

Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.25 Gear

Authority: Natural Resources Article, §4-221, Annotated Code of Maryland

Notice of Proposed Action

[22-174-P]

The Secretary of Natural Resources proposes to amend Regulation .06 under COMAR 08.02.25 Gear.

Statement of Purpose

The purpose of this action is to define a shortline as a specific type of finfish trotline and create specific rules for the gear. The action also removes the requirement for a commercial licensee to obtain a finfish trotline permit and submit additional reporting under that permit.

The ASMFC Interstate Fishery Management Plan for Atlantic Coastal Sharks (2008) describes a shortline as being less than 500 yards (1500 feet) in length and having 50 or fewer hooks, allowing for a maximum of two shortlines per vessel. Shortlines would be limited to the Atlantic Ocean unless a scientific collection permit exemption was granted.

The change is necessary to clarify that a shortline is a different type of finfish trotline, and some requirements must be met if used to retain sharks. The clarification will also make it easier for users to comply with the ASMFC Interstate Fishery Management Plan for Atlantic Coastal Sharks (2008).

This action will also remove the permit and reporting requirements for the commercial use of finfish trotlines. The finfish trotline permit was part of the Department's initial regulatory structure after the General Assembly first legalized the gear. Because it was a new gear in State waters, the Department, the General Assembly, and both commercial harvesters and recreational anglers all harbored some

level of concern that finfish trotlines might inadvertently catch striped bass or other unintended species, resulting in a potential conservation concern. By requiring the additional permit, the Department could gather additional data specific to commercial harvest with finfish trotline gear. The data collected from the other reporting by finfish trotline permit holders, and stakeholder feedback, indicates that none of the concerns have come to fruition. Between how the gear has been utilized by harvesters and the regulations the Department has enacted for the gear, the use of finfish trotlines overwhelmingly has resulted in the harvest of catfish with almost no bycatch. Therefore, the permit and the additional reporting submitted under the permit are no longer necessary.

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 Shortline and Finfish Trotline Regulations, Regulatory Staff, Department of Natural Resources, 580 Taylor Avenue, E-4, Annapolis, MD 21401, or call 410-260-8300, or submit comments at <https://dnr.maryland.gov/fisheries/pages/regulations/changes.aspx>. Comments will be accepted through October 24, 2022. A public hearing has not been scheduled.

.06 Commercial — Finfish Trotlines.

A.—B. (text unchanged)

C. [A] *Except as provided in §H of this regulation, a finfish trotline:*

(1)—(3) (text unchanged)

D. Float Requirements.

(1)—(2) (text unchanged)

(3) Floats that do not have a round or spherical shape shall be at least 12 inches long and [10] 7 inches wide.

(4) (text unchanged)

E. (text unchanged)

F. Area Restrictions. [A] *Except as provided in §H of this regulation, a finfish trotline:*

(1)—(2) (text unchanged)

G. (text unchanged)

[H. Finfish Trotline Permit.

(1) A finfish trotline permit may only be issued to a licensee who has met all reporting requirements as required by Natural Resources Article, §4-206, Annotated Code of Maryland, and this regulation.

(2) An individual may be issued only one finfish trotline permit.

(3) An individual shall have their finfish trotline permit in their possession while using a finfish trotline.

(4) A finfish trotline permit may not be transferred.

(5) Reporting and Penalties.

(a) In addition to the requirements of Natural Resources Article, §4-206, Annotated Code of Maryland, a finfish trotline permittee shall report in the manner specified by the Department.

(b) In addition to any other penalty established in COMAR 08.02.13, failure to comply with this regulation may result in the suspension of the current permit or the denial of a subsequent permit.

(c) Prior to suspending a permit under this regulation or denying an application for a permit, the Department shall give the licensee notice of its intended action and an opportunity to appear at a hearing conducted in accordance with the contested case procedures set forth in State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 08.01.04.]

H. Shortlines.

(1) Definition.

(a) *In this section, the following term has the meaning indicated.*

(b) *Term Defined. "Shortline" means a type of finfish trotline which meets the requirements of this section.*

(2) *A shortline may not exceed 1,500 feet in length.*

(3) *Hook Requirements. In addition to the hook requirements in §C of this regulation:*

(a) *A shortline may not have more than 50 hooks; and*

(b) *Any hook used on a shortline shall be corrodible.*

(4) *Allowed Area. A shortline may only be used in the Atlantic Ocean.*

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Title 09 MARYLAND DEPARTMENT OF LABOR

Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS

09.13.06 Minimum Standards of Practice

Authority: Business Occupations and Professions Article, §15-208(b)(4),
Annotated Code of Maryland

Notice of Proposed Action

[22-177-P]

The State Board for Professional Land Surveyors proposes to amend Regulations .02, .04, and .05 under COMAR 09.13.06 **Minimum Standards of Practice**. This action was considered by the State Board for Professional Land Surveyors at a public meeting held on May 4, 2022, notice of which was published on the Board's website pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to implement Ch. 432, Acts of 2021, as codified in Business Occupations and Professions Article, §15-301(b)(4), Annotated Code of Maryland, by providing additional definitions and clarifying requirements for the exemption of certain individuals from requiring a license as professional land surveyors for the exclusive purpose of determining topography and contours.

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 Zevi Thomas, Executive Director, State Board for Professional Land Surveyors, , Department of Labor, 1100 N. Eutaw Street, Baltimore, MD 21202, or call 410-230-6262, or email to zevi.thomas@maryland.gov, or fax to 410-962-8483. Comments will be accepted through October 26, 2022. A public hearing will be held October 12, 2022.

Open Meeting

Final action on the proposal will be considered by the Board for Professional Land Surveyors during a public meeting to be held on November 2, 2022, at 1100 Eutaw Street, Baltimore, MD 21201.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) *"Accurate and precise location" means a description of the position of a feature, object, or boundary that meets or exceeds the positional tolerance.*

[(1)] (2) (text unchanged).