

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	03/20/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 5/1/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

08 02 15 08, .09, .10

3. Name of Promulgating Authority

Department of Natural Resources

4. Name of Regulations Coordinator

Lisa A Eutsler

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5. Name of Person to Call About this Document

Jacob Holtz

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6. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
Date when existing text was downloaded from COMAR online: 3/17/2015.
- 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

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.

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 3/20/15. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Mark J. Belton

Title

Acting Secretary

Telephone No.

410-260-8107

Date

3/20/15

**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 Proposed Action

□

The Acting Secretary of Natural Resources proposes to amend Regulations .08, .09, and .10 under COMAR 08.02.15 Striped Bass.

Statement of Purpose

The purpose of this action is to change the size limit for striped bass during the Chesapeake Bay recreational and charter 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 Chesapeake Bay recreational and charter 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.

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.

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.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed 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
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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:		
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 proposed 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.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Recreational Striped Bass 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, or fax to 410-260-8310. Comments will be accepted through June 1, 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:

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. 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