



*Wes Moore, Governor*  
*Aruna Miller, Lt. Governor*  
*Josh Kurtz, Secretary*  
*David Goshorn, Deputy Secretary*

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DNR-FS-2024-4

SMALL BUSINESS COMPLIANCE GUIDE  
Amendment to Subtitle 02 Fisheries Service  
Regarding the Department's Regulations for Striped Bass — Changes to Seasons  
COMAR 08.02.15.08, .09, and .12  
Released January 22, 2024

This Guide is prepared in accordance with the requirements of State Government Article, §10-110, Annotated Code of Maryland. It is intended to help small businesses comply with the revised rules adopted in the above-referenced sections of the Code of Maryland Regulations. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small businesses, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply.

The Department will clarify or update the text of the Guide as an idea moves through the regulatory process. Direct your comments and recommendations, or calls for further assistance, to Fishing and Boating Services Regulatory Division:

410-260-8300  
410-260-8DNR; toll free in Maryland 877-620-8DNR; TTY Users Call via the Maryland Relay

## I. SUMMARY & FAQs

### **What is being considered?**

The Department is considering modifying seasons for striped bass. Specifically, the Department is considering eliminating the recreational and charter boat spring season for striped bass (May 1 – May 15), also known as the Trophy Season, eliminating the early season in the Susquehanna Flats, Susquehanna River, and Northeast River from the recreational and charter boat summer and fall striped bass fishery in the Chesapeake Bay and its tidal tributaries (May 16 – May 31), and prohibiting the targeting of striped bass in the areas which are being closed by this action. These actions were previously requested as an emergency regulation. The Joint Committee on Administrative, Executive, and Legislative Review (AELR) has not yet approved or denied that action and the Department is now considering taking action through the standard regulatory process. Additionally, the Department is considering extending the recreational and charter boat summer closure through August 7. That closure, where recreational targeting of striped bass is prohibited in all waters of the Chesapeake Bay and its tidal tributaries, currently runs from July 16 through July 31. The Department is also considering closing the commercial hook-and-line season during the recreational and charter boat summer closure.

### **Why is this change necessary?**

This action is necessary to reduce mortality on the striped bass spawning stock biomass and mitigate potential negative impacts on pre-spawn females related to catch-and-release interactions (with regards to the elimination of the seasons in April and May) and address catch-and-release mortality during a period when striped bass are seasonally more susceptible to heat-induced stress (summer closure extension).

Maryland typically has its greatest access to the striped bass spawning stock during the spring spawning season; generally those fish otherwise live in the Atlantic Ocean and migrate up and down the coast. This is an especially sensitive period for spawning striped bass, which are dependent on a number of environmental conditions to have a successful spawn. Due to declines in the spawning stock biomass and poor recruitment of juvenile fish over the last five years, actions have been taken both at the state level and at the coast-wide level to reduce mortality on those fish. In Maryland, since 2020, the month of April has been closed to the targeting of striped bass in the Chesapeake Bay and its tidal tributaries. This action will extend that “no targeting” closure throughout the Chesapeake Bay to May 15. Additionally, the “early season” on the Susquehanna Flats, Susquehanna River, and Northeast River, which traditionally ran from May 16 through May 31 and allowed for one fish between 19” and 26” to be kept, is being eliminated. Anglers will also be prohibited from targeting striped bass in those areas at those times. The Department believes that taking this action will help to increase the spawning stock and enhance the odds of successful spawning when environmental conditions are favorable.

Extending the summer closure period is necessary to reduce dead discards during the summer when water quality conditions in the Chesapeake Bay increase this mortality. Striped bass require cool, well oxygenated water to thrive. During the summer months, as water temperatures increase and oxygen conditions worsen, striped bass become more stressed. With peak Bay water temperatures occurring in mid to late July, the amount of cool, oxygenated striped bass habitat is at its lowest point. Chesapeake Bay water conditions in Maryland have been especially poor during the months of July and August. Stressful conditions have worsened in recent years with both hotter than average water temperatures and worse than average oxygen conditions occurring over 55% of the time in July and 45% of the time in August.

**Who will this affect?**

Recreational anglers, charter boat captains, bait and tackle shops, and commercial harvesters of striped bass.

**Has this change been discussed with advisory bodies?**

This idea was discussed with the Sport Fisheries Advisory Commission and Tidal Fisheries Advisory Commission at their January 2024 meetings.

**What is the specific regulatory action?**

Amend Regulations .09 and .12, and repeal Regulation .08 under COMAR 08.02.15 Striped Bass.

**II. RECORDKEEPING AND REPORTING REQUIREMENTS**

This action would not create new recordkeeping or reporting requirements.

**III. IMPLEMENTATION DATE**

The Department projects that this change could be effective in the summer of 2024. However, the exact date cannot be determined. The Department will follow our normal proposal procedures if this concept moves forward.

This idea is in the scoping process (January 22—February 6). 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. 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.

If the action is necessary and appropriate, the rules will be promulgated following the Administrative Procedures Act described in Title 10, Subtitle 1 of the State Government Article Annotated Code of Maryland.

- The General Assembly’s Administrative, Executive, and Legislative Review Committee reviews the regulatory proposal for fiscal and legal analysis.
- The proposal is printed by the Division of State Documents in the Maryland Register.
- A 30 day public comment period begins on the day of publication.
- After review of the comments, the Department may adopt the changes.
- If the Department adopts the changes, they become effective after a notice is published in the Maryland Register that announces approval and the effective date.