

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	06/20/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 7/25/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

08 02 04 09 and .13

3. Name of Promulgating Authority

Department of Natural Resources

4. Name of Regulations Coordinator Telephone Number
Sarah Widman 410-260-8266

Mailing Address

580 Taylor Ave., B-2

City State Zip Code
Annapolis MD 21401

Email
swidman@dnr.state.md.us

5. Name of Person to Call About this Document Telephone No.
Jacob Holtz 410-260-8262

Email Address
jacob.holtz@maryland.gov

6. Check applicable items:
 New Regulations

X- Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: 6/16/2014.

- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes **X-** No

8. Incorporation by Reference

Check if applicable: 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.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

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 Julia Solomon, Assistant Attorney General, (telephone #410-260-8353) on 6/20/2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Eileen Mosley

Title

Regulations Coordinator

Telephone No.

410-260-8107

Date

6/20/2014

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.04 Oysters

Authority: Natural Resources Article, §§4-215, 4-1009.1, and 4-1013 Annotated Code of Maryland

Notice of Proposed Action

□

The Secretary of Natural Resources proposes to repeal and replace Regulation .09 and amend Regulation .13 under COMAR 08.02.04 Oysters.

Statement of Purpose

The purpose of this action is to expand a harvest reserve area and fix hand tong lines.

The proposed action expands, almost doubles, the Evans Harvest Reserve Area in order to bolster protection of spat on shell planted within the area from poaching. As currently set, the Evans area is not much larger than the planted area, hence it is easily prone to poaching by people working a nearby productive oyster bar. Expanding the area facilitates protection of the plantings.

The action also fixes coordinates for hand tong lines. Previously, some of the hand tong-only lines overlapped with sanctuary lines or power dredge area lines. This action corrects those overlaps. Individuals using hand tongs are not losing area in which to hand tong because they either were already prohibited from the area, in the case of sanctuaries, or they were already allowed in the area, in the case of power dredge areas. With this action, the Department hopes to eliminate confusion about which gears are allowed in the named areas.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

The proposed action may have a positive economic impact on the regulated industry based on the increased size of the harvest reserve area.

II. Types of Economic Impact.

Revenue (R+/R-)

Expenditure (E+/E-) Magnitude

A. On issuing agency:

NONE

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

Benefit (+) Cost (-)	Magnitude
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- D. On regulated industries or trade groups:
 Increased Size of Harvest Reserve Area (+) 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. The watermen may see a positive economic impact if they are able to harvest oysters in an expanded harvest reserve area. However, the long term economic impacts cannot yet be determined.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Oyster HRA and Hand Tong Regulations, Regulatory Staff, Department of Natural Resources, Fisheries Service B-2, 580 Taylor Avenue, or call 410-260-8300, or email to fisheriespubliccomment@dnr.state.md.us, or fax to 410-260-8310. Comments will be accepted through August 25, 2014. A public hearing has not been scheduled.

Economic Impact Statement Part C

- A. Fiscal Year in which regulations will become effective: FY 15
 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:
 There are no funds necessary to implement these regulations as they change the lines for

allowable gear and harvest areas.

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.

The regulated industry may see a positive economic impact from the expanded size of the reserve, but the amount of the impact is indeterminable.

G. Small Business Worksheet:

Attached Document:

Subtitle 02 FISHERIES SERVICE

Chapter 04 Oysters

Authority: Natural Resources Article, §§4-215 and 4-1009.1, Annotated Code of Maryland

[.09 Areas Reserved for Hand TONGING, Exceptions.

Except in areas established as oyster sanctuaries in Regulation .15A of this chapter or power dredge areas in Regulation .12B of this chapter, oysters may be taken only by hand tongs in the following areas, except that scooping, dredging, or scraping by hand may be permitted by the Department in certain areas reserved for hand tonging when watermen are denied access to oyster taking because of icing conditions.

A. Wicomico River, Charles and St. Mary's Counties: All the waters north of a line beginning at the southern tip of Cobb Island, defined by Lat. 38°15.307' N, Long. 76°50.532' W; then running 46° True to Bushwood Wharf, defined by Lat. 38°16.985' N, Long. 76°48.311' W.

B. Breton Bay and St. Clement Bay: All the waters northerly of a line beginning at Huggins Point, defined by Lat. 38°13.988' N, Long. 76°41.137' W; then running 236° True to a point defined by Lat. 38°13.103' N, Long. 76°42.810' W; then running 336° True to a point defined by Lat. 38°13.777' N, Long. 76°43.186' W; then running 256° True to a point defined by Lat. 38°13.440' N, Long. 76°44.929' W; then running 298° True to a point on the shore defined by Lat. 38°13.475' N, Long. 76°45.013' W.

C. St. George Creek: All the waters northwesterly of a line beginning at a tower on St. George Island defined by Lat. 38°7.738' N, Long. 76°29.582' W; then running 32° True to a point on shore defined by Lat. 38°8.316' N, Long. 76°29.130' W.

D. South River: All the waters:

(1) Upstream of a line beginning at the northeast tip of Turkey Point defined by Lat. 38°54.545' N, Long. 76°29.679' W; then running 62° True to a point defined by Lat. 38°54.642' N, Long. 76°29.448' W; then running 7° True to a point defined by Lat. 38°55.649' N, Long. 76°29.293' W; then running 26° True to a point defined by Lat. 38°55.732' N, Long. 76°29.242' W; and

(2) Downstream of a line beginning at a point defined by Lat. 38°55.910' N, Long. 76°31.927' W; then running northeasterly approximately 42° True to a point defined by Lat. 38°56.495' N, Long. 76°31.235' W.

E. Chester River: All the waters:

(1) Upstream of a line beginning at a point on the shore at Ringgold Point, defined by Lat. 39°03.740' N, Long. 76°12.592' W; then running approximately 126° True to a point on shore at Piney Point defined by Lat. 39°02.783' N, Long. 76°10.017' W; and

(2) Downstream of a line beginning at a point on the shore at Grays Inn Point defined by Lat. 39°5.415' N, Long. 76°11.556' W; then running 146° True to a point on the shore of Gordon Point defined by Lat. 39°3.757' N, Long. 76°10.109' W.

F. Eastern Bay, Cox Creek, and Shipping Creek: All the waters northerly of a line beginning at the southwest tip of Turkey Point defined by Lat. 38°54.125' N, Long. 76°17.980' W; then running 254° True to a point defined by Lat.

38°53.932' N, Long. 76°18.851' W; then running 283° True to a point defined by Lat. 38°54.057' N, Long. 76°19.554' W; then running 283° True to a point defined by Lat. 38°54.173' N, Long. 76°20.205' W.

G. Crab Alley Bay: All the waters northerly of a line beginning at Normans Point defined by Lat. 38°55.138' N, Long. 76°15.349' W; then running 241° True to the southeast tip of Turkey Point defined by Lat. 38°54.177' N, Long. 76°17.573' W.

H. Prospect Bay: All the waters:

(1) South of the MD Route 18 Bridge, defined by Lat. 38°58.212' N, Long. 76°14.771' W; then running 286° True to a point on the west end of the bridge defined by Lat. 38°58.242' N, Long. 76°14.906' W; and

(2) North of a line beginning on the shore of Cabin Creek defined by Lat. 38°56.510' N, Long. 76°13.610' W; then running 178° True to a point defined by Lat. 38°55.096' N, Long. 76°13.560' W; then running 272° True to a point on shore at Normans Point defined by Lat. 38°55.138' N, Long. 76°15.349' W.

I. Miles River: All the waters:

(1) Upstream of a line beginning on the shore of Rich Neck defined by Lat. 38°51.390' N, Long. 76°15.174' W; then running 113° True to a point defined by Lat. 38°50.298' N, Long. 76°11.810' W; and

(2) Downstream of a line beginning at a point on shore at the east entrance of Spencer Creek, defined by Lat. 38°46.539' N, Long. 76°11.920' W; then running 46° True to a point on the north shore of the Miles River, defined by Lat. 38°47.076' N, Long. 76°11.205' W.

J. Poplar Island Narrows: All the waters:

(1) North of a line beginning at the south end of the Poplar Island dike defined by Lat. 38°44.650' N, Long. 76°22.279' W; then running 154° True to a point defined by Lat. 38°43.588' N, Long. 76°21.619' W; then running 71° True to a point defined by Lat. 38°43.908' N, Long. 76°20.436' W; and

(2) South of a line beginning at a point defined by Lat. 38°46.416' N, Long. 76°20.020' W; then running 274° True to Lowes Point defined by Lat. 38°46.553' N, Long. 76°22.343' W.

K. Broad Creek: All the waters north of a line beginning at a point on the shore at Nelson Point defined by Lat. 38°42.549' N, Long. 76°16.281' W; then running 61° True to a point on the south side of Bridge Creek, defined by Lat. 38°43.440' N, Long. 76°14.196' W.

L. Irish Creek: All the waters north of a line beginning at a point on the shore at Holland Point defined by Lat. 38°41.879' N, Long. 76°13.611' W; then running 186° True to a point defined by Lat. 38°41.838' N, Long. 76°13.617' W; then running 92° True to a point on the shore at Lucy Point defined by Lat. 38°41.825' N, Long. 76°13.178' W.

M. Tred Avon River: All the waters:

(1) North of a line beginning at the southeastern tip of Benoni Point defined by Lat. 38°40.247' N, Long. 76°11.982' W; then running 97° True to a point on the shore at the north side of Boone Creek, defined by Lat. 38°40.070' N, Long. 76°10.117' W;

(2) West of a line beginning at a point on the shore on the east side of Town Creek, defined by Lat. 38°41.835' N, Long. 76°9.923' W; then running 255° True to a point defined by Lat. 38°41.823' N, Long. 76°9.981' W; then running 0° True to a point on the shore of the east side of Plaindealing Creek, defined by Lat. 38°42.576' N, Long. 76°9.978' W; and

(3) West of a line beginning at a point defined by Lat. 38°40.965' N, Long. 76°10.407' W; then running 239° True to a point defined by Lat. 38°40.909' N, Long. 76°10.528' W; then running 210° True to a point defined by Lat. 38°40.830' N, Long. 76°10.586' W; then running 183° True to a point defined by Lat. 38°40.741' N, Long. 76°10.593' W; then running 154° True to a point defined by Lat. 38°40.641' N, Long. 76°10.531' W.

N. Choptank River: All the waters north of a line beginning at Howell Point defined by Lat. 38°36.746' N, Long. 76°6.626' W; then running 209° True to a point defined by Lat. 38°36.295' N, Long. 76°6.938' W; then running 170° True to a point defined by Lat. 38°36.006' N, Long. 76°6.871' W; then running 90° True to a point defined by Lat. 38°36.012' N, Long. 76°5.958' W; then running 88° True to a point defined by Lat. 38°36.030' N, Long. 76°5.082' W; then running 131° True to a point defined by Lat. 38°34.833' N, Long. 76°3.344' W; then running 30° True to a point on the north shore of the Choptank River, defined by Lat. 38°35.484' N, Long. 76°2.860' W.

O. Little Choptank River: All the waters:

(1) South of a line beginning at a point on shore on Hills Point Neck defined by Lat. 38°32.678' N, Long. 76°16.528' W; then running 245° True to the northeast tip of James Island defined by Lat. 38°31.373' N, Long. 76°20.092' W; and

(2) West of a line beginning at a point on the shore of Susquehanna Point defined by Lat. 38°30.642' N, Long. 76°15.492' W; then running 329° True to a point on shore at the south end of Ragged Point Island, defined by Lat. 38°31.886' N, Long. 76°16.440' W.

P. Fishing Bay: All the waters northerly of a line beginning at a point on shore defined by corner 9 of Natural Oyster Bar 24-7, defined by Lat. 38°19.480' N, Long. 76°01.888' W; then running approximately 182° True to a point defined by corner 10 of Natural Oyster Bar 24-7, defined by Lat. 38°19.452' N, Long. 76°01.888' W; then running approximately 144° True to a point on shore defined by corner 5 of Natural Oyster Bar 24-6, defined by Lat. 38°18.557' N, Long. 76°01.065' W.

Q. Nanticoke River: All the waters:

(1) North of a line beginning at Sandy Point, defined by Lat. 38°14.803' N, Long. 75°56.385' W; then running approximately 96° True to a point near the shore north of Jones Creek, defined by Lat. 38°14.635' N, Long. 75°54.352' W; and

(2) South of a line beginning at a point on the shore at Sandy Point defined by Lat. 38°14.803' N, Long. 75°56.403' W; then running 43° True to a point on the shore at Roaring Point defined by Lat. 38°15.870' N, Long. 75°55.155' W.

R. Holland Straits: All the Somerset County waters in Holland Straits:

(1) South of a line beginning at Sedgy Point defined by Lat. 38°5.523' N, Long. 76°3.349' W; then running 310° True to the Dorchester-Somerset County line defined by Lat. 38°5.767' N, Long. 76°3.710' W; then running 21° True to a point defined by Lat. 38°6.664' N, Long. 76°3.283' W; then running 27° True to a point defined by Lat. 38°8.845' N, Long. 76°1.873' W; then running 140° True to Sound Point defined by Lat. 38°7.883' N, Long. 76°0.852' W;

(2) North of a line in Pungers Creek beginning at a point defined by Lat. 38°7.165' N, Long. 76°1.877' W; then running 257° True to a point defined by Lat. 38°7.139' N, Long. 76°2.022' W;

(3) North of a line in Little Pungers Creek beginning at a point defined by Lat. 38°6.760' N, Long. 76°2.325' W; then running 175° True to a point defined by Lat. 38°6.691' N, Long. 76°2.317' W; and

(4) North of a line in Pry Cove beginning at a point defined by Lat. 38°5.173' N, Long. 76°2.098' W; then running 267° True to a point defined by Lat. 38°5.169' N, Long. 76°2.187' W.

S. Island Creek, Choptank River: All the waters northeasterly of a line beginning at a point on the shore at the north side of Island Creek, defined by Lat. 38°39.697' N, Long. 76°9.699' W; then running 120° True to a point on the shore at the south side of Island Creek, defined by Lat. 38°39.517' N, Long. 76°9.300' W.

T. La Trappe Creek, Choptank River: All the waters:

(1) Northerly of a line beginning at a point on the shore of Martin Point defined by Lat. 38°37.716' N, Long. 76°7.324' W; then running 109° True to a point on the west shore of Grubin Neck defined by Lat. 38°37.609' N, Long. 76°6.927' W; and

(2) Southerly of a line beginning at the south entrance of an unnamed cove on the east side of La Trappe Creek defined by Lat. 38°38.157' N, Long. 76°06.462' W; then running approximately 269° True to the north entrance of an unnamed cove on the west side of La Trappe Creek defined by Lat. 38°38.162' N, Long. 76°06.937' W.]

.09 Areas Reserved for Hand TONGING, EXCEPTIONS.

Except in areas established as oyster sanctuaries in Regulation .15A of this chapter or power dredge areas in Regulation .12B of this chapter, oysters may be taken only by hand tongs in the following areas, except that scooping, dredging, or scraping by hand may be permitted by the Department in certain areas reserved for hand tonging when watermen are denied access to oyster taking because of icing conditions.

A. *Wicomico River, Charles and St. Mary's Counties: All the waters north of a line beginning at the southern tip of Cobb Island, defined by Lat. 38°15.307' N, Long. 76°50.532' W; then running 46° True to a point defined by Lat. 38° 16.193' N, Long. 76° 49.359' W, then running 22° True to a point defined by, Lat. 38° 16.272' N, Long. 76° 49.318' W, then running 18° True to a point defined by, Lat. 38° 16.645' N, Long. 76° 49.164' W, then running 41° True to a point defined by, Lat. 38° 16.943' N, Long. 76° 48.839' W, then running 104° True to a point at or near the shore southeast of Bushwood Wharf defined by, Lat. 38° 16.800' N, Long. 76° 48.128' W.*

B. *Breton Bay and St. Clement Bay: All the waters northerly of a line beginning at or near Huggins Point, defined by Lat. 38°13.988' N, Long. 76°41.137' W; then running 236° True to a point defined by Lat. 38°13.103' N, Long. 76°42.810' W; then running 336° True to a point defined by Lat. 38°13.777' N, Long. 76°43.186' W; then running 256° True to a point defined by Lat. 38°13.440' N, Long. 76°44.929' W; then running 298° True to a point at or near the shore defined by Lat. 38°13.475' N, Long. 76°45.013' W; and south of a line beginning at a point at or near the shore at Huggins Point defined by Lat. 38°13.980' N, Long. 76°41.138' W; then running 274° True to a point at or near the shore at Kaywood Point defined by Lat. 38°14.040' N, Long. 76°42.299' W.*

C. *St. George Creek: All the waters northwesterly of a line beginning at a tower on St. George Island defined by Lat. 38°7.738' N, Long. 76°29.582' W; then running 32° True to a point at or near shore defined by Lat. 38°8.316' N, Long. 76°29.130' W, except for all of the waters of the Piney Point Oyster Sanctuary enclosed by a line beginning at a point at or near the mean low water line on the shore defined by Lat. 38°09.922' N, Long. 76°31.275' W; then running 48° True about 78 meters to a point defined by Lat. 38°09.950' N, Long. 76°31.235' W; then running 118° True about 386 meters a point defined by Lat. 38°09.850' N, Long. 76°31.003' W; then running 175° True about 207 meters to a point defined by Lat. 38°09.738' N, Long. 76°30.993' W; then running 270° True about 100 meters to a point at or near the mean low water line on the shore defined by Lat. 38°09.738' N, Long. 76°31.062' W; then running northwesterly along the mean low water line of the shore, excluding all creeks and coves less than 100 yards in width, to the point of beginning.*

D. *South River: All the waters:*

(1) *Upstream of a line beginning at or near the northeast tip of Turkey Point defined by Lat. 38°54.545' N, Long. 76°29.679' W; then running 62° True to a point defined by Lat. 38°54.642' N, Long. 76°29.448' W; then running 7°*

True to a point defined by Lat. 38°55.649' N, Long. 76°29.293' W; then running 26° True to a point defined by Lat. 38°55.732' N, Long. 76°29.242' W; and

(2) Downstream of a line beginning at a point defined by Lat. 38°55.910' N, Long. 76°31.927' W; then running northeasterly approximately 42° True to a point defined by Lat. 38°56.495' N, Long. 76°31.235' W.

E. Chester River: All the waters:

(1) Upstream of a line beginning at a point at or near the shore north of Ringgold Point, defined by Lat. 39° 03.759' N, Long. 76° 12.625' W, then running 126° True to a point at or near the shore north of Piney Point, defined by Lat. 39° 02.813' N, Long. 76° 10.980' W; and

(2) Downstream of a line beginning at a point at or near the shore at Grays Inn Point defined by Lat. 39°5.415' N, Long. 76°11.556' W; then running 146° True to a point at or near the shore of Gordon Point defined by Lat. 39°3.757' N, Long. 76°10.109' W.

F. Eastern Bay and Shipping Creek: All the waters northerly of a line beginning at or near the southwest tip of Turkey Point defined by Lat. 38°54.125' N, Long. 76°17.980' W; then running 254° True to a point defined by Lat. 38°53.932' N, Long. 76°18.851' W; then running 283° True to a point defined by Lat. 38°54.057' N, Long. 76°19.554' W; then running 283° True to a point defined by Lat. 38°54.173' N, Long. 76°20.205' W; and southerly of a line beginning at a point at or near the shore at Turkey Point defined by Lat. 38°54.129' N, Long. 76°17.978' W; then running 303° True to a point at or near the shore at the west entrance of Cox Creek, defined by Lat. 38°54.686' N, Long. 76°19.083' W.

G. Crab Alley Bay: All the waters northerly of a line beginning at or near Normans Point defined by Lat. 38°55.138' N, Long. 76°15.349' W; then running 241° True to a point at or near the southeast tip of Turkey Point defined by Lat. 38°54.177' N, Long. 76°17.573' W.

H. Prospect Bay: All the waters:

(1) South of a line beginning at a point at or near the MD Route 18 Bridge, defined by Lat. 38°58.212' N, Long. 76°14.771' W; then running 286° True to a point at or near the west end of the bridge defined by Lat. 38°58.242' N, Long. 76°14.906' W; and

(2) North of a line beginning at or near the shore of Cabin Creek defined by Lat. 38°56.510' N, Long. 76°13.610' W; then running 178° True to a point defined by Lat. 38°55.096' N, Long. 76°13.567' W; then running 272° True to a point at or near shore at Normans Point defined by Lat. 38°55.138' N, Long. 76°15.349' W.

I. Miles River: All the waters:

(1) Upstream of a line beginning at or near the shore of Rich Neck defined by Lat. 38°51.390' N, Long. 76°15.174' W; then running 113° True to a point defined by Lat. 38°50.298' N, Long. 76°11.810' W; and

(2) Downstream of a line beginning at a point at or near shore at the east entrance of Spencer Creek, defined by Lat. 38°46.539' N, Long. 76°11.920' W; then running 46° True to a point at or near the north shore of the Miles River, defined by Lat. 38°47.076' N, Long. 76°11.205' W.

J. Poplar Island Narrows: All the waters:

(1) North of a line beginning at or near the south end of the Poplar Island dike defined by Lat. 38°44.650' N, Long. 76°22.279' W; then running 154° True to a point defined by Lat. 38°43.588' N, Long. 76°21.619' W; then running 71° True to a point defined by Lat. 38°43.908' N, Long. 76°20.436' W; and

(2) South of a line beginning at a point defined by Lat. 38°46.416' N, Long. 76°20.020' W; then running 274° True to a point at or near Lowes Point defined by Lat. 38°46.553' N, Long. 76°22.343' W.

K. Broad Creek: All the waters north of a line beginning at a point at or near the shore at Nelson Point defined by Lat. 38°42.549' N, Long. 76°16.281' W; then running 61° True to a point at or near the south side of Bridge Creek, defined by Lat. 38°43.440' N, Long. 76°14.196' W.

L. Irish Creek: All the waters north of a line beginning at a point at or near the shore at Holland Point defined by Lat. 38°41.879' N, Long. 76°13.611' W; then running 186° True to a point defined by Lat. 38°41.838' N, Long. 76°13.617' W; then running 92° True to a point at or near the shore at Lucy Point defined by Lat. 38°41.825' N, Long. 76°13.178' W.

M. Tred Avon River: All the waters:

(1) North of a line beginning at or near the southeastern tip of Benoni Point defined by Lat. 38°40.247' N, Long. 76°11.982' W; then running 96° True to a point at or near the shore at the north side of Boone Creek, defined by Lat. 38°40.070' N, Long. 76°10.117' W;

(2) West of a line beginning at a point at or near the shore on the east side of Town Creek, defined by Lat. 38°41.835' N, Long. 76°9.923' W; then running 255° True to a point defined by Lat. 38°41.823' N, Long. 76°9.981' W; then running 0° True to a point at or near the shore of the east side of Plaindealing Creek, defined by Lat. 38°42.576' N, Long. 76°9.978' W; and

(3) West of a line beginning at a point defined by Lat. 38°40.965' N, Long. 76°10.407' W; then running 239° True to a point defined by Lat. 38°40.909' N, Long. 76°10.528' W; then running 210° True to a point defined by Lat. 38°40.830' N, Long. 76°10.586' W; then running 183° True to a point defined by Lat. 38°40.741' N, Long. 76°10.593' W; then running 154° True to a point defined by Lat. 38°40.641' N, Long. 76°10.531' W.

N. Choptank River: All the waters north of a line beginning at or near Howell Point defined by Lat. 38°36.746' N, Long. 76°6.626' W; then running 209° True to a point defined by Lat. 38°36.295' N, Long. 76°6.938' W; then running 170° True to a point defined by Lat. 38°36.006' N, Long. 76°6.871' W; then running 90° True to a point defined by Lat.

38°36.012' N, Long. 76°5.958' W; then running 88° True to a point defined by Lat. 38°36.030' N, Long. 76°5.082' W; then running 131° True to a point defined by Lat. 38°34.833' N, Long. 76°3.344' W; then running 30° True to a point at or near the north shore of the Choptank River, defined by Lat. 38°35.484' N, Long. 76°2.860' W.

O. Little Choptank River: All the waters:

(1) South of a line beginning at a point at or near shore on Hills Point Neck defined by Lat. 38°32.678' N, Long. 76°16.528' W; then running 245° True to a point at or near the northeast tip of James Island defined by Lat. 38°31.373' N, Long. 76°20.092' W; and

(2) West of a line beginning at a point at or near the shore of Susquehanna Point defined by Lat. 38°30.642' N, Long. 76°15.492' W; then running 329° True to a point at or near shore at the south end of Ragged Point Island, defined by Lat. 38°31.886' N, Long. 76°16.440' W.

P. Fishing Bay: All the waters northerly of a line beginning at a point at or near shore defined by corner 9 of Natural Oyster Bar 24-7, defined by Lat. 38°19.480' N, Long. 76°01.888' W; then running approximately 182° True to a point defined by corner 10 of Natural Oyster Bar 24-7, defined by Lat. 38°19.452' N, Long. 76°01.888' W; then running approximately 144° True to a point at or near shore defined by corner 5 of Natural Oyster Bar 24-6, defined by Lat. 38°18.557' N, Long. 76°01.065' W.

Q. Nanticoke River: All the waters:

(1) North of a line beginning at or near Sandy Point, defined by Lat. 38°14.803' N, Long. 75°56.385' W; then running approximately 96° True to a point at or near the shore north of Jones Creek, defined by Lat. 38°14.635' N, Long. 75°54.352' W; and

(2) South of a line beginning at a point at or near the shore at Sandy Point defined by Lat. 38°14.803' N, Long. 75°56.403' W; then running 43° True to a point at or near the shore at Roaring Point defined by Lat. 38°15.870' N, Long. 75°55.155' W; except

(3) All the waters of the Roaring Point Oyster Sanctuary enclosed by a line beginning at a point defined by Lat. 38°15.120' N, Long. 75°54.788' W; then running approximately 358° True to a point defined by Lat. 38°15.337' N, Long. 75°54.798' W; then running approximately 88° True to a point defined by Lat. 38°15.123' N, Long. 75°54.717' W; then running approximately 177° True to a point defined by Lat. 38°15.338' N, Long. 75°54.732' W; then running approximately 267° True to the point of beginning.

R. Holland Straits: All the Somerset County waters in Holland Straits:

(1) Southeast of a line beginning at or near Sedgy Point defined Lat. 38°05.484' N, Long. 76°03.352' W; then running approximately 306° True to a point at or near Pry Island defined by Lat. 38°05.705' N, Long. 76°03.734' W; then running 21° True to a point defined by Lat. 38°6.664' N, Long. 76°3.283' W; then running 27° True to a point defined by Lat. 38°8.845' N, Long. 76°1.873' W; then running 140° True to a point at or near Sound Point defined by Lat. 38°7.883' N, Long. 76°0.852' W;

(2) North of a line in Pungers Creek beginning at a point defined by Lat. 38°7.165' N, Long. 76°1.877' W; then running 257° True to a point defined by Lat. 38°7.139' N, Long. 76°2.022' W;

(3) North of a line in Little Pungers Creek beginning at a point defined by Lat. 38°6.760' N, Long. 76°2.325' W; then running 175° True to a point defined by Lat. 38°6.691' N, Long. 76°2.317' W; and

(4) North of a line in Pry Cove beginning at a point defined by Lat. 38°5.173' N, Long. 76°2.098' W; then running 267° True to a point defined by Lat. 38°5.169' N, Long. 76°2.187' W.

S. Island Creek, Choptank River: All the waters northeasterly of a line beginning at a point at or near the shore at the north side of Island Creek, defined by Lat. 38°39.697' N, Long. 76°9.699' W; then running 120° True to a point at or near the shore at the south side of Island Creek, defined by Lat. 38°39.517' N, Long. 76°9.300' W.

T. La Trappe Creek, Choptank River: All the waters:

(1) Northerly of a line beginning at a point at or near the shore of Martin Point defined by Lat. 38°37.716' N, Long. 76°7.324' W; then running 109° True to a point at or near the west shore of Grubin Neck defined by Lat. 38°37.609' N, Long. 76°6.927' W; and

(2) Southerly of a line beginning at or near the south entrance of an unnamed cove on the east side of La Trappe Creek defined by Lat. 38°38.157' N, Long. 76°06.462' W; then running approximately 269° True to a point at or near the north entrance of an unnamed cove on the west side of La Trappe Creek defined by Lat. 38°38.162' N, Long. 76°06.937' W.

.13 Harvest Reserve Area — Definition and Listing.

A. (text unchanged)

B. Harvest Reserve Areas.

(1)—(3) (text unchanged)

(4) Evans Reserve. The reserve consists of all of the waters of Tangier Sound [(Natural Oyster Bar 29-1)] enclosed by a line beginning at a point defined by [Lat. 38°12.746' N, Long. 75°54.004' W, then running approximately 91° True to a point defined by Lat. 38°12.74' N, Long. 75°53.564' W, then running approximately 182° True to a point defined by Lat. 38°12.486' N, Long. 75°53.575' W, then running approximately 259° True to a point defined by Lat. 38°12.44' N, Long. 75°53.863' W, then running approximately 340° True to the point of beginning.] Lat. 38°12.347' N, Long. 75°54.217' W, then running 316° True to a point at or near Lat. 38°12.685' N, Long. 75°54.627' W, then running

80° True to a point at or near Lat. 38°12.781' N, Long. 75°53.945' W, then running 74° True to a point at or near Lat. 38°12.829' N, Long. 75°53.731' W, then running 106° True to a point at or near Lat. 38°12.708' N, Long. 75°53.180' W, then running 228° True to a point at or near Lat. 38°12.401' N, Long. 75°53.608' W, then running 264° True to the point of beginning.

(5)—(8) (text unchanged)

JOSEPH P. GILL

Secretary of Natural Resources