



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Mark Belton, Secretary
Joanne Throwe, Deputy Secretary

Meeting of the Tidal Fisheries Advisory Commission
October 26, 2017
Tawes State Office Building
C-1 Conference Room
Annapolis, MD 21401
2:30-5:30 p.m.

Preliminary Agenda*

- 2:30 - 2:40 Welcome, Announcements/Updates, Public Comment** – Michael Luisi, MD DNR and Billy Rice, TFAC Chairman
- Approve 2018 Meeting Dates and Times
- 2:40 - 2:50 NRP Activity Report and Priorities through Current Quarter, Sgt. Troy Brimer, MD NRP
- 2:50 – 3:30 Work Group and Committee Reporting, Michael Luisi and Lynn Fegley, MD DNR
- Commercial Striped Bass Industry Advisory Work Group
 - Blue Crab Advisory Committee
 - American Eel Work Group Update
 - Joint SFAC / TFAC Yellow Perch Work Group
- 3:30 - 4:20 Monitoring and Assessment Division - Michael Luisi and Lynn Fegley
- ASMFC / MAFMC Updates and Announcements
 - Commercial Coastal Forum - October 2 Meeting Report
 - Blue Catfish Trotline Update
- 4:20 – 4:50 Policy Program - Sarah Widman, MD DNR
- Regulatory and Scoping Update
 - Legislative Update – Pending
 - Fisheries Management Plans Timeline
- 4:50 - 5:15 Chesapeake Bay Programs Sustainable Fisheries Goal Implementation Team, an Overview – Bruce Vogt, NOAA
- 5:15 - 5:20 Oyster Advisory Commission, September 11 Meeting Report – Chris Judy, MD DNR
- 5:20 - 5:25 **Public Comment
- 5:25 - 5:30 Closing Remarks – Vice-Chair Moochie Glimer and Michael Luisi
- 5:30 Adjourn
-

*The Preliminary agenda is subject to change

**Public comment as time allows. Public observers will be allowed to address the commission at the designated time period on the agenda for each meeting. For topics on the agenda, the Chair will attempt to provide an opportunity for comment during the time allotted for the topic.

July Tidal Fisheries Actions and Motions

Action Items:

- ✓ Commissioner asked the department to review the Aquaculture Enterprise Zones within the Patuxent River and the ability of the local watermen's association to plant spat on shell within the zones during the spring.

Following up – The Aquaculture Coordinating Council scoped the idea of repealing the regulation that established the Patuxent River Aquaculture Enterprise Zones (AEZ's). The following is a summary:
The idea of repealing COMAR 08.02.23.05, which established Aquaculture Enterprise Zones in the Patuxent River, was scoped with the Aquaculture Coordinating Council on September 14. The department explained that the utility and usefulness of AEZs has been dramatically reduced since the lease laws were changed and consequently a leasing program within the AEZs has never been implemented. We also informed the members that there are a few prospective applicants interested in obtaining leases in one of the areas and that the Calvert County Oyster Committee is interested in planting a portion of the area for use in the public fishery.
In response, the Council membership approved a motion to support repeal of the regulation that established the two Aquaculture Enterprise Zones in the Patuxent River in order to remove the AEZ designation and open the area to leasing. In addition, a portion of the area would be available for planting by the oyster committee.
This idea was also supposed to be scoped at the next meeting of TFAC and SFAC before moving forward with any action. If all goes well with the remaining scoping, I would anticipate that it would be included in a future regulatory proposal and the areas will be open to leasing and planting sometime next year.
- ✓ Department will investigate and report out to commission on feasibility of giving commercial license holders the ability to change their beneficiary at any time. Currently, license holders can only change beneficiaries during the license renewal period.

Addressed
- ✓ Commissioner suggested adding an asterisk/star within Shellfish Closure books, the symbol would show location of shellfish leases, text on each page would inform user where to look online for detailed information of lease boundary.

Follow up - An online tool with lease coordinates was created and the link and associated information posted in the closure book. The link to the lease tool is here: <http://gisapps.dnr.state.md.us/ShellfishInformationPortal/>



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- ✓ Department will review and report out on whether or not having lease boundaries listed within Shellfish Closure books can substitute for buoys (in instances where buoys are missing).
Follow up – The department determined it is not feasible to include lease area boundaries with the Shellfish Closure books. Reasons for not adding lease coordinates to the books include: The addition would add a large number of pages to each book; the information would not be up to date; the online lease tool already contains a map with corresponding coordinates for each lease and is updated continuously; all surcharge-paying shellfish harvesters are now legally certifying that they "have been provided access to commercial shellfish aquaculture lease maps and coordinates in order to verify the location of leases prior to harvest." (form with wording available.)

Motions:

- *Commission supports giving commercial license holders the ability to change their beneficiary at any time, not just during the license renewal period.* Motion by Moochie Gilmer, seconded by Robert T. Brown. Vote in favor: 11, against: 0, abstained: 0

Proposed 2018 Tidal Fisheries Advisory Commission Meeting Dates & Times

- **Jan 25** **2-5pm**
- **Apr 26** **2-5pm**
- **Jul 26** **3-6pm**
- **Oct 18** **2-5pm**

Atlantic States Marine Fisheries Commission 2018 meeting dates

- Feb 6-8
- Apr 30-May 3
- Aug 7-9
- Oct 21-25, Tentative

Mid-Atlantic Fishery Management Council 2018 meeting dates

- Feb 13-15
- Apr 10-12
- Jun 5-7
- Aug 14-18
- Oct 2-4
- Dec 11-13

All meetings are tentatively scheduled to take place in the Tawes Office Building complex (DNR's main office).

Category	Charge	Citations
Tidal Fish	Fishing without Commercial Fishing license in possession	1
Tidal Fish	Fishing without Chesapeake Bay Sport Fishing license	133
Tidal Fish	Fishing without Chesapeake Bay Sport Fishing license in possession	27
Tidal Fish	Illegal possession of Striped Bass	1
Tidal Fish	Possession of undersize fish (general)	61
Tidal Fish	Possession of Striped Bass Closed Season	2
Tidal Fish	Possession of undersized Striped Bass	84
Tidal Fish	Possession in excess of daily creel limit- recreational	17
Tidal Fish	Catch/Possess Striped Bass before/after hours	19
Tidal Fish	Catching Striped Bass in a prohibited area	2
Crabs	Crabbing without a license	9
Crabs	Crabbing without license in possession	3
Crabs	Crabbing/possession of crabs during closed season	49
Crabs	Crabbing/setting gear before/after hours	15
Crabs	Possession of undersized crabs	82
Crabs	Exceeding daily limit of crabs (recreational)	2
Crabs	Crab pots set in a restricted area	1
Crabs	Crab pots improperly set (unmarked, channel, etc)	2
Crabs	Fail to allow inspection	8
Crabs	Illegal harvesting method	2
Crabs	Failure to mark collapsible crab trap/ring	1
Crabs	Crabbing on declared day off (com and rec)	2
Crabs	Set recreational crab pots without turtle reduction device	1
Crabs	Misc	19
Clams	Clamming on revoked license	2
Oysters	Oystering closed season	1

Date	Description	County
7/2/2017	Possession of 5 undersized striped bass/possession of striped bass before/after hours	Queen Anne
7/4/2017	Possession of 5 striped bass before/after hours	Queen Anne
7/28	Catch Striped Bass with hook and line on weekend	Queen Anne
8/4	Out of state possession of undersized crabs. 5 citations	Dorchester
8/6	Recreational possession of 51 undersized male hard crabs and 20 females	Queen Anne
8/14	Commercial possession of 56 undersized hard crabs	Dorchester
8/16	Commercial possession of undersized male hard crabs (19 bushels in violation)	Wicomico
8/17	Recreational crabbing without a license and over the limit (2 bushels returned to water)	Baltimore
8/18	Recreational possession of 6 undersized croaker	Queen Anne
8/26	Recreational possession of 8 striped bass before/after hours and undersized	Queen Anne
8/27	Recreational possession of 10 undersized black sea bass	Queen Anne
8/28	Recreational possession of 8 undersized and over the limit Striped Bass	Queen Anne
8/31	Commercial crabbing 60 minutes before legal hours	Queen Anne
9/1	Recreational possession of 14 undersized flounder	Queen Anne
9/4	Recreational possession of 8 undersized and over the limit Striped Bass	Dorchester
9/4	Recreational possession of 36 undersized White Perch (cast net)	Queen Anne
9/5	Commercial 20 crab pots set in a restricted area	Dorchester
9/7	Commercial crabbing 60 minutes before legal hours	Dorchester
9/8	Commercial crabbing without a license	Somerset
9/9	Commercial crabbing 60 minutes before legal hours	Queen Anne
9/15	Recreational possession of 26 undersized Striped Bass	Dorchester
9/16	Commercial crabbing before hours	Queen Anne
9/17	Recreational possession of 20 undersized and 13 over the limit Striped Bass	Queen Anne
9/22	Recreational possession of 13 undersized Striped Bass	Dorchester
9/24	Recreational possession of 92 undersized Striped Bass	Dorchester
9/25	Commercial 41 crab pots set in a restricted area	Dorchester
9/30	3 cases of undersized Striped Bass (18,10, and 31)	Dorchester
9/30	Recreational possession of undersized and over the limit Striped Bass	Somerset

For Review by the Maryland Tidal Fisheries Advisory Commission

October 26, 2017

**Recommendations and Outcomes from the Striped Bass Industry Workgroup (SBWG) meeting on
September 13, 2017 in Annapolis, Maryland**

Members present: Dale Kirkendall, Eddie Howes, Tom Ireland, Boo Powley, Robert T. Brown, Buddy Carson, John Motovidlak Sr., Billy Rice, Rachael Dean, Chuckie White (phone)

10 of 18 members present - Quorum

DNR staff present: Lynn Fegley, Carrie Kennedy, Chris Jones, Savannah Lewis , Mike Luisi, Bill Anderson

Main Agenda Item: Partial in-season transfers, business rules.

The striped bass workgroup has recommended that partial transfers of striped quota be allowed during the season. This will require regulatory changes. The workgroup has recommended that the department scope regulations which include the following business rules:

- 1) minimum transfer increments: **SBWG recommends a 350 pound minimum for both temporary and permanent OR whatever you have left. If transferring less than 350 pounds, all remaining quota must be transferred. Consensus, no vote.**
- 2) minimum transfer increments for temporary vs. permanent transactions: **SBWG recommends the same minimum transfer amount for temp and permanent transactions. (350 lbs. or everything that is left). consensus, no vote.**
- 3) transfer maximum for temporary and permanent partial in-season transfers: **SBWG recommends that we maintain the current 3,000 pound annual purchase cap for both temporary and permanent transactions. Vote: 9 in favor, 1 against.**
- 4) indentify a window when partial in-season transfers can occur: **SBWG recommends that temporary partial in-season transfers can happen from Jan 1 to Dec 15. The window for permanent can go as late as possible for DNR past Sept. 15. - DNR decides. Consensus, no vote.**
- 5) recommend responsible party for quota overage if temp transferee does not have permanent quota: **SBWG recommends that transferor is responsible if the transferee does not have enough quota to cover it. Consensus, no vote.**

Please be aware: We did not consider or discuss that movement of in-season partial quota between common pool and ITQ can't happen; these rules can only apply to in-season transfers of ITQ to ITQ or Common Pool to Common Pool. If you purchased common pool quota in-season as an ITQ permit holder, you would have to wait until the following year for the purchased share to be available to you.

Additional outcomes/recommendations from the workgroup

- 1) 2018 Chesapeake Bay quota over-allocation

After a presentation of fishery performance indicating that the fishery has not yet caught 100% of the Bay quota; and a discussion of risk the workgroup recommended to over-allocate the 2018 quota by 4%.

Motion for 4% over-allocation of 2018 Chesapeake Bay quota- Robert T. Brown, second by Boo Powley **Vote - unanimous - 10 in favor**

The department has proceeded to over-allocate the 2018 quota by 4% as per this recommendation. This level of over-allocation poses little risk and it was necessary to order tags prior to the date of the Oct 26 TFAC meeting to ensure timely delivery.

2) The workgroup discussed the idea of starting pound net and hook and line seasons two weeks earlier - on May 15. The group was divided on this issue and the following votes occurred.

All those in Favor of bringing a May 15 start date for pound nets to TFAC and SFAC for review: 5 / 10 in favor.

All those in Favor of bringing a May 15 start date for hook and line TFAC and SFAC for review: 6 / 10 in favor.

3) One member requested that the department explore the possibility of lengthening the amount of time that pound net poles can be left in the water from 30 days to 60 or 90 days without having to submit an exception request to the department. Staff have researched this issue and changing the 30 day window would require a legislative change.

4) The workgroup discussed the potential proposal to ASMFC to alter recreational striped bass regulations to reduce dead discards. The following motion was made:

Move that the striped bass industry group support conservation equivalency proposal to the ASMFC for the recreational fishery to help reduce dead discards, as long it does not impact commercial quota. by Dale Kirkendall, Seconded by Tom Ireland. 6 in favor, 2 opposed, 1 abstention. one member had left the meeting. The abstention was made by Rachel Dean due to her position as an ASMFC Commissioner.

ESTIMATING ECONOMIC BENEFITS OF ALLOWING A FLEXIBLE
WINDOW FOR MARYLAND PURCHASES OF SPONGE CRABS

Douglas Lipton
Department of Agricultural & Resource Economics
&
Maryland Sea Grant Extension Program
University of Maryland, College Park

Bill Sieling
Chesapeake Bay Seafood Industries Association

Executive Summary

We estimate that crabmeat industry revenues from processing sponge crabs can increase by at least 56% over the current estimated value of production, from \$1.6 million to \$2.5 million. This gain can be realized by moving from the current fixed opening of the season during which the Maryland industry can purchase sponge crabs to a flexible starting date to the season that lasts the same number of days as the current system. This change would have the added advantage of reducing the variability in revenues that come from processing sponge crabs. Our modeling of the decision to open the season is based on a minimum amount of information. It is expected that with more sophisticated analysis of the market situation during the season, experts can optimize the opening date and increase the revenues even further.

Background

This study is being conducted at the request of the Maryland Department of Natural Resources to determine the economic impact of allowing for a flexible start to the sponge crab purchasing season. It is illegal to harvest sponge crabs from Maryland waters at any time. However, prior to 2002, it was legal for Maryland seafood processors to purchase legally caught sponge crabs from out of state harvesters and dealers throughout the year. In 2002, new regulations were adopted so that Maryland seafood processors were only allowed to purchase and possess sponge crabs harvested out of state from approximately April 25th - July 5th, a period of 73 days.¹ A flexible start date would allow the season to begin later than the April 25th start, but it would still end 73 days later. The rationale for this change is that it would allow the Maryland crabmeat processing industry to take advantage of market conditions that are driven by high temporal variability in crab abundance and availability in the Chesapeake Bay, North Carolina and the Gulf of Mexico.

The Maryland Sea Grant Extension Program has been conducting an annual survey of Maryland crabmeat processors since 1999. The survey conducted in 2002 which collected data on crabmeat production in 2001 was expanded to include questions on utilization of sponge crabs in order to estimate the impact of, at that time, the proposed total ban on sponge crab possession.² In 2001 there were 30 active processing plants in Maryland and we received survey responses from 20. Those firms indicated that they produced about 2.2 million pounds of crabmeat with a wholesale value of \$23 million. In 2005 there were only 22 licensed plants remaining. These plants produced 2.4 million pounds worth \$17 million. The lower value is due

¹ These dates may change slightly from year to year.

²D. Lipton and S. Sullivan. 2002. The Economic Impact on Maryland's Crabmeat Processing Industry of Proposed Regulations: A Possession Restriction on Sponge Crabs and Crabs Smaller Than 5-1/4 Inches. Maryland Sea Grant Extension Publication UM-SG-SGEP-2002-01. College Park, MD.6pp.

to the fact that some of the larger remaining plants produce a lot of lower value claw meat such as claw meat.

The 2001 survey collected data on monthly use of sponge crabs as a percentage of total output (Table 1). Small plants (15 employees or less) rarely bought sponge crabs. They purchased a small amount in July and August, equal to about 6.4% of their total production. Medium size plants (16-40 employees) utilized some sponge crabs from April through August with the heaviest usage of 13-16% of total production occurring from May to July. Large plants (greater than 40 employees) utilized sponge crabs from May to October, and at least for that year, the majority of their production in July (52% of the processed value) and August (67%) was from sponge crabs. In 2001, which was a relatively poor year for crabmeat production in Maryland, we estimated that crabmeat from sponge crabs had a wholesale value of \$2.7 million, or 12% of the \$23 million worth of wholesale production for that year. Of that \$2.7 million worth of product, only 26% was purchased during the April-June period, which closely corresponds to the current period when sponge crab purchases are allowed. Based on 2001 blue crab availability and market conditions, the sponge crab purchase ban would have gone into effect just at the time in the season where crabmeat processors were looking to significantly increase their purchase of sponge crabs to augment their production.

Methodology

We employ a stochastic simulation technique (Monte Carlo modeling) using 2001 baseline production data updated to 2005 prices to determine the potential difference in industry income when comparing a fixed period of sponge crab purchases from April 25-June 5, as opposed to a floating 73-day window in which purchases are allowed. To simulate the variation

of sponge crab purchases during the fixed 73-day period, the daily production is modeled as a triangular probability distribution where the most likely value is derived from the monthly 2001 production. April daily production is modeled as a triangular probability distribution with a minimum daily value of zero, a most likely value equal to the price adjusted daily average for April from the 2001 survey, and the maximum value equal to the daily maximum observed in 2001. May production levels use April's most likely values for the minimum, the May average from the 2001 survey as the most likely value and the maximum from the 2001 data. Other months follow this pattern. A complete list of the parameters of the triangular distributions is presented in Table 2.

Monte Carlo simulations were run using the above triangular probability distributions of production for 1,000 randomly generated iterations, with production restricted to the April 24-July 5 period³. In a second simulation, the start of the season was allowed to randomly vary between April 24th and June 21st. June 21st was chosen as the latest date that the season would open so that the 73 day period would end no later than September 1. The 58 days between these two dates represent the dates on which the sponge crab purchasing season might begin. We used a random number generator to determine which of these 58 days the season would begin and then ran 1,000 simulations to determine the expected revenues. This latter scenario represents a naïve decision-making process for season opening, and thus represents a minimum improvement over what might be expected if the decision to open the sponge crab buying season was based on observations of crab landings and other market conditions.

The third scenario tries to capture at least part of the process for how a season opening might be determined based on information that the crabmeat processing industry and Maryland

³ A software program that works with Microsoft Excel spreadsheets called @RISK was used to perform these analyses

DNR might gather as the season progresses. For this scenario the program keeps track of the potential production each day that is being estimated by the triangular probability distribution. If the sponge crab season were open, this is the amount that the program is estimating would be purchased on that day. When the sum of the daily potential production that is not being purchased because the season is closed exceeds a threshold, purchasing begins the following day. Since it is not known what the threshold might be, this was also modeled as a triangular distribution with a minimum value of \$650,000, a most likely value of \$900,000 and a maximum value of \$1,000,000. This distribution tends to push the season opening later in the year, but was chosen because it never exceeded the maximum allowed opening date of June 21st.

Results

The status quo scenario simulates the crabmeat industry producing crabmeat from available sponge crabs from April 24th -July 5th. Mean production value for crabmeat from sponge crabs was approximately \$1.6 million. When the season start date was chosen randomly, the mean production value from the simulations was \$2.2 million. The scenario in which the industry chose the starting date based on the cumulative potential sponge crab production as the season progressed resulted in an average mean production value from sponge crabs of \$2.5 million. The mean starting date for the industry selected starting date was 46 days into the season, or around June 8th. The starting date ranged from as early as May 25th and as late as June 21st.

In addition to the benefit of an overall expected increase in industry revenue of \$600,000 with a random season opening and \$900,000 from a season opening chosen with market information, the industry also benefits from decreased variability in revenues. The coefficient of

variation (CV) is the ratio of the standard deviation to the mean and is a measure of the dispersion of the results. In the fixed window scenario, the CV is 5.3%. Not unexpectedly, the scenario when the opening day is selected at random has the highest dispersion in results with a CV of 16.8%. The scenario when the opening date is selected according to our decision rule has the lowest dispersion with a CV of 3.8%

Summary and Conclusions

Even a random opening date of the sponge crab purchasing season performs better in a simulation than the current fixed opening date. When the industry or some organization is allowed to select the opening date based on market information they are collecting they outperform both the random date opening and the current fixed date system. This is not surprising because they always have the option of selecting the current opening date in the random and selected opening date scenarios. They should be able to do at least as well as the fixed opening system. We estimate that the increase in industry revenue from adopting a flexible opening is about \$900,000, an increase of 56% over the status quo.

Table 1. Percentage of monthly crabmeat production due to sponge crab use in different size Maryland crabmeat processing plants in 2001. Total value of production was \$2.7 million.

	Apr	May	June	July	Aug	Sept	Oct	Nov
Small Plants	0%	0%	0%	6.4%	6.4%	0%	0%	0%
Medium Plants	0.7%	14%	16%	13%	6.7%	0%	0%	0%
Large Plants	0%	13%	28%	52%	67%	3.6%	1.6%	0%

Table 2. Parameters of triangular probability distributions of daily potential value of crabmeat production from sponge crabs.

	April	May	June	July	August
Minimum	0	366	6099	20935	39964
Most Likely	366	6099	20935	39964	47558
Maximum	47558	47558	47558	47558	47558

Table 3. Results of status quo, random starting date, and industry-selected starting date on industry revenues from sponge crabs. (In million dollars, CV=coefficient of variation.)

	Minimum	Mean	Maximum	CV
Fixed Opening	\$1.4	\$1.6	\$1.8	5.3%
Random Opening	\$1.4	\$2.2	\$2.9	16.8%
Selected Opening	\$2.2	\$2.5	\$2.8	3.8%

Fishing and Boating Services Regulatory Scoping October 2017

Please review the following possible regulatory changes. DNR is looking for your advice on how to proceed with scoping (i.e. open houses, web feedback only, etc.).

Blue Crabs

The department would like to make two changes to the commercial crab fishery.

1) The department is considering a change that would provide flexibility for importing sponge crabs.

The change was suggested by the Blue Crab Industry Advisory Committee.

Discussion: The industry has been asking the department for flexibility in the dates that sponge crabs are allowed to be imported to Maryland. The department developed management options for the importation of sponge crabs based on feedback received during the May 11, 2017 crab committee meeting and based on conversations with members of the industry over the past few years. The options were discussed at the Blue Crab Industry Advisory Committee meeting September 28, 2017. The committee supported the expansion of the sponge crab importation time frame from 71 days (April 25 - July 5) to 122 days (April 15 - August 15). This is intended to allow more flexibility for the crab processors in Maryland to acquire the necessary product for their businesses. The dates would be set in regulation and would not be modified on an annual basis.

Scoping Recommendation: Scope on the Department's website, GovDelivery Communications, Facebook and Twitter.

2) The department would like to change the size requirement for the abbreviation of the day off from 4 inches to 3 inches to be consistent with the rest of the commercial marking requirements.

Discussion: The size for the numbers required to mark commercial vessels was changed from 4 inches to 3 inches in 2016. The crab requirement was overlooked at the time. Three inch numbers and letters are the standard size sold in stores as well as the standard used by the industry.

Scoping Recommendation: Scope on the Department's website, GovDelivery Communications, Facebook and Twitter.

Cobia

The department plans to list cobia as in need of conservation and develop cobia regulations based on decisions from the Atlantic States Marine Fisheries Commission (ASMFC).

Discussion: Cobia (*Rachycentron canadum*) are caught in both state and federal waters along the Atlantic Coast and in the Chesapeake Bay. Cobia harvest has greatly exceeded its federal acceptable catch limit (ACL) over the past couple of years. As a result, changes in management are needed in order to protect against the potential negative impacts resulting from an unregulated fishery. The Atlantic States Marine Fisheries Commission's South Atlantic Management Board finalized an Interstate Fishery Management Plan for the Atlantic Migratory Group of Cobia in October 2017 which will complement fishery management efforts of the South Atlantic Fishery Management Council. To comply with the plan, Maryland will need to implement regulations. To adopt regulations, the department will need to declare cobia as in need of conservation. Listing cobia as in need of conservation was discussed in 2016, but the department did not move forward because there was not enough information to guide regulations. The addition of cobia to the in need of conservation list provides the Secretary of Natural Resources authority to adopt rules and regulations relating to the taking, possession, transportation, sale or offer for sale, size limits, and other regulations necessary to conserve the fish when federal recommendations are made.

Maryland has very low commercial and recreational landings for cobia, although it is gaining interest in all sectors in Chesapeake Bay. Availability is sporadic as we are at the Northern end of the fish's range. Maryland has already been identified as a de minimus state which means that we will not be subject to all of the requirements of the plan (e.g. quota monitoring).

The management plan will require Maryland to adopt the following regulations.

Recreational Regulations:

The plan allows Maryland to choose between two options for the recreational fishery.

Option 1

Size: 29" minimum fork length

Possession limit: 1 fish per vessel per day

Season: open all year

Option 2 — Implement identical regulations as Virginia. Virginia will make a final determination on its 2018 regulations in February although no significant changes are anticipated. Regulation for 2018 will likely be:

Size: 40" minimum total length (equivalent to 36" minimum fork length)

Possession limit: 1 fish per person per day, maximum of 3 fish per vessel per day

Season: June 1 through September 15

Commercial Regulations:

Size: 33" minimum fork length

Possession limit: 2 fish per person per day with a maximum of 6 fish

Season: Fishery will be closed by public notice when Federal waters are closed by National Marine Fisheries Service because the 50,000 pound coast wide catch limit has been projected to be attained. In 2017, the fishery closed in September.

Scoping Recommendation: Scope on the Department's website, GovDelivery Communications, Facebook and Twitter.

License Free Fishing Areas

The department is considering adding three new license free fishing areas. The Sport Fisheries Advisory Commission discussed the areas at their meeting in July and supported the suggestions.

Discussion: There are areas in Maryland that have been identified and established as license free fishing areas. An individual fishing in a license free fishing area is required to observe all fishing laws and regulations. A free angler registration is required for anglers fishing without a license in designated tidal license free fishing areas. An individual is exempt from all other license fees and requirements. The objective of license free fishing areas is to increase new participation in Maryland's recreational fishery and to provide safe and high quality fishing opportunities for families and subsistence anglers.

During the winter and spring of 2017, three local municipalities submitted requests asking the department to consider the addition of new license free fishing areas. The submissions were reviewed for potential fishing success, safety considerations (traffic, parking and security), accessibility, cleanliness, amenities and geographically distribution in relation to existing sites. On July 18, 2017, the areas were presented to the Sport Fisheries Advisory Commission. The commissioners recommended the following actions:

Approve the request and add the following areas:

- Cecil County — Ice House Park, Susquehanna River, Perryville (downstream/south of the boat ramp and the Route 40 Bridge, 411 Roundhouse Drive)
- Somerset County — Crisfield City Dock (end of West Main Street, City Dock/Depot area, 319 West Main St.)
- Caroline County — Greensboro Waterfront Park (Choptank River, Route 314, 218 E Sunset Ave.)

Additional Information: Current [List of License Free Fishing Areas](#)

Scoping Recommendation: Scope on the Department's website, GovDelivery Communications, Facebook and Twitter.

Striped Bass — Atlantic Commercial Fishery

After discussion with the Coastal Commercial Fisheries Forum on October 2, 2017, the department would like to allow partial in-season transfers of a commercial striped bass permittee's share or remaining allocation.

Discussion: The Coastal Commercial Fisheries Forum was held on October 2, 2017 and discussed the need for tools to allow more of the Atlantic quota to be harvested. Allowing in-season transfers would potentially allow more of the Atlantic striped bass quota to be harvested. For this discussion, a “transferor” is the person sending away the share/allocation and a “transferee” is the person receiving the share/allocation. These rule suggestions only apply to partial transfers of the transferor’s share or remaining allocation and do not change the rules for pre-season transfers or in-season transfers of the entirety of a person’s remaining allocation/share.

1. In-season Permanent Transfers of Shares – Use a pre-season public notice to set the time period in which partial in-season permanent transfers of the transferor’s share is transferred. In-season transfers of the transferor’s entire business would not be affected and could still be done at any time.
2. In-season Temporary Transfers of Allocation (Pounds)
 - a. Use a pre-season public notice to set the time period in which partial in-season temporary transfers of the transferor’s allocation is transferred. In-season transfers of the transferor’s entire allocation would not be affected and could still be done at any time.
 - b. If the transferee in an in-season allocation transfer began the quota year with zero pounds, the transferor is responsible for any overage incurred by the transferee.
 - c. If the transferee in an in-season allocation transfer began the year holding a share of the commercial striped bass fishery, the transferor is responsible for any overage in excess of the share held by the transferee.
3. Use a pre-season public notice to establish the increment in which an individual’s share or allocation would need to be transferred in a partial in-season transfer of the transferor’s share/allocation (i.e. transfers must be done in 350 pound increments). Increments would be established based on the average number of pounds of striped bass that could be tagged by a sealed, unbroken bag of tags. Transfers would have to be done in these increments (i.e. 350 pounds, 700 pounds, 1050 pounds, etc.). If an individual wanted to transfer less than the established increment, the entire amount of the individual’s remaining share/allocation would need to be transferred.
4. An individual transferring a share/allocation in a partial in-season transfer must transfer striped bass tags in the original factory-sealed bag, in unbroken form.

Scoping Recommendation: Scope on the Department’s website, GovDelivery Communications, Facebook and Twitter.

Submerged Aquatic Vegetation

The department intends to update the delineations of Submerged Aquatic Vegetation (SAV) Protection Zones.

Discussion: Updates to the zones are required by Natural Resources Article, §4-1006.1, Annotated Code of Maryland. Updates will be made to current SAV protection zones and new SAV protection zones will be created based on survey results completed by the Virginia Institute of Marine Science. As required by Natural Resources Article, §4-1006.1, Annotated Code of Maryland, no net loss or gain of protected area will occur and using a hydraulic clam dredge, bottom dredge or shinnecock rake in a submerged aquatic vegetation protection zone remains prohibited.

Expansion:

- Areas in protection zones located in St. Mary’s River (St. Mary’s) could be expanded
- Areas to be added as submerged aquatic vegetation protection zones include:
- portions of the Chester River (Kent and Queen Anne's)
 - portions of Eastern Bay (Queen Anne's and Talbot)
 - portions of Patuxent River near Broomes Island and Drum Pt. (Calvert)

Potential areas previously classified as submerged aquatic vegetation protection zones that may be removed and therefore opened to shellfish harvest include:

- Calvert Bay and Creek (St. Mary's)
- areas surrounding Tilghman Island (Talbot)
- areas surrounding Deal Island (Somerset)

Additional Information: Please see maps for areas being proposed for change.

Scoping Recommendation: Scope on the Department's website, GovDelivery Communications, Facebook and Twitter.

Penalty Systems — Updates to Commercial, Recreational and Dealer Penalties

Annual changes based on the penalty workgroup meeting that was held June 15, 2017

Commercial Changes

1. Add upper tier for soft-shell clam violations at 2 bushels or more with at least 25% undersized clams – Tier II (10 points/30 day suspension)
2. Add penalty for failure to refrigerate soft-shell clams – 5 points (no immediate suspension)
3. Add tier for setting crab pots in restricted areas – setting 50 or more pots in an area – Tier III (15 points/60 days)
4. Tier out egg-bearing female crab violations
 - a. 10 – 39 crabs/bushel = Tier II (10 points/30 days)
 - b. 40 or more crabs/bushel = Tier III (15 points/60 days)
5. Add black sea bass violations to penalty schedule (mirrors summer flounder penalties)
 - a. 20-49% over catch limit = Tier I (5 points/no immediate suspension)
 - b. 50-99% over catch limit = Tier II (10 points/30 day suspension)
 - c. 100% or more over catch limit = Tier III (15 points/60 day suspension)
6. Housekeeping: Add Natural Resources Article, §4-1009.1, Annotated Code of Maryland as an authority for oyster catch limit violations in Harvest Reserve Areas

Recreational Changes

1. Amend language in COMAR 08.02.13.05C to make it more clear that when suspended, an individual cannot fish
2. Add exceeding the recreational oyster daily catch limit = 90 days
3. Add exceeding 2 crab pots/property: More than 5 pots = 90 days
4. Add violations for egg-bearing female crabs at same penalty levels as other female crab violations
5. Add tiers for striped bass – currently maxes out at 1 year/violation (4 or more fish) – change to:
 - a. 4-9 fish: 1 year
 - b. 10-19 fish: 2 years
 - c. 20 or more fish: 5 years
6. Add snapper/grouper violations
 - a. 4-6 fish: 90 days
 - b. 7-10 fish: 180 days
 - c. 11 or more fish: 1 year
7. Add Youghiogheny Reservoir violations to penalty schedule at similar levels as other nontidal violations
8. Add penalties for using prohibited gear in a fly-only or artificial lure-only area at same level as using prohibited gear/bait in a delayed harvest area (1 year)
9. Housekeeping: Add Natural Resources Article, §§4-734 and 4-735, Annotated Code of Maryland as authority for black bass, chain pickerel, and bluefish violations

Dealer Change

Add buy ticket violations (i.e. failure to complete buy ticket, failure to pay taxes, providing false information) at similar level as harvester buy ticket violations (10 points/30 days)

Fishing and Boating Services Regulatory & Penalty Update

Dates Covered: 7/12/17 to 9/30/17

Public Notices Issued

View Public Notices at http://dnr.maryland.gov/Fisheries/Pages/Pub_Notices.aspx

- American Eel
 - 2017 Commercial Eel Season Modification — Posted on website 8/25/17
- Blue Crab
 - Public Hearing on Proposed Blue Crab Regulations — Posted on website 7/26/17
- Horseshoe Crab
 - 2017 Commercial Horseshoe Crab Fishery Closure — Posted on website 8/15/17
 - 2017 Commercial Horseshoe Crab Fishery Catch Limits — Posted on website 9/15/17
- Shark
 - 2017 Commercial Large Coastal Shark Catch Limits — Effective 7/20/17 — Posted on website 7/18/2017
- Shellfish Aquaculture
 - Application for Shellfish Aquaculture Lease – James K. Pokrandt & PJH Oyster Leases, LLC — Wicomico Co. — Posted on website 7/13/2017
 - Application for Shellfish Aquaculture Lease – MD Water Holdings, LLC — Posted on website 8/3/2017
 - Application for Shellfish Aquaculture Leases – MD Water Holdings, LLC - 355a and 355b — Posted on website 8/3/2017
 - Application for Shellfish Aquaculture Lease – Philip Plack — Posted on website 8/10/2017
 - Application for Shellfish Aquaculture Leases – Harold A. Mcbee, Jr. & Brian Connelly — Posted on website 8/17/2017
 - Application for Shellfish Aquaculture Lease – Robert T. Brown, Sr., Jason G. Brown & Victoria M. Brown — Wicomico Co. — Posted on website 8/24/2017
 - Application for Shellfish Aquaculture Lease — Honest Oysters of Maryland, LLC — Posted on website 8/29/17
 - Application for Shellfish Aquaculture Lease – PJH Oyster Leases, LLC & Philip J. Harrington, III — Wicomico County — Posted on website 9/7/2017
 - Application for Shellfish Aquaculture Lease – Stuart E. Dawson & Mary Julia Dubois — Talbot County — Posted on website 9/7/2017
 - Application for Shellfish Aquaculture Lease — Rose Stone Oysters, LLC — St. Mary's County — Posted on website 9/14/17
- Shellfish Closures/Openings
 - Partial Closure of Public Shellfish Fishery Area 136 — Posted on website 9/19/2017
- Striped Bass
 - Commercial Striped Bass Common Pool Hook and Line Season Modification — Posted on website 7/28/2017
 - Commercial Striped Bass Common Pool Hook and Line Season Modification — Posted on website 8/31/2017

Regulations that became Effective

View regulations at <http://dnr.maryland.gov/fisheries/Pages/regulations/changes.aspx>

- Striped Bass — 08.02.15.04 — Effective 7/17/17 — change declaration period
- Spiny Dogfish — 08.02.05.24 — Effective 8/28/17 — commercial eligibility/declaration
- Smoothhound Sharks — 08.02.22.03 — Effective 9/11/17 — commercial catch composition
- Blue Crabs — Proposed — 08.02.03.11 and .12 — Effective 9/25/17 — extended harvest times for certain dates — No action by AELR on the Emergency Action

Regulations that have been Proposed and are Following the APA Process

View Maryland Register at <http://www.dsd.state.md.us/MDR/mdregister.html>

View Proposed Regulations at <http://dnr.maryland.gov/fisheries/Pages/regulations/changes.aspx>

- Oysters — Proposed — 08.02.04.17
Maryland Register 10/13/17, Comment Period Ends 11/13/17, Scheduled Effective 12/18/17
Declassification of PSFA 109 and 110. Incorporation by Reference of Public Shellfish Fishery Areas of the Chesapeake Bay and Its Tidal Tributaries (November 2016)
- Gear — Proposed — 08.02.03.07; 08.02.05.01, .02, .07; 08.02.15.04, .07; 08.02.25.04—.07
Maryland Register 10/27/17, Comment Period Ends 11/27/17, Scheduled Effective 1/1/18
Allows sharing of commercial gear. Required amendments to several regulations.
- Clams/Oysters — Proposed — 08.02.02.12; 08.02.04.15; 08.02.07.03
Maryland Register 11/13/17, Comment Period Ends 12/13/17, Scheduled Effective 1/29/18
Allows clamming in the Chester Oyster Recovery Area Zone A Sanctuary

Emergency Regulations in Effect

- None

Commercial Fishing Suspension and Revocation List

Last updated 9/13/17. View List at




http://dnr.maryland.gov/fisheries/Documents/Commercial_SuspensionsRevocations.pdf

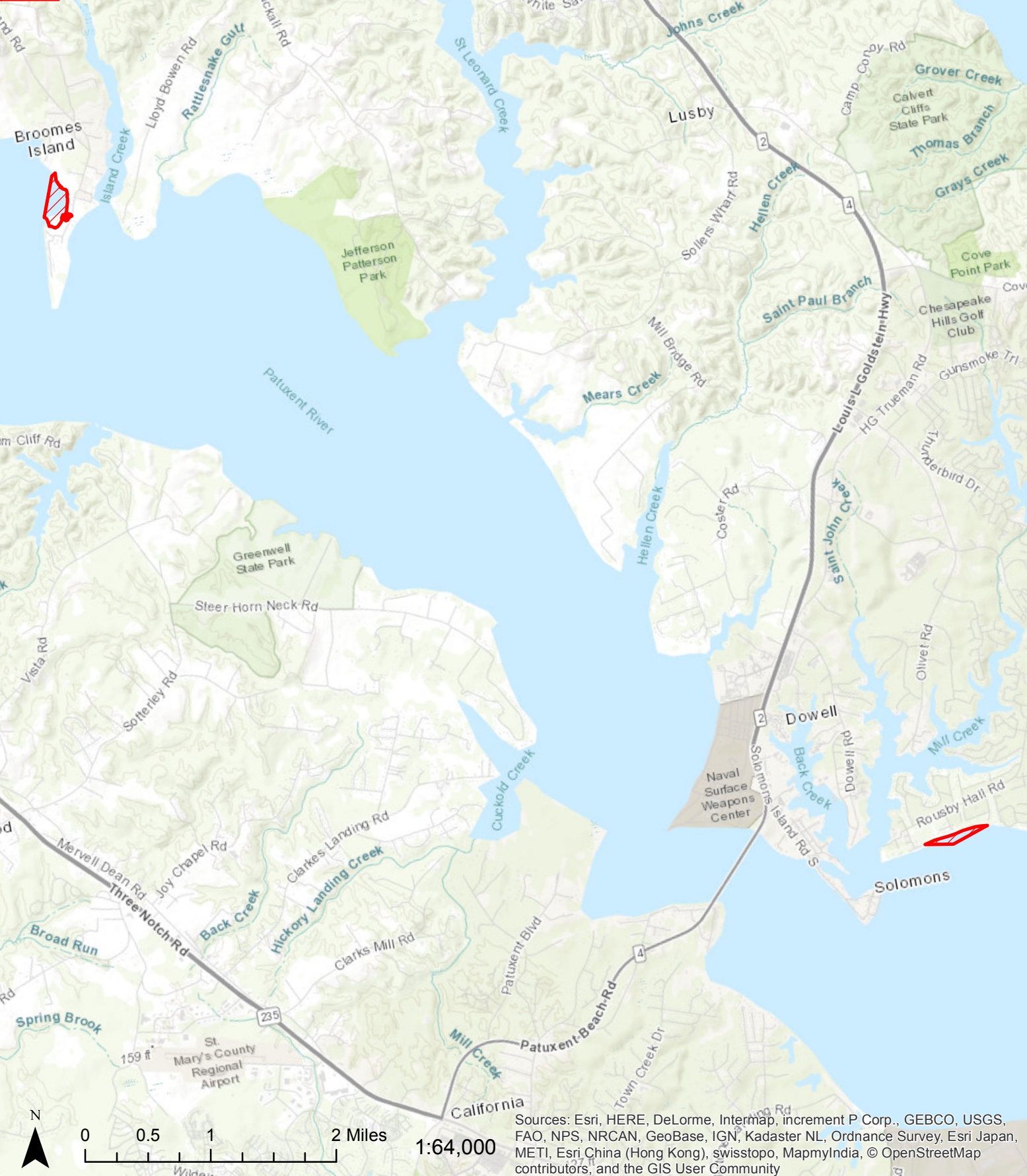
Recreational Fishing Suspension and Revocation List

Last updated 8/31/17. View List at

<http://dnr.maryland.gov/fisheries/Documents/RecSuspensions.pdf>




Calvert County SAV Protection Zones

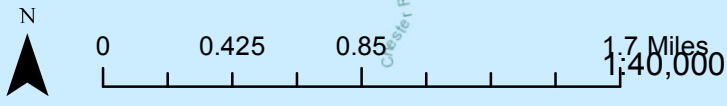
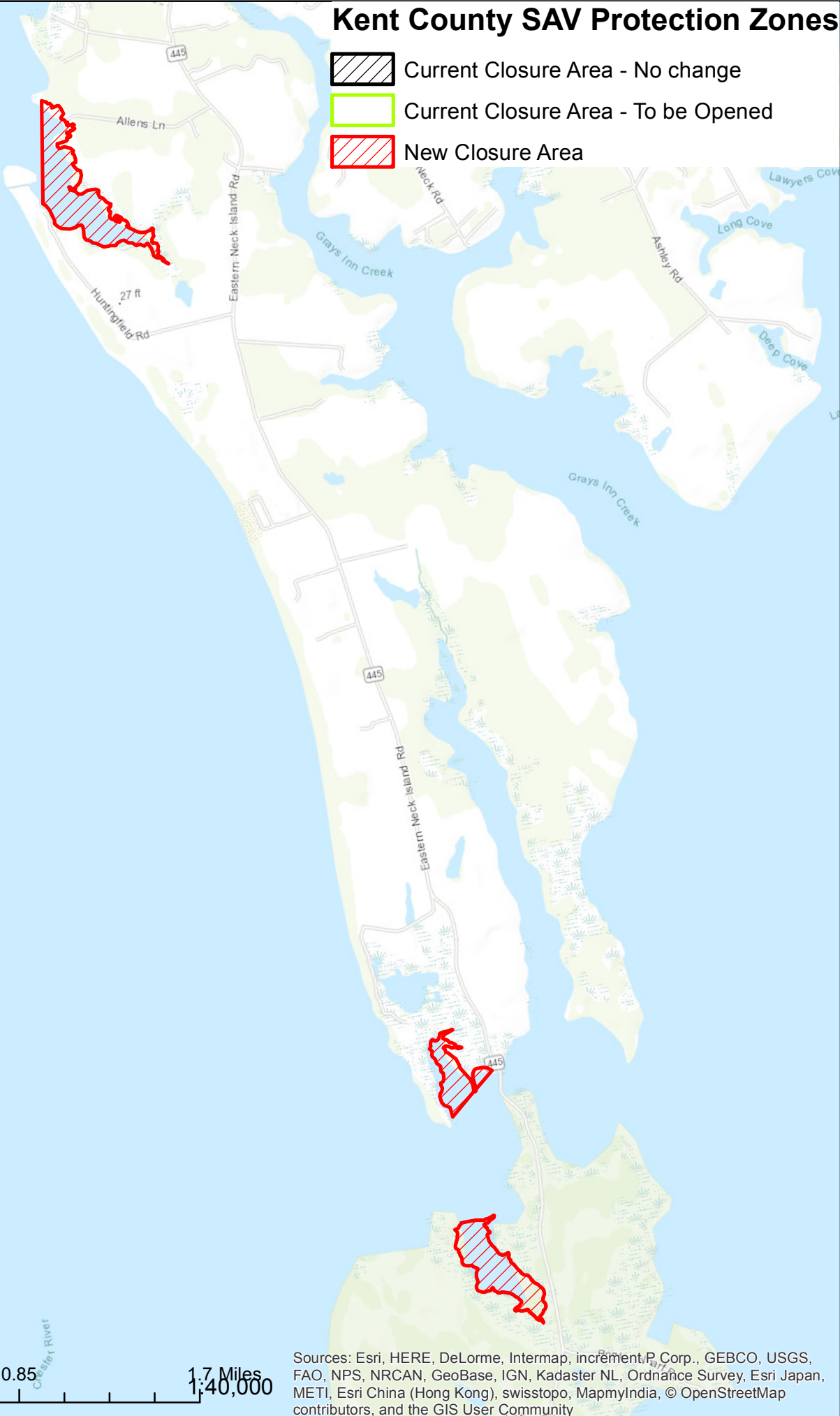
-  Current Closure Area - No change
-  Current Closure Area - To be Opened
-  New Closure Area



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community




Kent County SAV Protection Zones

-  Current Closure Area - No change
-  Current Closure Area - To be Opened
-  New Closure Area



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community




Chester River SAV Protection Zones (Queen Anne's and Kent Counties)

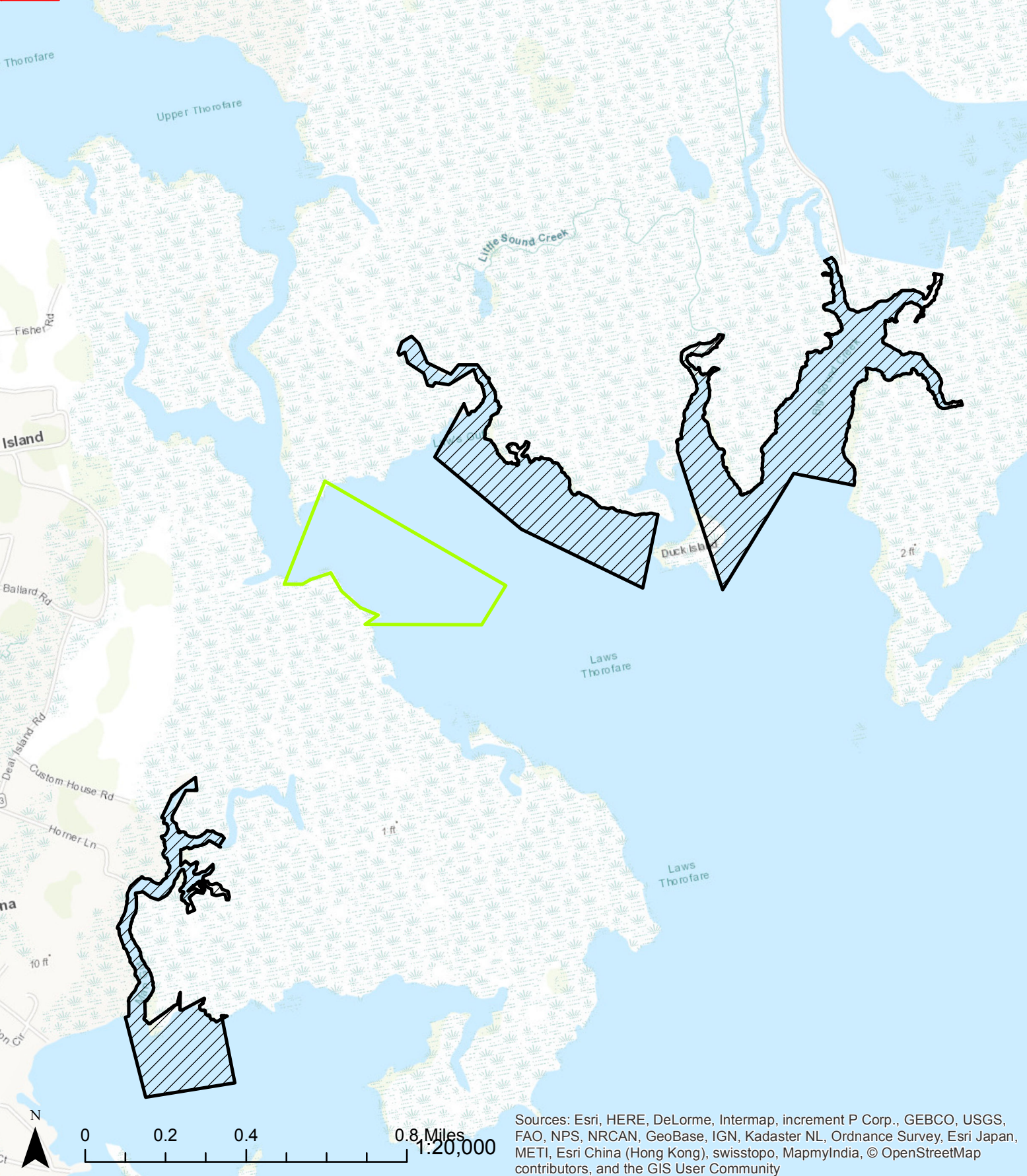
-  Current Closure Area - No change
-  Current Closure Area - To be Opened
-  New Closure Area






Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

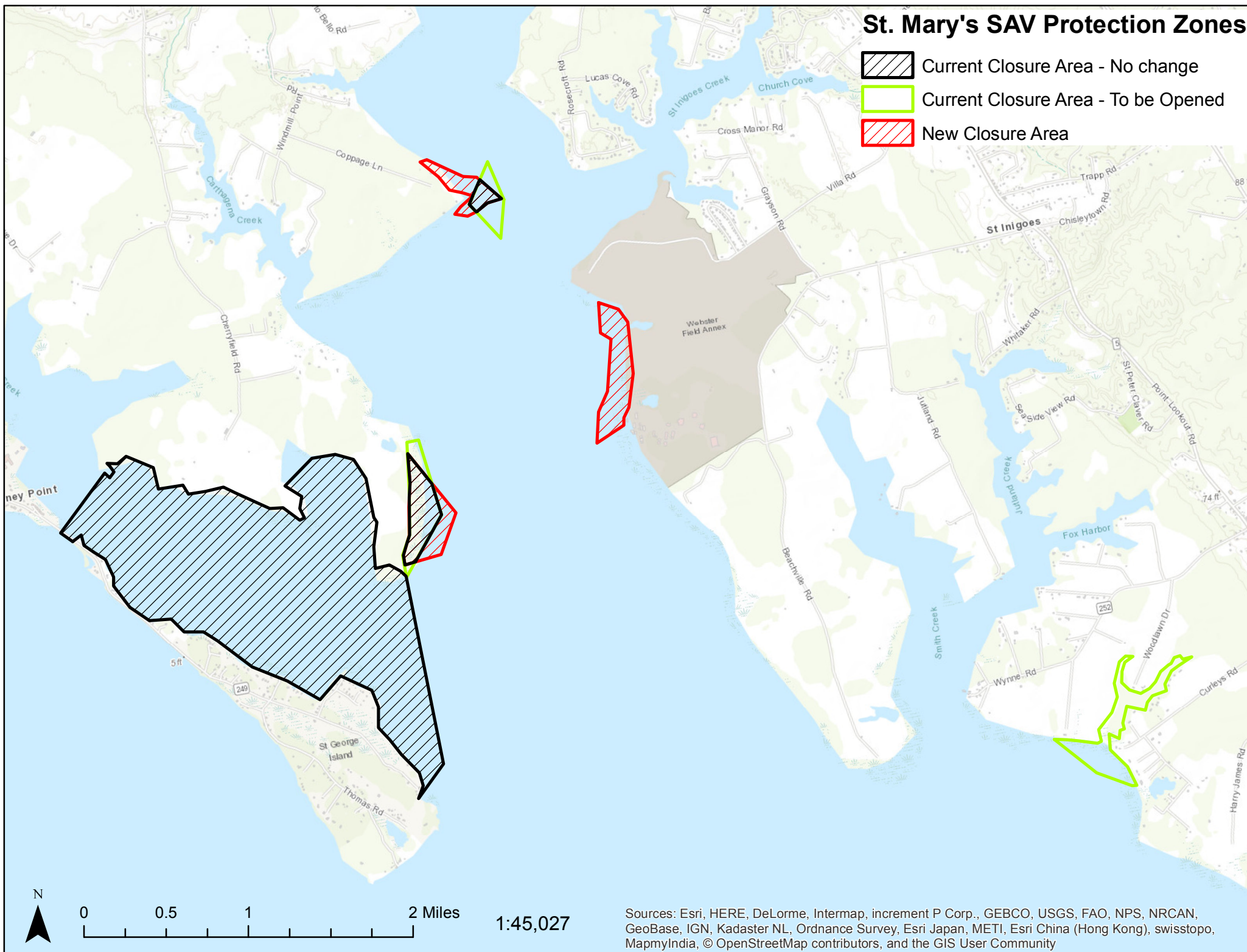
Somerset County SAV Protection Zones

-  Current Closure Area - No change
-  Current Closure Area - To be Opened
-  New Closure Area






St. Mary's SAV Protection Zones

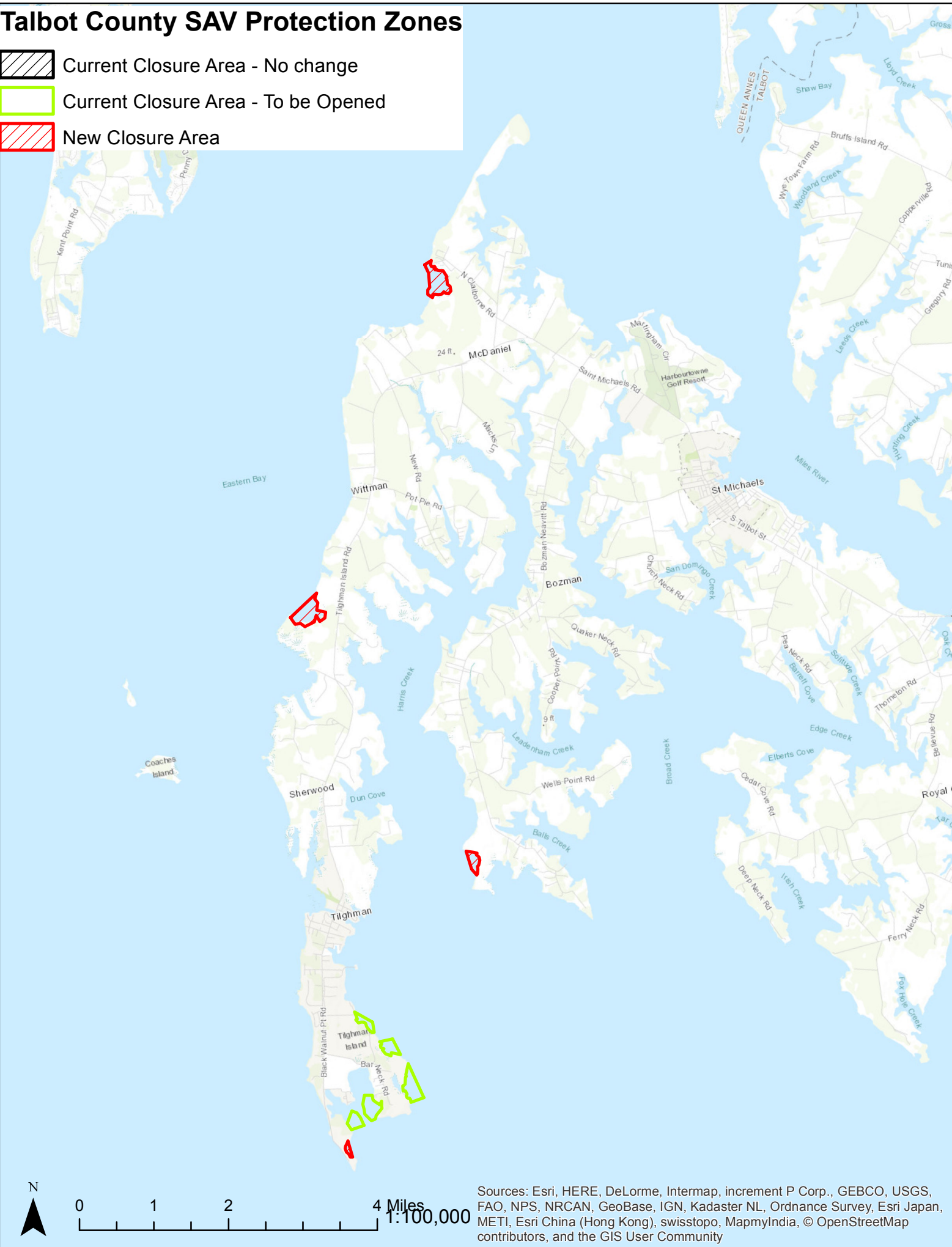
-  Current Closure Area - No change
-  Current Closure Area - To be Opened
-  New Closure Area



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Talbot County SAV Protection Zones

-  Current Closure Area - No change
-  Current Closure Area - To be Opened
-  New Closure Area





Maryland Department of Natural Resources

☐ Oyster Harvester Surcharge

Initials: _____ I hereby certify under penalty of perjury that I have received from the Department of Natural Resources **Wild Shellfish Harvest Tags**, which must be affixed to each bushel of oysters in accordance with COMAR 08.02.04.04.

☐ Clam Harvester Declaration

Initials: _____ During the 2017-2018 license year, **I intend to harvest clams** (check all that apply):

- ☐ *Mya arenaria* (Soft-shell clam)
 - ☐ *Tagelus plebeius* (Razor clam)
 - ☐ *Mercenaria mercenaria* (Hard-shell clam)
-

I hereby **acknowledge my responsibility** as a licensed shellfish harvester **to know and comply with all laws** governing shellfish including harvesting, reporting requirements, and restrictions related to shellfish harvesting gear.

I hereby certify under penalty of perjury that I have received from the Department of Natural Resources **maps and coordinates** of oyster sanctuaries, closed oyster harvest reserve areas, areas closed to shellfish harvest by the Department of the Environment, and National Shellfish Sanitation Program-required shellfish harvest, handling, and transportation training. I also certify that I have been provided access to commercial shellfish aquaculture lease maps and coordinates in order to know the location of leases prior to harvest.

I certify under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information and belief.

Printed Name

Date

Signature

License # _____

For Office Use Only

- | | |
|---|---|
| <input type="checkbox"/> Unlimited Tidal Fish | <input type="checkbox"/> Clam Harvester |
| <input type="checkbox"/> Oyster Harvester | <input type="checkbox"/> Oyster Dredge Boat |

Rev: 6/17

☐ This is a license transferee