



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Joseph P. Gill, Deputy Secretary

Fisheries Regulatory Update, March 2011

Effective Regulations:

Crab Housekeeping Clarification

08.02.03.14

Effective 2/7/11

- Allows PRFC commercial crabbers to transport their harvest back through Maryland waters similar to the existing provision for Virginia crabbers

Proposed Regulations:

Power Dredge Study Zones

08.02.04.12

Permanent Proposal - Comment Period Ended 2/2/11, Adopted as Proposed, Scheduled Effective 3/21/11

- Adds the following power dredge study areas:
 - Kent County — Swan Point
 - Queen Anne's County — Parsons Island and Wildground
- Only permits harvest with power dredge, other gears prohibited in the study areas

Felt-Soled Wader Ban

08.02.19.07

Comment Period Ended 2/28/11, Adopted as Proposed, Scheduled Effective 3/21/11

- Bans use of felt-soled waders and boots in State waters
- Hearing Scheduled for January 11, 2011 at 6:00 pm at the Washington Street Library Conference Room located on the 2nd floor at 31 Washington Street, Cumberland, MD

Recreational Penalties

08.02.13.01 and .05

Comment Period Ended 2/2/11, Adopted with Nonsubstantive Changes (minor clarifications), Scheduled Effective 3/21/11

- Establishes a recreational fishing license suspension system, after working with the Tidal Fisheries and Sport Fisheries Advisory Commissions' Penalty Workgroup.
- Creates Tiers of violations based on egregiousness.
- Suspensions begin at 30 days and going up to 1 year based on which tier the violation was listed under in the system.

Snapper/Grouper

08.02.05.29

Comment Period Ended 2/2/11, Adopted as Proposed, Scheduled Effective 3/21/11

- Corrects citations within the snapper/grouper regulation.

Nuisance Species

08.02.19.04

Comment Period Ended 2/2/11, Adopted as Proposed, Scheduled Effective 3/21/11

- The action adds the red shiner (*Notropis lutrensis*, *Cyprinella lutrensis*) and the marbled crayfish/marmorkrebs (*Procambarus sp.*) to the list of species that may not be imported, transported, purchased, propagated, possessed, sold, or released into State waters.
- Adds the southern white river crawfish (*Procambarus zonangulus*) and the mimic shiner (*Notropis volucellus*) to the list of species prohibited from transport between waters of existing Maryland watersheds.
- The Australian crayfish of the genus *Cherax*, the Chinese mystery snail (*Cipangopaludina chinensis*, *Viviparus malleatus*), and the oriental weatherfish (*Misgurnus anguillicaudatus*) are added to a new list of species that may not be imported, transported, purchased, propagated, sold or released into State waters. This new list is created to allow these species to remain in the possession of aquarium owners who may have them as pets.

Targets

08.02.01.05

Comment Period Ended 2/28/11, Scheduled Effective 4/4/11

- Updates the commercial fishing license authorization targets based on LCC buybacks and license conversions.

Recreational License Corrections and Address Changes

08.02.01.02, .04, .07 and .08

08.02.03.09

08.02.05.09

08.02.11.10

08.02.18.06

Comment Period Ended 2/28/11, Scheduled Effective 4/4/11

- Corrects the recreational fishing license regulation to align with new law passed by the Maryland General Assembly during the 2010 Session (HB 1345).
- Requires fishing licensees (commercial and recreational) to update their address within 30 days of any change.

Charter Boat/Fishing Guide Penalties

08.02.13.07 and .08

Comment Period Ended 2/28/11, Scheduled Effective 4/4/11

- Establishes a charter boat fishing license suspension system based upon input from the Tidal Fisheries and Sport Fisheries Advisory Commissions' Penalty Workgroup.
- Creates tiers of violations based on egregiousness, similar to the current commercial license suspension system but geared towards the types of violations accrued by a charter boat/fishing guide licensee.
- Suspensions begin at 30 days and go up to 1 year based on which tier the violation was listed under in the system.

Commercial Points System

08.02.13.02, .03 and .06

Comment Period Ended 2/28/11, Scheduled Effective 4/4/11

- Makes changes to the commercial points system based on the suggestions of the SFAC/TFAC Penalty Workgroup. These changes include:
 - Putting the existing suspension penalties without associated points into the point system;
 - Adding additional Tiers to accommodate the addition of the existing suspensions without points;
 - Increasing points for specific violations;
 - Making technical corrections to text to ease administrative hearing process or clarify meaning.

Juveniles Onboard Commercial Hook and Line Vessel

08.02.05.02

08.02.15.07 and .12

Comment Period Ended 2/28/11, Scheduled Effective 4/4/11

- Allows children age 12 and under to be aboard a vessel which is engaged in commercial hook and line fishing. Children would be allowed on board in addition to the allowance for two crew members per licensee or four crew/licensees total on a vessel.

Public Shellfish Fishery Areas

Permanent Proposal - Comment Period Ended 2/28/11, Scheduled Effective 4/4/11

Currently Effective by Emergency (Effective 12/15/10)

- Modifies lines for PSFA 119 and 121 to exclude an AEZ from each area and the required 150 foot buffer zone around the AEZ as required by statute.
- Modifies lines of 3 PSFAs and creates 1 new PSFA in order to include areas that have been planted with shell in the past 6 years:
 - PSFA 7
 - PSFA 95 (NOB 9-6) Miles River
 - PSFA 110
 - PSFA 175 (Hills Point East) South River
- Creates 2 new PSFAs in the South River based on harvest information:
 - PSFA 176 (Inner Round Point) South River
 - PSFA 177 (Purdy Flats) South River
- The new PSFA document will be incorporated by reference. Document title: Public Shellfish Fishery Areas of the Chesapeake Bay and Its Tidal Tributaries (December 2010)

Upcoming Regulations:

Scientific Collection Permits

Adds new regulations for scientific collection permits. The regulations would describe issuance, revocation, terms and conditions of the certificate.

Soft-Shell Clam Regulation Clarifications

Modifies the soft-shell clam regulations in order to make clear which regulations apply to which species of clam (*Mya arenaria* and *Tagelus*).

Standardization of Bushel Containers and Oyster Tagging

The Department is proposing to add new regulations to bring Maryland in line with FDA requirements under the National Shellfish Sanitation Program's shellstock identification and traceability requirements. The regulation will include:

- Requirements for information to be included on the tag (harvesters license #, date, location, and type and quantity of shellfish)
- A requirement to place shellstock into a proper container (orange fish basket, clam crate, or standard MD tub). This will have to be done on the water, prior to leaving the bar.
- If the shellstock is harvested at more than one location, there will be a requirement to tag each container at its growing area.
- A requirement to tag each container of shellstock and the tag shall be in place while the shellstock is being transported to a dealer.
- Provisions for when the harvester is also the dealer
- Provisions for removing tags after they reach the dealer or are sold by a certified harvester
- Requirement for retaining the harvester tag for 90 days.
- Provisions for shore-based aquaculture operations
- Each tag will be pre-numbered and be marked with the year.

Striped Bass Permit – Transfer due to TFL Buyback Program

The Department is proposing to amend the striped bass regulation relating to the transfer of a striped bass permit. DNR has launched a program to buy back TFL's. TFL holders with a striped bass permit will be able to participate in the buy back, but must transfer their striped bass permit before August 31, 2011.

Regulation currently prevents an individual from transferring a striped bass permit if they have not held it for 3 years. Therefore, the Department is considering two possible regulatory solutions:

- 1) Waive the 3-year provision just for those wishing to participate in the buy back; **OR**
- 2) Eliminate the 3-year provision completely.

Summer Flounder Recreational

Three options for 2011 season: 1) 18.5" size limit, 3 creel, and season Apr. 17- Nov. 22; 2) 18.5" size limit, 3 creel, and season all year; and 3) 18" size limit, 3 creel, and season Apr. 17- Nov. 22.

Penalties for Failing a Commercial Tag Audit

The Department is proposing to create a penalty for failing a tag audit related to striped bass and yellow perch commercial tags. Licensees are required to return unused tags. An audit of the reported harvest is compared to the number of tags returned. If a licensee fails this audit a penalty would be applied. The Department will define what determines “failure” of an audit and determine an appropriate penalty. A possible penalty would be that the licensee would not be allowed to get a permit the following year.

Crabs – Trotline, Collapsible Traps or Net Rings Set and Catch Times

Currently, the regulation only specifies times to ‘remove’ crabs from gear and makes no mention of times to ‘set’ the gear. Therefore, commercial licensees can set gear at all hours of the night, making enforcement of catch limits difficult or impossible. The Department is proposing to change the current regulation to state that:

An individual licensed to catch crabs for sale may set trotlines, collapsible traps or net rings or remove crabs from trotlines, collapsible traps or net rings in the Chesapeake Bay and its tidal tributaries only during the following time periods:

(a) Between 2 hours before sunrise to 9 hours after sunrise during the period of May through September; and

(b) Between 1 hour prior to sunrise and 10 hours after sunrise during April, October, November and December.

Note: No gear would be allowed overboard prior to the hours shown above. The work day is lengthened to allow time to set gear. These set times are 1 ½ hours prior to recreational set times.

Public Notices:

Harvest Reserve Area Opening

Choptank River – Bolingbroke Sands East, Bolingbroke Sands West, Black Buoy, Mill Point, Walnut

Eastern Bay – Ringgold Middleground

Nanticoke River – Wilson Shoal

Open February 7 – 18

Published in the Baltimore Sun on February 5, the Star Democrat on February 8 and the Daily Times on February 9

Commercial Striped Bass Season Modification and Reward

Closed Fishery Effective at 12:01 am February 8

Published in the Baltimore Sun on February 6

Application for Submerged Land Lease

Jon Farrington

Published in the Calvert Recorder on February 11, February 16, February 25 and March 2

Harvest Reserve Area Opening

Chester River – Boathouse, Hudson and Willow Bottom

Open February 21 – 25

Published in the Baltimore Sun on February 18 and the Star Democrat on February 20

2011 Commercial Yellow Perch Closure in the Upper Bay

Closed Fishery in the Upper Bay Effective at 12:01 am February 21, 2011

Published in the Baltimore Sun on February 20

Commercial Striped Bass Season Modification

Open Only February 25 and February 28

Published in the Baltimore Sun on February 23

Harvest Reserve Area Opening

Chester River – Emory Hollow and Spaniard Point

Patuxent River – Broad Neck and Holland Point

Open February 28 – March 4

Published in the Baltimore Sun on February 23, the Star Democrat on March 1 and the Calvert Recorder March 2

Application for Submerged Land Lease

George M. Hayden

Published in the Enterprise on March 4, March 11, March 18 and March 25

Harvest Reserve Area Opening

Chester River – Emory Hollow and Spaniard Point

Open March 7-11

Published in the Baltimore Sun on March 5 and the Star Democrat on March 9