

Fisheries Regulatory Update, October 2011

Regulations that became Effective or have been Proposed since July 2011:

Summer Flounder — Recreational Size & Season — Emergency & Proposed

08.02.05.12

Emergency — Effective 5/20/11 to 11/16/11

Proposed — Effective 8/8/11

Reduces the minimum size from 19 inches to 18 inches for summer flounder caught in State waters. (NOTE: this change in size limit also applies to summer flounder caught by commercial hook and line fishermen.) Changes the recreational season to April 16 through November 30. Regulations for 2011 will be: Season: April 16-November 30; Size: 18"; Creel: 3.

Black Sea Bass — Recreational Season — Emergency & Proposed

08.02.05.21

Emergency — Effective 6/8/11 to 12/5/11

Proposed — Effective 8/22/11

Regulations for 2011 will be the same as last year. Season: May 22 through October 11 and November 1 through December 31; Size: 12 ½; Creel: 25.

Striped Bass Permit — Transfer due to TFL Buyback Program — Proposed

08.02.15.04

Effective 8/8/11

The purpose of this action is to amend Regulation 08.02.15.04 relating to the transfer of a striped bass permit. DNR has launched a program to buy back Unlimited Tidal Fish Licenses ("TFL"). TFL holders with a striped bass permit will be able to participate in the buyback, but must transfer their striped bass permit before August 31, 2011. The package was scoped at the February 2011 Scoping Meeting. All comment was favorable for change. The 1-year provision came after discussions at TFAC.

- Replaces the 3-year holding requirement with a 1-year holding requirement for transfer of a striped bass permit
- Exempts 2011 TFL Buyback participants from the holding requirement

Snapper Grouper — Housekeeping Correction — Proposed

08.02.05.29

Effective 8/22/11

The proposed action corrects references for recreational creel limits. The action also updates the public notice provision to include reasons why a public notice would be issued and that the notice would be issued on the Fisheries Service website rather than a newspaper.

Hearings — Housekeeping Correction — Emergency

08.02.13.02, .05, .06, and .07

Emergency — Effective 7/1/11 through 12/15/11

The proposed action clarifies existing hearing requirements before the Department may suspend or revoke a recreational or commercial fishing license. These changes will implement HB396/SB414, eliminating the requirement that the Department must hold a hearing before it suspends or revokes a commercial or recreational license and requiring only that the Department provide written notice to the licensee of a right to a hearing on request.

Leasing — Housekeeping Correction — Emergency

08.02.23.02, .03, .04, and .07

Emergency — Effective 7/1/11 through 12/29/11

The proposed action adds water column leases to regulation in accordance with HB1053/SB847. These cross-filed bills allow the Department to issue water column leases. The proposed action will correct existing leasing text to include water column leasing by the Department.

Oysters — Leasing in Sanctuaries — Emergency & Proposed

08.02.04.15

Emergency Effective 7/20/11 through 1/16/12

Proposed — Effective 10/3/11

Allow shellfish leasing in oyster sanctuaries except for Historic oyster bars as defined by the Yates survey (1906 to 1912) as specified in House Bill 208 from the 2011 General Assembly Session.

Oysters — Compliance with NSSP Sanitation Requirements — Emergency

08.02.04.03, .04, .06, .16

08.02.02.08

Emergency — Effective 8/18/11 through 2/14/12

The purpose of this action is to bring Maryland into compliance with federal sanitation requirements for shellfish sold for human consumption, improve resource tracking and improve the accountability and enforcement of Maryland's oyster harvest.

Oysters — Harvest Reserve Areas — Proposed

08.02.04.13

Effective 10/3/11

Housekeeping package that removes Harvest Reserve Areas (HRAs) that are in sanctuaries.

Clams — Declaration — Proposed

08.02.08.05

Comment Period Ended 9/12/2011, Scheduled Effective 10/17/2011

Requires an individual to declare their intent to harvest clams. There will be no fee for this declaration. This would allow the Department to determine the licensees that should be submitting clam reports and who should receive shellfish closure books.

Fishing in Nontidal Waters — Chapter Reorganization

08.02.11.01-.05, .07-.09

Comment Period Ended 9/12/2011, Scheduled Effective 10/17/2011

Combines all sections relating to trout into one regulation, combines text where appropriate in order to make the text more readable, and repeals outdated text. No substantive changes were made in the reorganization.

Nuisance Species/General — Housekeeping

08.02.01.09

08.02.11.10, .11

08.02.19.04, .08

Comment Period Ended 9/12/2011, Scheduled Effective 10/17/2011

Housekeeping package to address crayfish/crawfish terminology and movement of sections that are being removed from the nontidal chapter to more appropriate chapters (zebra mussels to nuisance species and tidal-nontidal dividing lines to general)

Penalty — Striped Bass and Crab License Revocations — Emergency and Proposed

08.02.13.09

Emergency — Effective 8/18/11 through 2/14/12

Proposed — Comment Period Ended 9/26/11, Scheduled Effective 10/31/11

Addresses egregious or repeat crab or striped bass violations based on HB 1154/SB 635 from the 2011 General Assembly Session relating to 1) using illegal gear, 2) harvesting during closed season, 3) harvesting from a closed area, 4) exceeding harvest, catch, or size limits, or 5) violating tagging and reporting requirements. Also adds a provision for revoking an authorization for someone operating during a suspension period.

Crabs — Proposed

08.02.03.07, .10, .14

Comment Period Ended 9/26/11, Scheduled Effective 10/31/11

Hearing - September 8 (1 attendee)

Eliminates November days off, removes the requirement to list a vessel number on a crabbing license, clarifies that all recreational crab pots are required to be marked with the owner's name and address, and allows all types of temporary and permanent transfers of frozen and male only limited crab harvester licenses (LCCs)

Striped Bass — Commercial Accountability — Proposed

08.02.15.06, .07, .12

Comment Period Ends 10/24/11, Scheduled Effective 11/28/11

Open Houses: October 4 from 3-8 p.m. at BG Louis G. Smith Armory, 7111 Ocean Gateway, Easton, MD 21601; and October 6 from 3-8 p.m. at Earleigh Heights Volunteer Fire Company, 161 Ritchie Highway, Severna Park, MD 21146

Implement changes to the commercial striped bass fishery to ensure sustainability. Permanent marking of gill nets in Chesapeake Bay; Prohibit gill net reels outside of the striped bass gill net season; Fishing trip notification (hail-in/hail-out); Check station audits; Administrative penalties to allow the Department to suspend an individual's striped bass permit for up to 2 years for violating the provisions of the striped bass COMAR chapter; Enhanced penalties for check stations/dealers.

Points & Suspensions Updates — Proposed

08.02.13.02, .03, .05 - .08

Comment Period Ends 11/21/11, Scheduled Effective 12/26/11

Make needed changes to the commercial, charter and recreational penalty systems and to the contested case hearing process.

Oysters — Public Shellfish Fishery Areas — Emergency and Proposed

08.02.04.17

Emergency — Effective 10/10/11 through 4/6/12

Proposed — Comment Period Ends 11/21/11, Scheduled Effective 12/26/11

Declassification of PSFA 119 in the Patuxent River in order to issue an aquaculture lease to Rachel Dean. The public process has not resulted in any opposition to the leased area. All permits and grants are in place.

Fish — River Herring Closure — Proposed

08.02.05.09

Comment Period Ends 11/21/11, Scheduled Effective 12/26/11

Commercial and recreational closure of the river herring (alewife and blueback herring) fishery in Maryland.

Leasing — Housekeeping Correction — Proposed

08.02.23.02, .03, .04, and .07

Comment Period Ends 12/5/11, Scheduled Effective 1/9/12

The proposed action adds water column leases to regulation in accordance with HB1053/SB847. These cross-filed bills allow the Department to issue water column leases. The proposed action will correct existing leasing text to include water column leasing by the Department. There are a few minor changes from the emergency proposal that is currently effective. Changes are for clarification purposes and a reference to DHMH regs for vibrio control measures is added.

Oysters — NSSP Requirements — Proposed

08.02.04.03, .04, .06, .16

08.02.02.08

Comment Period Ends 12/5/11, Scheduled Effective 1/9/12

The proposal has a few changes from the emergency that became effective in August. It corrects references that relate to skipjacks and clarifies that tagging and container requirements apply only to commercial and leases.

Upcoming Regulations:

Commercial Horseshoe Crabs, Summer Flounder, Black Sea Bass

The purpose of this action is to create consistency between regulations for the black sea bass, summer flounder, and horseshoe crab commercial fisheries and to allow some flexibility in coastal commercial permitting. Currently, there are inconsistencies in the regulations between the fisheries with regards to ownership in federally permitted vessels, changing of declared vessels, the number of commercial permits allowed on a federally permitted vessel, and quota overage management. Submission to AELR 10/28/11

Fishing in Nontidal Waters

The purpose is to designate Boonsboro Pond as a 16, 65, and Blind Trout Fishing area. The pond is located behind the new Boonsboro Free Library on MD Route 34. It was built in 2006 and has been used extensively for children's fishing rodeos and Backyard Fishing events for area young people. Boonsboro officials approached Inland Fisheries and requested that the pond be designated a 16, 65, and Blind Trout Fishing area. This will provide an additional angling opportunity for area youth, senior citizens and blind anglers. Submission to AELR 10/28/11

General — Housekeeping

Adds recreational license reciprocity agreement language for recreational fishing registrations. The recreational license reciprocity agreement was altered in light of the changes local jurisdictions made regarding the Federal Saltwater Angler Registry. Maryland and Virginia have reciprocal licenses under this agreement but will require the holders of such licenses to register in their State.

License Targets — Housekeeping

The action would adjust the numbers of limited crab harvester (LCC), crab harvester -300, 600, 900 pots (CB3, CB6, CB9), and unlimited tidal fish (TFLs with CB3, CB6, CB9) licenses. These adjustments would be made based on the decrease in each license category due to the latent effort buy back programs.

Soft-Shell Clams

Modifies the soft-shell clam regulations in order to make clear which regulations apply to which species of clam (*Mya arenaria* and *Tagelus*) and brings Maryland into compliance with federal sanitation requirements for shellfish sold for human consumption.

Public Notices Issued in August, September & October:

Striped Bass — Hook & Line Closure

Season closed August 1, 2011 because quota had been caught. Published in the Baltimore Sun on Friday, July 29, 2011.

Horseshoe Crab — Commercial Closure

The commercial horseshoe crab fishery for the Chesapeake Bay, its tributaries and the Atlantic Ocean, its coastal bays and their tributaries will close effective, 12:01 a.m., Friday, August 5, 2011. The annual quota of horseshoe crabs is projected to be caught by this date. Published in the Baltimore Sun on Tuesday, August 2, 2011.

Aquaculture Lease — Hinefelt

Public information session on a proposed aquaculture lease in the Chester River. The open-house style information session will be held on Wednesday, August 17th from 3 – 6:30 pm in the Main Meeting Room at the Kent County Free Library, 400 High St., Chestertown, MD. Published in the Star Democrat 8/10/11 and the Kent County News 8/12/11.

Aquaculture Lease — Schwenk

Public information session on a proposed aquaculture lease in the South River. The open-house style information session will be held on Monday, August 15th from 3 – 7 pm in the C1 Conference Room at the DNR Tawes State Office Building, 580 Taylor Ave., Annapolis, MD. Published in the Evening Capital 8/10/11.

Crab – Public Hearing for Regulation Proposal

Hearing is scheduled for September 8 at 6pm in C-1. Published in the Baltimore Sun on August 26 and September 1.

Commercial Striped Bass Hook & Line Season Closure

Close the hook & line fishery effective 12:01 a.m. Wednesday September 21, 2011. Fishery will reopen October 3 with a catch limit of 500 lbs/permit/week. Printed in the Baltimore Sun 9/17/11.

Submerged Land Lease – Swarey

Application for submerged land lease by Isreal Z. Swarey, Jr. in Patuxent River, St. Mary's County. Printed in the Enterprise 9/21/11, 9/28/11, 10/5/11 and 10/12/11.

Submerged Land Lease – Layman

Application for submerged land lease by Allen R. Layman in Irish Creek, Talbot County. Printed in the Star Democrat 9/21/11, 9/28/11, 10/5/11 and 10/12/11.

Aquaculture Lease – Public Information Session – Tieder & Tieder

An open house will be held October 13th from 3:30 – 7 pm at the Taylors Island Volunteer Fire Company regarding the proposed aquaculture lease of Tieder & Tieder in Slaughter Creek, Dorchester County. Printed in the Dorchester Star 9/23/11.

Commercial Striped Bass Hook & Line Season Modification

Reopened the hook & line fishery effective 12:01 a.m. Wednesday September 28, 2011 through Thursday September 29, 2011. Fishery will be open in October on Tuesdays and Wednesdays only. Catch limit is 500 lbs/permit/week. Printed in the Baltimore Sun 9/26/11.

Oyster Bar Closure

Closes the following areas located in the upper Chesapeake Bay, including Natural Oyster Bars (NOB) 4-1 and 2-8 known as Mountain Point, Six Foot Knoll and Seven Foot Knoll to oyster harvesting from Monday, October 3, 2011 through Monday, October 31, 2011. Oyster harvesting will reopen Tuesday, November 1, 2011. Printed in the Baltimore Sun 9/26/11.

Commercial Striped Bass Hook & Line Harvest Closure

Close the hook & line fishery effective 12:01 a.m. Wednesday October 12, 2011. Fishery will reopen Tuesday November 1, 2011 with a catch limit of 500 lbs/permit/week and limited to Tuesday and Wednesdays only. Printed in the Baltimore Sun 10/10/11.