

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Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken.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an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.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

#### 08.02.04 Oysters

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

#### Notice of Proposed Action

[23-150-P-I]

The Secretary of Natural Resources proposes to amend Regulation .17 under **COMAR 08.02.04 Oysters**.

#### Statement of Purpose

The purpose of this action is to declassify a portion of the Public Shellfish Fishery Area (PSFA) 156. The proposed change would declassify an approximately 7.3-acre portion of PSFA 156 located in Smith Creek, St. Mary's County. The declassification would modify the boundary of the PSFA by removing certain areas along the western shoreline adjacent to and south of the existing shellfish aquaculture lease SM 805 in order to issue a submerged land lease. The total requested lease area is 3.6 acres, of which 2.2 acres fall within PSFA 156. The remaining 5.1 acres to be declassified consist of the required 150-foot buffer between the lease and the PSFA. The declassification of approximately 9.5 acres of PSFA 156 was originally requested in shellfish aquaculture lease application #516 (Morris, III). In accordance with COMAR 08.02.04.17, the Department evaluated commercial oyster harvest data and conducted a biological survey of the proposed lease. The Department determined that the average density of oysters within a certain portion of the area proposed for declassification was greater than one oyster per square meter; consequently, that portion of the application was denied. The remainder of the proposed lease area located within PSFA 156 (approximately 2.2 acres) meets the regulatory criteria that provide for declassification, and the application satisfies the requirements of COMAR 08.02.23.03.

### Estimate of Economic Impact

**I. Summary of Economic Impact.** The proposed action may have an indeterminable positive economic impact by resulting in the issuance of a shellfish aquaculture submerged land lease. This will also result in a minor revenue increase to the Department.

#### II. Types of Economic Impact.

| Impacted Entity                                    | Revenue<br>(R+/R-)<br>Expenditure<br>(E+/E-) | Magnitude      |
|--|--|----------------|
| <b>A. On issuing agency:</b>                       |  |                |
| Department of Natural Resources                    | (R+)   | \$12.60        |
| <b>B. On other State agencies:</b>                 |  |                |
| NONE   |  |                |
| <b>C. On local governments:</b>                    |  |                |
| NONE   |  |                |
| <b>D. On regulated industries or trade groups:</b> |  |                |
| Lease applicant                                    | (+)  | Indeterminable |
| <b>E. On other industries or trade groups:</b>     |  |                |
| NONE   |  |                |
| <b>F. Direct and indirect effects on public:</b>   |  |                |
| NONE   |  |                |

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

**A.** This action will allow the issuance of a submerged land lease in the area. The lease is proposed to be a total of 3.6 acres. The current annual rental rate for a submerged land lease is set at COMAR 08.02.23.03 at \$3.50/acre. This will result in an annual increase in revenue of \$12.60.

**D.** This action will allow the issuance of a submerged land lease in the area. The lease applicant will then be able to begin aquaculture operations on the lease. This will likely lead to a positive economic

benefit to the applicant, but the ultimate amount of this benefit is indeterminable

**Economic Impact on Small Businesses**

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

This action will allow the issuance of a submerged land lease in the area. The lease applicant will then be able to begin aquaculture operations on the lease. This will likely lead to a positive economic benefit to the applicant, but the ultimate amount of this benefit is indeterminable.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to OYSTERS — Partial Declassification of Public Shellfish Fishery Area 156, Regulatory Staff, Department of Natural Resources, 580 Taylor Ave E-4, Annapolis, MD 21401, or call 410-260-8300, or submit at <https://dnr.maryland.gov/fisheries/pages/regulations/changes.aspx#oypsfa>. Comments will be accepted through September 25, 2023. 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, the Public Shellfish Fishery Areas of the Chesapeake Bay and Its Tidal Tributaries (June 2023) 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 50:1 Md. R. 7 (January 13, 2023), 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.

**.17 Public Shellfish Fishery Area.**

A. Public Shellfish Fishery Areas of the Chesapeake Bay and Its Tidal Tributaries [(November 2019)] (*June 2023*) designates public shellfish fishery areas in the Chesapeake Bay and its tidal tributaries and is hereby incorporated by reference.

B. (text unchanged)

JOSH KURTZ

Secretary of Natural Resources

**Title 09**  
**MARYLAND DEPARTMENT**  
**OF LABOR**  
**Subtitle 09 MARYLAND BOARD OF**  
**ELECTRICIANS**

**Notice of Proposed Action**

[23-171-P]

The Maryland Board of Electricians proposes to amend:

- (1) Regulation .03 under **COMAR 09.09.01 Fees and Deadlines**; and
- (2) Regulation .01 under **COMAR 09.09.02 Continuing Education**.

This action was considered at a public meeting of the Maryland Board of Electricians held on June 27, 2023, notice of which was provided by posting on the Board’s website, in accordance with General Provisions Article, §3-302(c)(3)(ii), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to implement the uninsured electrician license classification established by legislative amendments to the Maryland Electricians Act, specifically fees required for state licenses and continuing education requirements for the uninsured electrician license classification.

**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 John Bull, Executive Director, Board of Electricians, Maryland Department of Labor, 1100 North Calvert Street, Fifth Floor, Baltimore, MD 21201, or call 410-230-6160, or email to [john.bull1@maryland.gov](mailto:john.bull1@maryland.gov). Comments will be accepted through September 25, 2023. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Maryland Board of Electricians during a public meeting to be held on October 24, 2023 at 10 a.m., at the Maryland Department of Labor, 1100 North Eutaw Street, Fifth Floor, Baltimore, Maryland 21201 or by <https://meet.google.com/kgu-skev-joq?hs=122&authuser=0> and by telephone: (US)+1 321-465-5183 PIN: 457 489 090#.

**09.09.01 Fees and Deadlines**

Authority: Business Occupations and Professions Article, §§6-205, 6-207, 6-310(c)(2), 6-311(a)(2), (b)(1), (d)(3)(iii) and (4)(ii), and (f)(3), and 6-313(c)—(e); Business Regulation Article, §2-106.9, Annotated Code of Maryland

**.03 Fees and Costs.**

A. The Secretary and the mechanical boards have agreed to average their direct and indirect costs, based on the calculation of costs performed by the Secretary in consultation with the mechanical boards. Based on these calculations, the Board sets the following *non-refundable* fees:

- (1)—(2) (text unchanged)
  - (3) [Inactive status renewal for non-electrical inspector — \$50.]  
*Uninsured status certificate:*
    - (a) *Initial uninsured status — \$50; and*
    - (b) *Uninsured status renewal — \$50.*
  - (4) Reapplication after expiration of [inactive] *uninsured* status — \$100.
  - (5) (text unchanged)
  - (6) Reinstatement of *license:*
    - (a)—(c) (text unchanged)
  - [(7) Inactive status for electrical inspector — \$50.]
  - [(8)] (7) Local [license] *registration* assignment identification — \$50.
  - [(9)] (8) (text unchanged)
- B. (text unchanged)