

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Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken.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an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.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

08.02.15 Striped Bass

Authority: Natural Resources Article, §4-215, Annotated Code of Maryland

Notice of Proposed Action

[15-120-P]

The Secretary of Natural Resources proposes to amend Regulations .08 — .10 under **COMAR 08.02.15 Striped Bass**.

Statement of Purpose

The purpose of this action is to change the size limit for striped bass during the Chesapeake Bay recreational and charter spring trophy season to require any striped bass in possession to be between 28 inches and 36 inches, inclusive, or larger than 40 inches. This action will also increase the minimum size for striped bass in the Chesapeake Bay recreational and charter early/summer/fall season from 18 inches to 20 inches, and extend this season from December 15 to December 20. Lastly, this action will increase the minimum size for striped bass in Potomac River tributaries from 18 inches to 20 inches.

This action is necessary to implement management measures required by the Atlantic States Marine Fisheries Commission (ASMFC) to reduce the recreational harvest of striped bass during the Chesapeake Bay spring trophy and early/summer/fall seasons by 25 percent and 20.5 percent, respectively. In order to comply with this ASMFC mandate, regulations to curtail the harvest must be in effect by the start of the spring fishing season on April 18, 2015; for this reason, an emergency action identical to this proposed action has also been submitted.

The impetus for these measures began in October 2013, when ASMFC initiated Addendum IV to Amendment 6 to the Atlantic Striped Bass Interstate Fishery Management Plan. ASMFC scoped

Addendum IV at a public hearing on September 25, 2014 at Chesapeake College in Wye Mills. The Department also held an informational meeting to prepare stakeholders for the ASMFC hearing on September 18, 2014, at Anne Arundel Community College. Addendum IV was approved at the October 2014 meeting of ASMFC. As part of Addendum IV, Maryland is required to reduce the recreational harvest of striped bass during the Chesapeake Bay spring trophy and early/summer/fall seasons by 25 percent and 20.5 percent, respectively. The measures implemented by this action have been scoped with the public since October 2014, beginning with the Sport Fisheries Advisory Commission and including a public scoping meeting held on November 24, 2014. The measures in this action, which are projected to achieve the required reductions in harvest, were approved by the ASMFC Atlantic Striped Bass Technical Committee on March 17, 2015, after preliminary approval by the ASMFC Board at the January 2015 meeting.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The action may have an indeterminable negative economic impact.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
Trips on licensed charter boats	(-)	Indeterminable
E. On other industries or trade groups:		
	NONE	
F. Direct and indirect effects on public:		
(1) Decreased availability of legal-sized fish	(-)	Indeterminable
(2) Increased future availability	(+)	Indeterminable

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

D. This action may result in fewer customers booking trips with licensed charter boats, as it will likely make it more difficult to catch legal-sized striped bass. The extent to which this action will impact the booking of charter boats is indeterminable, as it is not possible to anticipate whether anglers will choose to limit their fishing. If anglers book charters for the experience of being on the water and view being able to take fish home as a secondary benefit, the action will not have as large an impact as it would if the primary purpose of anglers booking charter trips is to catch fish to take home to eat.

F(1). By creating a slot limit in the spring season that would require striped bass between 36 inches and 40 inches to be released, and by increasing the minimum size in the early and summer/fall fisheries from 18 inches to 20 inches, there will be fewer legal-sized striped bass for recreational anglers to catch. This may lead to lower angler satisfaction, as catching fish large enough to take home may be more difficult.

F(2). By creating a slot limit which requires certain sized fish to be released in the spring season there will be an increased likelihood of the spawning stock biomass (SSB) to grow. The SSB measures how many fish (measured in pounds) contribute to growing the striped bass population. By releasing fish that contribute to the SSB, the SSB has a higher likelihood of increasing. Recreational anglers will hopefully see future benefits from this measure in the form of increased availability of striped bass.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows. The proposed action will likely have an economic impact on licensed charter boats. The extent of the impact is indeterminable as the extent of this impact on recreational anglers' desire to book charter trips is not known. See Part A.II.D for further analysis.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Recreational Striped Bass 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 June 1, 2015. A public hearing has not been scheduled.

.08 Recreational and Charter Boat Spring Fishery.

A. (text unchanged)

B. [Minimum] Size Restrictions. A person may catch or possess striped bass during the spring season between [The minimum legal size for the spring season is] 28 inches and 36 inches, inclusive, total length, or 40 inches or larger, total length.

C.—E. (text unchanged)

.09 Recreational and Charter Boat Summer and Fall Fishery in the Chesapeake Bay and Its Tidal Tributaries.

A. Early Season.

(1) (text unchanged)

(2) Chesapeake Bay and Its Tidal Tributaries.

(a) (text unchanged)

(b) Catch Restrictions.

(i) (text unchanged)

(ii) A person may catch and possess two striped bass at least [18] 20 inches total length, only one of which may be greater than 28 inches total length.

(3) Susquehanna Flats and Northeast River.

(a) (text unchanged)

(b) Catch Restrictions.

(i) (text unchanged)

(ii) A person may catch and possess one striped bass between [18] 20 and 26 inches, inclusive, total length.

(iii) (text unchanged)

B. Summer and Fall Season.

(1) The recreational and charter boat summer and fall season for taking striped bass is June 1 through December [15] 20.

(2) (text unchanged)

(3) Catch Restrictions.

(a) (text unchanged)

(b) A person may catch and possess two striped bass at least [18] 20 inches total length, only one of which may be greater than 28 inches total length.

C. (text unchanged)

.10 Recreational and Charter Boat Summer and Fall Fishery for Maryland Tributaries of the Potomac River.

A.—B. (text unchanged)

C. Size Limit. A person may catch and possess two striped bass at least [18] 20 inches total length, only one of which may be greater than 28 inches total length.

MARK J. BELTON
Secretary of Natural Resources

**Title 10
DEPARTMENT OF HEALTH
AND MENTAL HYGIENE
Subtitle 27 BOARD OF NURSING**

10.27.11 Delegation of Nursing Functions

Authority: Health Occupations Article, §8-205(a)(1), Annotated Code of Maryland

Notice of Proposed Action

[15-126-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .01 under **COMAR 10.27.11 Delegation of Nursing Functions**. This action was considered and approved by the Board at its regular meeting on February 25, 2015, notice of which was placed on the Board's website on January 1 and February 1, 2015.