.
- Housekeeping Lines — The ideas would be scoped on the Department's website.

Snapping Turtles

Remove declaration period – available to purchase permit anytime in the license year.

Current Scoping Idea(s): The idea was discussed at the April 11, 2014 Snapping Turtle Workgroup meeting; the idea would be scoped on the Department's website.

License Free Fishing Areas

Areas have been identified for license free fishing areas (LFFAs). The objective of the LFFAs is to increase new participation in MD's recreational fishery. Of the 24 areas currently designated LFFAs, 6 do not meet criteria for safety, accessibility and/or quality of fishing; and 4 marginally meet criteria. During the Fall of 2013 a survey was conducted of regional Fisheries Service and MD Park Service staff. The identification of potential new areas were requested for high quality, safe, accessible and geographically equitable opportunities for families and subsistence anglers. Considerations included safety concerns (e.g. traffic & parking) and quality of experience (e.g. ease of accessibility, fishing success, amenities, cleanliness). Potential areas were presented to SFAC and TFAC in February and Commissioners were asked for input and possible additional areas. The proposal has taken SFAC and TFAC input into consideration.

Current Scoping Idea(s): The idea would be scoped on the Department's website and the Department will reach out to specific jurisdictions where areas may be removed from the designation list.

Gear (need suggested seasons for jugging and area limitations).

- 1) Three rod limit: Removes the three rod limit in tidal waters. The three rod limit would remain in non-tidal waters.
- 2) Jugging in tidal waters:
 - a. Number of jugs: No more than 10 jugs per person
 - b. Area restriction: Only in tidal waters of Chesapeake Bay tributaries (no jugs in Bay mainstem)
 - c. Seasonal restriction: Prohibit from March 1 through June 30 to reduce potential interactions with migratory striped bass.
 - d. Daily time restriction: Only between sunrise and sunset.
- 3) Jugging in non-tidal waters: Prohibit as a recreational fishing gear.
- 4) Trotlining in tidal and non-tidal waters: Prohibit as a recreational finfish gear.
- 5) Traps: Allow Provides for traps to be used from a boat or land so long as they are attended daily and are marked with either a DNRid or a name and address. They cannot be left buoyed and unattended in tidal waters. Allows dip nets in tidal waters. (Question: Do we need to state that permission is needed to set on private property?)

Current Scoping Idea(s): The idea would be scoped on the Department's website. (We may need to do more than scope on website. We should also add that we encourage sport fishing organizations distribute this regulatory idea to their members for input.)

Dealer Penalty System

The Department at the request of dealer industry members held a meeting in November 2013 to discuss creating a dealer penalty system that would provide specific penalties for dealers. Currently, dealers are penalized using a penalty system designed for commercial harvesters. Because dealers and harvesters operate differently as businesses, this created issues of fairness when enforcing law and applying administrative penalties. This draft dealer penalty system was designed based on the input received at the meeting last Fall and was then sent out to several dealers and the TFAC/SFAC Penalty Workgroup for review. The system mirrors the other penalty system by creating tiers of egregious violations that result in points being applied to a person and those points can equate to a suspension of varying length depending on the number of points.

Current Scoping Idea(s): The idea would be scoped on the Department's website; the Department would send correspondence out to licensed dealers seeking additional input.

Regulations Being Developed —Ideas Previously Scoped

Commercial License targets

Restitution

Aquaculture harvester permit restrictions

Permit Declaration standardization (BSB, SF, YP, etc – this also includes a YP line fix)

Summer Flounder —change commercial H&L size limit for 1-3 miles out; pilot program for 2 years