

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
03/20/2015		
Emergency Status Approved		Document Number
_ -Yes _ -No		Date of Publication in MD Register
Emergency Status Begins On		
Emergency Status Ends On		
Name of AELR Committee Counsel		

1. COMAR Codification

Title	Subtitle	Chapter	Regulation
08	02	15	08, .09, .10

2. Name of Promulgating Authority

Department of Natural Resources

3. Name of Regulations Coordinator	Telephone Number
Lisa A Eutsler	410-260-8107

Mailing Address

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

City	State	Zip Code
Annapolis	MD	21401

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lisa.eutsler@maryland.gov

4. Name of Person to Call About this Document

Jacob Holtz

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410-260-8262

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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: 4/6/2015

Date Requested for Emergency Status to Expire: 180 days

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

If yes, corresponding proposed text published in:

- same issue

- future issue

- previous issue; it appeared in

: Md. R

(vol.) (issue) (page no's) (date)

Under Maryland register docket no.: --E.

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

Emergency status is requested because this action is necessary to implement management measures required by the Atlantic States Marine Fisheries Commission (ASMFC) to reduce the recreational harvest of striped bass during the Chesapeake Bay spring trophy and early/summer/fall seasons by 25% and 20.5%, respectively. In order to comply with this ASMFC mandate, regulations to curtail the harvest must be in effect by the start of the spring fishing season on April 18, 2015.

This action will change the size limit for striped bass during the recreational and charter Chesapeake Bay spring trophy season to require any striped bass in possession to be between 28 inches and 36 inches, or larger than 40 inches. This action will also increase the minimum size for striped bass in the recreational and charter Chesapeake Bay

early/summer/fall season from 18 inches to 20 inches, and extend this season from December 15 to December 20. Lastly, this action will increase the minimum size for striped bass in Potomac River tributaries from 18 inches to 20 inches.

The impetus for these measures began in October, 2013, when ASMFC initiated Addendum IV to Amendment 6 to the Atlantic Striped Bass Interstate Fishery Management Plan. ASMFC scoped Addendum IV at a public hearing on September 25, 2014 at Chesapeake College in Wye Mills. The Department also held an informational meeting to prepare stakeholders for the ASMFC hearing on September 18, 2014, at Anne Arundel Community College. Addendum IV was approved at the October, 2014 meeting of ASMFC. As part of Addendum IV, Maryland is required to reduce the recreational harvest of striped bass during the Chesapeake Bay spring trophy and early/summer/fall seasons by 25% and 20.5%, respectively. The measures implemented by this action have been scoped with the public since October, 2014, beginning with the Sport Fisheries Advisory Commission, and including a public scoping meeting held on November 24, 2014. The measures in this action are projected to achieve the required reductions in harvest were approved by the ASMFC Atlantic Striped Bass Technical Committee on March 17, 2015, after preliminary approval by the ASMFC Board at the January, 2015 meeting.

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 3/20/2015. A signed copy of the approval is on file at this agency.

Name of Authorized Officer

Mark J. Belton

Title

Acting Secretary

Telephone No.

410-260-8101

Date

3/20/2015

Title 08
DEPARTMENT OF NATURAL RESOURCES
Subtitle 02 FISHERIES SERVICE

08.02.15 Striped Bass

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

Notice of Emergency Action

□

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amend Regulations .08, .09, and .10 under COMAR 08.02.15 Striped Bass.

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 action may have an indeterminable negative economic impact

II. Types of Economic Impact.	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
<hr style="border: 1px solid black;"/>			
A. On issuing agency:	NONE		
B. On other State agencies:	NONE		
C. On local governments:	NONE		
	Benefit (+)		Magnitude
	Cost (-)		
<hr style="border: 1px solid black;"/>			
D. On regulated industries or trade groups:			
Trips on Licensed Charter Boats	(-)		Indeterminable
E. On other industries or trade groups:	NONE		
F. Direct and indirect effects on public:			
(1) Decreased availability of legal-sized fish	(-)		Indeterminable
(2) Increased Future Availability	(+)		Indeterminable

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

D. This action may result in fewer customers booking trips with licensed charter boats, as it will likely make it more difficult to catch legal-sized striped bass. The extent to which this action will impact the booking of charter boats is indeterminable, as it is not possible to anticipate whether anglers will choose to limit their fishing. If anglers book charters for the experience of being on the water

and view being able to take fish home as a secondary benefit, the action will not have as large an impact as it would if the primary purpose of anglers booking charter trips is to catch fish to take home to eat.

F(1). By creating a slot limit in the spring season that would require striped bass between 36 inches and 40 inches to be released, and by increasing the minimum size in the early and summer/fall fisheries from 18 inches to 20 inches, there will be fewer legal sized striped bass for recreational anglers to catch. This may lead to lower angler satisfaction, as catching fish large enough to take home may be more difficult.

F(2). By creating a slot limit which requires certain sized fish to be released in the spring season there will be an increased likelihood of the spawning stock biomass (SSB) to grow. The SSB measures how many fish (measured in pounds) contribute to growing the striped bass population. By releasing fish that contribute to the SSB, the SSB has a higher likelihood of increasing. Recreational anglers will hopefully see future benefits from this measure in the form of increased availability of striped bass.

Economic Impact on Small Businesses

The emergency action has a meaningful economic impact on small business. An analysis of this economic impact follows.

The proposed action will likely have an economic impact on licensed charter boats. The extent of the impact is indeterminable as the extent of this impact on recreational anglers' desire to book charter trips is not known. See Part A.II.D for further analysis.

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:

No funds are necessary to implement these regulations as they only change the size limits for striped bass. Enforcement will be handled by current staff in their normal course of duties.

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:

.08 Recreational and Charter Boat Spring Fishery.

A. (text unchanged)

B. [Minimum] Size Restrictions. *A person may catch or possess striped bass during the spring season between [The minimum legal size for the spring season is] 28 inches and 36 inches inclusive, total length, or 40 inches or larger, total length.*

C.—E. (text unchanged)

.09 Recreational and Charter Boat Summer and Fall Fishery in the Chesapeake Bay and Its Tidal Tributaries.

A. Early Season.

(1) (text unchanged)

(2) Chesapeake Bay and Its Tidal Tributaries.

(a) (text unchanged)

(b) Catch Restrictions.

(i) (text unchanged)

(ii) A person may catch and possess two striped bass at least [18] 20 inches total length, only one of which may be greater than 28 inches total length.

(3) Susquehanna Flats and Northeast River.

(a) (text unchanged)

(b) Catch Restrictions.

(i) (text unchanged)

(ii) A person may catch and possess one striped bass between [18] 20 and 26 inches inclusive, total length.

(iii) (text unchanged)

B. Summer and Fall Season.

(1) The recreational and charter boat summer and fall season for taking striped bass is June 1 through December [15] 20.

(2) (text unchanged)

(3) Catch Restrictions.

(a) (text unchanged)

(b) A person may catch and possess two striped bass at least [18] 20 inches total length, only one of which may be greater than 28 inches total length.

C. (text unchanged)

.10 Recreational and Charter Boat Summer and Fall Fishery for Maryland Tributaries of the Potomac River.

A.—B. (text unchanged)

C. Size Limit. A person may catch and possess two striped bass at least [18] 20 inches total length, only one of which may be greater than 28 inches total length.

MARK J. BELTON

Acting Secretary of Natural Resources