



Coastal Bays Specific Fishing Laws

COMAR:

CHAPTER 03 CRABS

08.02.03.01 Crabbing Gear.

A. Lawful Gear.

- (1) A person may catch crabs in the tidal waters of Maryland only with the gear authorized in this chapter.
- (2) Diving Apparatus. A person may not possess or catch crabs in the tidal waters of Maryland using diving apparatus by itself, or in conjunction with any of the other methods authorized in this chapter.
- (3) Gear designated to catch crabs and defined in this chapter, except for a seine, is not considered a net under the definition listed in COMAR 08.02.05.02.

B. Recreational Gear—Definitions.

- (1) The gear defined in this section may be used to catch crabs for recreational purposes.
- (2) "Collapsible crab trap" means a manually operated, portable device:
 - (a) Having a flat bottom not more than 20 inches by 15 inches, and not more than four articulated sides; and
 - (b) Designed so that failure to apply manually exerted tension on the closing mechanism allows the crabs to escape.
- (3) "Crab net ring" means netting supported by a ring-shaped rim less than or equal to 30 inches in diameter.
- (4) "Crab pot" means a cube-shaped or rectangular shaped device with openings toward the inside for the entrance of crabs.
- (5) "Dip net" means a mesh bag of netting or wire which is suspended from a circular, oval, or a rectangular frame attached to a handle.
- (6) "Handline" means a fishing line managed primarily by hand.
- (7) "Trotline" means a length of rope or line, buoyed at both ends with one or more anchors, hich is baited without hooks or snares at intervals for the purpose of catching crabs.
- (8) "Seine" means an encircling type of net which is not more than 50 feet long and 5 feet wide.

C. Commercial Gear.

- (1) In addition to the gear listed in §B(2)—(7) of this regulation, the gear defined in this section may also be used for commercial crab harvesting.
- (2) "Bank trap" means an enclosure constructed of wire mesh not more than 4 feet long and not more than 4 feet wide, with a single row of hedging not more than 75 feet long.
- (3) "Barrel" means a container with a minimum capacity of 32 gallons and which holds not more than 2-1/2 U.S. standard bushels of crabs.

(4) "Channel pound" means an enclosure constructed of wire mesh not more than 8 feet long and not more than 4 feet wide, with two rows of hedging, each not longer than 100 feet long.

(5) "Crab scrape" means a scoop or other device which is dragged along the bottom for the purpose of catching crabs.

(6) "Hand scrape" means a single scoop or other device which is:

(a) Dragged along the bottom for the purpose of catching crabs; and

(b) Retrieved by hand without the aid of any mechanical device during any stage of the retrieval.

08.02.03.02 Seines.

A. A seine may be used for recreational purposes only.

B. The seine may not be emptied:

(1) On the shore or beach; or

(2) In any water of less than sufficient depth to enable the unwanted fish to return to the waters alive.

08.02.03.03 Trotlines.

A. An individual may not set or fish a trotline, crab net ring, or collapsible crab trap within 100 feet of another individual's trotline.

B. The length of a trotline is measured along the bait line.

C. In the coastal bays of the Atlantic Ocean and their tidal tributaries:

(1) An individual may not use or possess on board a vessel a trotline or trotlines with a baited portion more than 600 feet in length to catch or attempt to catch crabs for recreational purposes; or

(2) If two or more individuals are on a boat, not more than two trotlines with a baited portion more than 600 feet each may be used or possessed on board a vessel to catch or attempt to catch crabs for recreational purposes.

E. An individual licensed to catch crabs for commercial purposes may catch crabs for recreational purposes by trotline in accordance with the provisions of this regulation without paying the fee for recreational crabbing set forth in Regulation .09 of this chapter.

F. Float Requirements.

(1) A trotline shall have a float of the same color, size, and shape attached to each end.

(2) Floats that have a round or spherical shape shall be at least 12 inches in diameter.

(3) Floats that do not have a round or spherical shape shall be at least 12 inches long and 10 inches wide.

08.02.03.06 Collapsible Crab Traps and Crab Net Rings.

A. An individual may not set or fish a trotline, crab net ring, or collapsible crab trap within 100 feet of a trotline.

B. In the coastal bays of the Atlantic Ocean and their tidal tributaries:

- (1) An individual may not catch or attempt to catch crabs for recreational purposes with any combination of more than ten collapsible traps and net rings; or
- (2) If two or more individuals are on a boat, not more than any combination of 25 collapsible traps and net rings may be set per boat.

D. A collapsible crab trap or crab net ring which is not attached to a pier, wharf, or boat shall be marked with a buoy bearing the name of the owner.

08.02.03.07 Crab Pots.

A. "Cull ring" means a device in a crab pot, for the escapement of undersized crabs, described as a:

- (1) Ring with an opening of the established measurement for the inside diameter; or
- (2) Square opening cut from the crab pot measuring at least 4-1/2 inches by 4-1/2 inches and covered by a panel of 2-inch by 2-inch mesh so that there are at least four complete 2-inch by 2-inch square meshes.

B. A crab pot shall meet the following structural requirements:

- (1) A standard cube type crab pot may not have sides which are more than 24 inches long;
- (2) Rectangular crab pots may not have dimensions which are greater than 12 inches high, 24 inches wide, and 48 inches long in total;
- (3) A crab pot shall be constructed of wire having a mesh measuring along its longest axis when the wire is unstretched of not less than:
 - (a) 1-1/2 inches for the purpose of catching hard crabs; or
 - (b) 1 inch for the purpose of catching peeler crabs;
- (4) Except for a crab pot constructed with unstretched mesh measuring less than 1-1/2 inches or at least 2 inches on each side, a crab pot set in the Chesapeake Bay or its tidal tributaries shall have two cull rings, one of at least 2-3/16 inches and one of at least 2-5/16 inches inside diameter located in exterior side panels or the top panel of the crab pot;
- (5) A live male blue crab used for bait, in a crab pot used for catching peeler crabs, shall be contained only in the upper chamber of the crab pot and may not be less than the minimum size; and
- (6) A crab pot set for recreational purposes shall have a turtle reduction device which:
 - (a) Is firmly attached to each entrance or funnel in the lower chamber;
 - (b) Is constructed of wire or plastic;
 - (c) Is rectangular in shape; and
 - (d) Has dimensions which do not exceed 1-3/4 inches high and 4-3/4 inches long.

C. Times for Setting and Removing Crab Pots.

- (1) Crab pots may not be set in State waters before March 31 of each year.
- (3) All crab pots shall be removed from the waters of the coastal bays of the Atlantic Ocean and their tidal tributaries:
 - (a) If set for commercial purposes, by November 16 of each year; or

(b) If set for recreational purposes, by December 31 of each year.

D. General Requirements.

(1) A person who owns or leases private property along the shore may set not more than two crab pots to catch crabs for recreational purposes. However, not more than two crab pots may be set attached to a pier or a parcel of property, regardless of the number of owners or lessees of that pier or parcel of property.

(2) The crab pots shall be set in front of the person's property, within 100 yards of the shore, and:

(a) Be attached by a line to the property or a privately owned pier or dock; or

(b) Be marked by a buoy or pole and sign, indicating the owner's name and address.

(3) A person who owns or is in charge of operating a vessel used to catch crabs for commercial purposes with crab pots shall be licensed by the Department.

(4) Buoys.

(a) Each pot individually set shall be marked with a buoy that is easily visible on the surface.

(b) Each string of pots shall be marked at each end with a buoy that is easily visible on the surface.

(c) Each buoy shall be clearly marked with the identification number of the licensee in letters at least 2 inches high, and, if the buoy is attached to a string of crab pots, with the number of pots in the string.

(d) The Department may require individual numbered markers supplied by the Department to be attached to every buoy.

(5) A person may not fish a crab pot licensed to another person.

(6) While crabbing in the Chesapeake Bay and its tidal tributaries, a person licensed to catch crabs with more than 50 crab pots may not at any time set or fish more than 300 crab pots unless the person is authorized to set or fish 600 or 900 crab pots.

(7) A person commercially licensed to catch crabs may set crab pots in the coastal bays of the Atlantic Ocean and their tidal tributaries subject to the following limitations:

(a) A person licensed to catch crabs with more than 50 pots may not set or fish more than 300 pots per day; and

(b) Regardless of the number of licensees per boat, not more than 300 pots per day may be set or fished.

F. Additional Crab Pot Areas.

(1) Crab pots may also be set in the following areas:

(a) In the waters of Tangier Sound, including Kedges Straits and the Somerset County waters of Holland Straits, south of a line running from Lower Island Point on Bloodworth Island, following the Dorchester County-Somerset County line to its junction with county line buoy A; thence in a northerly direction toward Sharkfin Shoal Light to its junction with a straight line running from range marker AA northeasterly to range marker BB and the Dorchester County-Somerset County line; thence in a northeasterly direction following the straight line running from range marker AA northeasterly to range marker BB and the Dorchester County-Somerset County line to its junction with a line running from the former dwelling of Thomas Tigner near Haines Point, defined by Lat. 38°37'43.990", Long. 76°56'58.961"(NAD 1983, 1991 adjustment) to the southwesterly most point of land on Clay Island. However, no crab pots may be set in water that is less than 4 feet deep at mean low tide;

- (b) In the waters of Breton Bay and St. Clements Bay that are south of a line beginning at Huggins Point, Breton Bay, following the mean low water line to Protestant Point; thence in a westerly direction to Clem Point of Newton Neck; thence following the mean low water line along the shore to Chapel Point, St. Clements Bay; thence in a northwesterly direction to Shipping Point; thence following the mean low water line along the shore, across the mouth of Canoe Neck Creek and St. Patrick Creek to Colton Point;
- (c) In the waters of Wicomico River that are south of a line beginning at White Point; thence following the ridge of White Point Sand Bar to White Point Island; thence in a southwesterly direction to Rock Point in Charles County; thence southerly to the most easterly point of Cobb Island; thence along shore to Cobb Point;
- (d) Subject to the limitation in §G(10) of this regulation, in the waters of St. Catherine Sound east of St. Catherine Island enclosed by a line starting at the northeasterly most point of land on St. Catherine Island thence northerly to Yellow Bank Point; thence along the shore to the Potomac River Fisheries Commission jurisdictional line; thence following the jurisdictional line west to its junction with the southeastern tip of St. Catherine Island;
- (e) In the waters of St. Mary's River from the Potomac River boundary line at St. Inigoes Neck to a line beginning at Priest's Point and running in a southwesterly direction to Edmund Point; thence along the shore to Cherryfield Point; thence to Ball Point; and
- (f) Subject to the limitations in §G(11) of this regulation, in the waters of Calvert Bay enclosed by a line starting at Kitts Point, thence easterly to the most southwesterly point on east side of the mouth of Smith Creek; thence easterly and southerly along the shore to the Potomac River Fisheries Commission jurisdictional line; thence following the jurisdictional line northwesterly to its junction with Kitts Point.
- (2) A person licensed to catch crabs may set crab pots in the coastal bays of the Atlantic Ocean and their tidal tributaries subject to the restrictions in §D of this regulation.
- (3) A person may set crab pots easterly of a line starting at Smith Point in Charles County, then following the Potomac River Fisheries Commission jurisdictional line northward to Liverpool Point.
- (4) A person may set crab pots in the waters of Pocomoke Sound, including the area subject to the depth restriction set forth in §F(5)(a) of this regulation.
- (5) A person may set crab pots in water that is less than 4 feet deep at mean low tide in the following areas:
- (a) In Pocomoke Sound, shoreward of the Maryland-Virginia State line, from its junction with a line running from Bullbagger Point westward to the northeasternmost point of land on Fair Island, thence following the State line in a westerly direction to State line marker "A", thence northwesterly to Ware Point;
- (b) In Tangier Sound, shoreward of a line drawn from the southern tip of Deal Island at Lower Thorofare in a westerly direction to Lower Thorofare entrance Red Nun "2", thence following a line drawn in a northerly direction to Haines Point Light Fl. 4 sec., thence easterly to the northernmost tip of Deal Island;
- (c) In Tangier Sound, shoreward of a line drawn from Flatcap Point in a southerly direction to Janes Island Light Fl. 4 sec., thence in a northeasterly direction to Island Point; and
- (d) In Tangier Sound, in the waters west of a line drawn from Muscle Point to Sound Point on South Marsh Island.
- (6) Crab pots may be set from April 1 to June 15, outside of marked channels in Tyler Creek, in the area enclosed by a line beginning at a point at or near the intersection of the Maryland—

Virginia line and the west side of Tyler Creek, defined by Lat. 37°57.21'N. and Long. 76°01.04'W.; then running northerly along the west shore of Tyler Creek to a point at or near the south side of the Canal, defined by Lat. 37°59.10'N. and Long. 76°01.29'W.; then running approximately 3° True to a point at or near the north side of The Canal, defined by Lat. 37°59.17'N. and Long. 76°01.28'W.; then running northerly along the west shore of Tyler Creek to a point, defined by Lat. 37°59.56'N. and Long. 76°01.39'W.; then running approximately 113° True to a point, defined by Lat. 37°59.37'N. and Long. 76°00.83'W.; then running southerly along the east shore of Tyler Creek to a point at or near the intersection of the Maryland—Virginia line and the east side of Tyler Creek, defined by Lat. 37°57.21'N. and Long. 76°00.37'W.; then running approximately 270° True to the point of beginning defined by a point at or near the intersection of the Maryland—Virginia line and the west side of Tyler Creek, defined by Lat. 37°57.21'N. and Long. 76°01.04'W.

G. Crab pots may not be set in the following areas:

- (1) In water that is less than 4 feet deep at mean low tide, except as provided in §F(5) of this regulation;
- (2) In all of the waters of Smith Island, Chesapeake Bay, Kedges Straits, and Tangier Sound enclosed by a line beginning at a point at or near the intersection of the Maryland-Virginia line and the eastern (Tangier Sound) shoreline of Smith Island, defined by Lat. 37°57.20'N. and Long. 75°59.68'W.; then running approximately 270° True along the Maryland-Virginia line to a point at or near the intersection of the Maryland-Virginia line and the western (Chesapeake Bay) shoreline of Smith Island, defined by Lat. 37°57.21'N. and Long. 76°02.82'W.; then running northerly along the west shore of Smith Island to a point at or near the south side of Sheep Pen Gut, defined by Lat. 37°58.77'N. and Long. 76°02.93'W.; then running approximately 349° True to a point at or near the north side of Sheep Pen Gut, defined by Lat. 37°58.99'N. and Long. 76°02.98'W.; then running northerly along the west shore of Smith Island to a point at or near the south entrance of Goose Harbor, defined by Lat. 37°59.45'N. and Long. 76°03.04'W.; then running approximately 3° True to a point at or near Channel Point, defined by Lat. 38°00.57'N. and Long. 76°02.96'W.; then running northerly along the west shore of Smith Island to a point at or near Fog Point, defined by Lat. 38°02.04'N. and Long. 76°02.50'W.; then running easterly along the shore of Fog Point Cove to a point at or near Bards Point, defined by Lat. 38°02.20'N. and Long. 76°01.65'W.; then running approximately 88° True to a point at or near the east shore of Bridge Creek, defined by Lat. 38°02.20'N. and Long. 76°01.50'W.; then running easterly along the shore to a point at or near Fishing Point, defined by Lat. 38°02.26'N. and Long. 76°00.33'W.; then running approximately 138° True to a point, defined by Lat. 38°01.53'N. and Long. 75°59.49'W.; then running approximately 115° True to a point, defined by Lat. 38°01.39'N. and Long. 75°59.14'W.; then running approximately 119° True to a point at the former location of Terrapin Sands Point defined by Lat. 38°00.95'N. and Long. 75°58.13'W.; then running approximately 198° True to a point at or near on the north side of the channel at Big Thorofare, defined by Lat. 37°58.13'N. and Long. 75°59.27'W.; then running approximately 185° True to a point at or near the southerly entrance of Big Thorofare, defined by Lat. 37°57.62'N. and Long. 75°59.33'W.; then running approximately 214° True to the point of beginning defined by a point at or near the intersection of the Maryland-Virginia line and the eastern (Tangier Sound) shoreline of Smith Island, defined by Lat. 37°57.20'N. and Long. 75°59.68'W.;

- (3) In the waters of the Manokin River landward or upstream of a straight line joining South Point on Little Deal Island to Hazard Point on the mainland;
- (4) In the waters of Big Annemessex River easterly of a straight line from the most westerly point of marsh on Pat Island to the easterly point of marsh at the entrance of Thru Creek on Lawsons Marsh;
- (5) In the waters of the Little Annemessex River east of a line from Janes Island Point to Great Point;
- (6) In the Dorchester County waters of Holland Straits;
- (7) From May 1 to September 30, inclusive, within 200 yards of a public bathing beach running not more than 100 yards along the shore which is plainly marked by a white sign reading "Bathing Beach" in black letters at least 4 inches high;
- (8) In the waters of the Pocomoke River north of a line running from Bullbegger Point westward to the northeasternmost point of land on Fair Island which marks the eastern entrance to Fair Island Channel;
- (9) Westward of the buoy free channel in the Pocomoke River;
- (10) Within 100 feet of any aid to navigation or within 100 feet of the channel of St. Catherine Sound;
- (11) Within 100 feet of any aid to navigation or within 100 feet of the channel to Smith Creek;
- (12) In the waters of St. Catherine Sound, except as provided by regulation;
- (13) In the waters of the Wicomico River that are east of a line beginning at the southernmost point of St. Margaret Island and ending at the northeasterly most point of land on St. Catherine Island;
- (14) In the following areas of Pocomoke Sound: Ape Hole Creek, upstream of a line running from Long Point to Gap Point; Gunby Creek, upstream of a line running between the two State-maintained markers marking the mouth of Gunby Creek; East Creek, upstream of a line running from East Creek Point southeasterly to the westernmost point of land on Richardson Marsh; Marumsc Creek, upstream of a line running from a point on the western shore of Marumsc Creek at Lat. 37°58'38"N. and Long. 75°43'22"W. due east to the opposite shore at a point Lat. 37°58'38"N and Long. 75°42'55"W; and
- (15) Within 100 yards of the Flag Ponds Nature Park fishing pier in Calvert County.

H. In addition to the rivers and channels listed in COMAR 08.02.05.08, a person may not set buoyed fish gear, including crab pots, in the following river or entrance channels:

- (28) Isle Of Wight Bay—Eastern Channel, 50 yards channelward of a line southward from day marker "13", C "11", R N "10", G C "9", R N "8", G C "7", R N "6", C "5", C "3", R N "2", C "1", Fl. R 4 sec. 14 ft. 3M "2", G "1A" to U.S. Route 50 Bridge;
- (29) Isle Of Wight Bay—Western Channel, 50 yards channelward of a line southward from Fl. R 2.5 sec. "14", R N "12", R N "10", R N "8", R N "6", C "1";
- (30) Isle Of Wight Bay—100 feet channelward of a line from Ocean Pines Yacht Club easterly to Fl. R 2 sec. 6 ft. "4", Fl. G 2 sec. 6 ft. "3", Fl. 2 sec. 6 ft. "2";
- (31) Sinepuxent Bay—50 yards channelward of a line southward from C "1", R N "2", C "3", Fl. G 4 sec. 15 ft. 5M "5", C "5A", R "6", Fl. R 4 sec. 15 ft. 4M "8", R "10", Fl. G 4 sec. 4M "11", R "12", Fl. G 4 sec. 16 ft. 4M "13", R "14", Fl. G 4 sec. 16 ft. 3M "15", R "16", G "17", Fl. G 4 sec. 16 ft. 3M "19", R "20", G "21", G "23", Fl. G 4 sec. 16 ft. 3M "25", G "27", G "27A", R "28", G "29", Fl. G 4 sec. 16 ft. 4M "31", G "33", R "34", Fl. 4 sec. 14 ft. 5M "35", G "37", Fl. G 4 sec. 14 ft. 3M "39";

(32) Chincoteague Bay—50 yards channelward of a line from Public Landing Harbor easterly to Fl. G 2.5 sec. 15 ft. 3M "1";

(33) Chincoteague Bay—50 yards channelward of a line from the entrance to Tanhouse Creek easterly to Fl. R 2.5 sec. 14 ft. 4 M "2";

08.02.03.08 Egg-Bearing Female Crabs.

A. Except as provided in §B of this regulation, a person may not possess, transport, or pack a female crab from which the egg pouch or bunion has been removed, or an egg-bearing female crab known as the sponge crab.

B. From April 25 through July 5, a female crab from which the egg pouch or bunion has been removed, or an egg-bearing female crab known as the sponge crab may be imported into Maryland from another state by a dealer or crab processing plant, if accompanied by a bill of sale or bill of lading from the jurisdiction of origin.

08.02.03.12 Special Regulations for Crabbing in Worcester County.

A. Structural Requirements of Crab Pots. Notwithstanding Regulation .07A and B of this chapter, a crab pot set in the coastal bays of the Atlantic Ocean and their tidal tributaries shall have one unobstructed 2-5/16 inch cull ring on a side panel of the upper compartment and one 2-5/16 inch cull ring on a panel at the lower compartment of the crab pot. The cull ring is not required in a crab pot constructed with unstretched mesh measuring less than 1-1/2 inches or at least 2 inches on each side. The cull ring shall be closed from April 23 through May 31.

B. Daily Catch Limits.

(1) Commercial. The daily catch limit in the coastal bays of the Atlantic Ocean and their tidal tributaries is 25 bushels per commercial boat.

(2) Recreational. The daily catch limit in the waters of the coastal bays of the Atlantic Ocean and their tidal tributaries is:

(a) 1 bushel per individual; and

(b) 2 bushels per boat if two or more individuals are on the boat.

C. Seasons for Catching Crabs.

(1) Commercial. A person licensed to catch crabs for sale may not catch crabs in the coastal bays of the Atlantic Ocean and their tidal tributaries between October 31 and April 1.

(2) Recreational. A person may not catch crabs for recreational purposes in the coastal bays of the Atlantic Ocean and their tidal tributaries between December 31 and April 1.

D. Commercial Daily Time Restrictions. A person licensed to catch crabs for sale may not:

(1) Remove crabs from commercial gear in the coastal bays of the Atlantic Ocean and their tidal tributaries between 2 p.m. and 5:30 a.m.; or

(2) Set or retrieve crab pots in the coastal bays of the Atlantic Ocean and their tidal tributaries between 2 p.m. and 5:30 a.m.

E. Gear Restrictions. A person may not catch crabs in the coastal bays of the Atlantic Ocean and their tidal tributaries by scrape.

F. Landing Provision. Crabs caught in the waters of Worcester County may be landed out of the State.

08.02.03.13 Commercial Harvest of Crabs from Finfish Gear.

A. Notwithstanding Regulations .01—.07 of this chapter, an individual licensed to harvest both crabs and finfish for commercial purposes may catch crabs from pound nets.

B. The harvest and possession of crabs from a pound net is:

- (1) Prohibited on any day during which a licensee is otherwise prohibited from harvesting crabs as provided in Regulation .14 of this chapter;
- (2) Restricted to the seasons and times provided in Regulations .11 and .12 of this chapter;
- (3) Restricted by the size limits provided in Regulation .14 of this chapter; and
- (4) Restricted to a maximum of 2 bushels per licensee per day, except as described in Regulation .14 of this chapter, harvested from a single pound net or a combination of pound nets registered to the individual.

CHAPTER 05 FISH

08.02.05.02 Definitions and General Fishing Prohibitions.

A. Definitions. In this subtitle, the following terms have the meanings indicated:

- (4) "Compensation" means any form of reimbursement for services including but not limited to the payment of money.
- (7) "Eel pot" means an enclosure constructed of wire having:
 - (a) A mesh size not less than 1/2 inch when the wire mesh is unstretched; or
 - (b) If the mesh is smaller than 1/2 inch by 1/2 inch, an escape panel installed in an exterior wall of the retention chamber made of 1/2 inch by 1/2 inch mesh measuring at least 16 square inches.
- (12) "Haul seine" means an encircling type of net with wings, brail lines and poles, and a bunt or pocket, and with the following characteristics:
 - (a) Made of at least #12 twine;
 - (b) Wings not greater than 15 feet in width at the attachment with the brail poles or brail line;
 - (c) A width or depth not exceeding 22 feet at the bunt or back; and
 - (d) A length of the bunt or back not greater than 100 feet.
- (18) "Net" means a mesh webbing panel or multiple panels, whether continuous or discontinuous, which may be joined in various configurations for the capture of fish.
- (19) "Number 12 twine" means tightly twisted or braided nylon fibers, which are between 0.043 and 0.048 inches in diameter when compressed.
- (21) "Pound net" means a fixed finfish entrapment net device consisting of:
 - (a) One or more pounds or cribs each measuring at least 16 feet long by 16 feet wide at the surface of the water with a netting floor and open top;
 - (b) Mesh webbing with a twine size of #12 or larger;
 - (c) At least one heart leading into the crib;

(d) A leader or hedging consisting of #12 twine or larger and with a minimum stretched mesh size of 3 inches; and

(24) "Trip" means the duration which begins with departure of the fishing vessel from its shore-based facility and which terminates with return to its shore-based facility.

B. Prohibitions and Limitations on Fishing in General.

(2) A person may set and fish:

(a) During the period between March 16 through December 31, attended drift gill nets with a stretched mesh size of 21/2 to 31/2 inches;

(b) During the period between January 1 through March 15, attended drift gill nets with a stretched mesh of 3? to 31/2 inches;

(c) Gill nets as permitted in COMAR 08.02.15.

(9) A commercial tidal fish licensee may not catch or possess fish of the species listed in Natural Resources Article, §4-215, Annotated Code of Maryland, except crabs or shellfish, for commercial purposes during a trip for which fishing guide services are provided to a person for compensation from a vessel or shore in Maryland waters.

(10) A commercial tidal fish licensee may not catch or possess fish of the species listed in Natural Resources Article, §4-215, Annotated Code of Maryland, except crabs or shellfish, for commercial purposes and have more than:

(a) Two crew members assist the licensee with commercial hook and line fishing; or

(b) Four individuals, including no more than two crew members, present on a vessel which is engaged in commercial hook and line fishing.

(11) A commercial tidal fish licensee may not register more than eight pound net sites with the Department.

(12) A haul seine shall be sealed as provided in Natural Resources Article, §4-713, Annotated Code of Maryland, and the seal may not be tampered with or removed.

(13) From February 1 through March 31, inclusive, a person may not set a fyke net in any of the areas described in COMAR 08.02.21.03K.

(14) General Provisions.

(a) The Secretary may close designated areas to hook and release activity by publishing notice in a daily newspaper of general circulation, at least 48 hours in advance of the closure, stating the effective hour and date.

(b) The Secretary shall make a reasonable effort to disseminate public notice through various other media so that an affected person has reasonable opportunity to be informed.

(c) In addition to any other penalty, failure to submit a report as required by law may result in license suspension under Natural Resources Article, §4-701, Annotated Code of Maryland.

08.02.05.12 Summer Flounder.

A. Recreational Fishery.

(1) Minimum Size. An individual may not catch or possess summer flounder less than 19 inches total length.

(2) Catch Limit. An individual may not catch or possess more than three summer flounder per day.

(3) Season. An individual may recreationally catch and possess summer flounder only from April 17 through November 22, inclusive.

B. Commercial Fishery.

(1) Quotas.

(a) The annual commercial quota for Maryland is established by the National Marine Fisheries Service and the Atlantic States Marine Fisheries Commission.

(b) The annual commercial quota is divided into an allocation for:

(i) The Atlantic Ocean, its coastal bays, and their tributaries;

(ii) The Chesapeake Bay and its tidal tributaries;

(iii) The Potomac river; and

(iv) The harvest of summer flounder provided for in §B(3)(a) and (4) of this regulation.

(c) The annual commercial quota and allocations are subject to downward adjustment action if there are overages in the previous year's landings.

(d) Ten percent of the allocation for the Atlantic Ocean, its coastal bays, and their tributaries may be set aside to provide for the possible downward quota adjustment.

(e) Equal individual allocations shall be established for the portion of the annual commercial quota provided for in §B(1)(b)(i) of this regulation and allocated by permit to an individual that meets the requirements set forth in §C(5) of this regulation.

(f) An individual licensed to catch fish for commercial purposes who is in possession of a Maryland summer flounder landing permit in accordance with §C of this regulation and lands more than the assigned permit allocation shall have the overage deducted from the permit allocation for the following year.

(2) Minimum Size. An individual licensed to catch fish for commercial purposes may not catch or possess a summer flounder less than:

(a) The size limit set forth in §A(1) of this regulation if caught by hook and line; or

(b) 14 inches total length if caught by gear other than hook and line.

(3) Daily Catch Limits. An individual licensed to catch fish for commercial purposes may not catch, possess, or land more than:

(a) 100 pounds of summer flounder per day from the Atlantic Ocean, its coastal bays, and their tributaries unless in possession of a Maryland summer flounder landing permit; and

(b) 50 pounds of summer flounder per day from the Chesapeake Bay and its tidal tributaries.

(4) An individual licensed to catch fish for commercial purposes may not:

(a) Transfer summer flounder from one vessel to another vessel; or

(b) Land more than 5 percent by:

(i) Number of summer flounder under 14 inches as part of the daily limit for flounder caught by gear other than hook and line; or

(ii) Weight of summer flounder in excess of the daily catch limits established in §B(3) of this regulation.

(5) Reporting Requirements.

(a) Summer flounder harvested for commercial purposes from Maryland waters of the Atlantic Ocean or from the waters of the Exclusive Economic Zone (EEZ) and landed in Maryland shall be sold to a dealer with a federal permit.

(b) A dealer shall transmit information weekly, or as requested, on each summer flounder transaction through the Department-approved reporting system.

C. Licenses and Permits.

- (1) The owner or operator of a vessel which is used to catch, possess, or land summer flounder for commercial purposes shall be licensed to fish for commercial purposes in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland.
- (2) A vessel which is used to catch, possess, or land summer flounder for commercial purposes from the waters of the Exclusive Economic Zone (EEZ) of the Atlantic Ocean shall have a permit from the National Marine Fisheries Service.
- (3) A vessel declared on a summer flounder landing permit may be operated by an individual other than the owner of that vessel if the individual is in possession of the summer flounder landing permit.
- (4) A permittee may catch, possess, or land summer flounder for commercial purposes on a vessel other than the vessel declared on the permittee's permit if in possession of the permit issued to the permittee, and the undeclared vessel is permitted by the National Marine Fisheries Service.
- (5) Summer Flounder Landing Permit.
 - (a) An owner of a vessel with a permit from the National Marine Fisheries Service may obtain a Maryland summer flounder landing permit if the vessel or owner:
 - (i) Meets the requirements set forth in §C(1) and (2) of this regulation;
 - (ii) Landed in the State at least 25,000 pounds of summer flounder in a year for at least 2 years of the period 1998—2003;
 - (iii) Held a Maryland summer flounder landing permit for at least 1 year during the period 1998—2003; and
 - (iv) Provides proof of eligibility to the Department.
 - (b) An eligible permittee shall declare a vessel owned by the permittee to which the summer flounder landing permit will be assigned annually. The federally registered name of a vessel with a permit or the State registration numbers shall be indicated at the time of application for the permit.
 - (c) A declared vessel may only be changed for reasons of extreme hardship documented to the Department.
 - (d) Proof of eligibility for a Maryland summer flounder landing permit as required in §C(5)(a) of this regulation may be documented by records of the Department or records of the National Marine Fisheries Service.
- (6) Permanent Transfer of a Landing Permit. The Department may approve the permanent transfer of a Maryland summer flounder landing permit to an individual who:
 - (a) Meets all of the requirements set forth in §C(1) and (2) of this regulation;
 - (b) Is not currently a permit holder;
 - (c) Has not held a Maryland summer flounder landing permit for the prior 2 calendar years; and
 - (d) Meets one of the following conditions:
 - (i) Is the permittee's spouse, daughter, son, stepchild, grandchild, stepgrandchild, parent, sister, brother, grandparent, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, or brother-in-law;
 - (ii) Upon death of the permittee, has been designated as an authorized representative of the permittee;
 - (iii) Has purchased a vessel with a federal permit used for commercial fishing from the Maryland permit holder; or
 - (iv) Provides a notarized bill of sale for the purchase of equipment and assets with a minimum value of \$2,000 and the commercial fishing business from the permit holder.

- (7) An individual in possession of a Maryland summer flounder landing permit shall record the harvest of summer flounder on the permit daily and submit the completed permit to the Department within 14 days from the end of the summer flounder season.
- (8) The Department may deny an application for a summer flounder landing permit for failing to comply with §C(7) of this regulation during the previous season.

D. Gear Restrictions.

- (1) A person who catches summer flounder for commercial purposes may not use a trawl net with stretched mesh size of less than 6 inches square or 5 1/2 inches diamond applied throughout the net, including the body, extensions, and cod end.
- (2) For the purposes of measuring the required mesh sizes, at least 20 meshes shall be measured, of which:
- (a) At least 12 meshes shall measure the minimum size or larger; and
- (b) The remaining meshes may not measure more than 1/4 inch less than the minimum mesh size.

E. General.

- (1) The Secretary may modify catch limits, size limits, quotas, or open or close a season by publishing notice in a daily newspaper of general circulation at least 48 hours in advance of the modification, stating the effective hour and date.
- (2) The Secretary shall make reasonable effort to disseminate public notice through various other media so that an affected person has reasonable opportunity to be informed.
- (3) The Department shall make a reasonable effort to modify quotas to ensure that the Maryland portion of the coast-wide quota is harvested and not exceeded.
- (4) An individual who catches or lands summer flounder in Maryland shall report catch and landing information daily on the forms provided by the Department.
- (5) An individual shall return the forms containing catch and landing information to the Department in the time period specified by the Department.

08.02.05.13 Weakfish and Spotted Sea Trout.

A. Minimum Size.

- (1) A recreational angler may not catch or possess spotted sea trout less than 14 inches in total length.
- (2) A recreational angler may not catch or possess weakfish less than 13 inches in total length.
- (3) A person licensed to catch fish for commercial purposes may not catch or possess weakfish or spotted sea trout less than 12 inches in total length.

B. Recreational Catch Limits. Except for a person licensed to catch finfish for sale, a person may not catch or possess more than one weakfish and ten spotted sea trout per day.

C. Commercial.

- (1) Atlantic Ocean, Its Coastal Bays, and Their Tidal Tributaries.
- (a) A person may not catch, possess, or land more than 100 pounds of weakfish per day or trip, whichever is longer;

- (b) The weight of the weakfish may not exceed the weight of the catch of the other species on board the vessel; and
- (c) Harvest of weakfish with hook and line is prohibited.

D. Net Mesh Size Restrictions.

- (1) Trawls. A person may not use a trawl with mesh less than 3-3/8 inches square or 3-3/4 inches diamond stretched mesh size to catch weakfish or spotted sea trout.
- (2) Gill Nets. A person may not use a gill net with stretched mesh size less than 3 inches to catch weakfish or spotted sea trout.

E. Public Notice. The Secretary:

- (1) May modify, open, or close a season by publishing notice in a daily newspaper of general circulation at least 48 hours in advance, stating the effective hour and date; and
- (2) Shall make a reasonable effort to disseminate public notice through various other media so that an affected person has reasonable opportunity to be informed.

08.02.05.15 Black Drum

A. Minimum Size. A person may not catch or possess black drum less than 16 inches in total length.

B. Recreational Catch Limit.

- (1) The daily catch and possession limit per individual is one black drum.
- (2) The daily catch and possession limit per boat is six black drum.

C. Commercial Fishery.

- (1) Atlantic Ocean. The annual total allowable landings is 1500 pounds.
- (2) Coastal Bays and Their Tributaries and Chesapeake Bay and Its Tidal Tributaries.
 - (a) Except for purposes of scientific investigation approved by the Department, a commercial licensee may not catch, possess, or sell black drum.
 - (b) If black drum is incidentally taken by a pound net, a commercial licensee may notify the Department.
 - (c) The Department may:
 - (i) Verify the number of black drum;
 - (ii) Record the length;
 - (iii) Affix a tag;
 - (iv) Release the black drum; and
 - (v) Prepare an invoice for payment of \$7.50 per black drum as consideration for assistance with the collection of biological data if the Department was timely notified of the incidental taking of black drum.

D. General. The Secretary:

- (1) May modify catch limits or open or close a season in State waters by publishing notice in a daily newspaper of general circulation at least 48 hours in advance, stating the effective hour and date; and

(2) Shall make a reasonable effort to disseminate public notice through various other media so that an affected person has reasonable opportunity to be informed.

CHAPTER 7 CLAMS

08.02.07.03 General.

A. Size Limit.

(1) Except as provided in §A(2) of this regulation, a person may not possess hard-shell clams harvested from State waters with a transverse dimension of less than 1 inch.

(2) A person may possess not more than 10 percent of the catch per bag which measures less than the minimum size specified in §A(1) of this regulation.

B. Gear. The use of hand-held gear is permitted in the Atlantic Ocean and Coastal Bays.

C. An individual may not harvest soft-shell clams within 150 feet of a:

(1) Natural oyster bar;

(2) Leased area;

(3) Public shellfish fishery area established in COMAR 08.02.04.17A; or

(4) Sanctuary designated in Section I of "Oyster Sanctuaries of the Chesapeake Bay and Its Tidal Tributaries (September 2010)" that is incorporated by reference in COMAR 08.02.04.15A.

CHAPTER 10 HORSESHOE CRABS

08.02.10.01 Horseshoe Crabs.

A. Quota. The annual total allowable landings of horseshoe crabs for the commercial fishery is 170,653 horseshoe crabs.

B. Seasons.

(1) A person may not catch or land horseshoe crabs in Maryland from December 1 through June 7, inclusive.

(2) From June 8 through July 12, inclusive, a person:

(a) May not catch or land horseshoe crabs from:

(i) Within 1 mile of the Atlantic coast or its coastal bays; and

(b) May catch and land horseshoe crabs outside of 1 mile of the Atlantic coast on Monday through Friday in accordance with the catch limits in §D of this regulation.

(3) From July 13 through November 30, inclusive, a person may catch or land horseshoe crabs from the tidal waters of the State on Monday through Friday in accordance with the catch limits in §D of this regulation.

C. Time Restrictions. A person may not catch or land horseshoe crabs on Saturday or Sunday.

D. Catch Limits.

(1) A person may not catch or land more than 25 horseshoe crabs daily, except as follows:

- (a) From June 8 through July 12, inclusive, the daily catch limit for this period for a permittee shall be 100 horseshoe crabs; and
- (b) From July 13 through November 30, inclusive, the daily catch limit for this period for a permittee shall be based on the ratio of landings reported by the permittee in Maryland during 1996 to the total reported landings for 1996 as applied to the annual total allowable landings for the present year.
- (2) A permittee may not catch or land more than the daily catch limit specified on the horseshoe crab landing permit issued by the Department.

E. Horseshoe Crab Landing Permit.

- (1) The Department may issue a permit to catch and land horseshoe crabs in Maryland to a person who:
 - (a) Is licensed in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland; and
 - (b) Reported catching and landing horseshoe crabs in Maryland during 1996.
- (2) The daily catch limits shall be printed on the horseshoe crab landing permit.
- (3) A permittee shall possess the horseshoe crab landing permit when engaged in permitted activities.
- (4) Permanent Transfer of a Landing Permit. The Department may approve the permanent transfer of a landing permit to a person who:
 - (a) Is the permittee's spouse, daughter, son, stepchild, grandchild, step-grandchild, parent, sister, brother, grandparent, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, or brother-in-law;
 - (b) Upon death of the permittee, has been indicated as the transferee to the Department by the permittee or authorized representative of the permittee;
 - (c) Has purchased a vessel used for commercial fishing from the permit holder; or
 - (d) Provides a notarized bill of sale for the purchase of equipment and assets with a minimum value of \$2,000 and the commercial fishing business from the permit holder.
- (5) Temporary Transfer of a Landing Permit.
 - (a) The Department may approve the temporary transfer of a landing permit to a person for not less than 30 days and not more than 90 days.
 - (b) A person may not transfer a permit in exchange for any type of remuneration.
 - (c) At the end of the specified transfer time period the permit automatically returns to the original permittee.
- (6) A horseshoe crab landing permit may only be transferred to a person who:
 - (a) Is licensed in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland; and
 - (b) Is not currently a permit holder.
- (7) An applicant for a Maryland horseshoe crab landing permit shall declare an intent to harvest by May 1 of each year.

F. General.

- (1) A person who catches or lands horseshoe crabs in Maryland shall:
 - (a) Accurately record their catches or landings:
 - (i) On the horseshoe crab landing permit; and
 - (ii) On the daily commercial fisheries catch log in accordance with COMAR 08.02.13.06; and

(b) Submit:

- (i) The completed horseshoe crab landing permit as required by the Department; and
 - (ii) The daily commercial fisheries catch log in accordance with COMAR 08.02.13.06.
- (2) The Department may deny an application for a horseshoe crab landing permit to a person who has failed to comply with the horseshoe crab landing permit reporting requirements.
- (3) A person authorized to catch and release horseshoe crabs for purposes of scientific research:
- (a) Shall return within 48 hours the live horseshoe crabs to the waters from which the horseshoe crabs were taken; and
 - (b) Is exempt from §§A—E of this regulation.
- (4) A person who purchases horseshoe crabs for purposes of scientific research may:
- (a) Return the horseshoe crabs to the harvester for use or sale as bait;
 - (b) Return or sell the horseshoe crabs to a bait dealer; or
 - (c) Return the horseshoe crabs live to tidal waters.
- (5) The Secretary may modify catch limits or quotas, or open or close a season by publishing notice in a daily newspaper of general circulation at least 48 hours in advance, stating the effective hour and date.
- (6) The Secretary shall make a reasonable effort to disseminate public notice through various other media so that an affected person has reasonable opportunity to be informed.

F. General.

- (1) A person who catches or lands horseshoe crabs in Maryland shall report catch and landing information daily on the forms provided by the Department.
 - (2) A person shall return the form containing catch and landing information to the Department in the time period specified by the Department.
 - (3) A person authorized to catch and release horseshoe crabs for purposes of scientific research:
- (a) Shall return within 48 hours the live horseshoe crabs to the waters from which the horseshoe crabs were taken; and
 - (b) Is exempt from §§A—E of this regulation.
- (4) A person who purchases horseshoe crabs for purposes of scientific research may:
- (a) Return the horseshoe crabs to the harvester for use or sale as bait;
 - (b) Return or sell the horseshoe crabs to a bait dealer; or
 - (c) Return the horseshoe crabs live to tidal waters.
- (5) The Secretary may modify catch limits or quotas, or open or close a season by publishing notice in a daily newspaper of general circulation at least 48 hours in advance, stating the effective hour and date.
- (6) The Secretary shall make a reasonable effort to disseminate public notice through various other media so that an affected person has reasonable opportunity to be informed.

CHAPTER 15 STRIPED BASS

08.02.15.04 Tidal Fish Licensee Intent to Fish.

A. Registration.

- (1) A commercial tidal fish licensee shall register for a striped bass allocation permit to participate in a striped bass season in accordance with §§A(2), A(3), and B(1) or (2)(a) of this regulation, within the time period established in this chapter.

(2) Registration Schedule.

- (a) A tidal fish licensee shall submit an application to the Department by August 31 of each year.
- (b) A tidal fish licensee who has not registered by August 31 of the current year, and who has not registered late in any of the three preceding years, may apply up to September 14 of the current year to the Director of Fisheries Service if the licensee can show good reason why the application should be validated.
- (c) An individual that does not register by September 14 of the current year, or the close of business the next business day when September 14 occurs on a weekend, is not eligible to participate in the striped bass fishery for the next calendar year.
- (d) An exception to the September 14 deadline will be considered only for an individual who can provide satisfactory documentation of a physical or mental incapacity that prevented that individual from meeting the registration time period established in this subsection.
- (e) An individual that has registered to participate in a striped bass season in accordance with §A(2) of this regulation may transfer in accordance with §F of this regulation:
 - (i) The allocation permit or permits described in §B(1)(a), (b), or (c), or the hook and line portion of §B(1)(d) of this regulation during the period March 1 through March 31; or
 - (ii) The allocation permit or permits described in §B of this regulation during the period August 1 through August 31.

(3) The Department shall:

- (a) Make registration applications available to eligible tidal fish license holders at regional licensing centers not later than August 1 of each year; and
- (b) Use the registrations received as of September 14 of each year to determine gear and net allocations for the striped bass fishing season.

B. Registration Gear Type.

- (1) For the Chesapeake Bay and its tidal tributaries, when registering for a striped bass allocation permit, a commercial tidal fish licensee shall specify and be authorized to use one of the following gear types:
 - (a) Pound net;
 - (b) Haul seine;
 - (c) Commercial hook and line; or
 - (d) Gill net and hook and line;
- (2) For the Atlantic Ocean, its coastal bays and their tributaries, when registering for a striped bass allocation permit, a commercial tidal fish licensee shall specify and be authorized to use one of the following gear types:
 - (a) Otter and beam trawl; or
 - (b) Gill net.
- (3) A fishing guide licensee is not required to register to participate in the striped bass season.
- (4) A tidal fish licensee may not receive a permit to be authorized to use gears described in both §B(1) and §B(2) of this regulation for the harvest of striped bass.

C. Department-Issued Striped Bass Allocation Permit.

- (1) A commercial tidal fish licensee, except a fishing guide licensee, authorized to participate in a striped bass season shall possess a Department-issued striped bass allocation permit while fishing during the appropriate season.

- (2) The total number of permits authorizing commercial licensees to fish for striped bass is limited to:
 - (a) 1,231 for commercial tidal fish licensees; and
 - (b) 499 for fishing guide licensees.
- (3) An individual who is authorized to commercially harvest striped bass in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland, and participated in at least one striped bass fishery during the past 2 years is allowed to register to participate for the next striped bass fishery.
- (4) The Department shall accept an application for a striped bass allocation permit authorizing a commercial tidal fish licensee to participate in a commercial striped bass season from any person qualified under Natural Resources Article, §4-701, Annotated Code of Maryland, and maintain separate waiting lists of commercial tidal fish license candidates and fishing guide license candidates to fish for striped bass.
- (5) Applicants shall be ranked and maintained in the order that their requests are received for waiting lists.
- (6) For each striped bass allocation permit that has been revoked or voluntarily relinquished, a new striped bass allocation permit may be issued to an applicant on the waiting list.
- (7) The Department shall issue an available striped bass allocation permit to the first person on the appropriate waiting list to fish for striped bass.

D. A commercial tidal fish licensee who has not registered to catch striped bass in accordance with §A of this regulation or who has not received a transfer of a striped bass allocation permit in accordance with §F or G of this regulation may not catch striped bass for sale or participate during the commercial striped bass season.

F. Annual Transfer of Allocation Permit.

- (1) The striped bass allocation permit for each gear type listed in §B of this regulation may only be transferred or sold to a valid commercial tidal fish licensee.
- (2) The striped bass allocation permit may only be transferred or sold within the transfer time period established in §A(2) of this regulation at regional licensing centers.
- (3) A commercial tidal fish licensee may transfer a striped bass allocation permit for the season if:
 - (a) The fee for the authorization has been paid;
 - (b) The transferor makes application to the Department requesting transfer in person or through a notarized transfer form; and
 - (c) The transferee is a valid commercial tidal fish licensee.
- (4) Except as provided in §F(5) of this regulation, a commercial tidal fish licensee may not be assigned more than the following:
 - (b) In the Atlantic Ocean and its coastal bays and tributaries:
 - (i) Four striped bass Atlantic otter and beam trawl allocation permits; or
 - (ii) Four striped bass Atlantic gill net allocation permits.
- (5) A commercial tidal fish licensee may not possess or be assigned both a striped bass hook and line allocation permit and a striped bass pound net allocation permit.
- (6) For purposes of the license suspension criteria, if a licensee transfers the striped bass authorization to another licensee for a season, the transferee that committed the violation shall be held responsible.

G. Permanent Transfer of Striped Bass Authorization.

- (1) A commercial tidal fish licensee may permanently transfer a striped bass authorization if:
 - (a) The commercial tidal fish licensee makes application to the Department requesting transfer;
 - (b) The transferor was authorized to harvest striped bass in each of the 3 immediately preceding years;
 - (c) The transferee is a valid commercial tidal fish licensee;
 - (d) The fee for the authorization has been paid; and
 - (e) All striped bass allocation permits and associated tags are returned to the Department.
- (2) An authorized representative of a deceased licensee may permanently transfer a striped bass authorization regardless of the number of years the deceased licensee held the striped bass authorization.

08.02.15.07 Commercial Fishery.

B. Atlantic Ocean, its Coastal Bays and Their Tributaries.

- (1) Quota. The annual target harvest for the commercial fishery is 126,396 pounds.
- (2) Minimum Size. The minimum legal size for the commercial fishery is 24 inches.
- (3) Season. The commercial season for the taking of striped bass for all gears is November 1 through April 30.
- (4) A striped bass caught in the waters of the State shall be landed in the State.
- (5) The Department may waive the provisions set forth in §B(4) of this regulation if an individual files with the Department an affidavit signed by the individual which specifies the out-of-State landing location and Maryland check station where fish will be counted and weighed.
- (6) The Secretary may modify the number of licensees with individual permits that may catch striped bass on a boat on any day by publishing notice in a daily newspaper of general circulation at least 48 hours in advance of the time of modification, stating the effective hour and date.

D. Drift Gill Net Fishery Limitations.

- (1) The provisions of this section apply to a commercial tidal fish licensee participating in a striped bass gill net season.
- (3) A person may possess and use other legal fishing equipment to catch other fish species while fishing for striped bass with gear as provided in §D(2)(a) of this regulation.
- (4) A drift gill net may not be set before 3 a.m. and shall be retrieved and in the boat by 6 p.m.
- (5) Except for the last Saturday and Sunday of the month of February, a drift gill net may not be set on Saturday or Sunday.
- (6) Flag Marker—Chesapeake Bay or Atlantic Ocean.
 - (a) A drift gill net set in the Chesapeake Bay or Atlantic Ocean shall be marked, by the licensee, at one end by a square flag measuring at least 144 square inches, supported by a staff sufficient to maintain the flag bottom at least 3 feet above the surface of the water.
 - (b) The end of a gill net opposite the flag marker shall be marked by either a triangular flag of at least 144 square inches or a floating marker with a volume of at least 460 cubic inches.
 - (c) Each flag or floating marker shall be marked with the licensee's commercial tidal fish license number.
- (7) Flag Marker—Tributaries. A drift gill net set in tributaries of the Chesapeake Bay or Atlantic coastal bays and their tributaries shall be marked by the licensee at each end with a floating

marker with a volume of at least 460 cubic inches, each bearing the licensee's commercial tidal fish license number, or a flag according to §E of this regulation.

E. Commercial Hook and Line Fishery Limitations.

(1) Except as provided in §E(5) of this regulation, a total of two crew members may assist a commercial tidal fish licensee with the appropriate striped bass allocation permit to catch striped bass with hook and line.

(2) Except as provided in §E(5) of this regulation, a maximum of 4 individuals, including crew members, may be present on a vessel which is engaged in commercial hook and line fishing.

(3) A flag specified by the Department shall be displayed on the vessel at least 3 feet above the surface on which it is mounted and clearly visible to approaching vessels if the individuals on board are engaged in commercial hook and line fishing.

(4) A person may not catch or attempt to catch striped bass between 1 hour before sunset and 1 hour before sunrise while using commercial hook and line.

(5) Children 12 years old or younger may be on board a vessel engaged in commercial hook and line fishing in addition to any crew members and licensees as described in §E(1) and (2) of this regulation.

G. General.

(1) A commercial tidal fish licensee may not catch striped bass between 6 p.m. Friday and 5 a.m. Monday, except as provided in §§D, E, and F of this regulation.

(2) A commercial tidal fish licensee may not catch more than the licensee's catch limit assigned to the allocation permit except as provided by the tolerance allowance in pounds as follows:

(a) For a daily catch limit, there is a 50-pound tolerance allowance;

(b) For a weekly catch limit, there is a 50-pound tolerance allowance; and

(c) For a seasonal catch limit, there is a 50-pound tolerance allowance.

(3) A commercial tidal fish licensee may catch striped bass using only the striped bass allocation permit assigned to the licensee.

(4) The Department shall notify a licensee of the licensee's daily, weekly, and seasonal allocation at least 10 days before the season begins.

08.02.15.11 Atlantic Coast Recreational and Charter Boat Fishery.

A. Minimum Size. The minimum legal size for striped bass in the Atlantic Ocean, its coastal bays, and their tributaries is 28 inches.

B. Catch Limit. A person may not take or possess more than two striped bass per day.

08.02.15.12 General Restrictions.

A. A person may not use a gaff or similar device to remove striped bass from the water. A person who catches striped bass shall remove it from the water only by hand or dip net.

B. Possession of Striped Bass.

(1) For purposes of this section, "cull" means that after a person has a striped bass in possession, the person discards or exchanges that striped bass to possess another striped bass.

(2) During a recreational striped bass season:

(a) Between 12 a.m. midnight and 5 a.m., a person may not possess striped bass while fishing on the tidal waters of the Chesapeake Bay and its tributaries; and

(b) An individual may not cull striped bass.

C. Filleting Striped Bass.

(1) Except as provided in §C(2) of this regulation, a person may only land striped bass dockside as a whole fish.

(2) A licensed charterboat captain or mate may fillet striped bass taken on a vessel displaying a current commercial charterboat decal under the following conditions:

(a) A striped bass carcass may not be mutilated to the extent that the total length or species of fish cannot be determined;

(b) All striped bass carcasses:

(i) Shall be retained, unmixed with any other material, in a separate container readily available for inspection until the vessel has docked and all passengers from that trip have left the vessel and the dock area; and

(ii) Are included in the possession limit; and

(c) All striped bass carcasses from any previous trip shall be disposed of before any person begins to fish on a subsequent trip.

D. Except in ponds, lakes, reservoirs, or impoundments or as authorized by the Secretary, a person may not:

(1) Conduct a fishing tournament or contest; or

(2) Offer or give a reward or incentive to a recreational or fishing guide led angler for catching striped bass.

E. In addition to the requirements of this chapter, a person who fishes for striped bass shall be licensed in accordance with Natural Resources Article, §4-701 or 4-705, Annotated Code of Maryland.

F. Mycobacteriosis Tagging Study.

(1) A person licensed by the Department to fish in Maryland waters may catch and possess all striped bass captured with an attached fluorescent green tag that shows the toll-free number 866-845-3379 and either VIMS Gloucester Pt. VA or MD DNR Oxford, provided that person possessing the tagged striped bass immediately:

(a) Places the striped bass on ice or in a cool shaded area;

(b) Calls the toll-free number on the green tag; and

(c) Provides the striped bass to a representative of the Department of Natural Resources.

(2) Striped bass tagged with the specified fluorescent green tag may be caught using legal fishing gear and possessed:

(a) In excess of the daily catch limit;

(b) Outside of the striped bass season;

(c) Above or below the size limits; and

(d) In those areas and times in which capture and possession are otherwise prohibited.

G. Restrictions for Charter Boats.

- (1) During a chartered fishing trip, the captain or mate:
 - (a) May not land or possess striped bass for personal consumption during the season described in Regulation .08 of this chapter;
 - (b) May land and possess one striped bass per boat per trip during the seasons described in Regulation .09 of this chapter, to be retained for personal consumption only.
- (2) A fishing guide licensee may not make more than two charter trips daily to fish for striped bass.

H. Season Limitations. The Secretary:

- (2) May close a season effective on the date which the Secretary determines, based on catch and effort data, that the quota for that user group is reached;
- (3) May modify or extend a fishing season if the Secretary determines that there is quota available to be caught;
- (4) May modify or close a season or catch limit or set a monthly catch limit or modify size limit by publishing notice in a daily newspaper of general circulation at least 48 hours in advance of the time of modification, stating the effective hour and date; and
- (5) Shall make reasonable effort to disseminate public notice of modification through various other media so that an affected person has reasonable opportunity to be informed.

STATUTES:

Natural Resources Article, Annotated Code of Maryland

§ 4-710. Prohibitions and restrictions on methods of fishing generally.

(a) *Prohibited methods generally; penalty.*- A person may not catch finfish for any purpose in the tidal waters of the State by use of any gig, gig iron, purse net, beam trawl, otter trawl, trammel net, troll net, or drag net. Any person who violates this section by catching fish with any of the equipment or devices referred to in this subsection, with the exception of a gig or gig iron, is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding one year, or both, with costs imposed in the discretion of the court. Any person who illegally catches fish with a gig or gig iron is subject to the penalties provided by this title.

(b) *Use of otter or beam trawl permitted in Atlantic Ocean; regulations.*- An appropriately licensed person may fish in the waters of the Atlantic Ocean with an otter trawl or beam trawl, subject to Department rules and regulations, if the person is at least one mile from the shoreline. The Department rules and regulations shall include:

- (1) Setting seasons when otter trawl or beam trawl fishing is permitted; and
- (2) Enumerating the species of fish which may be taken.

(c) *Size of mesh.*-

- (1) A person may not fish with any net whose size of stretched mesh, allowing a reasonable tolerance for shrinkage, is less than the following: pound net, 1 1/2 inches; haul seine, 1 1/2 inches; gill net, 2 1/2 inches; fyke or hoop net, 1 1/2 inches.
- (2) Any hedging or lead attached to a fish trap, fyke net, or pound net shall be constructed of materials which have meshes having a twine size of #12 or larger.
- (3) In the Chesapeake Bay and its tributaries, a person may not set or fish any gill net whose size of stretched mesh is more than 6 inches.
- (4) This subsection does not apply to catching eels with a net.
- (d) *Use of monofilament gill net webbing, cast nets or throw nets.-*
- (1) Except as provided in paragraphs (2) and (3) of this subsection, a person may not install, set, operate, or maintain in any tidal water of the Chesapeake Bay or its tributaries any monofilament gill net webbing of any description to catch fish.
- (2) A person may use a monofilament cast net or a monofilament throw net to catch baitfish in any tidal water of the Chesapeake Bay or its tributaries.
- (3) In casting a monofilament net as provided under paragraph (2) of this subsection, a person:
- (i) May not use a cast net that has a radius greater than 10 feet; and
 - (ii) May cast a cast net only by hand.
- (e) *Use of anchored gill nets and fyke or hoop nets.-*
- (1) A person may not set any anchored gill net or fyke or hoop net or any line of these nets which has a length more than one third the distance across the waters of the bay, sound, river, creek, cove, or inlet where it is set, or is set so that it impedes or obstructs navigation on or blocks in any way the main channel of the bay, sound, river, creek, cove or inlet. The outer end of the submerged gear of any nets referred to in this subsection shall be marked by means of a paddle or board which shows the name, address and license number of the net owner.
- (2) A person may not set an anchored gill net within 1200 feet of a pound or stake net, measured at right angles to the line of stakes.
- (f) *Restrictions on hauling seines or nets.-* A person may not haul any seine or net more than one third of the distance across the body of water, bay, sound, river, creek, cove, or inlet.
- (g) *Snagging certain fish; shooting with bow and arrow.-* A person may take or shoot carp, garfish, skate, bullfish, shark, oyster toads, swelling toads, sting rays, or any other ray fish with bow and arrow, except a crossbow, and snag these fish by means of hooks in the tidal waters of the State under the supervision, regulation, and control of the Department. This subsection only applies to the fish referred to in it.
- (h) *Restrictions on use of stationary fishing gear, setting anchor or mooring buoy, etc.-* A person may not catch or attempt to catch finfish by the use of any stationary fishing gear, or set an anchor or mooring buoy, or in any way obstruct the normal taking of finfish by drift net from December 1 through April 1.
- This subsection applies only to waters more than 50 feet in depth in the Chesapeake Bay south of the William Preston Lane, Jr., Memorial Bridge and is not applicable to any Chesapeake Bay tributaries. This provision does not apply to any designated anchorage in existence on July 1, 1975. The Department has the authority to permit exceptions to this section by regulations when it can be shown that the obstruction will not interfere with a useable fishing reach.
- (i) *Restrictions on certain hooks.-*
- (1) Except in State waters in the Atlantic Ocean, a person may not use more than 2 hooks or 2 sets of hooks for each rod or line.

(2) For the purposes of this subsection, artificial lures or plugs with multiple or gang hooks are considered 1 set of hooks.

§ 4-727. Fishing restrictions - Worcester County

(a) *Stationary nets.*- A person may not fish with a stationary net extended completely across the middle third of the waters measured in a straight line from the east to west shoreline of Sinepuxent Bay north of South Point, Isle of Wight Bay, Assawoman Bay and St. Martin's River.

(b) *Haul or set seines.*- A person may not haul or fish with any haul or set seine, or leave or permit to remain setting, any set seine in the waters of Sinepuxent Bay and its tributaries north of South Point, during the period between 6 o'clock p.m. Saturday, and 6 o'clock a.m., of the following Monday.

(c) *Herring Creek.*- A person may only fish with a rod, or hook and line in the waters of Herring Creek which lie south of the State Road Bridge.

(d) *Sinepuxent Bay.*- A person may not fish in the waters of Sinepuxent Bay or its tributaries within the limits of Worcester County with any seine or net of any description having meshes less than one and one-half inches square. However, during the months of July, August, September, and October, a person may fish for fat backs and croakers with any seine or net of this description.

§ 4-809. Limitations and prohibitions on catching and possessing certain kinds and sizes of crabs; regulations; special provisions for Worcester County.

(a) Size of peelers; bycatches.-

(1) Except as provided in paragraph (2) of this subsection, a person may not catch or possess peeler crabs measuring less than 3 inches across the shell from tip to tip of spike.

(2) A person may possess a bycatch of peeler crabs measuring less than 3 inches across the shell from tip to tip of spike if the bycatch is not greater than:

(i) 30 per bushel; or

(ii) 60 per float.

(3) In determining the number of peelers measuring less than 3 inches across the shell from tip to tip of the spike, the Department shall select the minimum number of bushels or floats necessary to be representative of the person's catch.

(b) Size of soft crabs; regulations.-

(1) Except as provided in paragraph (2) of this subsection, a person may not catch or possess soft crabs measuring less than three and one-half inches across the shell from tip to tip of the spike.

(2) (i) This paragraph applies until the Department adopts regulations under paragraph (3) of this subsection.

(ii) A person may possess a bycatch of soft crabs measuring less than three and one-half inches across the shell from tip to tip of the spike if the bycatch is not greater than one undersized soft crab per dozen soft crabs possessed.

(3) (i) The Department shall adopt regulations establishing and governing a permissible bycatch for soft crabs under this subsection.

(ii) The regulations that the Department adopts under this paragraph may not be more restrictive than the applicable restrictions on the permissible bycatch for hard crabs and peeler crabs.

(c) Fat crabs, snot crabs, green crabs and buckram crabs in Worcester County.- In the waters of Worcester County, a person may not catch, possess, or keep in floats any fat crabs, or any crab known as snot crab, green crab, or buckram crab.

(d) Exception for female crabs.- The minimum size of crabs does not apply to mature female crabs, identified by the rounded apron.

(e) Imported crabs.- The provisions of subsection (a) do not apply to crabs imported into Maryland during the closed season for catching crabs if the person possessing the imported crabs has a certificate of origin.

(f) Peelers.- Once taken, peelers shall be kept separate from other crabs.

§ 4-1004. License to catch oysters and clams commercially.

(a) Required.-

(1) A person may not catch oysters or clams for commercial purposes in the waters of the State unless the person first obtains a license, but a resident may catch up to 1 bushel each of oysters and clams a day for his own use and consumption without a license, in places and at times prescribed by rule or regulation of the Department. Notwithstanding the preceding sentence, a nonresident may catch in the tidal bays of Worcester County up to 1 bushel of hard clams per day for his own use and consumption.

§ 4-1012. Areas where dredging permitted

(a) Chesapeake Bay.- A person may not catch oysters by dredge in the Atlantic Coastal Bays, as defined in § 8-1802 of this article

§ 4-1022. Shinnecock rakes.

(a) Prohibited.- A person may not catch hard-shell clams in the waters of the State with a shinnecock rake or similar device.

(b) Exception for Worcester County.- Notwithstanding the provisions of subsection (a) of this section, a person may catch hard-shell clams with a handscrape, shinnecock rake, or hydraulic dredge in the waters of Worcester County. Unless a person first obtains the permission of the shore or wharf owner, he may not catch hard-shell clams within 300 feet of any shore or wharf.

§ 4-1023. Department may regulate catching in Worcester County

Notwithstanding the provisions of this subtitle, the Department may adopt and modify rules and regulations governing catching hard-shell clams in the waters of Worcester County. These rules and regulations may specify the type and size of gear used, maximum quantity of clams caught per day, minimum size of clams caught, season for catching clams, days of the week and hours of the day when clams may be caught or landed, and the areas in which clams may be caught with any type of gear. A person may not catch clams by handscape, shinnecock rake, hydraulic dredge, or any mechanical means from June 1 to September 15.

§ 4-1024. License for catching hard-shell clams by rake in Worcester County

(a) *Required.*- Any person desiring to catch hard-shell clams by rake in the waters of Worcester County shall apply to the Department for a license.

(b) *Application.*- Every applicant shall exhibit to the Department satisfactory evidence showing the name or number and size of the boat. Each applicant shall certify that he is the bona fide owner of the boat, that a nonresident of the State does not hold a lien on the boat, and that he has been a State resident for at least one year prior to making the application. The applicant shall supply any other information the Department requires.

§4-1037. Areas where catching with gear other than hand tools prohibited.

A person may not catch or attempt to catch soft-shell clams with a hydraulic clam dredge or any other gear except hand-held tools, such as shovels and hoes, in the following areas:

(7) In the Atlantic Coastal Bays, as defined in § 8-1802 of this article.

§4-1038. Restrictions on catching soft-shell clams by hydraulic dredge in certain counties.

(b) Charles and Wicomico counties or Atlantic Coastal Bays.- A person may not catch by hydraulic or mechanical clam dredge soft-shell clams from the waters of Charles or Wicomico counties, or the Atlantic Coastal Bays, as defined in § 8-1802 of this article.

§4-11A-07. Atlantic Coastal Bays – Submerged land lease.

(a) *Scope.*- This section applies to a submerged land lease in the waters of the Atlantic Coastal Bays.

(b) *In general.*- The Department may issue to a person a submerged land lease in waters of the Atlantic Coastal Bays that meet applicable water quality requirements for shellfish cultivation as determined by the Department of the Environment.

(c) *Location.*- A submerged land lease may not be located:

- (1) Within a minimum of 50 feet of shoreline or any pier without the written permission of the riparian owner at the time of initial application for the lease;
- (2) Within 150 feet of the public shellfish fishery or a registered pound net site;
- (3) Within 150 feet of any oyster sanctuary or oyster reserve;
- (4) Within 150 feet of a federal navigational channel;

- (5) In any creek, cove, bay, or inlet less than 300 feet wide at its mouth at mean low tide;
- (6) In an SAV Protection Zone; or
- (7) In a setback or buffer from the Assateague Island National Seashore established by the Department.

(d) Cultivation of shellfish.- A person with a submerged land lease in the Atlantic Coastal Bays may cultivate shellfish on the submerged land, in temporary protective enclosures approved by the Department on the surface of the submerged land, or in any other manner authorized by the Department.

(e) Establishment of submerged land areas.-

(1) The Department may establish submerged land areas in the Atlantic Coastal Bays that:

- (i) Are preapproved for leasing;
 - (ii) May not be leased;
 - (iii) May be approved for leasing only on specific application and review by the Department.
- (2) In establishing areas that are preapproved for leasing or that may not be leased under paragraph (1) of this subsection, the Department shall consider potential conflicts presented by other uses of the proposed area, including navigation, recreation, and commercial fishing.

§ 8-1802. Definitions; parties subject to obligation imposed by subtitle.

(a) In general.-

(1) In this subtitle the following words have the meanings indicated.

(2) "Atlantic Coastal Bays" means the Assawoman, Isle of Wight, Sinepuxent, Newport, and Chincoteague Bays.

(3) "Atlantic Coastal Bays Critical Area" means the initial planning area identified under § 8-1807 of this subtitle.

§ 8-1807. Chesapeake and Atlantic Coastal Bays Critical Areas [Subject to amendment effective October 30, 2011; amended version follows this section].

(b) Initial planning - Atlantic Coastal Bays.- The initial planning area for determination of the Atlantic Coastal Bays Critical Area consists of:

(1) All waters of and lands under the coastal bays and their tributaries to the head of tide as indicated on the State wetlands maps, and all State and private wetlands designated under Title 16 of the Environment Article; and

(2) All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 16 of the Environment Article.

(c) Area designated as critical area.-

(1) (i) In determining the Chesapeake Bay Critical Area or the Atlantic Coastal Bays Critical Area within its boundaries, a local jurisdiction may exclude those portions of the planning area designated in subsection (a) or (b) of this section which the local jurisdiction finds to be:

1. Part of a developed, urban area in which, in view of available public facilities and applicable laws and restrictions, the imposition of a program would not substantially improve protection of tidal water quality or conservation of fish, wildlife, or plant habitats; or
2. Located at least 1,000 feet from open water and separated from open water by an area of wetlands which it is found will serve to protect tidal water quality and fish, wildlife, or plant habitats from adverse impacts of development in the excluded area.
 - (ii) A portion of urban area to be excluded shall be at least 50% developed and may not be less than 2,640,000 square feet in contiguous area or the entire initial planning area located within the boundaries of a municipality, whichever is less.
- (2) A local jurisdiction shall include in any program submitted to the Commission under § 8-1809 of this subtitle a designation of those portions of the Chesapeake Bay Critical Area or Atlantic Coastal Bays Critical Area proposed for exclusion under paragraph (1) of this subsection, together with all factual information and expert opinion supporting its findings under this subsection.
- (3) The Commission shall approve a local jurisdiction's designation of portions to be excluded unless the Commission finds, based on stated reasons, that the decision of the local jurisdiction was:
 - (i) Not supported by competent and material evidence; or
 - (ii) Arbitrary or capricious.
- (4) If the Commission develops the program to be applied in a local jurisdiction, the Commission shall exclude areas as appropriate to meet the intent of paragraph (1) of this subsection
- (e) Area designated as critical area - Atlantic Coastal Bays.- The Atlantic Coastal Bays Critical Area shall consist of:
 - (1) Those areas designated in subsection (b) of this section, except any areas excluded in accordance with subsection (c) of this section; and
 - (2) Additional areas proposed for inclusion by local jurisdictions and approved by the Commission.