

credible evidence, the ALJ shall order the local department to do [any] *one or more* of the following:

- (1) (text unchanged)
- (2) Expunge all references to the appellant as responsible for child abuse or neglect; [or]
- (3) *In the case of a finding in which the local department did not identify a maltreater, find the appellant responsible for child abuse or neglect; or*

[(3)] (4) Maintain the finding and change the type of maltreatment from:

- (a) Abuse to neglect[,]; or
- (b) (text unchanged)

E.—F. (text unchanged)

G. If the ALJ orders the local department to modify or expunge the finding, or expunge reference to the [appellant as responsible for child abuse or neglect] *maltreater*, the local department shall take the action within 20 days and promptly notify the appellant and OAH that it has completed all required action.

**.15 [Tape] Recordings—Expungement.**

OAH may destroy the [tape] recording of a contested case 1 year after the date of the decision unless either party has specifically requested that the [tape] recording not be destroyed.

TED DALLAS  
Secretary of Human Resources

**Title 08  
DEPARTMENT OF NATURAL  
RESOURCES**

**Subtitle 02 FISHERIES SERVICE**

**08.02.01 General**

Authority: Natural Resources Article, §§4-407 and 4-602, Annotated Code of Maryland

**Notice of Proposed Action**

[15-051-P]

The Secretary of Natural Resources proposes to adopt new Regulation **.13** under **COMAR 08.02.01 General**.

**Statement of Purpose**

The purpose of this action is to establish regulations for Fishery Management Areas (FMAs). Currently, some regulations appear in COMAR 08.02.11 Fishing in Nontidal Waters, while other rules for FMAs are in place through Departmental policy. This action will make the rules for FMAs clearer to the public.

Fishery Management Areas are maintained to support fishery resources, operate fish culture facilities, or provide access for fishing or other outdoor recreational activities. The areas may also provide protection from development or deforestation for sensitive or high quality watersheds. There are two types of FMAs: Fishery Management Propagation Areas and Fishery Management Public Fishing Areas. This action will clarify which type of FMA each property is, as well as the rules which apply to the two types of areas. Fishery Management Propagation Areas are reserved for the fish production and management activities required to meet fish management objectives. Fishery Management Public Fishing Areas provide angling access and other outdoor recreation opportunities such as boating, hiking, hunting and picnicking. This action will clarify which activities are permissible in the specific areas.

**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 Fisheries Management Areas 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 23, 2015. A public hearing has not been scheduled.

**.13 Fishery Management Areas.**

A. *The fishery management areas of the State consist of the units in §§B and C of this regulation as delineated on maps filed in the Office of the Secretary of Natural Resources.*

B. *Fishery Management Propagation Areas.*

(1) *The following areas are Fishery Management Propagation Areas:*

- (a) *Albert Powell Hatchery — Washington County;*
- (b) *Bear Creek Hatchery — Garrett County;*
- (c) *Lewistown Work Center — Frederick County;*
- (d) *Manning Hatchery — Charles County;*
- (e) *Piney Point Aquaculture Center — St. Mary's County;*

and

(f) *Unicorn Lake Hatchery — Queen Anne's County.*

(2) *Public access to any Fishery Management Propagation Area is prohibited except with prior permission of the facility staff or as otherwise posted.*

C. *Fishery Management Public Fishing Areas.*

(1) *The following areas are Fishery Management Public Fishing Areas:*

- (a) *Big Mill Pond — Queen Anne's County;*
- (b) *Brownsville Pond — Washington County;*
- (c) *Brunswick Pond — Frederick County;*
- (d) *Bynum Run Pond — Harford County;*
- (e) *Evitts Creek Pond — Allegany County;*
- (f) *Forest Hill Lake — Harford County;*
- (g) *Frank Bentz Pond — Frederick County;*
- (h) *Hughsville Pond — Charles County;*
- (i) *North Branch Potomac River — Folly and Laurel Runs — Garrett County;*
- (j) *North Branch Potomac River — Gary A. Yoder Landing — Allegany County;*
- (k) *North Branch Potomac River — McCoolle — Allegany County;*
- (l) *Rising Sun Pond — Cecil County;*
- (m) *Smithville Lake — Caroline County;*
- (n) *Unicorn Lake — Queen Anne's County;*
- (o) *Urbana Lake — Frederick County;*
- (p) *Urieville Lake — Kent County; and*
- (q) *Wye Mills Lake — Queen Anne's County.*

(2) *Public access to any Fishery Management Public Fishing Area is allowed from the hours of 5:30 a.m. to 10 p.m.*

(3) *Camping.*

(a) *For the purpose of this regulation, "camping" means erecting tents or other shelters for the purpose of residing temporarily upon the property overnight.*

(b) A person may not camp on Fishery Management Public Fishing Areas except on designated sites or by written permit, or both.

(4) Use of Vehicles.

(a) For the purpose of this regulation, "vehicle" means a vehicle or vessel propelled by mechanical power that is capable of travelling on land, snow, or ice.

(b) A person may not operate any vehicle on a Fishery Management Public Fishing Area without written permission of the Fisheries Service except on those roads, lanes, or areas which are open to automobile traffic or which are specifically marked by the Fisheries Service.

(5) Feeding Wildlife.

(a) In this section, "wildlife" has the meaning stated in Natural Resources Article, §10-101(cc), Annotated Code of Maryland.

(b) Except for lawful fishing and hunting activities, a person may not feed wildlife in a Fishery Management Public Fishing Area.

D. Hunting and Trapping.

(1) Hunting and trapping are only allowed in the areas described in §B of this regulation by written permission of the Fisheries Service.

(2) Hunting is allowed in the following areas described in §C of this regulation:

(a) North Branch Potomac River — Laurel and Folly Run;

(b) North Branch Potomac River — McCooles; and

(c) Urbana Lake.

(3) Trapping is only allowed in the areas described in §C of this regulation by written permission of the Fisheries Service.

JOSEPH P. GILL  
Secretary 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

[15-053-P]

The Secretary of Natural Resources proposes to amend Regulations .03, .06, .07, and .14 under COMAR 08.02.03 Crabs.

Statement of Purpose

The purpose of this action is to increase the minimum size for peeler crabs for the 2015 crabbing season in the Chesapeake Bay and its tidal tributaries and to clarify the requirements for marking crabbing gear. The minimum size for peeler crabs will be increased from 3¼ inches to 3½ inches from April 1 to July 14 for both the commercial and recreational fisheries in the Chesapeake Bay and its tidal tributaries. The minimum size for peeler crabs is already 3½ inches from July 15 to December 15, so no change is required for the second half of the season. The current regulations do not make necessary distinctions between the gear marking requirements for the blue crab fisheries in the Chesapeake Bay and its tidal tributaries and the Atlantic Ocean, its coastal bays and their tidal tributaries; this action will clarify how gear must be marked in both fisheries.

The estimated abundance of spawning females measured in the 2013—2014 winter dredge survey was just below the minimum safe threshold of 70 million crabs. Maryland, Virginia and the Potomac River Fisheries Commission are working together to provide additional protection for spawning-age female crabs in the fall of 2014 and spring of 2015. Increasing the minimum size of peeler crabs in the first half of the season, along with other harvest reductions in

the Bay jurisdictions, will help to achieve the goal of reducing Bay-wide blue crab harvest by 10 percent. Raising the peeler size limit to 3½ inches from April 1 — July 14 for recreational and commercial fisheries will allow more crabs to molt to maturity and successfully mate and spawn. The size limit is already 3½ inches for the rest of the season. This action will be for 2015 only, and retains the current seasons for crabs in both the Chesapeake Bay and Atlantic fisheries.

This action also clarifies the marking requirements for crabbing gear. Current regulations do not reflect the differences in the commercial and recreational fisheries, or the difference between the Chesapeake Bay and its tidal tributaries and the Atlantic Ocean, its coastal bays and their tidal tributaries. This action will clarify that commercial crabbers mark their gear with their commercial ID number, recreational crabbers in the Chesapeake Bay and its tidal tributaries mark their gear with their DNRid number, and recreational crabbers in the Atlantic Ocean, its coastal bays and their tidal tributaries mark their gear with either their DNRid number or their name and address.

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 has an economic impact, however the extent of the impact is indeterminable.

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

D. On regulated industries or trade groups:	Benefit (+)	Magnitude
	Cost (-)	
(1) Increased Minimum Size for Peeler Crabs	(-)	Indeterminable
(2) Greater Abundance of Larger Crabs	(+)	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(1). This action eliminates the ability of crabbers to harvest peeler crabs between 3-1/4" and 3-1/2" from April 1 to July 14 by increasing the minimum size to 3-1/2" year-round. This will result in a negative economic impact to crabbers who harvest peeler crabs. Although the smaller crabs will no longer be legal for harvest, they make up the smallest, least economically valuable segment of the peeler crab fishery. The magnitude of the effect of this action depends on the makeup of the crab population. If the population has a higher amount of smaller crabs, this action will have a greater effect; if the population has a higher percentage of larger crabs, this action will have a lesser effect. The actual effect is not possible to determine