

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	12/09/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 1/22/2016

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
08	02	03	07, .12, .14, .15

3. Name of Promulgating Authority

Department of Natural Resources

4. Name of Regulations Coordinator	Telephone Number
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Title 08
DEPARTMENT OF NATURAL RESOURCES
Subtitle 02 FISHERIES SERVICE

08.02.03 Crabs

Authority: Natural Resources Article, §§4-215 and 4-803, Annotated Code of Maryland

Notice of Proposed Action

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The Secretary of Natural Resources proposes to amend Regulations .07, .12, .14 and .15 under COMAR 08.02.03 Crabs.

Statement of Purpose

The purpose of this action is to update crabbing regulations. The proposed action removes the requirement to contain a live male crab used for peeler bait to the upper chamber of the crab pot. This requirement substantially reduces the mortality of the bait crabs compared to them being placed in the bait box (the chamber in the crab pot that holds the bait); however, male crabs are able to move to the lower chamber even though they are placed in the upper chamber. Therefore, a harvester could receive a citation for something they have no control over. The proposed action prohibits the use of crabs in the bait box. The Department was made aware that the industry has begun using female peelers as bait for male hard crabs by placing the female peelers in the bait box. Adopting this change will protect all crabs used for bait, whether male or female and in both the hard and peeler crab fishery. This requirement is more enforceable than the requirement to contain crabs being used as bait to a certain chamber of the crab pot. Male or female crabs may not be placed in the bait box of a crab pot.

The proposed action removes the cull ring closure for crab pots in Worcester County. Cull rings in crab pots used in the coastal bays are required to be closed from April 23 through May 31. The closure requirement is inconsistent with crab management and should be removed.

The proposed action creates a minimum size for a float. The current regulation allows a licensee to have 20 undersized peeler crabs per float, but does not describe what a float looks like. Harvesters may therefore call any container a float, which creates problems for both the resource and enforcement. The Natural Resources Police (NRP) brought to Fisheries Service staff attention the difficulty they are having with enforcement of the tolerance limit on undersized peelers due to the fact there is no legal description for a float. This has resulted in small containers, some with a base as small as one square foot, being called a float. Based on feedback from the industry and NRP, it was determined that the typical float used to shed peelers that will be sold as soft crabs is built with a 4ft x 4ft or 4ft x 8ft sheet of plywood as the base. Recognizing that there could be reasons for a peeler float to have different dimensions, but aiming to maintain equity in the fishery, the

proposed action requires a float used for holding or shedding peelers to have a base that has an area that is a minimum of 16 square feet.

The proposed action corrects the crab catch limits for crabbing charters. Catch limits for blue crabs are different for the Chesapeake Bay and its tidal tributaries and for the Atlantic Ocean and its coastal bays. The proposed action details the differences.

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 Blue Crab 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 February 22, 2015. A public hearing will be held, To be determined

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 regulation.

E. If these regulations have no economic impact under Part A, indicate reason briefly:
The regulation changes do not cost anything to implement nor do they economically impact harvesters.

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 changes do not place additional economic burden on the harvesters. No crabs in the bait box is for resource conservation and will not impact the harvesters economically since they can still use crabs as bait, just not in the bait box. The float requirement is based on current industry standards, the crabbing charter catch limits are current recreational limits and the cull ring closure removal allows small crabs to escape.

G. Small Business Worksheet:

Attached Document:

.07 Crab Pots.

A. (text unchanged)

B. A crab pot shall meet the following structural requirements:

(1)—(3) (text unchanged)

(4) Except for a crab pot constructed with unstretched mesh measuring less than 1-1/2 inches or at least 2 inches on each side, a crab pot set in the Chesapeake Bay or its tidal tributaries shall have two cull rings, one of at least 2-3/16 inches and one of at least 2-5/16 inches inside diameter located in exterior side panels or the top panel of the crab pot; and

[(5) A live male blue crab used for bait, in a crab pot used for catching peeler crabs, shall be contained only in the upper chamber of the crab pot and may not be less than the minimum size; and]

[(6)] (5) (text unchanged)

C. (text unchanged)

D. General Requirements.

(1)—(8) (text unchanged)

(9) *Crabs may not be in the bait box of the crab pot.*

E.—H. (text unchanged)

.12 Special Regulations for Crabbing in Worcester County.

A. Structural Requirements of Crab Pots. Notwithstanding Regulation .07A and B of this chapter, a crab pot set in the coastal bays of the Atlantic Ocean and their tidal tributaries shall have one unobstructed 2-5/16 inch cull ring on a side panel of the upper compartment and one 2-5/16 inch cull ring on a panel at the lower compartment of the crab pot. The cull ring is not required in a crab pot constructed with unstretched mesh measuring less than 1-1/2 inches or at least 2 inches on each side. [The cull ring shall be closed from April 23 through May 31.]

B.—F. (text unchanged)

.14 General Prohibitions.

A. (text unchanged)

B. Commercial — General.

(1)—(11) (text unchanged)

(12) *A float used for holding or shedding peelers shall have a base that is a minimum of 16 square feet.*

C. (text unchanged)

D. (text unchanged)

E.—G. (text unchanged)

.15 Crabbing Charters.

A.—C. (text unchanged)

D. Crabbing Charters.

(1)—(2) (text unchanged)

(3) A crabbing charter:

(a)—(b) (text unchanged)

(c) May not harvest female hard crabs or female peelers *from the Chesapeake Bay and its tidal tributaries*; and

(d) (text unchanged)

(4) (text unchanged)

(5) Catch Limit. A crabbing charter with one or more customers on board may not catch more than two bushels of [male]:

(a) *Male hard crabs and two dozen soft crabs or male peeler crabs from the Chesapeake Bay and its tidal tributaries; or*

(b) *Crabs from the Atlantic Ocean and its coastal bays.*

(6)—(7) (text unchanged)

MARK J. BELTON

Secretary of Natural Resources