



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary
Allan Fisher, Deputy Secretary

DNR-FS-2022-04

SMALL BUSINESS COMPLIANCE GUIDE
Amendment to Subtitle 02 Fisheries Service
Regarding the Department's Regulations for Gear
COMAR 08.02.25.01 and 08.02.25.06
Released April 20, 2022
Updated September 28, 2022

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 has been proposed?

The department has proposed adopting a definition for “shortline”, a specific type of finfish trotline gear used to harvest sharks. The department recently discovered that while shortlines are listed as an allowable gear in its shark regulations (COMAR 08.02.22.03), and finfish trotlines are defined and have specific rules (COMAR 08.02.25.01 and 08.02.25.06), the rules for finfish trotlines do not match the rules for shortlines required by the ASMFC Interstate Fishery Management Plan for Atlantic Coastal Sharks (2008).

The department would like to clarify that a shortline is a different type of finfish trotline and may only be used to harvest sharks in the Atlantic Ocean. The ASMFC Interstate Fishery Management Plan for Atlantic Coastal Sharks (2008) defines a shortline as being less than 500 yards (1,500 feet) in length and having 50 or fewer hooks. Additionally, the plan allows for a maximum of two shortlines per vessel. The department is also considering clarifying that sharks cannot be kept on a finfish trotline that does not meet the ASMFC Interstate Fishery Management Plan for Atlantic Coastal Sharks criteria of a shortline or follow the established bycatch reduction measures. Shortlines would be limited to the Atlantic Ocean unless used under the terms of a scientific collection permit. Limiting the use of shortlines to the Atlantic Ocean will avoid bycatch with protected/prohibited species and undersized sharks as well as gear conflicts in the coastal bays.

Why is this change necessary?

The department believes that the change is necessary to clarify that a shortline is a different type of finfish trotline and there are requirements that must be met in order to retain sharks. The clarification will also make it easier for a user to comply with the ASMFC Interstate Fishery Management Plan for Atlantic Coastal Sharks (2008).

Who will this affect?

This change would affect individuals who commercially harvest sharks with shortlines.

Has this change been discussed with advisory commissions?

This idea was scoped with the Sport Fisheries Advisory Commission and Tidal Fisheries Advisory Commission at their April 2022 meetings. Commissioners recommended moving forward with scoping.

What is the specific regulatory action?

Amend Regulations .01 and .06 under COMAR 08.02.25 Gear.

II. RECORDKEEPING AND REPORTING REQUIREMENTS

This action would not create any new recordkeeping or reporting requirements.

III. IMPLEMENTATION DATE

The department expects this change to be effective in the spring of 2023, however the exact date cannot be determined as the ASMFC Coastal Sharks Board needs to approve the clarification as well. The department will follow our normal scoping and 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. The idea for this proposal was scoped from April 20 — May 4, 2022.

At the conclusion of the scoping process, the department determined that the 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 September 23, 2022. The comment period will close at 11:59 p.m. October 24, 2022.
- 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.