

PROPOSED ACTION ON REGULATIONS

1498

(4)	COMAR 08.02.25.02A—E and G	Gear Violation in Nontidal Waters
(5)	COMAR 08.02.25.03 A—E and G	Gear Violation in Tidal Waters

H. Tier V. The following violations are Tier V violations. A fishing guide who receives a conviction for a Tier V violation receives 25 points.

	Statute or Regulation	Description
(1)	(text unchanged)	
(2)	COMAR 08.02.15.03D	Targeting Striped Bass in Closed Area

I. Tier VI. The following violations are Tier VI violations. A fishing guide who receives a conviction for a Tier VI violation receives 30 points.

	Statute or Regulation	Description
(1)	(text unchanged)	
(2)	4-205.1, COMAR 08.02.19	Possession of a Nuisance or Prohibited Species — [10] 5 or More
(3)—(11)	(text unchanged)	
(12)	COMAR 08.02.03.15D	Failure to Obtain Crabbing Charter Decal
[(12)] (13)—[(48)] (49)	(text unchanged)	
(50)	COMAR 08.02.25.02F	Projectile Gear Violation in Nontidal Waters
(51)	COMAR 08.02.25.03F	Projectile Gear Violation in Tidal Waters
(52)	16 U.S.C. § 3371-3378	Lacey Act Violation (Misdemeanor)

J. Tier VII. The following violations are Tier VII violations. A fishing guide who receives a conviction for a Tier VII violation receives 35 points.

	Statute or Regulation	Description
(1)	16 U.S.C. § 3371-3378	Lacey Act Violation (Felony)

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.22 Sharks

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

Notice of Proposed Action
[14-373-P]

The Secretary of Natural Resources proposes to amend Regulation .03 under COMAR 08.02.22 Sharks.

Statement of Purpose

The purpose of this action is to address language regarding permitting in the commercial shark fishery. Upon guidance by the National Oceanographic and Atmospheric Administration (NOAA), there is no requirement to have a federal permit for a harvester licensed by the state of Maryland to commercially fish for sharks in State waters. A licensed Maryland fisherman must still sell the sharks to a federally permitted dealer, and anyone commercially harvesting in the Exclusive Economic Zone (EEZ) between 3 and 200 miles offshore of the coast must also be federally permitted. This action also addresses commercial catch limits, clarifying that a harvester with a federal shark permit may not catch more sharks than on his federal permit, but that a harvester without a federal shark permit does not have a catch limit when harvesting in State waters. Current regulatory text is confusing because it does not address catch limits for commercial harvesters who do not have federal shark permits. This action will not increase harvest pressure on sharks in State waters as commercial licensees without federal permits were already allowed to commercially harvest sharks in State waters without a permit.

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 Shark 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 January 12, 2015. A public hearing has not been scheduled.

.03 Commercial Fishery.

A.—B. (text unchanged)

C. Catch Limits. An individual who has been issued a federal shark permit issued under 50 CFR §635 may not harvest, possess, or land more sharks than authorized by the individual's federal shark permit.

D. (text unchanged)

E. General.

(1) Prior to harvesting or landing a shark for commercial purposes, an individual shall:

(a) Be authorized in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland.; and

(b) Obtain an appropriate shark permit from the National Oceanic and Atmospheric Administration.]

(2) A vessel which is used to catch, possess, or land any shark species listed in §A of this regulation for commercial purposes from the waters of the federal Exclusive Economic Zone (EEZ) of the

Atlantic Ocean, which are defined as those ocean waters between 3 and 200 miles offshore, shall be permitted by the National Marine Fisheries Service in accordance with 50 CFR §635.

[(2)] (3)—[(6)] (7) (text unchanged)

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

08.18.37 Department Managed Lakes

Authority: Natural Resources Article, §§8-703 and 8-704, Annotated Code of Maryland

Notice of Proposed Action

[14-381-P]

The Secretary of Natural Resources proposes to amend Regulations .01—.04 under COMAR 08.18.37 Department Managed Lakes.

Statement of Purpose

The purpose of this action is to update and clarify existing boating laws and coordinates of certain boundaries. This will ensure safe boating on Maryland's waterways.

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 Donna Morrow, Division Director, Clean Waterways, Facilities and Regulations Division, Maryland Department of Natural Resources — Boating Services, 580 Taylor Avenue, E/4, Annapolis, Maryland 21401, or call 410-260-8773, or email to Donna.Morrow@Maryland.gov, or fax to 410-260-8453. Comments will be accepted through January 12, 2015. A public hearing has not been scheduled.

.01 Smithville Lake.

A. Smithville Lake means the area of pooled water at the headwaters of Smithville Ditch, a tributary of Marshyhope Creek [(north of the dam at Opossum Hill Road)] *north of a line beginning at a point, at or near Lat. 38° 46.428' N., Long. 75° 43.852' W., then running 89° (True) to a point, at or near Lat. 38° 46.430' N., Long. 75° 43.742' W., in Caroline County, formed by the dam and the lake bottom.*

B. Smithville Lake has a 6-knot [(6.9 mph)] speed limit all year.

.02 Unicorn Mill Pond.

A. Unicorn Mill Pond means the area of pooled water at the headwaters of Unicorn Branch [(south of the dam at MD 313)] *east of a line beginning at a point, at or near Lat. 39° 14.863' N., Long. 75° 51.572' W., then running 90° (True) to a point, at or near Lat. 39° 14.863' N., Long. 75° 51.552' W., in Queen Anne's County, formed by the dam and lake bottom.*

B. Unicorn Mill Pond has a 6-knot [(6.9 mph)] speed limit all year.

.03 Urieville Community Lake.

A. Urieville Community Lake means the area of pooled water at the headwaters of Morgan Creek [(north of the dam at MD 213)] *northwest of a line beginning at a point, at or near Lat. 39° 16.740' N., Long. 76° 1.4700' W., then running 57° (True) to a point, at or near Lat. 39° 16.745' N., Long. 76° 1.460' W., in Kent County, formed by the dam and lake bottom.*

B. Urieville Community Lake has a 6-knot [(6.9 mph)] speed limit all year.

.04 Wye Mills Community Lake.

A. Wye Mills Community Lake means the area of pooled water at the headwaters of the Wye East River [(east of the dam at MD 213)] *east of a line beginning at a point, at or near Lat. 38° 56.585' N., Long. 76° 4.795' W., then running 223° (True) to a point, at or near Lat. 38° 56.567' N., Long. 76° 4.817' W., then running 189° (True) to a point, at or near Lat. 38° 56.515' N., Long. 76° 4.827' W., then running 142° (True) to a point, at or near Lat. 38° 56.495' N., Long. 76° 4.807' W., formed by the dam and lake bottom.*

B. Wye Mills Community Lake has a 6-knot [(6.9 mph)] speed limit all year.

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

08.18.38 Bush River

Authority: Natural Resources Article, §§8-703 and 8-704, Annotated Code of Maryland

Notice of Proposed Action

[14-380-P]

The Secretary of Natural Resources proposes to amend Regulations .01 and .02 under COMAR 08.18.38 Bush River.

Statement of Purpose

The purpose of this action is to update and clarify existing boating laws and coordinates of certain boundaries. This will ensure safe boating on Maryland's waterways.

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 Donna Morrow, Division Director, Clean Waterways, Facilities and Regulations Division, Maryland Department of Natural Resources — Boating Services, 580 Taylor Avenue, E/4, Annapolis, Maryland 21401, or call 410-260-8773, or email to Donna.Morrow@Maryland.gov, or fax to 410-260-8453. Comments will be accepted through January 12, 2015. A public hearing has not been scheduled.