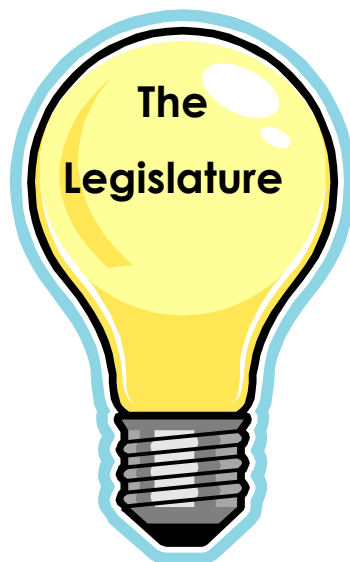


MD DNR Fishing and Boating Services Regulation Process



WHERE DOES MARYLAND FISHERIES LAW COME FROM?





Types of State Law

1. Statutory Law

- Created by legislature
- Gives agencies authority to make rules

2. Regulatory Law

- Created by executive branch agencies under authority given in statutory law by the legislature
- Uses expertise of agency employees to make specific rules



Regulation Definitions

Scoping

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. The Department considers these comments and develops an appropriate management strategy.



Scoping

Pre-Regulatory Public Information Process

There is a pre-regulatory processes for public input prior to submitting a proposed regulation.

Pre-regulatory process includes:

- *Public Scoping Meetings (TFAC, OAC, SFAC, etc...)*
- *Public Feedback (by mail, fax, and online)*
- *Small business compliance guide*



Regulation Definitions

Development

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. The Secretary of Natural Resources then decides if a management strategy is necessary and appropriate. If the action is necessary and appropriate, a proposal is sent to the Joint Committee on Administrative, Executive and Legislative Review Committee (AELR). AELR analyzes each proposal for legal and fiscal concerns. The proposal is then sent to the Division of State Documents (DSD) for publishing in the Maryland Register. DSD staff edit the proposal for proper format prior to printing.



Regulation Definitions

Comment Period

This part of the process begins when the proposal is published in the Maryland Register. The public comment period is 30 days for all proposed regulations in Maryland as required by State law. The Department welcomes public comment on proposed regulations. Comments on the proposal provide the Department with additional information and perspectives that in some cases may be incorporated into editorial changes.



Regulation Definitions

Final Decision

At the end of the 30 day comment period the Secretary of Natural Resources decides whether to approve or disapprove the proposed measure. A final action will be sent to the Division of State Documents (DSD) for printing in the Maryland Register.

Effective

A final action is published in the Maryland Register stating the date that the management action is effective.

Process

Regulatory idea creation

Scoping

Public feedback reviewed and draft reg written

Regs are internally reviewed by FABS, NRP, OAG, and Office of the Secretary

Regs are sent to AELR

Regs are published in MD Register (30 day comment period)

Public comment is reviewed and final reg decision is made (withdraw, adopt, non-substantive changes)

Final reg is published in Register

Not less than 10 days after publishing, reg is effective

Status of Regs




<https://dnr.maryland.gov/fisheries/pages/regulations/changes.aspx>

SHELLFISH AQUACULTURE AND WILD OYSTERS - Bulk Tagging

COMAR 08.02.04.04 and 08.02.23.04

After consultation with the Aquaculture Coordinating Council and Oyster Advisory Commission, the Department proposes allowing bulk tags for oysters under the National Shellfish Sanitation Program.



-  [View the Summary and Compliance Guide](#)
-  [View the Proposal](#)
-  [Adopted As Proposed](#) - Effective April 1, 2024



COMAR

<https://dsd.maryland.gov/Pages/COMARSearch.aspx>

Search the text of regulations by keyword

Preference for results in English ▾

08.02.04.00

Title 08 DEPARTMENT OF NATURAL RESOURCES Subtitle 02 FISHERIES SERVICE Chapter 04 Oysters Authority: Natural Resources Article, §§4-215, 4-2A-03, 4-701, 4-1008.1, 4-1009, 4-1009.1, 4-1012, 4-1013, 4-1015, 4-1015.1, 4-1018, 4-1019, 4-1019.2, 4-1027, 4-1103, 4-1106, 4-11A-04, 4-11A-05, and 4-11A-12, Annotated Code of Maryland ...

08.02.04.01

Patent Tong Areas.

.01 Patent Tong Areas. A. A person may not use patent tongs to catch oysters in any of the waters listed in this section. (1) Tidal waters of the following counties, other than those waters included as part of the Chesapeake Bay, Tangier Sound, and Pocomoke Sound as defined by COMAR 08.02.01.06B: (a)