

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	05/20/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 6/24/2016

2. COMAR Codification

Title Subtitle Chapter Regulation

08 02 01 01

3. Name of Promulgating Authority

Department of Natural Resources

4. Name of Regulations Coordinator

Sarah Widman

Telephone Number

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

Tamara O'Connell

Telephone No.

410-260-8271

Email Address

tamara.o'connell@maryland.gov

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: November 13, 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

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 General Provisions Article, §3-302(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 5/19/16. 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

5/19/16

Title 08
DEPARTMENT OF NATURAL RESOURCES
Subtitle 02 FISHERIES SERVICE

08.02.01 General

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

Notice of Proposed Action

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The Secretary of Natural Resources proposes to amend Regulation .01 under COMAR 08.02.01 General.

Statement of Purpose

The purpose of this action is to add Amendment 1 to the Chesapeake Bay American Eel Fishery Management Plan and incorporate the amendment by reference.

The action amends the 1991 Chesapeake Bay American Eel Fishery Management Plan (FMP) to include a provision that recognizes the Atlantic States Marine Fisheries Commission's (ASMFC) management measures and ensures flexibility when regulatory requirements change. Amendment 1 includes a provision for the adoption of current and future management requirements established by ASMFC, an update of the current status of the eel resource, and a framework for managing and monitoring the eel fishery. The Fisheries Service's Plan Review Team reviewed the plan in 2014 and recommended that the 1991 American Eel FMP be amended to include a provision that recognizes ASMFC and ensures management flexibility when regulatory requirements change.

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 American Eel Fishery Management Plan Amendment, Regulatory Staff, Department of Natural Resources, Fisheries Service, 580 Taylor Ave., B-2, 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 July 25, 2016. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2017

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 the proposed action.

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

The action amends the current fishery management plan for American Eel. Regulations written under the amendment may have an economic impact but the amendment itself does not change any rules or impose any economic impacts.

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

See part E above.

G. Small Business Worksheet:

Attached Document:

.01 Fishery Management Plans.

A. The following Chesapeake Bay Program Agreement Commitment Reports (Fishery Management Plans) are adopted and incorporated by reference:

(1)—(8) (text unchanged)

(9) Chesapeake Bay American Eel Fishery Management Plan (December 1991) *and Amendment 1 to the 1991 Chesapeake Bay American Eel Fishery Management Plan*;

(10)—(15) (text unchanged)

B.—C. (text unchanged)

MARK J. BELTON

Secretary of Natural Resources

Incorporation by Reference
APPROVAL FORM

Date: April 26, 2016
COMAR: 08.02.01.01

Tamara O'Connell
Maryland Department of Natural Resources
Fisheries Service
580 Taylor Avenue, B-2
Annapolis, MD 21401

Dear Tammy:

The document entitled "Amendment 1 to the 1991 Chesapeake Bay American Eel Fishery Management Plan" is approved for incorporation by reference.

Please note the following special instructions: Place in Acco-Press binder and affix standard COMAR label.

Attach a copy of this approval form when submitting an emergency or proposed regulation to the AELR Committee and when submitting a proposed regulation to DSD for publication in the Maryland Register. If submitting through ELF, include as part of the attachment.

Any future changes to the incorporated documents do not automatically become part of the regulation. If there are subsequent changes to the incorporated documents, and the agency wishes those changes to become a part of its regulations, the agency must amend the regulation incorporating the documents.

Please call us if you have any questions.

Sincerely,
Gail S. Klakring
Senior Editor