



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

DNR Fisheries Regulatory Update, November 2011

Regulations that became Effective since October 2011:

Clams — Declaration — Proposed

08.02.08.05

Comment Period Ended 9/12/2011, 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, 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to trout into one regulation, combines text where appropriate in order to make the text more readable, and repeals outdated text.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, 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, 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, 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)

Regulations that have been Proposed and are Following the APA Process:

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.

Nuisance Species — Felt Soled Waders — Proposed

08.02.19.02

Comment Period Ends 1/3/12, Scheduled Effective 2/6/12

The proposal defines felt to prohibit felt like materials.

Fishing in Nontidal Waters — Proposed

08.02.11.01

Comment Period Ends 1/3/12, Scheduled Effective 2/6/12

The proposal designates 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.

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 11/30/11

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.

Crabs

The purpose of this action is to unfreeze limited crab harvester licenses (LCC) in order to allow them to participate in the 2012 crab fishery.

Public Notices Issued in October & November:

Horseshoe Crabs — modification to the 2011 commercial horseshoe crab fishery season

The horseshoe crab fishery will re-open on the Maryland Atlantic coast from October 24, 2011 through November 2, 2011 on Mondays, Tuesdays, and Wednesdays only. Harvesters possessing a Maryland Horseshoe Crab Harvester's Permit are allowed to harvest and possess 100 crabs/permit/day. The Maryland horseshoe crab fishery will remain closed to all non-permit holders in the Chesapeake Bay and its tidal tributaries and coastal waters.

Changes to Delineations of Submerged Aquatic Vegetation

Amended delineations of four submerged aquatic vegetation (SAV) beds. The following areas are no longer delineated as protected SAV beds and are open to clamming in accordance with COMAR 08.02.02 and Natural Resources Article, Subtitle 10, Annotated Code of Maryland effective Monday, November 7, 2011. The notice contains coordinates for: Natural Oyster Bar 8-5 (Hollicutts Noose); Natural Oyster Bars 7-5 and 7-6 (Bodkin Point); Natural Oyster Bars 7-6 and 7-7 (Norman Point); and Natural Oyster Bars 6-9 and 7-5 (Romancoke). Printed in the Baltimore Sun on Friday, November 4, 2011

Horseshoe Crabs — 2011 Commercial Horseshoe Crab Harvest

The horseshoe crab fishery will re-open on the Maryland Atlantic coast and coastal bays from Monday November 14, 2011 through Thursday November 17, 2011. Harvesters possessing a Maryland Horseshoe Crab Harvester's Permit are allowed to harvest and possess 100 crabs/permit/day. The Maryland horseshoe crab fishery will remain closed to all non-permit holders in the Chesapeake Bay and its tidal tributaries and coastal waters. Published in The Baltimore Sun on Saturday, November 5, 2011.

Striped Bass — Commercial Striped Bass Hook and Line Harvest Closure

Closure of the 2011 November striped bass commercial hook and line fishery, effective at 12:01 a.m. Wednesday, November 9, 2011. The last day of the season will be on Tuesday, November 8, 2011 with a catch limit of 500 lbs/day. The hook and line quota for 2011 is expected to be caught by this date. Published in The Baltimore Sun on Saturday, November 5, 2011.