

A(2). There could be a decrease in Chesapeake Bay & Coastal fishing license sales since an individual will now need a nontidal license to fish above the dividing line instead of the tidal license. The actual magnitude is indeterminable because it is unknown how many individuals will be affected by this action.

D. This action could benefit some anglers and could be a cost for others. There are several different scenarios that could happen with the license type needed for fishing in this area. The impact would be different for each situation and the magnitude cannot be determined since the Department cannot predict the actions of anglers. There are anglers who currently purchase a Nontidal Sport Fishing License that will not be affected economically, but will have another area to fish. There are anglers that traditionally had to purchase a Chesapeake Bay and Coastal Sport Fishing license to fish in the area that will now have to purchase a Nontidal Sport Fishing License if they want to fish upstream of the dividing line. The cost of a Nontidal Sport Fishing License is \$20.50 per year. The cost of a Chesapeake Bay and Coastal Sport Fishing License is \$15 per year. Some individuals will only need one license type and others will need both license types. The magnitude of the impact is indeterminable because the Department does not know the numbers of individuals that fish in those areas and which license type they currently purchase.

**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 Dividing Lines, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Ave., B-2, 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 9, 2016. A public hearing has not been scheduled.

**.09 Dividing Lines; Tidal and Nontidal Waters.**

The following boundaries are designated as official dividing lines for tidal and nontidal waters. These boundary lines are for the purpose of delineating those areas in which nontidal fishing licenses or Chesapeake Bay and coastal sport fishing licenses are required and tidal or nontidal fishing regulations apply, and have no other legal significance.

A.—G. (text unchanged)

H. Wicomico and Worcester Counties.

(1)—(4) text unchanged)

(5) *Barren Creek: U.S. Route 50 Bridge*

I.—M. (text unchanged)

MARK J. BELTON  
Secretary of Natural Resources

**Subtitle 02 FISHERIES SERVICE**

**08.02.11 Fishing in Nontidal Waters**

Authority: Natural Resources Article, §§4-215, 4-602 and 4-614, Annotated Code of Maryland

**Notice of Proposed Action**

[16-315-P]

The Secretary of Natural Resources proposes to amend Regulations .01 and .04 under COMAR 08.02.11 Fishing in Nontidal Waters.

**Statement of Purpose**

The purpose of this action is to amend and clarify existing regulations for fishing in nontidal waters. Specifically, the proposed action increases the possession limits for trout, changes the closures for four put-and-take areas (Accident Pond, Georges Creek, Muddy Creek, and Little Youghiogheny River), extends the boundary on the North Branch Potomac River upper catch-and-return trout fishing area; makes possession limits for game fish consistent, defines when an individual needs a trout stamp, and clarifies the regulation by removing duplicate text.

The proposed action increases the trout possession limit. Increasing the possession to twice the daily creel will allow someone who may be on a multi-day fishing trip the ability to keep more than one daily limit without having to consume the fish they catch each day.

The proposed action changes the closure period from a “1” to a “0” on four streams (Georges Creek, Accident Pond, Muddy Creek and Little Youghiogheny River) managed under put-and-take trout fishing areas. The areas where the closure period is being changed to “0” are currently closed to fishing for up to three weeks after the initial stocking. The Department has received calls during the past several years that catch rates were low or non-existent by opening day. Georges Creek still has acid mine drainage (AMD) issues and is a very “flashy” stream during rain events. The Little Youghiogheny River within the Town of Oakland becomes quite turbid during rain events. Muddy Creek has experienced fish kills due to acidification; however, fish kills have been avoided since limestone was deposited in the stream (1999 - present), but during heavy snowmelt events the pH can still dip below 6.0. Removing the closure provides increased angler opportunity and a better return (catch) on the stocked trout. A change from a “1” closure to a “0” closure will allow fishing immediately after the initial stocking. All four locations combined will provide for an additional 84 days of recreational fishing opportunities. Water quality issues that may occur during the three week closure period may be less of an issue if anglers can fish for the trout immediately after stocking. All areas have the approval from local jurisdictions.

The proposed action extends the upper boundary on the North Branch Potomac River’s upper catch-and-return trout fishing area. The purpose of this action is to increase angler access and fishing opportunities in the North Branch Potomac River. The United States Army Corps of Engineers (USACE) approached the Department regarding increasing public access to the upper catch-and-return trout fishing area in May 2016. Currently the public has access along the river via the Senator Sarbanes Trail; however, one must walk downstream approximately 165 yards before legally being able to fish. The USACE would like to provide fishing opportunities in this stretch of the river. The boundary is being moved upstream to the point where the Senator Sarbanes Trail meets the river, at a location agreed upon by the USACE. This may also provide additional stocking locations since it will be open to public fishing.

The proposed action increases the possession limit to twice the daily creel limit for certain fish species and changes the areas where size limits apply for yellow perch. The proposed action creates consistency with having the possession limit be double the daily creel on all species except American eel and baitfish. Increasing the possession to twice the daily creel will allow someone who may be on a multi-day fishing trip the ability to keep more than one daily limit without having to consume the fish they catch each day. Even though the possession is increased, the daily creel limit will remain the same. Daily creel is the number of fish that an angler can keep after a single day of fishing and possession limit is the maximum number of fish that an angler may have in their possession after two or more days of fishing. The proposed action establishes a creel limit, possession limit and size limit for yellow perch caught in reservoirs, lakes, ponds, impoundments, and waters upstream of them. Establishing creel and possession limits for yellow perch in nontidal lakes and ponds provides resource protection from excessive harvest and wanton waste. The proposed action specifies where the size limits for yellow perch occur and makes them consistent throughout the state, rather than by area.

The proposed action requires an individual to have a trout stamp to catch, attempt to catch or possess trout. Prior to the 2016 legislative session, it was unclear where an individual needed a trout stamp. Legislation became effective in 2016 that allows the Department to clarify the trout stamp requirements and remove any confusion about the management areas covered by the trout stamp. A trout stamp is required when you are fishing for or possessing trout anywhere in the state. Areas are not specified because a person may be fishing for species other than trout in the same area. Catch is defined in Natural Resources Article, §4-101, Annotated Code of Maryland and means to take, kill, trap, gather, harvest or in any manner reduce any fish to personal possession.

The proposed action removes the section that applies to Fishery Management Areas because those areas and their rules are located elsewhere in the Code of Maryland Regulations (COMAR 08.02.01.13) and do not need to be duplicated in this regulation.

**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 may have an impact on the Department, anglers, and fishing supply stores.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:		
Trout Stamp	(R+)	Indeterminable
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:		
Trout Stamp	(-)	\$5 per year

E. On other industries or trade groups:

(1) Removal of Trout Closure Period	(+)	Indeterminable
(2) Extending the Boundary on the North Branch	(+)	Indeterminable

F. Direct and indirect effects on public: NONE

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

A. Prior to the 2016 legislative session only certain individuals were required to obtain a trout stamp. The proposed action requires a trout stamp for anyone who catches or attempts to catch a trout. This could result in an increased number of trout stamps being sold. The amount is indeterminable because it is unknown how many anglers will fish for trout and need a trout stamp each year. Most anglers fishing for trout likely already purchase the stamp each year so the magnitude of additional revenue is likely to be minimal.

D. Prior to the 2016 legislative session only certain individuals were required to obtain a trout stamp. The proposed action requires a trout stamp for anyone who catches or attempts to catch a trout. This could result in an angler needing to spend an additional \$5 per year for the stamp.

E(1). Removing the closure period for four locations may increase fishing pressure in those areas which may increase business at local bait and tackle stores. The actual amount is indeterminable.

E(2). Increasing the public access on the North Branch of the Potomac River may increase fishing pressure in that area which may increase business at local bait and tackle stores. The actual amount is indeterminable.

**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 2017 Nontidal Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Ave., B-2, 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 9, 2017. A public hearing has not been scheduled.

**.01 Trout Fishing and Management Areas.**

A. Basic Statewide Trout Fishing. Except as listed in §§B—H of this regulation, the following shall be in effect for trout fishing in all nontidal waters of the State:

- (1)—(2) (text unchanged)
- (3) Creel and possession limits (all species of trout) in aggregate — daily: 2, possession: [2] 4;
- (4)—(5) (text unchanged)

B. Put-and-Take Trout Fishing Areas.

- (1)—(2) (text unchanged)
- (3) Creel and Possession Limits (all species of trout) in aggregate — Daily: 5, Possession: [5] 10;
- (4)—(5) (text unchanged)

(6) Except as provided in §C(1) of this regulation the following areas are subject to the provisions in §B(1)—(4) of this regulation:

	Closure Periods
(a) Allegany County:	
(i)—(xi) (text unchanged)	
(xii) Georges Creek mainstem from the upper extent of Town Park in Westernport upstream to Neff Run	[1] 0
(xiii)—(xvi) (text unchanged)	
(b)—(h) (text unchanged)	
(i) Garrett County:	
(i)—(iv) (text unchanged)	
(v) Muddy Creek mainstem	[1] 0
(vi)—(xi) (text unchanged)	
(xii) Accident Pond	[1] 0
(xiii) Little Youghiogheny River mainstem, from Maryland Route 219 downstream to the Youghiogheny River	[1] 0
(xiv)—(xvii) (text unchanged)	
(j)—(n) (text unchanged)	

C. Catch-and-Return Trout Fishing Areas.

- (1)—(2) (text unchanged)
- (3) Areas Limited to Use of Artificial Lures Only.
  - (a) (text unchanged)
  - (b) Areas subject to the provisions of this section are:
    - (i)—(iv) (text unchanged)

(v) North Branch Potomac River from an overhead cable and red bank post located approximately [510] 345 yards below the Jennings Randolph Reservoir spillway downstream approximately 1 mile to a red post, located approximately 100 yards above the upstream concrete abutments at Barnum, West Virginia, and from a red post located below a pool known as Blue Hole approximately 1/3 mile upstream of Bench Mark 1110 on the Westernport U.S.G.S. Quadrangle, downstream approximately 4 miles to the confluence of Piney Swamp Run.

(vi)—(vii) (text unchanged)

(4) (text unchanged)

D.—H. (text unchanged)

.04 Statewide General Regulations.

A. Open Seasons, Creel, Possession, and Size Limits on Game and Fresh Water Fish in Nontidal Waters. Except as otherwise provided in this chapter for specific areas, the following apply Statewide:

- (1) (text unchanged)
- (2) Creel and Possession Limits.

	Daily Creel	Possession
(a) Trout (all species) in aggregate		
(i) Put-and-take areas	5	[5] 10
(ii) Other areas not described in Regulation .03 of this chapter	2	[2] 4
(b) (text unchanged)		
(c) Walleye	5	10
(d) Pickerel	5	10
(e) Northern pike	2	4
(f) Muskellunge and hybrids including tiger musky	1	2

(g)—(r) (text unchanged)		
(s) Yellow Perch	10	20
(i) Nontidal waters	10, except no limit in reservoirs, lakes, ponds, impoundments, and waters upstream of them.	
(ii) Deep Creek Lake	10	20]
(t) (text unchanged)		

(3) Minimum Size from Tip of Nose to End of Caudal Fin or Tail.

(a)—(q) (text unchanged)	
(r) Yellow Perch	
(i) Nontidal [waters] streams and rivers	9 inches[, except no minimum size in reservoirs, lakes, ponds, impoundments, and upstream of them.]
(ii) [Deep Creek Lake] Nontidal lakes and ponds	No minimum size.

B.—L. (text unchanged)

M. [License to Fish] Licenses and Stamps.

(a) A person may not catch or attempt to catch game or freshwater fish without first [procuring] obtaining an angler's license in accordance with Natural Resources Article, §4-604, Annotated Code of Maryland.

(b) A person may not catch, attempt to catch or possess trout without first obtaining a trout stamp.

N.—O. (text unchanged)

[P. Feeding Wildlife on Fisheries Management Areas.

(1) In this section, "wildlife" has the meaning stated in Natural Resources Article, §10-101(cc), Annotated Code of Maryland.

(2) Except for lawful fishing and hunting activities, a person may not feed wildlife in the following Fisheries Management Areas owned and controlled by the Department of Natural Resources:

- (a) Albert Powell Hatchery — Washington County;
- (b) Bear Creek Rearing Station — Garrett County;
- (c) Big Mill Pond — Kent County;
- (d) Brownsville Pond — Washington County;
- (e) Brunswick Pond — Frederick County;
- (f) Bynum Run Pond — Harford County;
- (g) Evitts Creek Pond — Allegany County;
- (h) Forest Hill Pond — Harford County;
- (i) Frank Bentz Pond — Frederick County;
- (j) Hughesville Pond — Charles County;
- (k) Lewistown Work Center — Frederick County;
- (l) Manning Hatchery — Charles County;
- (m) North Branch Potomac River — Gary A. Yoder Landing — Allegany County;
- (n) North Branch Potomac River — McCoolle — Allegany County;
- (o) North Branch Potomac River — Folly and Laurel Runs — Garrett County;
- (p) Piney Point Aquaculture Center — St. Mary's County;
- (q) Rising Sun Pond — Cecil County;
- (r) Smithville Lake — Caroline County;
- (s) Unicorn Lake — Queen Anne's County;
- (t) Urbana Lake — Frederick County; or
- (u) Urieville Lake — Kent County.]

[Q.] P. (text unchanged)

MARK J. BELTON  
Secretary of Natural Resources

# Title 10

## DEPARTMENT OF HEALTH AND MENTAL HYGIENE

### Subtitle 06 DISEASES

#### 10.06.02 Communicable Diseases — Rabies

Authority: Health-General Article, §§18-102, 18-312—18-313, 18-316, 18-318—18-320, Annotated Code of Maryland

##### Notice of Proposed Action

[16-320-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .02, .04, and .13 under COMAR 10.06.02 Communicable Diseases — Rabies.

##### Statement of Purpose

The purpose of this action is to amend this chapter to implement selected aspects of the updated version of the Compendium of Animal Rabies Prevention and Control, 2016 published by the National Association of State Public Health Veterinarians. These changes include reducing the minimum time for strict quarantine of a domestic animal that has been exposed to a rabid animal from 6 to 4 months according to the updated Compendium of Animal Rabies Prevention and Control, and replacing the term “isolation” with “quarantine” to refer to the action taken when animals have been exposed to rabies, but have not developed clinical illness.

##### 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 no impact on individuals with disabilities.

##### Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 9, 2017. A public hearing has not been scheduled.

#### .02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(20) (text unchanged)

(21) “Provoked [bite]” means [a] *that bite or non-bite contact from an animal* [that] resulted from human activity, such as an individual attempting to play with, pet, feed, handle, hold, harm, or redirect an animal’s actions.

(22)—(26) (text unchanged)

(27) “Serologic monitoring” means monitoring of a dog or cat that was previously vaccinated against rabies to see if the animal demonstrates sufficient evidence of an immune response within seven days of being vaccinated against rabies.

[(27)] (28) (text unchanged)

[(28)] (29) “Strict [isolation] quarantine” means that:

(a)—(d) (text unchanged)

[(29)] (30)—[(30)] (31) (text unchanged)

#### .04 Animal Rabies.

A. (text unchanged)

B. Disposition of a Suspected Rabid Animal — No Bite or Non-Bite Human Contact.

(1) Dogs, Cats, and Ferrets.

(a) Except as provided in §B(3) of this regulation, the director of a Department-approved facility shall hold in strict [isolation] *quarantine*, in a manner and place as established by the local health officer or the Public Health Veterinarian, any dog, cat, or ferret suspected of having rabies that has not had bite or non-bite contact with an individual in the preceding 10 days.

(b) Except as provided in §B(3) of this regulation, unless otherwise specified by the Public Health Veterinarian, the director of a Department-approved facility shall continue the strict [isolation] *quarantine* of the suspected rabid animal for at least 10 days and maintain proper, humane care of the animal during the period of [isolation] *strict quarantine*, after which the animal may be humanely killed or released to its owner or custodian or for adoption.

(c) At any time during the [isolation] *strict quarantine* period, the local health officer, the Public Health Veterinarian, the owner, or the custodian of the animal may direct that the animal suspected of having rabies be humanely killed for the purpose of rabies testing.

(d) At any time during the [isolation] *strict quarantine* period, the owner or custodian of the animal may direct that the animal be humanely killed.

(e) (text unchanged)

(2) Livestock.

(a) Except as provided in §B(3) of this regulation, the Public Health Veterinarian shall direct the owner or custodian of livestock that has not had bite or non-bite contact with an individual and is suspected of having rabies to hold the livestock in strict [isolation] *quarantine* for at least 10 days and shall designate the place and manner in which the strict [isolation] *quarantine* is to be carried out, after which the livestock may be humanely killed or released to the owner or custodian.

(b) At any time during the strict [isolation] *quarantine* period, the local health officer, the Public Health Veterinarian, the owner, or the custodian of the animal may direct that the animal be humanely killed for the purpose of rabies testing.

(c) At any time during the [isolation] *strict quarantine* period, the owner or custodian of the animal may direct that the animal be humanely killed.

(d) (text unchanged)

(3) Wild Animals.

(a)—(b) (text unchanged)

(c) If an owner or custodian of the wild animal claims the animal within 24 hours, the Public Health Veterinarian may order the owner to hold the animal in strict [isolation] *quarantine* in a place and manner determined by the Public Health Veterinarian for at least 30 days, after which it may be released to the owner or custodian if the animal has not developed rabies.

(d) At any time during the [isolation] *strict quarantine* period, the local health officer, the Public Health Veterinarian, or the owner or custodian of the animal may direct that the animal be humanely killed for the purpose of rabies testing.