

(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

prior to the crabbing season.

D(2). Because this action increases the minimum size of peeler crabs, the assumption is that there will be more crabs available at larger sizes. This will be achieved through crabs remaining in the water for at least one additional molting cycle. While some of these crabs will be removed from the population through predation or other natural causes, some of the crabs that would have been harvested at the smaller, less economically valuable size will now be caught at a larger, more economically valuable size. It is not possible to determine how great of a positive impact this will achieve for the industry.

Economic Impact on Small Businesses

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

The proposed action has a meaningful economic impact on small businesses. Please see analysis in Part A.II.D, referring to the regulated industry which is comprised of commercial licensees, some of whom are 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 Peeler Crab and Crabbing Gear Marking 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 will be held on Thursday, February 12, 2015, at 6 p.m., at the Wicomico Public Library, 122 S. Division Street, Room 4, Salisbury, MD 21801.

.03 Trotlines.

A. An individual may not set or fish a trotline within 100 feet of another individual's set [gear] *trotline, collapsible crab trap, or net ring.*

B.—D. (text unchanged)

E. Float Requirements.

(1)—(3) (text unchanged)

(4) Floats shall be marked with a buoy bearing the owner's [DNR id number.]:

(a) *DNRid number, if recreationally crabbing in the Chesapeake Bay or its tidal tributaries;*

(b) *Name and address, if recreationally crabbing in the Atlantic Ocean, its coastal bays, or their tidal tributaries; or*

(c) *Commercial license number.*

.06 Collapsible Crab Traps and Crab Net Rings.

A. An individual may not set or fish a crab net ring or collapsible crab trap within 100 feet of another individual's set [gear] *trotline, collapsible crab trap, or net ring.*

B.—C. (text unchanged)

D. A collapsible crab trap or crab net ring which is not attached to a pier, wharf, or boat shall be marked with a buoy bearing the owner's [DNRid number.]:

(1) *DNRid number, if recreationally crabbing in the Chesapeake Bay or its tidal tributaries;*

(2) *Name and address, if recreationally crabbing in the Atlantic Ocean, its coastal bays, or their tidal tributaries; or*

(3) *Commercial license number.*

.07 Crab Pots.

A.—C. (text unchanged)

D. General Requirements.

(1)—(2) (text unchanged)

(3) Notwithstanding §§E and G of this regulation, a crab pot set for recreational purposes shall be:

(a) (text unchanged)

(b) Marked with the owner's [DNRid number.]:

(i) *DNRid number, if crabbing in the Chesapeake Bay or its tidal tributaries; or*

(ii) *Name and address, if crabbing in the Atlantic Ocean, its coastal bays, or their tidal tributaries.*

(4)—(8) (text unchanged)

E.—H. (text unchanged)

.14 General Prohibitions.

A.—D. (text unchanged)

E. Notwithstanding Natural Resources Article, §4-809, Annotated Code of Maryland, a person may not:

(1)—(5) (text unchanged)

(6) [Catch] *Except as provided in §E(7) of this regulation, catch or possess more than 10 peeler crabs per bushel or more than 20 per float which are:*

(a) *Less than 3-1/4 inches across the shell from tip to tip of the spike during the period from April 1 through July 14; and*

(b) *Less than 3-1/2 inches across the shell from tip to tip of the spike during the period from July 15 through December 15; [or]*

(7) *Catch or possess more than 10 peeler crabs per bushel or more than 20 per float which are:*

(a) *Less than 3-1/4 inches across the shell from tip to tip of the spike during the period from April 1, 2015 through July 14, 2015 in the Atlantic Ocean, its coastal bays and their tributaries;*

(b) *Less than 3-1/2 inches across the shell from tip to tip of the spike during the period from July 15, 2015 through December 31, 2015 in the Atlantic Ocean, its coastal bays and their tributaries; and*

(c) *Less than 3-1/2 inches across the shell from tip to tip of the spike in the Chesapeake Bay and its tidal tributaries during the period from April 1, 2015 through December 15, 2015; or*

[(7)] (8) (text unchanged)

F.—G. (text unchanged)

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

Notice of Proposed Action

[15-054-P]

The Secretary of Natural Resources proposes to:

(1) Amend Regulation **.02** under **COMAR 08.02.05 Fish**; and

(2) Amend Regulations **.03** and **.04**, repeal existing Regulation **.07**, and adopt new Regulation **.07** under **COMAR 08.02.23 Shellfish Aquaculture and Leasing**.

Statement of Purpose

The purpose of this action is to update the list of violations for which a person may be suspended or revoked from shellfish aquaculture and implement a demonstration lease program. The proposed action adds a section to Regulation .04 that describes the reasons for denying, suspending or revoking a shellfish harvester permit or registration card. An appeal process has also been added. This allows the Department to take into account an individual's violations in other commercial fisheries when issuing a shellfish aquaculture harvester permit or registration card.

The proposed action repeals the current Regulation .07 and moves the items in that regulation to more appropriate locations. The proposed action clarifies fishing activities in a leased area. When the shellfish aquaculture chapter was adopted the regulations allowed for normal fishing activities in a leased area, including crabbing and