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DNR-FS-2023-06

SMALL BUSINESS COMPLIANCE GUIDE

Amendment to Subtitle 02 Fisheries Service

Regarding the Department's Regulations for Striped Bass — Elimination of Commercial Chesapeake Bay
Common Pool Fishery

COMAR 08.02.15.04, .05, and .07, Striped Bass

Released April 28, 2023

Updated October 6, 2023

This Guide is prepared in accordance with the requirements of State Government Article, §10-110, Annotated Code of Maryland. It is intended to help small businesses comply with the revised rules adopted in the above-referenced sections of the Code of Maryland Regulations. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small businesses, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply.

The Department will clarify or update the text of the Guide as an idea moves through the regulatory process. Direct your comments and recommendations, or calls for further assistance, to Fishing and Boating Services Regulatory Division:

410-260-8300

410-260-8DNR; toll free in Maryland 877-620-8DNR; TTY Users Call via the Maryland Relay

I. SUMMARY & FAQs

What was proposed?

The Department has proposed eliminating the Chesapeake Bay Common Pool commercial striped bass fishery. Doing this will mean that all individuals participating in the commercial striped bass fishery in the Chesapeake Bay would then participate in the Individual Transferrable Quota fishery.

Why is this change necessary?

The Chesapeake Bay Common Pool fishery represents a small fraction of the striped bass commercial industry overall. This derby style fishery depends on timely harvest reporting to adhere to quotas. As the common pool continues to get smaller, it becomes increasingly difficult to manage and puts us at risk of overharvesting.

Who will this affect?

This change could affect Commercial striped bass harvesters in the Chesapeake Bay.

Has this change been discussed with stakeholders?

This idea was discussed with the Striped Bass Industry Advisory Group at their November 2022 meeting and unanimously recommended to proceed. This idea was also scoped with the Sport Fisheries Advisory Commission and Tidal Fisheries Advisory Commission at their April 2023 meetings.

What is the specific regulatory action?

Amend Regulations .04, .05, and .07 under COMAR 08.02.15 Striped Bass.

II. RECORDKEEPING AND REPORTING REQUIREMENTS

This action would not create new recordkeeping or reporting requirements.

III. IMPLEMENTATION DATE

The Department projects that this change could be adopted before the license renewal in 2024 and effective for the 2025 striped bass commercial fishery. However, the exact date cannot be determined. The Department is following our normal proposal procedures.

During the scoping process, the Department gathers suggestions and ideas from stakeholders and others about how to solve a fishery problem or address a need. The goal of scoping is to identify issues, potential impacts, and reasonable alternatives associated with the issues so that management actions can be developed. After the public has had an opportunity to comment on possible management actions during the scoping process, the Department considers these comments and develops an appropriate management strategy. This proposal was scoped from (April 28, 2023 — May 14, 2023).

At the conclusion of the scoping process, the Department determined that this action is necessary and appropriate. The rules will be promulgated following the Administrative Procedures Act described in Title 10, Subtitle 1 of the State Government Article Annotated Code of Maryland.

- The General Assembly's Administrative, Executive, and Legislative Review Committee reviews the regulatory proposal for fiscal and legal analysis.
- The proposal is printed by the Division of State Documents in the Maryland Register.
- A 30 day public comment period begins on the day of publication. The proposed action was printed in the Maryland Register on October 6, 2023. The comment period will close at 11:59 p.m. November 6, 2023.
- After review of the comments, the Department may adopt the changes.
- If the Department adopts the changes, they become effective after a notice is published in the Maryland Register that announces approval and the effective date.