



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Acting Secretary

DNR-FS-2023-01

SMALL BUSINESS COMPLIANCE GUIDE
Amendment to Subtitle 02 Fisheries Service
Regarding the Department's Regulations for Blue Crabs – Hard Crab Tolerance Limits
COMAR 08.02.03.14
Released January 27, 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
Fax: 410-260-8310

I. SUMMARY & FAQs

What is being considered?

The Department is considering modifying the tolerance limits for undersized male hard crabs to six crabs per container smaller than a barrel. The current tolerance limit is five crabs per bushel and 13 crabs per barrel. The undersize tolerance limit for hard crabs stored in barrels and the tolerance limits for soft crabs and peeler crabs would remain the same.

Why is this change necessary?

Unlike mature female hard crabs harvested by commercial crabbers, male hard crabs harvested by either recreational or commercial harvesters are not currently required to be held in bushel baskets. Current regulations allow for up to five undersized crabs per bushel before there is a violation of the regulation. The undersized tolerance being “per bushel”, while male hard crabs are not required to be kept in a bushel, creates compliance and enforcement challenges. Setting the limits by container would make the tolerance limits more universally applicable. Since most alternate blue crab containers are larger than a bushel but smaller than a barrel, raising the undersized tolerance limit from five to six alleviates concerns associated with culling errors and/or carapace breakage during storage when crabs are being stored in containers other than bushels.

Who will this affect?

Anyone harvesting hard male blue crabs from Maryland waters.

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 January 2023 meetings.

What is the specific regulatory action?

Amend Regulation .14 under COMAR 08.02.03 General.

II. RECORDKEEPING AND REPORTING REQUIREMENTS

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

III. IMPLEMENTATION DATE

The Department anticipates this change could be effective in the summer 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 (January 27—February 12). 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.