

MARYLAND REGISTER

**Proposed Action on Regulations**

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	10/28/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 12/11/2015**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

08 02 01 05

**3. Name of Promulgating Authority**

Department of Natural Resources

**4. Name of Regulations Coordinator**

Lisa A Eutsler

**Telephone Number**

410-260-8107

**Mailing Address**

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

**City State Zip Code**

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[lisa.eutsler@maryland.gov](mailto:lisa.eutsler@maryland.gov)

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

Tamara O'Connell

**Telephone No.**

410-260-8271

**Email Address**

[tamara.o'connell@maryland.gov](mailto:tamara.o'connell@maryland.gov)

**6. Check applicable items:**

- New Regulations
- Amendments to Existing Regulations
  - Date when existing text was downloaded from COMAR online: 10/22/15.
- 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 October 26, 2015. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Mark J. Belton

**Title**

Secretary of Natural Resources

**Telephone No.**

410-260-8100

**Date**

October 23, 2015

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

**Subtitle 02 FISHERIES SERVICE**

**08.02.01 General**

Authority: Natural Resources Article, §4-701, Annotated Code of Maryland

**Notice of Proposed Action**

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The Secretary of Natural Resources proposes to amend Regulation .05 under COMAR 08.02.01 General.

**Statement of Purpose**

The purpose of this action is to modify the number of commercial fishing license authorization targets. The proposed action makes modifications to the authorization targets to reflect the number of tidal fish license conversions made in the 2014-2015 license year. The law allows the conversion (downgrade) of a UTFL into its individual component authorizations. Downgrading a UTFL decreases the UTFL target and increases the target of each license type that is included in a UTFL (resident fishing guide (FGR), unlimited finfish harvester (FIN), crab harvester 300 pot (CB3), clam harvester (CLM), oyster harvester (OYH), oyster dredge boat (ODB), and conch turtle lobster (CTL)). The number and type of authorizations involved in a downgrade of a UTFL provide the basis for changes to the license authorization target levels.

During the 2014/2015 license renewal period, 4 individuals downgraded their UTFL. Applicants could choose which license components of the UTFL they wanted to retain. In summary, the UTFL number is decreased by 4 and the number for FGR, FIN, CB3, CLM, OYH, ODB, and CTL is increased by 4 each.

The proposed action shows the target number for each authorization available after all of the additions and subtractions. The targets are correct as of July 1, 2015. The Tidal Fisheries Advisory Commission was consulted regarding these changes at their July 2015 meeting and did not have any questions or concerns.

**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 Commercial License Targets, 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 11, 2016. A public hearing has not been scheduled.

### **Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 2016

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 additional funds are necessary to implement this action.

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

The numbers have been adjusted to reflect the current amount of licenses available.

This action does not have an economic impact.

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 numbers have been adjusted to reflect the current amount of licenses available.

This action does not have an economic impact on small businesses.

G. Small Business Worksheet:

Attached Document:

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**.05 Targets for the Number of Tidal Fish License Authorizations and Apprenticeship Permits.**

A. The targets for the number of tidal fish license authorizations issued by the Department are the number of authorizations issued between September 1, 1998, and March 31, 1999, including adjustments made annually according to specifications listed in §B of this regulation, listed by the following categories:

Abbreviation	Authorization	Number
FGR	Fishing Guide Resident	[471] 475
FGN	Fishing Guide Nonresident	57
HLI	Finfish—Hook and Line	244
FIN	Unlimited Finfish Harvester	[253] 257
LCC	Limited Crab Harvester	2,598
LCCM	Limited Crab Harvester—Male Only	461
CB3	Crab Harvester—300 Pots	[252] 256
CB6	Crab Harvester—600 Pots	220
CB9	Crab Harvester—900 Pots	392
CLM	Clam Harvester	[21] 25
OYH	Oyster Harvester	[686] 690
ODB	Oyster Dredge Boat	[13] 17
CTL	Conch, Turtles, and Lobster Harvester	[20] 24
TFL	Unlimited Tidal Fish	[2,110] 2106

B.—C. (text unchanged)

MARK J. BELTON  
Secretary of Natural Resources