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DNR-FS-2022-08

SMALL BUSINESS COMPLIANCE GUIDE
Amendment to Subtitle 02 Fisheries Service
Regarding the Department's Regulations for Projectile Gear
COMAR 08.02.25
Released August 1, 2022
Updated October 14, 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 is being considered?

The department is considering adding residences to the safety zone list for projectile gears, reducing the safety zone from 100 yards to 50 yards, and establishing that the length of retrieval lines may not exceed 35 yards.

Why is this change necessary?

Recreational bowfishing for Northern snakehead has become a popular activity in recent years. Many individuals who participate in this activity find snakeheads in small creeks and coves and fish for them at night. The increase in calls to department staff and Natural Resources Police has made the department aware of potential conflicts.

Currently, an individual who uses a projectile gear, as referenced in COMAR 08.02.25.02, .03, and .05, such as a bow and arrow or crossbow, must stay 100 yards away from a human being, a private or public swimming area, an international diving flag, an occupied duck blind, or another vessel, unless you first have permission from all people in those locations. Homes are not included in this list. Especially when fishing at night, it is difficult to know if a person is present in a house or on their property. By adding dwellings to the safety zone, the potential for an individual being present on the property is addressed. In conjunction with adding dwellings to the safety zone list, the department is considering reducing the safety zone from 100 yards to 50 yards and requiring that retrieval lines not be longer than 35 yards. Fifty yards is the minimum safety zone for archery hunting on land in many counties in the state. Additionally, retrieval lines currently in use are between 25 and 35 yards, meaning that a projectile would not be able to go past 35 yards. These three changes would result in enhanced public safety by including dwellings in the safety zone list and by limiting the maximum length of the retrieval line. The changes would also ensure that individuals engaged in the legal harvest of fish with projectile gear – typically invasive species such as Northern snakehead and blue catfish – will continue to be able to access waters and habitat types in which those species are found.

Who will this affect?

This change would affect commercial harvesters and recreational anglers who use projectile gears.

Has this change been discussed with advisory commissions?

This idea was first scoped with the Sport Fisheries Advisory Commission and Tidal Fisheries Advisory Commission at their July 2022 meetings. Commissioners recommended moving forward with scoping. Based on the feedback to that scoping, the idea was scoped again with the Sport Fisheries Advisory Commission and Tidal Fisheries Advisory Commission at their October 2022 meetings. Commissioners recommended moving forward with scoping the additional topics as well.

What is the specific regulatory action?

Amend Regulations .02, .03, and .05 under COMAR 08.02.25 Gear.

II. RECORDKEEPING AND REPORTING REQUIREMENTS

This action does not create new permit, recordkeeping or reporting requirements.

III. IMPLEMENTATION DATE

The department anticipates this change could be effective in the winter-spring of 2023. However, the exact date cannot be determined. The department will follow our normal scoping and proposal procedures if the action moves forward.

This idea is in the scoping process (October 14 — October 31). 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.

If 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.
- 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.