

MARYLAND REGISTER

Emergency Action on Regulations

TO BE COMPLETED BY AELR COMMITTEE	EMERGENCY Transmittal Sheet	TO BE COMPLETED BY DSD
Date Received by AELR Committee		Date Filed with Division of State Documents
02/11/2014		Document Number
Emergency Status Approved		Date of Publication in MD Register
_ -Yes _ -No		
Emergency Status Begins On		
Emergency Status Ends On		
Name of AELR Committee Counsel		

1. COMAR Codification

Title Subtitle Chapter Regulation

08 02 25 02

2. Name of Promulgating Authority

Department of Natural Resources

3. Name of Regulations Coordinator Telephone Number

Eileen C Mosley 410-260-8107

Mailing Address

Tawes State Office Building, 580 Taylor Avenue, C-4

City State Zip Code
Annapolis MD 21401

Email
emosley@dnr.state.md.us

4. Name of Person to Call About this Document Telephone No.

Tamara O'Connell 410-260-8271

Email Address

tloconnell@dnr.state.md.us

5. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
- Repeal of Existing Regulations
- Incorporation by Reference of Documents Requiring DSD Approval

6. Date Requested for Emergency Status to Begin: 3/1/14

Date Requested for Emergency Status to Expire: 180 days after approval

7. Agency Will Take the Following Action on These Regulations

- Promulgate them in accordance with State Government Article, §§ 10-101 -- 10-126
- Allow them to expire

8. Is there proposed text which is identical to emergency text:

- Yes - No

9. Check the following item if it is included in the attached document:

- Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

10. Reason for Request for Emergency Status

The Department is requesting emergency status because we would like the change as soon as possible and in place for the 2014 spring fishing season. This action was discussed at the Sport Fisheries Advisory Commission's (SFAC) meeting on January 28, 2014. The commission unanimously supported moving forward with the emergency action to remove the rod limit in tidal waters.

The purpose of the regulation is to remove the three fishing rod limit per person that was established for tidal waters nearly 7 months ago. This decision is based upon new information that suggests the limit of three rods in tidal waters may have a negative socio-economic impact on tackle shops and sports fishermen, and because the primary objective of the regulation was to address a statewide inconsistency in rod limits rather than conservation.

Unfortunately, the Department did not receive input about the socio-economic impacts of the three rod limit during the extensive public engagement process that spanned two years. The process included requests for input by the SFAC, establishment and meeting of a SFAC and Tidal Fisheries Advisory Commission fishing gear workgroup, three public scoping meetings, announcements made on our webpage, email subscribers list, Facebook and Twitter, and a regulatory public comment period. No comments in opposition to this three fishing rod limit per person regulation were provided until recently.

Advancing an emergency regulation to remove the three fishing rod limit in tidal waters will provide the Department an opportunity to have further discussions with the SFAC, fishing tackle shop businesses, sports fishermen and other interested parties over the next few

months. Based upon this information, a permanent regulation would then be submitted based upon our review of the additional input we obtain from our public participation process with an adoption date prior to the emergency regulation expiring.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Shara Mervis Alpert, Assistant Attorney General, (telephone #410-260-8358) on 2/11/14. A signed copy of the approval is on file at this agency.

Name of Authorized Officer

Eileen C. Mosley

Title

Regulations Coordinator

Telephone No.

410-260-8107

Date

2/11/14

**Title 08
DEPARTMENT OF NATURAL RESOURCES**

Subtitle 02 FISHERIES SERVICE

08.02.25 Gear

Authority: Natural Resources Article, §4-221, Annotated Code of Maryland

Notice of Emergency Action

□

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amend Regulation .02 under COMAR 08.02.25 Gear.

Emergency status began:

Emergency status expires:

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Estimate of Economic Impact

I. Summary of Economic Impact.

The economic impact may have a positive economic impact on the tackle industry.

Revenue (R+/R-)

II. Types of Economic Impact.

Expenditure (E+/E-) Magnitude

- A. On issuing agency: NONE
B. On other State agencies: NONE
C. On local governments: NONE

Benefit (+)
Cost (-) Magnitude

D. On regulated industries or trade groups:

Bait and tackle shops, gear manufacturers and fish (+) Indeterminable

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

D. Removing the limit of 3 rods per person has the potential to positively impact small businesses such as gear manufacturers and bait and tackle shops. If an angler who formerly was restricted from using more than 3 rods now faces no restrictions on the number of rods that may be used, that angler will likely purchase more fishing rods and reels, tackle (e.g., hooks, lines and sinkers), and natural/artificial bait. Further, these anglers' recreational experiences are positively affected from the removal of the regulation, as they are now able to target fish using their preferred approach. These affected anglers may in turn decide to fish more often or fish in a different location (e.g., Maryland as opposed to out-of state). Such a change in the frequency and location of fishing trips could positively impact Maryland tackle shops and other small businesses that are patronized by anglers on these trips. The extent of the positive impact to anglers and small businesses is contingent upon the number of anglers who prefer to use more than 3 rods and to what extent these anglers change expenditure and trip decisions given the removal of the 3 rod limit. Advancing an emergency regulation to remove the three fishing rod limit in tidal waters will provide the Department an opportunity to have further discussions with the SFAC, fishing tackle shop businesses, sports fishermen and other interested parties over the next few months. Part of those discussions will be an evaluation of the economic impact for all parties. Based upon this information, a permanent regulation would then be submitted.

Economic Impact on Small Businesses

The emergency action has a meaningful economic impact on small business. An analysis of this economic impact follows.
Please see Assumptions in Types of Economic Impact.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2014

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

No funds are necessary to implement the regulation. Gear regulations are already being enforced and this change does not require additional funds to enforce.

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

G. Response to small business worksheet:

Attached Document:

.02 Recreational Gear.

A.—B. (text unchanged)

C. Active Line Fishing Gear.

(1) (text unchanged)

(2) A maximum of three or a combination of three of the gear listed under §C(1) of this regulation may be used by an individual fishing in [State] *nontidal* waters.

(3)—(6) (text unchanged)

D.—H. (text unchanged)

JOSEPH P. GILL

Secretary of Natural Resources

