

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Natural Resources
(DLS Control No. 20-072)**

Overview and Legal and Fiscal Impact

The regulation increases the area open to using crab pots in the mouth of Eastern Bay (Queen Anne's and Talbot counties) by approximately 600 acres.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies. Small businesses may be meaningfully affected.

Regulation of COMAR Affected

Department of Natural Resources:

Fisheries Service: Crabs: COMAR 08.02.03.07

Legal Analysis

Summary of Regulation

The regulation alters the coordinates for the areas in the mouth of Eastern Bay where the use of crab pots is authorized, increasing the area open to crab pots by approximately 600 acres. According to the Department of Natural Resources, the purpose of this action is to mitigate the negative impact to crab potters as a result of the expanded Poplar Island restoration footprint and the corresponding user conflicts.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites §§ 4-215 and 4-803 of the Natural Resources Article as statutory authority for the regulation. Section 4-215 requires the department to adopt a fishery management plan for blue crabs, which may include limitations based on area or other factors (including gear). Section 4-803 authorizes the department to adopt regulations that govern methods for catching crabs, and to effectuate the opening and closing of specific areas to catching crabs.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies. Small businesses may be meaningfully affected.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation may have a meaningful economic impact on small businesses in the State. Commercial crab harvesters may meaningfully benefit from the additional area being opened to the use of crab pots. Harvesters using trotlines may be negatively affected by having to share that area with harvesters using crab pots, but the department indicates that harvesters from the area worked together to recommend the extent of the area that is being opened to crab pots. The Department of Legislative Services concurs.

Contact Information

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