

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
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1. Desired date of publication in Maryland Register: 1/22/2016

2. COMAR Codification

Title Subtitle Chapter Regulation

08 02 04 11

3. Name of Promulgating Authority

Department of Natural Resources

4. 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

Email
lisa.eutsler@maryland.gov

5. Name of Person to Call About this Document Telephone No.
Tamara O'Connell 410-260-8271

Email Address
tamara.o'connell@maryland.gov

Title 08
DEPARTMENT OF NATURAL RESOURCES
Subtitle 02 FISHERIES SERVICE

08.02.04 Oysters

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 .11 under 08.02.04 Oysters.

Statement of Purpose

The purpose of this action is to create a process to open and close portions of Public Shellfish Fishery Areas. Counties would like the opportunity to work with the Department to manage populations of oysters on selected areas of Public Shellfish Fishery Areas. The county committee may want an area closed because they seeded the area or because the area received a good spat set and they want to wait to put any pressure on the bar until after most of the oysters are market size. The proposed action removes outdated language that refers to making changes to the regulation and replaces it with a process that is consistent with statute and the Oyster Management Plan.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

The proposed action may have a positive impact for commercial oyster harvesters.

	Revenue (R+/R-)	
II. Types of Economic Impact.	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	

D. On regulated industries or trade groups:

Commercial Harvesters (+) Indeterminable

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

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

D. Counties will have the opportunity to request that the Department open or close certain areas in order to manage the oyster populations. Ultimately, this will benefit the industry by allowing them to invest in specific areas, giving their businesses some flexibility and, if areas are protected until most of the oysters are market size, a potential for increased income. The actual amount will depend on how each county wants to manage the harvest and is indeterminable.

Economic Impact on Small Businesses

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

Counties will have the opportunity to request that the Department open or close certain areas in order to manage the oyster populations. Ultimately, this will benefit the industry by allowing them to invest in specific areas, giving their businesses some flexibility and possibly increased income. The actual amount will depend on how each county wants to manage the harvest and is indeterminable.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Public Shellfish Fishery Areas, 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 February 22, 2015. 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. If an area is closed it will be done by public notice on the Fisheries Service website and will not cost anything. Natural Resources Police officers are already enforcing oyster regulations and this will not add additional burden.

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:

.11 General Provisions.

[A. Under the provisions of Natural Resources Article, §4-2A-03, Annotated Code of Maryland, the Secretary may, by regulation, establish or modify a season for taking oysters or a daily catch limit on the quantities of oysters which may be caught from the natural oyster bars of the State to conserve the public resource.

B. Notice of the establishment or amendment may be given by publishing notice in a daily newspaper of general circulation not less than 1 week before the effective date.

C. The Secretary shall make reasonable effort to disseminate public notice through various other media so that an affected person has reasonable opportunity to be informed.]

[D.] A. — [G.] D. (text unchanged)

E. *General.*

(1) *In order to implement the Chesapeake Bay Oyster Management Plan, the Secretary may, in cooperation with the appropriate oyster committee, issue a public notice to:*

(a) *Establish or modify a season or catch limit; or*

(b) *Open or close portions of a Public Shellfish Fishery Area described in COMAR 08.02.04.17.*

(2) *The public notice shall state its effective hour and date and shall be published on the Fisheries Service website at least 48 hours in advance of the effective hour and date.*

(3) *The Secretary shall make a reasonable effort to disseminate a public notice issued under this section through various other media so that an affected individual has a reasonable opportunity to be informed.*

(4) *A violation of the restrictions set by the Secretary in accordance with section is a violation of this regulation.*

MARK J. BELTON
Secretary of Natural Resources