

Fisheries Regulatory Scoping January 2015

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.).

Spiny Dogfish — Fins Attached Through Landing

PROBLEM:

In 2010, Congress passed the Shark Conservation Act, which addressed the practice of removing fins from sharks, including spiny dogfish, at sea. The National Marine Fisheries Service has recently adopted a final rule implementing these changes. In order to maintain consistency in rules for federal and state waters, the Atlantic States Marine Fisheries Commission approved Addendum V to the Spiny Dogfish Fisheries Management Plan adopting the ban on removing fins at sea. Before this addendum was approved, some states, including Maryland, allowed removal of the fin at sea up to 5%, by weight, of the catch.

RECOMMENDED SOLUTION:

Maryland intends to propose regulations that will be consistent with Addendum V. These regulations would allow for spiny dogfish to be gutted at sea, but fins will be required to remain naturally attached through landing. The regulation will be effective May 1, 2015.

SCOPING RECOMMENDATION:

Scope on the Department's website, constant contact, facebook, and twitter.

Striped Bass — Commercial Fishery (see attachment)

PROBLEM:

It's time to discuss problems and successes with the ITQ/Common Pool system for the commercial fishery.

RECOMMENDED SOLUTION:

Hold several Striped Bass Workgroup meetings. The first meeting will be in February. The purpose of the meeting will be to present the "2014 Year in Review" under the new ITQ/Common Pool system and to begin discussions regarding possible regulation changes to address topics such as permanent permit/quota transfers, multiple permit holders, the waiting list, quota caps, etc. The changes will be made in two phases. Please see the attached workgroup letter that was distributed to all permit holders for specific information.

SCOPING RECOMMENDATION:

The next meeting of the Commercial Industry Striped Bass Workgroup (SBWG) will be held on Tuesday, February 17th from 5:00 to 8:00 pm in the C1 conference room of the Tawes State Office Building.

Yellowfin Tuna — List as In Need of Conservation

PROBLEM:

Unlike bluefin tuna, Maryland does not have authority to write yellowfin tuna regulations and can only work through the federal enforcement process, which is complicated and lengthy. With a harvest of nearly 150,000 pounds some years, Maryland should have authority within the state to enforce federally-established limits. If Maryland adopted regulations that mirrored federally-established yellowfin tuna regulations, NRP officers would be able to enforce the federal limits under Maryland state authority.

RECOMMENDED SOLUTION:

Fisheries Service should list yellowfin tuna as "In Need of Conservation" and then propose regulations that mirror federal limits. This is the same approach that was adopted for bluefin tuna. Our bluefin tuna regulations say you can't exceed federal limits in Maryland waters. This allows

Maryland NRP officers to enforce the federally-established limits through the Maryland regulatory/enforcement process.

SCOPING RECOMMENDATION:

Scope on the Department’s website, constant contact, facebook, and twitter.

Update to Crayfish

SCOPING RESULTS:

The Department began scoping a statewide ban on live crayfish in July 2014. The Department received many comments during the scoping period. We have modified the proposal based on those comments and based on the regulations of Pennsylvania and Virginia.

RECOMMENDATIONS:

We believe it is important to maintain a regional management approach and will be working with other states in the future. The modified regulation:

- 1) Allow a person to catch up to 50 crayfish from Maryland waters for personal use. A person will have to remove the head of all but 5 of the crayfish (see #2);
- 2) Allow a person to catch up to 5 live crayfish (for kids to play with at streamside or to be used as bait. They may not be moved from the location where caught);
- 3) Allow someone to ship live crayfish into Maryland for restaurant or personal consumption as long as the crayfish are accompanied by documentation stating the origin and destination.
- 4) Require a MD DNR issued permit to possess live crayfish for educational purposes (e.g., classroom instruction) or for research purposes;
- 5) Prohibit import and possession of live crayfishes by pet stores and bait shops; and
- 6) Prohibit commercial harvest of crayfish

SCOPING RECOMMENDATION:

Scope on the Department’s website, constant contact, facebook, and twitter.

Update to SFAC and TFAC Regulations (see attachment)

REGULATION REVIEW RESULTS:

The regulations refer to “Tidewater Administration” rather than Fisheries Service. The regulations were adopted in 1993 and need to be in line with current practice. Code of Maryland Regulation (COMAR) 08.01.01.06 and 08.02.01.01.07

RECOMMENDATIONS:

Change the references of *Tidewater Administration* to *Fisheries Service*. The draft is attached for your review. After comparing Maryland Annotated Code (Natural Resources Article §§1-102, 1-105 and 4-204) and COMAR, staff did not find any other necessary changes. Please let us know if you would like anything else added or changed.

Please note: The Operating Guidelines adopted in 2009 for the term of a chairperson are in conflict with the Maryland Annotated Code and COMAR. Both Code and COMAR require the term of the chairperson to be 1 year. This does not require a regulation change, but you may want to consider changing the operating guidelines.

SCOPING RECOMMENDATION:

Scope on the Department’s website, constant contact, facebook, and twitter.

Regulations Being Developed —Ideas Previously Scoped

Restitution; shellfish line clarifications (changes in shoreline/points due to erosion)