

MARYLAND REGISTER

**Proposed Action on Regulations**

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| <b>Transmittal Sheet</b><br><br><b>PROPOSED<br/>OR REPROPOSED</b><br><br><b>Actions on Regulations</b> | <b>Date Filed with AELR<br/>Committee</b> | <b>TO BE COMPLETED BY<br/>DSD</b>              |
|  | 11/03/2014                                | Date Filed with Division of<br>State Documents |
|  |   | Document Number                                |
|  |   | Date of Publication in MD<br>Register          |
|  |   |  |

**1. Desired date of publication in Maryland Register: 12/12/2014**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

08 02 22 03

**3. Name of Promulgating Authority**

Department of Natural Resources

**4. Name of Regulations Coordinator**

Eileen C Mosley

**Telephone Number**

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

**5. Name of Person to Call About this Document**

Jacob Holtz

**Telephone No.**

410-260-8262

**Email Address**

jacob.holtz@maryland.gov

**6. Check applicable items:**

- New Regulations
- Amendments to Existing Regulations  
Date when existing text was downloaded from COMAR online: 10/10/2014.
- 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  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 Shara Mervis Alpert, Assistant Attorney General, (telephone #410-260-8358) on 10/31/2014. 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**

11/3/2014

**Title 08**  
**DEPARTMENT OF NATURAL RESOURCES**

**Subtitle 02 FISHERIES SERVICE**

**08.02.22 Sharks**

Authority: Natural Resources Article, §4-2A-03, Annotated Code of Maryland

**Notice of Proposed Action**

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The Secretary of Natural Resources proposes to amend Regulation .03 under COMAR 08.02.22 Sharks.

**Statement of Purpose**

The purpose of this action is to address language regarding permitting in the commercial shark fishery. Upon guidance by the National Oceanographic and Atmospheric Administration (NOAA), there is no requirement to have a federal permit for a harvester licensed by the state of Maryland to commercially fish for sharks in State waters. A licensed Maryland fisherman must still sell the sharks to a federally permitted dealer, and anyone commercially harvesting in the Exclusive Economic Zone (EEZ) between 3 and 200 miles offshore of the coast must also be federally permitted. This action also addresses commercial catch limits, clarifying that a harvester with a federal shark permit may not catch more sharks than on his federal permit, but that a harvester without a federal shark permit does not have a catch limit when harvesting in State waters. Current regulatory text is confusing because it does not address catch limits for commercial harvesters who do not have federal shark permits. This action will not increase harvest pressure on sharks in State waters as commercial licensees without federal permits were already allowed to commercially harvest sharks in State waters without a permit.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**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 Shark Regulations, Regulatory Staff, Department of Natural Resources, Fisheries Service B-2, 580 Taylor Avenue, Annapolis MD 21401, or call 410-260-8300, or email to [fisheriespubliccomment.dnr@maryland.gov](mailto:fisheriespubliccomment.dnr@maryland.gov), or fax to 410-260-8310. Comments will be accepted through January 12, 2015. 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:

These regulations make administrative clarifications with regards to who needs a permit to participate in the commercial shark fishery in certain areas, and catch limits. There are no funds necessary to implement these changes.

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

These regulations make administrative clarifications with regards to who needs a permit to participate in the commercial shark fishery in certain areas, and catch limits. No actual changes are being made to the requirements, so there is no economic impact created by these regulations.

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

These regulations make administrative clarifications with regards to who needs a permit to participate in the commercial shark fishery in certain areas, and catch limits. No actual changes are being made to the requirements, so there is no economic impact to small businesses created by these regulations.

G. Small Business Worksheet:

**Attached Document:**

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**.03 Commercial Fishery.**

A.—B. (text unchanged)

C. Catch Limits. An individual *who has been issued a federal shark permit issued under 50 CFR §635* may not harvest, possess, or land more sharks than authorized by the individual's federal shark permit.

D. (text unchanged)

E. General.

(1) Prior to harvesting *or landing* a shark for commercial purposes, an individual shall[:

(a) Be] *be* authorized in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland.];

and

(b) Obtain an appropriate shark permit from the National Oceanic and Atmospheric Administration.]

(2) *A vessel which is used to catch, possess, or land any shark species listed in §A of this regulation for commercial purposes from the waters of the federal Exclusive Economic Zone (EEZ) of the Atlantic Ocean, which are defined as those ocean waters between 3 and 200 miles offshore, shall be permitted by the National Marine Fisheries Service in accordance with 50 CFR §635.*

[(2)] (3)—[(6)] (7) (text unchanged)

**JOSEPH P. GILL**

**Secretary of Natural Resources**