

# Emergency Action on Regulations

## Symbol Key

- Roman type indicates text existing before emergency status was granted.
- *Italic type* indicates new text.
- [Single brackets] indicate deleted text.

## Emergency Regulations

Under State Government Article, §10-111(b), Annotated Code of Maryland, an agency may petition the Joint Committee on Administrative, Executive, and Legislative Review (AELR), asking that the usual procedures for adopting regulations be set aside because emergency conditions exist. If the Committee approves the request, the regulations are given emergency status. Emergency status means that the regulations become effective immediately, or at a later time specified by the Committee. After the Committee has granted emergency status, the regulations are published in the next available issue of the Maryland Register. The approval of emergency status may be subject to one or more conditions, including a time limit. During the time the emergency status is in effect, the agency may adopt the regulations through the usual promulgation process. If the agency chooses not to adopt the regulations, the emergency status expires when the time limit on the emergency regulations ends. When emergency status expires, the text of the regulations reverts to its original language.

## Title 08

# DEPARTMENT OF NATURAL RESOURCES

## Subtitle 02 FISHERIES SERVICE

### 08.02.04 Oysters

Authority: Natural Resources Article, §§4-215, 4-2A-03, 4-803, and 4-1008.1, Annotated Code of Maryland

#### Notice of Emergency Action [15-116-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .03 under COMAR 08.02.04 Oysters.

**Emergency status began: March 31, 2015.**

**Emergency status expires: April 30, 2015.**

#### Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** This action will extend the commercial oyster season for 2 weeks. This will have an indeterminable, positive impact on the commercial oyster industry, as well as shucking houses.

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	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:		
Commercial oyster harvesters	(+)	Indeterminable

E. On other industries or trade groups:

Shucking houses and other oyster buyers (+) Indeterminable

F. Direct and indirect effects on public:

Availability of local oysters (+) Indeterminable

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

D. Extending the oyster season by 2 weeks will allow licensed commercial oyster harvesters who have paid the oyster surcharge additional time to harvest oysters to make up for time lost to heavy icing conditions around the Bay. The extent of the impact is indeterminable, as it is not known how many individuals who have paid the surcharge will take advantage of the 2 weeks or how successful they may be. Generally, catches decrease as the season goes on due to lower availability of legal-sized oysters. Harvesters have been receiving an average of \$50 per bushel of oysters this season and current bushel limits remain in effect.

E. By extending the wild oyster season, there will be an increased availability of wild product for shucking houses and other entities that buy oysters such as restaurants and fish markets. Because there is generally a higher demand for local product, these businesses should see a positive economic impact from these regulations.

F. The public has shown an increasing interest in locally produced food products. By extending the wild oyster season 2 weeks, the public will have increased availability of wild-caught local oysters.

#### Economic Impact on Small Businesses

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

Please see analysis in Part A.II.D and A.II.E, as commercial oyster harvesters and shucking houses are small businesses.

#### .03 Catching Oysters for Commercial Purposes.

A. Time for Catching Oysters. The season for catching oysters for commercial purposes is from:

(1) October 1 through [March 31] *April 14*, inclusive, for the following gears:

(a) — (c) (text unchanged)

(2) November 1 through [March 31] *April 14*, inclusive, for:

(a) — (b) (text unchanged)

(3) November 1 through [March 31] *April 14*, inclusive, for dredging.

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B. A person may only catch oysters for commercial purposes during:

(1) — (2) (text unchanged)

(3) January, February, [and] March, *and April 1 through April 14* with the following means of catching at the following times:

(a) — (c) (text unchanged)

C. — F. (text unchanged)

G. *A person may not possess crabs on board a vessel engaged in catching oysters for commercial purposes.*

MARK J. BELTON

Acting Secretary of Natural Resources

