

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.)

D(1). Approximately 98,000 lbs. of striped bass (5 percent of the quota) remained unharvested in 2014. 114 permit holders didn't harvest any of their quota. The average ex-vessel price (the price received by the fisherman at point of landing) per pound of striped bass in 2014 was \$3.57. If those pounds had been landed, it would have meant an additional income of \$349,900 to the harvesters. There is no way to predict if the entire quota will be caught by adding this flexibility; therefore, the actual impact is indeterminable.

D(2). The value to the commercial industry increases from the ex-vessel price, calculated for the harvesters, when you factor in the added value to the fish dealers, packers, store fronts, and restaurants that buy and sell striped bass, but that total value is indeterminable.

**Economic Impact on Small Businesses**

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

This action may benefit commercial fishermen, fish dealers, packers, store fronts, and restaurants. Please see assumptions for details.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Striped Bass Gear, 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 January 27, 2016. A public hearing has not been scheduled.

**.07 Commercial Fishery.**

A.—B. (text unchanged)

C. Drift Gill Net Fishery Limitations.

(1) (text unchanged)

(2) In the tidal waters of the Chesapeake Bay and its tributaries:

(a) Only attended drift gill nets, as defined in COMAR [08.02.25.01B(15)] 08.02.25.01B, with a stretched mesh size of not less than 5 inches or greater than 7 inches are permitted for the taking of striped bass;

(b)—(d) (text unchanged)

(3)—(8) (text unchanged)

D.—E. (text unchanged)

F. General.

(1)—(6) (text unchanged)

(7) *Notwithstanding Natural Resources Article, §4-505, Annotated Code of Maryland, a tidal fish licensee may harvest striped bass from a gill net or pound net belonging to another licensee if:*

(a) *The licensee has permission of the gear owner;*

(b) *The gear owner is present at the net while the harvest occurs; and*

(c) *Both licensees are in possession of their tidal fish license.*

MARK J. BELTON  
Secretary 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**

[15-424-P]

The Secretary of Natural Resources proposes to amend Regulations .02 and .03 under **COMAR 08.02.25 Gear**.

**Statement of Purpose**

The purpose of this action is to expand the use of traps. Currently, minnow traps are only allowed to be used if tied off on your private property, or the private property of someone who has given you permission. Someone who does not own riparian property, or know someone that does own property, cannot catch their own minnows. The Department has heard from a number of people who have been frustrated by their inability to catch their own bait because of the land-ownership requirement. The proposed action allows the use of a trap on public property as long as the owner of the trap is present in the area and is attending the trap. The requirement for attending the trap is necessary because it is public property. Unattended gear on public property is not authorized. The proposed action also clarifies that the gear used for harvesting clams, crabs and oysters recreationally is specified elsewhere in statute and regulation. This chapter does not apply to those species.

**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 a positive economic impact on the regulated industry.

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

D. On regulated industries or trade groups:		
Recreational licensees	(+)	Indeterminable
E. On other industries or trade groups:		
Tackle shops/manufacturers	(+)	Indeterminable
F. Direct and indirect effects on public:	NONE	

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

D. Recreational users will now be able to use a small trap for bait purposes on public property.

E. By allowing the use of traps on public property, tackle shops and gear manufacturers may see a slight increase in their revenues as they are now able to sell more traps for use in the recreational fishery in Maryland. The amount of the impact is indeterminable and will depend on user demand.

**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 Minnow Traps, Regulatory Staff, Department of Natural Resources Fisheries Service, 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 January 27, 2015. A public hearing has not been scheduled.

**.02 Recreational Gear—Nontidal Waters.**

A. (text unchanged)

B. Traps.

(1)—(3) (text unchanged)

(4) A trap shall be set:

(a) [In front of the individual's property, or property belonging to another if an individual has received the landowner's permission, within] *Within* 100 feet of the shore, and:

(i) Attached by a line to the property, [or a privately owned] pier or dock; or

(ii) (text unchanged)

(b) (text unchanged)

(5) *If a trap is set on private property, the trap owner shall obtain the landowner's permission prior to setting the trap.*

(6) *If a trap is set on public property, the trap shall be set within 100 feet of the owner.*

C.—G. (text unchanged)

**.03 Recreational Gear—Tidal Waters.**

A. Recreational Gear.

(1) *Recreational gear for catching clams, crabs and oysters is regulated elsewhere in Natural Resources Article, Title 4, Annotated Code of Maryland and COMAR 08.02 and is excluded from this regulation.*

[(1)] (2) — [(2)] (3) (text unchanged)

B. Traps.

(1)—(2) (text unchanged)

(3) A trap shall be set:

(a) [In front of the individual's property, or property belonging to another if an individual has received the landowner's permission, within] *Within* 100 feet of the shore, and:

(i) Attached by a line to the property, [or a privately owned] pier or dock; or

(ii) (text unchanged)

(b) (text unchanged)

(4) *If a trap is set on private property, the trap owner shall obtain the landowner's permission prior to setting the trap.*

(5) *If a trap is set on public property, the trap shall be set within 100 feet of the owner.*

C.—G. (text unchanged)

MARK J. BELTON  
Secretary of Natural Resources

**Subtitle 03 WILDLIFE**

**08.03.02 Use of Wildlife Areas**

Authority: Natural Resources Article, §§10-205 and 10-808, Annotated Code of Maryland

**Notice of Proposed Action**

[15-423-P]

The Secretary of Natural Resources proposes to repeal existing Regulations .01—,29 and .31—,38, and adopt new Regulations .01—,29 under **COMAR 08.03.02 Use of Wildlife Areas**.

**Statement of Purpose**

The purpose of this action is to revise the regulations governing the Wildlife Management Area system. The Department of Natural Resources owns and manages 61 Wildlife Management Areas throughout the State, totaling over 120,000 acres. The primary purpose of the Wildlife Management Area system is to conserve and enhance diverse wildlife populations and associated habitats while providing for public enjoyment of the State's wildlife resources through hunting and other wildlife-dependent recreation. The proposed action repeals existing regulations governing these Wildlife Management Areas and replaces the existing regulations with new regulations, many of which are similar to the current regulations. The proposed replacement chapter provides an overall update to the use of Wildlife Management Area regulations. Significant updates include revising the list of Wildlife Management Areas, revising the list of public lands open to waterfowl hunting and describing any special regulations, describing permit hunt areas and updating the list of areas open to hunting with a permit, setting time of year parameters when a dog must be leashed on a Wildlife Management Area for the protection of ground nesting birds, setting a limit on the size of engines permitted on lakes located on Wildlife Management Areas, restricting the release of animals or plants on Wildlife Management Areas, and prohibiting grazing by livestock on Wildlife Management Areas.

**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 an impact on individuals with disabilities as follows:

This action will allow a disabled person to hunt on certain Wildlife Management Areas from a vehicle if they possess a valid hunting license and the Universal Disability Pass issued by the Department of Natural Resources.

**Opportunity for Public Comment**

Comments may be sent to Karina Stonesifer, Associate Director, Wildlife and Heritage Service, Department of Natural Resources, 12512 Pleasant Valley Road, Flintstone, MD 21530, or call 301-777-2136, or email to karina.stonesifer@maryland.gov, or fax to 301-777-2029. Comments will be accepted through January 27, 2016. A public hearing has not been scheduled.

**.01 Definitions.**

A. *In this chapter, the following terms have the meanings indicated.*