

# Title 08 DEPARTMENT OF NATURAL RESOURCES

## Subtitle 02 FISHERIES SERVICE

### 08.02.01 General

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

#### Notice of Proposed Action

[16-157-P-I]

The Secretary of Natural Resources proposes to amend Regulation .01 under **COMAR 08.02.01 General**.

#### Statement of Purpose

The purpose of this action is to add Amendment 1 to the Chesapeake Bay American Eel Fishery Management Plan and incorporate the amendment by reference.

The action amends the 1991 Chesapeake Bay American Eel Fishery Management Plan (FMP) to include a provision that recognizes the Atlantic States Marine Fisheries Commission's (ASMFC) management measures and ensures flexibility when regulatory requirements change. Amendment 1 includes a provision for the adoption of current and future management requirements established by ASMFC, an update of the current status of the eel resource, and a framework for managing and monitoring the eel fishery. The Fisheries Service's Plan Review Team reviewed the plan in 2014 and recommended that the 1991 American Eel FMP be amended to include a provision that recognizes ASMFC and ensures management flexibility when regulatory requirements change.

#### 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 American Eel Fishery Management Plan Amendment, Regulatory Staff, Department of Natural Resources, Fisheries Service, 580 Taylor Ave., B-2, 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 July 25, 2016. A public hearing has not been scheduled.

#### Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, Amendment 1 to the 1991 Chesapeake Bay American Eel Fishery Management Plan has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 43:1 Md. R. 10 (January 8, 2016), and is available online at [www.dsd.state.md.us](http://www.dsd.state.md.us). The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

### .01 Fishery Management Plans.

A. The following Chesapeake Bay Program Agreement Commitment Reports (Fishery Management Plans) are adopted and incorporated by reference:

(1)—(8) (text unchanged)

(9) Chesapeake Bay American Eel Fishery Management Plan (December 1991) and *Amendment 1 to the 1991 Chesapeake Bay American Eel Fishery Management Plan*;

(10)—(15) (text unchanged)

B.—C. (text unchanged)

MARK J. BELTON

Secretary of Natural Resources

## Subtitle 02 FISHERIES SERVICE

### 08.02.01 General

Authority: Natural Resources Article, §4-701, Annotated Code of Maryland

#### Notice of Proposed Action

[16-158-P]

The Secretary of Natural Resources proposes to amend Regulation .02 under **COMAR 08.02.01 General**.

#### Statement of Purpose

The purpose of this action is to remove the fee for a replacement license and clarify the identification requirements for commercial vessels and vehicles. Specifically, the proposed action removes the replacement license provision. The Department has not charged a replacement license fee for approximately 2 years because the COMPASS licensing system allows any licensee to print a license at any time without additional charges.

In Regulation .02, it is unclear if the rules about the display of identification numbers apply to commercial gear as well as vehicles, vessels, and places of business. The regulation is not intended for gear marking since placing a 4-inch number on most gear is difficult or impossible. Other regulations specify how gear is to be marked. The size requirement should apply only to vessels and vehicles. The proposed action clarifies the display of identification number for commercial vessels and vehicles and changes the minimum height requirement from 4 inches to 3 inches. Three-inch numbers are the standard size sold in stores as well as the standard used by the industry.

#### 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 Commercial License 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](mailto:fisheriespubliccomment.dnr@maryland.gov), or fax to 410-260-8310. Comments will be accepted through July 25, 2016. A public hearing has not been scheduled.

### .02 General Commercial License Requirements.

A. (text unchanged)

B. Identification Number.

(1) (text unchanged)

(2) Display of *Commercial Identification Number on Vessels and Vehicles.*

(a) The licensee's *commercial* identification number shall be plain vertical block characters of not less than [4] 3 inches in height and shall contrast with the color of the background.

(b) All numbers shall be distinctly visible and legible.

[(3)] (c) Display on Vessels.

(i) The licensee's *commercial* identification number shall be painted or firmly attached to both sides of the vessel.

(ii) The number shall be positioned on or above the hull, forward, but not on or near the bow, and in such a manner as to be clearly visible to passing boats.

[(4)] (d) Display on Vehicle.

(i) The licensee's *commercial* identification number shall be painted or firmly attached to the vehicle.

(ii) The number shall be positioned on the front part of the body on the driver's side.

[C. Replacement License. If a license is defaced, lost, or destroyed, the licensee shall apply for a replacement license within 7 days. The licensee shall submit an affidavit with the application certifying whether the license was defaced, lost, or destroyed. Upon receipt of this information and a \$5 service fee, the Department shall issue a replacement license.]

MARK J. BELTON  
Secretary of Natural Resources

**Subtitle 02 FISHERIES SERVICE**

**08.02.01 General**

Authority: Natural Resources Article, §4-212, Annotated Code of Maryland

**Notice of Proposed Action**

[16-159-P]

The Secretary of Natural Resources proposes to adopt new Regulation .15 under **COMAR 08.02.01 General**.

**Statement of Purpose**

The purpose of this action is to adopt a new regulation for scientific collection permits. Natural Resources Article, §4-212, Annotated Code of Maryland, was amended during the 2016 legislative session to clarify and make the section more consistent with the scientific collection section in the wildlife title of the Natural Resources Article. Some permits are issued jointly to permittees, and having the statutes more aligned and consistent makes the process easier for both the Department and the permittee.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposed action has an economic impact on the Department and on scientific collection permit applicants.

**II. Types of Economic Impact.**

	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude

- A. On issuing agency:
  - Permit fee (R-) \$585 per year
- B. On other State agencies: NONE

C. On local governments: NONE

Benefit Cost (-)	(+) Magnitude
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D. On regulated industries or trade groups:

Permit fee (+) \$15 per applicant

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

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

A. The Department received an average of \$2,125 per year from scientific collection application fees over the last 5 years. Reducing the application fee to be the same as Wildlife will reduce revenue by approximately \$585 per year.

D. The scientific collection permit application fee was reduced from \$25 to \$10 to be the same as Wildlife; therefore, saving each permit applicant \$15.

**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 Scientific Collection Permit 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 July 25, 2016. A public hearing has not been scheduled.

**.15 Scientific Collection Permits.**

A. *In accordance with Natural Resources Article, §4-212, Annotated Code of Maryland, a person shall obtain a scientific collection permit prior to collecting fish, fish eggs, shellfish, or aquatic invertebrates from the wild for scientific or educational purposes.*

B. *Application.*

(1) *A person shall apply for a scientific collection permit on a form provided by the Department.*

(2) *A person shall apply at least 45 days prior to when the activity is requested to begin.*

C. *The fee for a scientific collection permit is \$10 and shall be submitted with the application.*

D. *A permittee shall:*

(1) *Comply with all of the terms and conditions described on the permit; and*

(2) *Report to the Department as specified by their permit.*

E. *Denial or Revocation of a Scientific Collection Permit.*

(1) *In addition to any other penalty, failure to comply with the terms and conditions of the permit may result in the revocation of the current permit or the denial of a subsequent permit.*

(2) *Prior to denying an application for a permit or revoking a current permit, the Department shall give the permittee 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*