



TIDAL FISH COMMERCIAL SPECIFIC LAWS

GEAR AND GENERAL RULES:

COMAR

08.02.05.01 Methods of Fishing in Tidal Waters.

A. Use of Spear Gun or Spear.

(1) As used in this regulation, "spear gun" means any type of device used for propelling a spear under water by any means other than manual in order to catch fish.

(2) A person may not kill, try to kill, or otherwise injure fish by the use of a spear gun except as provided in this regulation.

(3) A person may take or shoot fish with a spear gun and spear in the tidal waters of the State from June 15 to December 31, inclusive, with the following exceptions:

(a) A person may not take or shoot striped bass (*Morone saxatilis*) with a spear gun and spear in the tidal waters of the State;

(b) A person may take or shoot carp, garfish, skate, bullfish, oyster toads, swelling toads, American eel, sea lamprey, sting rays, or any other ray fish with a spear gun and spear at any time.

(4) A person may not use a spear or spear gun without specific advance permission within 100 yards of any:

(a) Human being;

(b) Public or private swimming area;

(c) International diving flag; or

(d) Vessel other than that used by the spear fisherman.

B. Use of Bow and Arrow. A person may take or shoot carp, garfish, skate, bullfish, oyster toads, swelling toads, sting rays, or any other ray fish with a bow and arrow, except a crossbow, in the tidal waters of the State. A person may not shoot an arrow without specific advance permission within 100 yards of any:

(1) Human being;

(2) Private or public bathing area;

(3) International diving flag;

(4) Occupied duck blind; or

(5) Vessel other than that occupied by the archer.

C. Fish Snagging.

- (1) Except as provided in §C(2) of this regulation, a person may not snag fish in the tidal waters of the State.
- (2) A person may snag carp, garfish, skate, bullfish, oyster toads, swelling toads, sting rays or any other ray fish by means of hooks in the tidal waters of the State.

D. Registration of Pound Net Sites.

- (1) An individual may not set a pound net in State waters unless:
 - (a) The individual is a commercial tidal fish licensee;
 - (b) The site is approved by the Department; and
 - (c) The site is registered in the individual's name.
- (2) An applicant for a pound net site shall:
 - (a) Complete a registration form; and
 - (b) Submit:
 - (i) A copy of the applicant's tidal fish license; and
 - (ii) The latitude and longitude coordinates, from a global positioning system, of the proposed pound net site.
- (3) The pound net site registrant shall comply with all requirements for the pound net site, including the requirements for:
 - (a) Location;
 - (b) Size; and
 - (c) Distance from other fishing gears or shorelines.
- (4) An individual may not register more than eight pound net sites with the Department.
- (5) The pound net site registrant may notify the Department in writing to cancel a pound net site registration.
- (6) A pound net set at a registered site by the registered licensee has priority over other commercial finfish gear with regard to any distance requirements set forth in Natural Resources Article, §4-711, Annotated Code of Maryland.
- (7) In addition to the registration requirement, a commercial tidal fish licensee that intends to use a pound net to harvest striped bass shall comply with COMAR 08.02.15.04.
- (8) The Department may approve the permanent transfer of a registered pound net site from the holder of the registered pound net site to an individual with the appropriate tidal fish license upon completion of the appropriate transfer application and pound net site registration.
- (9) The Department may revoke the registration of a pound net site for cause, including but not limited to, the revocation or lapse of the registrant's commercial tidal fish license.

E. Marking of Pound Nets. The owner of a pound net shall mark the pound net while the stakes are in the water, regardless of whether the nets are attached, as follows:

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- (1) The stake at the head of a pound net shall be marked by a light that is functional between sunset and sunrise, which shall be:
 - (a) Placed on the stake at least 6 feet above normal high water; and
 - (b) Visible in all directions for at least 1 mile on a clear night; or
- (2) The stake of a pound net shall be marked with retro-reflective tape, as specified by the Department, which is placed on the stake at least 6 feet above normal high water in the following areas and manner:
 - (a) On all State waters, except for Potomac River tributaries:
 - (i) The stake at each end of the pound net shall be marked with three 4-inch bands of orange retro-reflective tape which do not overlap, and
 - (ii) The stakes between the two end stakes, at intervals not greater than 150 feet apart, shall be marked with a single 4-inch band of white retro-reflective tape; and
 - (b) On Potomac River tributaries:
 - (i) The end stake closest to the channel and on the right side of channel when entering from a seaward direction, shall be marked with three 4-inch bands of red retro-reflective tape, which do not overlap, and the opposite end stake shall be marked with three 4-inch bands of green retro-reflective tape which do not overlap,
 - (ii) The end stake closest to the channel and on the left side of the channel when entering from a seaward direction shall be marked with three 4-inch bands of green retro-reflective tape which do not overlap, and the opposite end stake shall be marked with three 4-inch bands of red retro-reflective tape which do not overlap, and
 - (iii) At least three stakes between the two end stakes, at intervals not greater than 150 feet apart, shall be marked with a single 4-inch band of white retro-reflective tape.

F. Upstream of a line drawn from the northernmost point of the mouth of Deer Creek in Harford County in a northeasterly direction to the intersection of US Route 222 and Canal Road in Cecil County, a person may not:

- (1) Take a fish by snagging;
- (2) Fish with a dip net; or
- (3) Harass, harm, pursue, hunt, shoot, wound, or attempt to catch striped bass except during an open striped bass season as designated in COMAR 08.02.15.

G. Bait. A person may not use eels as bait while fishing with hook and line in the tidal waters of the Chesapeake Bay and its tributaries, except for a recreational, charter, or commercial hook and line fisherman authorized to participate in, and fish during summer and fall striped bass seasons established in COMAR 08.02.15.

08.02.05.02 Definitions and General Fishing Prohibitions.

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

- (1) "Anchor gill net" means a net that is stationary in the water and secured to the bottom by conventional anchors or heavy weights.
- (2) "Attended gill net" means the licensee remains in the boat within 2 miles of the net while it is in waters of the Chesapeake Bay, or within 1 mile when the net is in waters of the Atlantic Ocean, its coastal bays and their tributaries, or a tributary of the Chesapeake Bay.

- (3) "Circle hook" means a non-offset hook with the point turned perpendicularly back to the shank.
- (4) "Compensation" means any form of reimbursement for services including but not limited to the payment of money.
- (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) "Drift gill net" means a net not secured to or anchored to the bottom, including a net rigged with up to 20 pounds of weight at each end, in addition to that weight required to achieve negative buoyancy.
- (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.
- (8) "Finfish trotline" means a single line from which hang, at intervals, multiple short lines which terminate with single baited hooks, and which:
- (a) Do not exceed 300 feet;
 - (b) Do not have more than 75 hooks;
 - (c) Are not made of metal; or
 - (d) Are not baited with scaled bait.
- (9) "Fish pot" means a single, finfish entrapment net device, without associated wings or leads, consisting of:
- (a) An enclosure of various shapes covered with wire, fabric, or nylon mesh webbing of not less than 1-1/2 inch stretched mesh size;
 - (b) One or more conical entrance funnels;
 - (c) One or more unobstructed escape vents, in the holding chamber, of at least 2-1/2 inches in diameter, if circular, or 2 1/2 inches stretched mesh size if square.
- (10) "Fyke net" means a fixed finfish entrapment net device, without a pound or crib, consisting of:
- (a) A series of hoops covered by mesh webbing of #12, or larger, twine of not less than 1-1/2 inch stretched mesh size;
 - (b) At least one set of wings;
 - (c) A leader or hedging not longer than 250 feet consisting of #12, or larger, twine and with a minimum stretched mesh size of 3 inches;
 - (d) In nets with a mesh size less than 2-1/2 inches, a cull panel at least 1 foot by 1 foot with unobstructed escape meshes with a minimum stretched mesh size of 2-1/2 inches;
 - (e) A single entrance funnel; and
 - (f) One or more internal funnel shaped throats.
- (11) "Gill net" means a net which:

- (a) Is maintained in a vertical position in the water with sinkers or floats, or a combination of sinkers and floats; and
- (b) Captures fish by means of a mesh too small to permit passage of the body of the fish or withdrawal of the head once the posterior margin of the gill covers has passed through the mesh.
- (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.
- (13) "Hook and line" means a line attached to a pole or rod or held in hand and attended in a manner that the fish is caught by the hook.
- (14) "Hoop net" means a single finfish entrapment net device consisting of:
- (a) An enclosure formed by a series of hoops covered by mesh webbing of #12, or larger, twine, of not less than 1-1/2 inch stretched mesh size;
- (b) One or more internal funnel-shaped throats;
- (c) A single entrance funnel;
- (d) No wings or leader; and
- (e) In nets with a mesh size less than 2-1/2 inches, a cull panel at least 1 foot by 1 foot with unobstructed escape meshes having a minimum stretched mesh size of 2-1/2 inches.
- (15) "J hook" means a hook having a point parallel to the hook shank.
- (16) "Minnow seine" means an encircling type of net not exceeding 50 feet in length and 5 feet in width used to catch minnows in the tidal waters of the State.
- (17) "Minnow trap" means a single, bait finfish entrapment device, without associated wings or leads, and consisting of:
- (a) An enclosure of various shapes covered with wire or nylon mesh webbing of not greater than 1/2 inch square mesh size;
- (b) One or more conical entrance funnels with an opening not more than 2 inches in diameter;
- (c) No dimension greater than 18 inches in any direction; and
- (d) Internal volume not greater than 1730 cubic inches.
- (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.

(20) "Offset hook" means a hook with the point and barb not in the same plane with the shank.

(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

(e) No other type of fishing device, netting, or wire within the pound or crib.

(22) "Stake gill net" means a net hung from or supported by stakes which are set in a row and driven into the bottom.

(23) "Stinger hook" means any hook which trails another hook, either by direct physical attachment to the lead hook or by a connective device such as a swivel or chain, and is part of the same bait or lure.

(24) "Stretched mesh size" means, for a net, the inside distance between two knots on opposite sides of the same mesh when stretched, allowing a reasonable tolerance for shrinkage.

(25) "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.

(26) "Trolling" means the method of angling in which fish are attracted to a lure or bait being trailed from a boat which is being moved by mechanical power.

B. Prohibitions and Limitations on Fishing in General.

(1) Except as provided in §B(2) of this regulation, a person may not set or fish gill nets, including but not limited to anchor gill nets, staked gill nets, and drift gill nets, in the Chesapeake Bay and its tidal tributaries.

(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 2-1/2 to 3-1/2 inches;

(b) During the period between January 1 through March 15, attended drift gill nets with a stretched mesh of 3-1/8 to 3-1/2 inches;

(c) Gill nets as permitted in COMAR 08.02.15.

(3) Within 1,200 feet of any pier that supports either span of the William Preston Lane Jr. Memorial Bay Bridge, a person may not:

(a) Fish with a treble hook that is not an intrinsic part of a floating fish lure; or

(b) Set or fish any type of gill net during the period May 1 through October 31.

(4) During the period June 1 through October 31, a person may not set or fish any type of gill net in the Chesapeake Bay, excluding tributaries, in the area south of a line drawn from Howell Point to Taylor Island Point in the Upper Bay and north of a line from Kent Point to Curtis Point in the mouth of West River.

(5) During the period March 1 through May 31, a person may not catch, harass, harm, pursue, hunt, shoot, wound, or attempt to catch striped bass or striped bass hybrids in the striped bass spawning rivers and areas listed in COMAR 08.02.15.03B. However, during the period March 1 through May 3, inclusive, a person authorized in accordance with Natural Resources Article, §4-745, Annotated Code of Maryland, to recreationally angle for finfish may hook striped bass and shall immediately release the striped bass unharmed to the water from which the striped bass was taken in the following areas:

(a) Susquehanna Flats, upstream of a line from a point at or near Sandy Point, defined by Lat. 39°26.96' N and Long. 76°03.63' W; then running in an easterly direction to a point at or near Turkey Point, defined by Lat. 39°27.13' N and Long. 76°00.70' W and the Susquehanna River downstream from a line connecting a point at or near the Susquehanna State Park boat ramp in Lapidum, defined by Lat. 39°35.86' N and Long. 76°07.67' W; then running in a northeasterly direction to a point at or near Twin Rocks, defined by Lat. 39°36.17' N and Long. 76°07.56' W; then running in a northeasterly direction to a point at or near Tomes Wharf in Port Deposit, defined by Lat. 39°36.23' N and Long. 76°06.99' W; and

(b) Northeast River.

(6) When using fish, crabs, or worms as bait, or processed bait, a person recreationally angling in the Susquehanna Flats and Northeast River during the period set forth in §B(5) of this regulation shall use:

(a) Non-offset circle hooks; or

(b) "J" hooks with a gap of less than 1/2 inch between the point and the shank.

(7) An individual recreationally angling in waters of the Chesapeake Bay and its tidal tributaries that are not restricted in accordance with COMAR 08.02.15.03D(1), during the period from March 1 through the third Friday in April, shall abide by the restrictions listed in COMAR 08.02.15.03E.

(8) During the period March 1 through June 30, a person may not set or fish any type of gill net:

(a) In the striped bass spawning reaches listed in COMAR 08.02.15.03C;

(b) In the Susquehanna Flats upstream of a line from Sandy Point to Turkey Point;

(c) In the Susquehanna and Northeast Rivers; and

(d) From sunset Friday to 1 hour before sunrise Monday in the striped bass spawning rivers and areas set forth in COMAR 08.02.15.03B.

(9) A commercial tidal fish licensee may not set fishing gear or harvest fish in the waters of the Susquehanna River upstream of a line drawn direct from the northernmost point from the mouth of Deer Creek in Harford County, in a northeasterly direction to the intersection of U.S. Route 222 and Canal Road in Cecil County.

(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 during a trip for which fishing guide services are provided to a person for compensation from a vessel or shore in Maryland waters.

(11) Except as provided in §B(12) of this regulation, 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.

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 §B(11) of this regulation.

(13) 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.

(14) 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.

(15) 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) A person licensed to catch finfish for commercial purposes shall submit an accurate daily commercial fisheries catch log in accordance with COMAR 08.02.13.06.

08.02.05.03 License to Fish with an Otter Trawl and Beam Trawl.

A. License Requirement. A person shall obtain a license to fish in the Atlantic Ocean with an otter trawl and beam trawl.

B. Application. Every person who applies for an otter trawl and beam trawl license shall complete an application form showing the name or number and the dimensions of his boat, and shall certify that the information in the application is true.

C. Display of License and License Numbers. The captain, master, or operator licensed to fish with an otter trawl and beam trawl shall have the license on board his boat and shall exhibit it on demand to any Natural Resources Police Officer, law enforcement officer, or duly authorized employee of the Department. The license numbers issued by the Department shall be displayed prominently on each side of the vessel above the hull so that they are clearly visible at all times.

D. Prohibited Areas. A person may not fish with an otter trawl or beam trawl within 1 mile of the Maryland shoreline in the Atlantic Ocean.

E. Catch Records. A person licensed to fish with an otter trawl and beam trawl shall file with the Department any catch records the Department may require.

FISHERY-SPECIFIC RULES:

WHITE PERCH

08.02.05.04 Legal Size of White Perch.

In the waters of the State, a person may not catch, sell, offer to buy or sell, expose for sale, or possess white perch less than 8 inches, if caught other than by hook or line.

SHAD

08.02.05.05 American Shad.

A. Prohibition of Catching, Possession, or Sale of American Shad; Exceptions.

(1) A person may not catch, offer for sale, purchase, or possess any American shad or any parts of American shad, including roe, caught in Maryland waters except as permitted here.

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(2) Exceptions.

(a) A person may catch American shad in cooperation with a scientific investigation of the Department and cooperating persons having a valid scientific collecting permit, including permitted shad egg hatching in approved devices. This person may sell live American shad to the scientific investigation.

(b) The incidental catching of American shad by fishing gear set for other species of fish will not be deemed a violation of this section if the American shad is returned to the water.

(c) Not more than two American shad may be possessed for personal consumption if the shad were found dead when fishing gear operated for other species was retrieved from the water.

B. Possession or Sale of American Shad Lawfully Taken in Another Jurisdiction.

(1) The provisions of §A, of this regulation, do not prohibit the entry into the State, or possession, transportation, exportation, processing, sale, offer for sale, or shipment of American shad which were caught in waters not under Maryland jurisdiction, if the person engaging in the activity demonstrates by substantial evidence that the American shad were lawfully taken and lawfully removed from another jurisdiction.

(2) The requirements of "substantial evidence" as used in §B(1), of this regulation, shall be satisfied by a bill of sale which identifies the American shad as originating from waters not under Maryland jurisdiction.

C. Effective Period of These Sections. On the basis of study findings and interpretations, the Secretary shall annually determine whether the provisions of §A, of this regulation, shall remain in force. At the same time, if those provisions are to remain in force, he shall determine what, if any, changes are necessary.

08.02.05.06 Hickory Shad.

A. Prohibition of Catching, Possession, or Sale of Hickory Shad; Exceptions.

(1) A person may not catch, offer for sale, purchase, or possess any hickory shad or any parts of hickory shad, including roe, caught in Maryland waters except as permitted here.

(2) Exceptions.

(a) A person may catch hickory shad in cooperation with a scientific investigation of the Department.

(b) The incidental catching of hickory shad by fishing gear set for other species will not be considered a violation of this section if the hickory shad is returned to the water.

B. Possession or Sale of Hickory Shad Lawfully Taken in Another Jurisdiction. The provisions of §A, above, do not prohibit the entry into the State, or possession, transportation, exportation, processing, sale, offer of sale, or shipment of hickory shad which were caught in waters not under Maryland jurisdiction, if the person engaging in the activity possesses a bill of sale which identifies the hickory shad as originating from waters not under Maryland jurisdiction.

EELS

08.02.05.08 Eels

A. Commercial Catch Limit. Except as permitted under COMAR 08.02.14, a person may not catch, possess, land, or sell more than 25 eels for commercial purposes which are less than 6 inches total length.

B. Noncommercial Limits.

(1) A person may not catch or possess eels for noncommercial purposes which are less than 6 inches total length.

(2) A person may not catch or possess more than 25 eels per day for noncommercial purposes.

C. Structural Requirements.

(1) Except as provided for in §C(2) this regulation, an eel pot shall be constructed of wire having a mesh size not less than 1/2 inch when the wire mesh is unstretched.

(2) An eel pot constructed with mesh smaller than 1/2 inch by 1/2 inch shall have 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.

D. A person may not set buoyed eel pots in those channels designated as buoy-free channels under COMAR 08.02.03.07H.

E. In addition to those defined in COMAR 08.02.03.07H, a person may not set buoyed eel pots in the following channels:

(1) Severn River: 50 yards channelward of a line from Whitehall Creek Fl. 4 sec. "2" to R "4", and 50 yards southwest of a line from Whitehall Creek Fl. 4 sec. "2" to Mill Creek R "2";

(2) South River: 100 yards channelward of a line marked by Fl. R 2.5 sec. "4", Fl. R 4 sec. "6", and Fl. R 4 sec. "8";

(3) Rhode River: 50 yards westerly of a line marked by Fl. R 4 sec. "2", R "4", and a point 50 yards east of Fl. G 4 sec. "7";

(4) Sassafra River: 50 yards channelward and following a marked channel line easterly from R "2" Fl. R 4 sec. to above Rt. 213 bridge to the channel markers at the entrance of Swantown Creek;

(5) Bohemia River: 50 yards channelward and following a marked channel line from R "2" Fl. R 4 sec. southeasterly to the Rt. 213 bridge;

(6) Northeast River: Within the marked channel following a line northeasterly from R "6" to Fl. G 4 sec. 15 ft. 5M "17";

(7) Swan Creek: Within the marked channel following a line along the southern shoreline from Plum Point to High Point.

F. A person may not set or fish an eel pot without an appropriate license issued by the Department.

G. A person may not sell or attempt to sell eels without an appropriate license issued by the Department, unless the person is:

(1) Licensed by the Department to catch finfish for sale;

(2) A retail market, restaurant, or other establishment where finfish are sold or served to ultimate consumers, and not for resale; or

(3) Buying finfish for personal use or consumption.

Statutes

§ 4-736. Eels

(a) The Department may supervise, regulate, and control catching eels in the tidal waters of the State. In exercising this power, the Department may prescribe the areas within and methods by which eels may be caught.

(b)(1) A person may not catch eels for sale with pots or other devices in the tidal waters of the State without first obtaining a tidal fish license to catch finfish for commercial purposes from the Department.

(2) A licensee who is authorized to catch crabs under this section may use up to 50 pots to catch eels for personal use as crab trotline bait without obtaining an authorization to catch finfish.

(c) The Department shall adopt rules and regulations concerning commercial fishing for eels by area, gear, season, size, and reporting of catch.

(d) Each individual who catches eels for sale or for personal use as bait shall make catch reports, as prescribed by rule or regulation, on forms provided by the Department.

BLUEFISH

08.02.05.10 Bluefish.

A. Minimum Size. A person may not catch or possess bluefish less than 8 inches in total length.

C. Commercial Catch Limit. A coastwide quota and daily catch limit to be shared by Atlantic states will be established and published by National Marine Fisheries Service and the Atlantic States Marine Fisheries Commission.

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 reasonable effort to disseminate public notice through various other media so that an affected person has reasonable opportunity to be informed.

STURGEON

08.02.05.11 Sturgeon.

Except for purposes of scientific investigation and aquaculture activities under a permit issued by the Department, a person may not catch or possess Atlantic sturgeon.

Statutes

§4-739. Fishing Restrictions – Sturgeon.

(a) The Department may make rules and regulations governing catching sturgeon in the waters of the State or possessing and selling within the State sturgeon caught in the waters of the State.

(b) The rules and regulations of the Department become effective only after a public hearing is held. The time, place, and purpose of the public hearing shall be advertised in one newspaper of general daily circulation in the State, and at least one newspaper circulated in each county for two successive weeks in advance of the hearing. After the hearing and adoption of the rules and regulations, they shall be published for one week in the newspapers which published the notice of the hearing.

SUMMER FOUNDER

08.02.05.12 Summer Flounder.

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.

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- (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.

WEAKFISH AND SPOTTED SEA TROUT

08.02.05.13 Weakfish and Spotted sea trout.

A. Minimum Size.

(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.

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.

(2) Chesapeake Bay and Its Tidal Tributaries.

(a) Hook and Line.

(i) The open commercial season for harvesting weakfish with hook and line is August 1 through September 30.

(ii) A person may not catch, possess, or land more than 50 pounds of weakfish per day or trip, whichever is longer.

(iii) No bycatch of weakfish is permitted outside of the open commercial season.

(b) All Other Gears.

(i) A person may not catch, possess, or land more than 50 pounds of weakfish per day or trip, whichever is longer.

(ii) The weight of the weakfish catch may not exceed the weight of the catch of the other species on board the vessel.

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.

SPANISH MACKEREL

08.02.05.14 Spanish Mackerel.

A. The minimum legal size for Spanish mackerel is 14 inches total length.

B. Except for a person licensed to catch finfish for sale, a person may not catch or possess more than 15 Spanish mackerel per day.

C. 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 date and hour; 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.

DRUM

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.

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.

08.02.05.16 Red Drum.

B. Commercial Fishery.

(1) A commercial licensee may not catch or possess red drum less than 18 inches in total length or greater than 25 inches in total length.

(2) A commercial licensee may not catch or possess more than five red drum per day.

CROAKER

08.02.05.18 Croaker.

A. Minimum Size.

(2) A person licensed to catch finfish for sale may not catch or possess a croaker less than 9 inches total length.

C. Commercial Season. The commercial season for taking croaker is March 16 through December 31.

D. General.

(1) The Secretary may modify catch limits or open or close a season for croaker by publishing notice in a daily newspaper of general circulation at least 48 hours in advance, stating the effective hour and date of the modification.

(2) The Secretary shall make a reasonable effort to disseminate public notice of a modification under §D(1) of this regulation through various other media so that an affected person has reasonable opportunity to be informed of the modification.

BLACK BASS

08.02.05.19 Black Bass—Largemouth Bass and Smallmouth Bass.

A. Size Limit. The minimum size for black bass is:

- (1) 12 inches total length from June 16 through the end of February; and
- (2) 15 inches total length from March 1 through June 15.

B. Catch Limit. An individual may not possess more than five black bass.

C. Gear Restrictions.

- (1) An individual may not catch black bass in any manner in the tidal waters of the State except with rod or hook and line using natural or artificial baits.
- (2) An individual shall immediately return unharmed to the water any black bass caught in a net, seine, or other device while engaged in other fishing.

D. General Prohibitions. Except as provided in COMAR 08.02.14, an individual may not sell, offer to buy or sell, expose for sale, or purchase any black bass at any time.

Statutes

§4-734. Legal size of certain fish.

(a) A person may not sell, offer to buy or sell, or possess any of the following fish:

- (1) Bass, largemouth or smallmouth less than 15 inches from March 1 through June 15, and less than 12 inches from June 16 through the end of February
- (2) Pike less than 14 inches; and
- (3) Taylor less than 8 inches.

(b) Measurement for each fish mentioned above shall be from the tip of the nose to the end of the tail

(c) The Department may set the size limits for white perch. However, the Department may not prohibit catching white perch more than 8 inches.

§ 4-735. Fishing restrictions - Black bass and chain pickerel.

(a) Chain pickerel - Creel limit.- During the open season, a person may not catch by means of rod, or hook and line, more than ten chain pickerel in any one day.

(b) Chain pickerel - Closed season; sale or possession prohibited during that time.- A person may not catch chain pickerel in the tidal waters of the State during the period from March 15 to April 30. A person may not sell, offer to sell, purchase, offer to purchase, or possess any chain pickerel during this period caught in tidal waters of the State.

(c) Chain pickerel - Manner of catching; use of seines.- A person may not catch chain pickerel in any manner in the tidal waters of the State except with rod, or hook and line using natural or artificial baits. A person shall return uninjured immediately to the water any chain pickerel caught in any net, seine, or other device legally engaged in other fishing. However, a person may retain no more than one day's legal creel limit of ten chain pickerel for his own private use during the open season.

(d) Chain pickerel - Transportation into or out of State.- Chain pickerel may not be transported into or out of the State during April, May, and June. Anglers, however, may possess and transport chain pickerel caught with rod, or hook and line, in accordance with the provisions of this section. This subsection does not prevent shipment in interstate commerce of live chain pickerel for propagating, breeding, or stocking purposes under § 4-11A-21 of this title, nor prevent any person from catching or engaging in catching chain pickerel for propagating or restocking the waters of the State under the direction of the Department under § 4-410 of this title.

(e) Black bass - Scope of Department's authority generally.- The Department is authorized to supervise, regulate, and control the harvest of black bass in the tidal waters of the State.

(f) Black bass - Regulations.- The Department shall adopt regulations concerning the fishing for black bass by area, gear, season, size, and catch limits.

(g) Application of section.- The provisions of this section do not apply to catching, selling, purchasing, or possessing black sea bass.

TAUTOG

08.02.05.20 Tautog.

A. An individual may not catch or possess:

(1) A tautog less than 14 inches total length; and

(2) A tautog in the month of December.

B. Gear Restrictions. A pot and trap used to catch tautog shall have hinges or fasteners on one panel or door made of one of the following degradable materials:

(1) Untreated hemp or jute string of 3/16 inch in diameter or smaller;

(2) Magnesium alloy fasteners; or

(3) Ungalvanized or uncoated iron wire of 0.094-inch diameter or smaller.

C. Season and Creel Limit.

(1) From May 16 through October 31, an individual may not catch and possess more than two tautog per day.

(2) From November 1 through November 30, and January 1 through May 15, an individual may not catch and possess more than four tautog per day.

BLACK SEA BASS

08.02.05.21 Black Sea Bass.

B. Commercial.

(1) Minimum Size. An individual who harvests black sea bass for commercial purposes may not catch or possess a black sea bass less than 11 inches in total length, excluding the tail filament.

(2) Quotas.

(a) The annual quota for Maryland is 11 percent of the annual Atlantic coast quota determined by the National Marine Fisheries Service.

(b) Permit Allocation.

(i) A Maryland black sea bass permit holder may apply for a permit for the following year.

(ii) The total pounds of black sea bass that may be harvested by a black sea bass permit holder who applies for a permit for 2010 shall be based on the proportion of the total black sea bass harvest allocated to the permit holder in 2009.

(iii) The total pounds of black sea bass that may be harvested by a black sea bass permit holder who applies for a permit for 2011 and subsequent years shall be based on the proportion of the total black sea bass harvest allocated to the permit holder in the previous year.

(iv) In addition to the quota allocation, as described in §B(2)(b)(ii) of this regulation, the Department shall reallocate equitably among permit holders the quota of any permit holder who fails to apply for a permit for the following year, or who leaves the fishery without transferring his license and permit.

(c) Quota Transfers. A Maryland black sea bass permit holder (permittee) may annually transfer not more than 30 percent of the permittee's individual quota in a maximum of two transactions per year to another permittee upon notification of and approval by the Department.

(3) Trawls.

(a) Except for an individual possessing less than 50 pounds of black sea bass per trip, an individual may not use a trawl to catch black sea bass with mesh less than 4-1/2 inches stretched mesh size throughout the net or a minimum of 75 meshes in the codend.

(b) An individual may not use a roller rig trawl with a roller diameter in excess of 18 inches.

(4) Pots and Traps. A pot or trap used to catch black sea bass shall have:

(a) An unobstructed escape vent of at least a:

(i) 2-1/2 inch diameter circular opening;

(ii) 2 inch by 2 inch square opening; or

(iii) 1-3/8 inch by 5-3/4 inch rectangular opening; and

(b) Hinges and fasteners on a panel or door made of one of the following degradable materials:

(i) Untreated hemp or jute string of 3/16 inch in diameter or less;

(ii) Magnesium alloy fasteners; or

(iii) Ungalvanized, uncoated iron wire of 0.094 inch diameter or smaller.

(5) Dealers.

(a) Any black sea bass harvested for commercial purposes from the Atlantic Ocean Waters of Maryland or from the waters of the Exclusive Economic Zone (EEZ) and landed in Maryland shall be sold to a federally permitted dealer.

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

C. Commercial Catch Limits.

(1) An individual who possesses a Maryland black sea bass landing permit in accordance with §D of this regulation and lands more than the assigned permit allocation, including any quota transfers, shall have the overage deducted from the permit allocation for the following year.

(2) A vessel that does not have an individual on board who validly possesses a Maryland black sea bass landing permit may not catch, possess, or land more than 50 pounds of black sea bass per day.

D. Licenses and Permits.

Last Updated 04/22/11. For any recent regulatory changes, please visit
<http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

- (1) An owner of a vessel may obtain a Maryland black sea bass landing permit if, for at least 1 calendar year during the period of 1996—2001, the owner or vessel landed in the State at least 5,000 pounds of black sea bass and provides proof of eligibility to the Department.
- (2) Proof of eligibility for a Maryland black sea bass landing permit as required in §D(1) of this regulation may be documented by records of the Department or records of the National Marine Fisheries Service.
- (3) An applicant for a Maryland Black Sea Bass Landing Permit shall declare by August 31 of each year.
- (4) In accordance with Natural Resources Article, §4-701, Annotated Code of Maryland, the Department may approve a permanent transfer of a Maryland black sea bass landing permit to an individual who:
 - (a) Is not currently a permit holder;
 - (b) Has a federally permitted vessel used for commercial fishing for black sea bass; and
 - (c) Has not held a Maryland black sea bass landing permit for the prior 2 calendar years.
- (5) An individual in possession of a Maryland black sea bass landing permit shall record the harvest of black sea bass on the permit daily and submit the completed permit to the Department within 14 days from the end of the black sea bass season.
- (5-1) The Department may deny an application for a black sea bass landing permit for failing to comply with §C(6) of this regulation during the previous season.
- (6) A permittee may catch, possess, or land black sea bass for commercial purposes on a vessel other than the vessel declared on the permittee's permit if:
 - (a) The permittee is in possession of the permit issued to the permittee; and
 - (b) The undeclared vessel is permitted by the National Marine Fisheries Service.
- (7) When a vessel is used to catch, possess, or land more than 50 pounds of black sea bass for commercial purposes from the waters of the Atlantic Ocean, the operator, permittee, or owner shall have in possession aboard the vessel a Maryland black sea bass landing permit issued by the Department while the vessel is engaged in fishing for and harvesting of black sea bass.
- (8) An operator means an individual who is not a permittee and acts as an agent of a permittee.
- (9) The name of the vessel on which the operator is working shall be declared on the Maryland black sea bass landing permit.
- (10) An operator may catch, possess, or land black sea bass for commercial purposes on a vessel owned by a permittee and in possession of that permittee's permit.
- (11) A vessel which is used to catch, possess, or land black sea bass for commercial purposes from the waters of the Exclusive Economic Zone (EEZ) of the Atlantic Ocean shall be permitted by the National Marine Fisheries Service in accordance with 50 CFR §648.4.
- (12) A person shall have a share of ownership in a federally permitted vessel in order to be issued a Maryland black sea bass permit.
- (13) The federally registered name of the permitted vessels or the State registration numbers shall be indicated at the time of application for the permit and declared on the Maryland black sea bass landing permit. Any change in ownership shall be reported to the Department, which will issue a revised permit card.
- (14) Two black sea bass quotas may be fished off any one federally permitted vessel, if two authorized individuals with Maryland black sea bass permits are on board.

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 a reasonable effort to disseminate public notice through various other media so that an affected individual 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 coastwide quota is harvested and not exceeded.

SCUP

08.02.05.22 Scup.

A. Minimum Size.

(2) Commercial. A commercial tidal fish licensee may not catch or possess scup less than 9 inches in total length.

B. Commercial Gear Restrictions.

(1) Trawls.

(a) Except for a person landing less than a total of 500 pounds of scup from November 1 through April 30 or 100 pounds of scup from May 1 through October 31, a person may not use a trawl with:

(i) Mesh less than 4-1/2 inch stretched mesh size;

(ii) More than 25 meshes in the codend with more than 100 continuous meshes of 5 inch mesh forward of the codend; or

(iii) Mesh size less than 4-1/2 inches throughout the trawl net for trawl nets with codends less than 125 meshes.

(b) A person may not use a roller rig trawl with a roller diameter in excess of 18 inches to catch scup.

(2) Pots and Traps. A pot or trap used to catch scup shall have:

(a) An escape vent of at least a:

(i) 3.1 inch diameter round opening, or

(ii) 2.25 inch square opening; and

(b) Hinges or fasteners on one panel or door made of one of the following degradable materials:

(i) Untreated hemp or jute string of 3/16 inch in diameter or smaller,

(ii) Magnesium alloy fasteners, or

(iii) Ungalvanized or uncoated iron wire of 0.062 inch in diameter or smaller.

C. Catch Limits.

(1) Commercial Catch Limits. A coastwide quota and daily catch limit to be shared by Atlantic states will be established and published by National Marine Fisheries Service and the Atlantic States Marine Fisheries Commission.

(2) A commercial tidal fish licensee may not catch, possess, or land more pounds of scup daily than as set forth in §C(1) of this regulation.

D. General.

(1) The Secretary may modify or set a season or catch limit 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.

BLUEFIN TUNA

08.02.05.23 Bluefin Tuna.

A. A person may not catch, possess, or land bluefin tuna when the National Oceanic and Atmospheric Administration determines that the quota has been attained and closes the fishery in accordance with 50 CFR 635.

B. A person may not catch, possess, or land bluefin tuna in violation of the:

(1) Catch limit established in 50 CFR 635; and

(2) Size specifications established in 50 CFR 635.

C. Before removing the bluefin tuna caught for recreational purposes from a boat or removing a boat from the water, a person shall:

(1) Immediately report to a reporting station designated by the Department; and

(2) Obtain and affix a tail tag, provided by the reporting station, between the fifth dorsal finlet and the keel.

D. A person shall land bluefin tuna whole.

SPINY DOGFISH

08.02.05.24 Spiny Dogfish.

A. An individual may not land spiny dogfish (*Squalus acanthias*) from waters of the federal Exclusive Economic Zone (EEZ), which are defined as those ocean waters between 3 and 200 miles offshore, for commercial purposes when the Regional Administrator for National Marine Fisheries Service determines that the EEZ quota has been attained and closes the fishery as permitted in accordance with 50 CFR 648.

B. Finning Prohibition.

(1) "Finning" means removing only the fins of a spiny dogfish and returning the remainder of the dogfish to the sea.

(2) Finning is prohibited.

(3) An individual may not possess spiny dogfish fins without carcasses aboard a vessel.

(4) Fins may be removed at sea but shall be landed in proper proportion to the number of carcasses landed.

(5) An individual may not possess or land spiny dogfish fins which constitute more than 5 percent by weight of any catch of spiny dogfish.

C. General

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

(2) 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.

MONKFISH

08.02.05.25 Monkfish.

An individual may not catch or land monkfish (*Lophius americanus*) for commercial purposes when the Regional Administrator for National Marine Fisheries Service determines that the quota has been attained and closes the fishery as permitted in accordance with 50 CFR 648.

BILLFISH

08.02.05.26 Billfish.

A. In this regulation, "billfish" means the following species:

- (1) Atlantic Blue Marlin (*Makaira nigricans*);
- (2) Atlantic White Marlin (*Tetrapturus albidus*); and
- (3) Atlantic Sailfish (*Istiophorus platypterus*).

B. A person may not catch, possess, or land billfish when the National Oceanic and Atmospheric Administration closes the fishery in accordance with 50 CFR 635.

C. A person may not catch, possess, or land billfish in violation of the:

- (1) Catch limit established in 50 CFR 635; and
- (2) Size specifications established in 50 CFR 635.

D. Before removing a landed billfish caught for recreational purposes from a boat or removing a boat containing a billfish from the water, a person shall:

- (1) Immediately report to a reporting station designated by the Department;
- (2) Complete a catch information form provided by the reporting station; and
- (3) Affix a tail tag, provided by the reporting station, to the billfish.

E. A person that lands a billfish may eviscerate the billfish but it shall otherwise be maintained whole with its head, fins, and bill intact through offloading.

SWORDFISH

08.02.05.27 Swordfish.

A. In this regulation, "swordfish" means the Atlantic Swordfish (*Xiphias gladius*).

B. A person may not catch, possess, or land swordfish when the National Oceanic and Atmospheric Administration closes the fishery in accordance with 50 CFR 635.

C. A person may not catch, possess, or land swordfish in violation of the:

- (1) Catch limit established in 50 CFR 635; and
- (2) Size specifications established in 50 CFR 635.

D. Before removing a landed swordfish caught for recreational purposes from a boat or removing a boat containing a swordfish from the water, a person shall:

- (1) Immediately report to a reporting station designated by the Department;
- (2) Complete a catch information form provided by the reporting station; and
- (3) Affix a tail tag, provided by the reporting station, to the swordfish.

E. A person that owns or operates a fishing vessel that possesses a swordfish in the Atlantic Ocean or lands a swordfish shall maintain the swordfish in round or dressed form as defined in 50 CFR 635 through off-loading.

WALLEYE

08.02.05.28 Walleye.

B. Commercial Fishery.

- (1) Size Limit. An individual may not catch or possess, in tidal waters, walleye less than 15 inches total length.
- (2) Season. An individual may catch, possess, sell, and transport, for commercial purposes, walleye, from tidal waters only, from March 15 through November 30.

C. General.

- (1) An individual may use only hook and line to catch walleye.
- (2) Catch Limit. An individual may not catch or possess more than five walleye caught in tidal waters per day.

Statutes

§4-740. Fishing restrictions – Walleyed pike.

- (a) A person may catch walleyed pike, commonly known as Susquehanna salmon, only by rod, or hook and line at any time in the tidal waters of the State. The open season for catching walleyed pike for commercial purposes is from March 15 to November 30.
- (b) A person may not sell, purchase, offer to purchase, possess, or deliver to any private or common carrier for transportation, walleyed pike caught in the tidal waters of the State during the closed commercial season. A private or common carrier may not accept for transportation, and a person may not transport, carry, or cause to be transported, or carried by any means walleyed pike caught in the tidal waters of the State during the closed commercial season.
- (c) Any person may possess or transport walleyed pike caught by rod, or hook and line, at any time during the year.

SNAPPER GROUPER COMPLEX

08.02.05.29 Snapper Grouper Complex.

A. Snapper Grouper Management Groups.

(1) Tilefish. The following species of the snapper grouper complex are defined as tilefish:

- (a) Blueline tilefish (*Caulolatilus microps*);
- (b) Golden tilefish (*Lopholatilus chamaeleonticeps*); and
- (c) Sand tilefish (*Malacanthus plumieri*).

(2) Grouper. The following species of the snapper grouper complex are defined as grouper:

- (a) Black grouper (*Mycteroperca bonaci*);
- (b) Coney (*Cephalopholis fulva*);
- (c) Gag grouper (*Mycteroperca microlepis*);
- (d) Goliath grouper (*Epinephelus itajara*);
- (e) Graysby (*Cephalopholis cruentata*);
- (f) Misty grouper (*Epinephelus mystacinus*);
- (g) Nassau grouper (*Epinephelus striatus*);
- (h) Red grouper (*Epinephelus morio*);
- (i) Red hind (*Epinephelus guttatus*);
- (j) Rock hind (*Epinephelus adscensionis*);
- (k) Scamp (*Mycteroperca phenax*);
- (l) Snowy grouper (*Epinephelus niveatus*);
- (m) Speckled hind (*Epinephelus drummondhayi*);
- (n) Tiger grouper (*Mycteroperca tigris*);
- (o) Warsaw grouper (*Epinephelus nigritus*);
- (p) Wreckfish (*Polyprion americanus*);
- (q) Yellowedge grouper (*Epinephelus flavolimbatus*);
- (r) Yellowfin grouper (*Mycteroperca venenosa*); and
- (s) Yellowmouth grouper (*Mycteroperca interstitialis*).

(3) Other. The remaining species of the snapper grouper complex are:

- (a) Queen snapper (*Etelis oculatus*);
- (b) Yellowtail snapper (*Ocyurus chrysurus*);

- (c) Gray snapper (*Lutjanus griseus*);
- (d) Mutton snapper (*Lutjanus analis*);
- (e) Lane snapper (*Lutjanus synagris*);
- (f) Cubera snapper (*Lutjanus cyanopterus*);
- (g) Dog snapper (*Lutjanus jocu*);
- (h) Schoolmaster (*Lutjanus apodus*);
- (i) Mahogany snapper (*Lutjanus mahogoni*);
- (j) Vermilion snapper (*Rhomboplites aurorubens*);
- (k) Red snapper (*Lutjanus campechanus*);
- (l) Silk snapper (*Lutjanus vivanus*);
- (m) Blackfin snapper (*Lutjanus buccanella*);
- (n) Black snapper (*Apsilus dentatus*);
- (o) Red porgy (*Pagrus pagrus*);
- (p) Sheepshead (*Archosargus probatocephalus*);
- (q) Knobbed porgy (*Calamus nodosus*);
- (r) Jolthead porgy (*Calamus bajonado*);
- (s) Whitebone porgy (*Calamus leucosteus*);
- (t) Saucereye porgy (*Calamus calamus*);
- (u) Grass porgy (*Calamus arctifrons*);
- (v) Longspine porgy (*Stenotomus caprinus*);
- (w) White grunt (*Haemulon plumieri*);
- (x) Black margate (*Anistotremus surinamensis*);
- (y) Margate (*Haemulon album*);
- (z) Tomtate (*Haemulon aurolineatum*);
- (aa) Sailor's choice (*Haemulon parra*);
- (bb) Porkfish (*Anisotremus virginicus*);
- (cc) Bluestriped grunt (*Haemulon sciurus*);

- (dd) French grunt (*Haemulon flavolineatum*);
- (ee) Cottonwick (*Haemulon melanurum*);
- (ff) Spanish grunt (*Haemulon macrostomum*);
- (gg) Smallmouth grunt (*Haemulon chrysargeryum*);
- (hh) Greater amberjack (*Seriola dumerili*);
- (ii) Crevalle jack (*Caranx hippos*);
- (jj) Blue runner (*Caranx crysos*);
- (kk) Almaco jack (*Seriola rivoliana*);
- (ll) Banded rudderfish (*Seriola zonanta*);
- (mm) Bar jack (*Caranx ruber*);
- (nn) Lesser amberjack (*Seriola fasciata*);
- (oo) Yellow jack (*Caranx bartholomaei*);
- (pp) Gray triggerfish (*Balistes capriscus*);
- (qq) Ocean triggerfish (*Canthidermis sufflamen*);
- (rr) Queen triggerfish (*Balistes vetula*);
- (ss) Hogfish (*Lachnolaimus maximus*);
- (tt) Puddingwife (*Halichoeres radiates*); and
- (uu) Atlantic spadefish (*Chaetodipterus faber*).

B. Season. The season for taking species listed in §A of this regulation is January 1 through December 31.

C. Size Limit. There is no minimum or maximum size limit for the species listed in §A of this regulation.

E. Commercial.

(1) Except as provided in §E(2) of this regulation, a commercial licensee may not harvest, possess, or land more than:

(a) 300 pounds, regardless of the species, of tilefish listed in §A(1) of this regulation; and

(b) 175 pounds, regardless of the species, of grouper listed in §A(2) of this regulation.

(2) A commercial licensee in possession of a valid Golden Tilefish Individual Fishing Quota issued by the National Marine Fisheries Service may possess and land golden tilefish in accordance with the individual fishing quota.

F. Public Notice.

(1) The Secretary may modify size limits, catch limits, and species lists, or open, close, or modify a season, by publishing notice in a daily newspaper of general circulation at least 48 hours in advance, stating the effective hour and date.

(2) 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.

STRIPED BASS / ROCKFISH

08.02.15.01 Scope.

A. Except in accordance with COMAR 08.02.05, 08.02.11, 08.02.14, and this chapter, it is illegal for a person to take, possess, transport, export, process, sell, offer for sale, or ship any striped bass (*Morone saxatilis*), including striped bass taken in the State's Territorial Sea and the Exclusive Economic Zone (EEZ), as defined by the Magnuson Fishery Conservation and Management Act, 90 Stat. 331, 16 U.S.C. §§1801—1882, and which extends from 0 to 200 nautical miles from the coastline of the United States.

B. For purposes of this chapter, a hybrid of striped bass is deemed to be of the species striped bass.

C. The catching of striped bass is not a violation under this chapter if the fish is immediately returned unharmed to the water where taken.

08.02.15.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Allocation" means pounds or numbers of striped bass which a user group or tidal fish licensee is allowed to harvest on a daily or seasonal basis.

(2) "Authorization" means an endorsement, in addition to a tidal fish license, issued by the Department that entitles a licensee to engage in a particular fishing activity.

(3) "Bycatch" means the numbers or pounds of striped bass caught, which are smaller or larger than legal size, or in excess of target harvest or allocation.

(4) "Commercial tidal fish licensee" means a person licensed by the Department to catch and sell finfish.

(5) "Facility" means a building or any part of a building, including a tank, refrigerator, or freezer.

(6) "Fishing guide licensee" means a person who has a fishing guide tidal fish license and, when fishing in tidal waters of the Chesapeake Bay and its tributaries, a Maryland special charter boat license as provided under Natural Resources Article, §4-745, Annotated Code of Maryland.

(7) "Harvest" means to take, kill, trap, gather, catch, or in any manner reduce any fish to personal possession or to attempt to engage in this conduct.

(8) "Quota year" means a period of time beginning January 1 and ending the following December 31.

(9) "Striped bass allocation permit" means a permit issued by the Department which allows a person to commercially harvest striped bass.

(10) "Tag" means the device approved by the Department that is used to identify the harvest year, harvest gear, and individual that commercially harvested a striped bass.

(11) "Target harvest" means pounds or numbers of striped bass allowed by the Department to be harvested in a quota year.

(12) "Total length" means the distance from the tip of the snout to the end of the longest lobe of the extended tail of a fish.

(13) "Whole fish" means the complete animal, including head, tail, gills, and viscera, not dismembered in any fashion.

(14) "Year class" means striped bass born in a given year.

08.02.15.03 Spawning Rivers, Areas, and Reaches.

A. For purposes of this chapter, the designation of a spawning river, area, and reach includes all tributaries to the river, area, or reach.

B. The following waters are designated as striped bass spawning rivers and areas:

(1) Choptank River upstream of a line beginning at a point at or near Cook Point, defined by Lat. 38°37.73'N and Long. 76°17.35'W; then running approximately 317° True to a point at or near Blackwalnut Point, defined by Lat. 38°40.24'N and Long. 76°20.37'W;

(2) Nanticoke River upstream of a line beginning at a point at or near Stump Point, defined by Lat. 38°13.73'N and Long. 75°53.82'W; then running approximately 281° True to a point at or near Frog Point, defined by Lat. 38°14.21'N and Long. 75°56.90'W; and downstream of a line beginning at a point at or near the north shore of the Nanticoke River at the Maryland-Delaware line, defined by Lat. 38°33.68'N and Long. 75°42.10'W; then running approximately 176° True to a point at or near the south shore of the Nanticoke River at the Maryland-Delaware line, defined by Lat. 38°33.59'N and Long. 75°42.09'W;

(3) Patuxent River upstream of a line beginning at a point at or near Drum Point, defined by Lat. 38°19.14'N and Long. 76°25.27'W; then running approximately 119° True to a point at or near Hog Point, defined by Lat. 38°18.57'N and Long. 76°23.99'W;

(4) Notwithstanding COMAR 08.02.01.06B(6), Wicomico River upstream of a line beginning at a point at or near Mollies Point, defined by Lat. 38°13.75'N and Long. 75°53.03'W; then running approximately 92° True to a point at or near Wingate Point, defined by Lat. 38°13.71'N and Long. 75°51.62'W;

(5) Blackwater river upstream of a line beginning at a point at or near the northwest end of Snake Island, defined by Lat. 38°21.27'N and Long. 76°00.62'W; then running approximately 311° True to a point at or near the opposite shore, defined by Lat. 38°21.36'N and Long. 76°00.74'W;

(6) Pocomoke River upstream of a line beginning at a point at or near the east end of the Fair Island Canal, defined by Lat. 37°57.79'N and Long. 75°39.33'W; then running approximately 82° True to a point at or near Bullbegger Creek, defined by Lat. 37°57.86'N and Long. 75°38.77'W;

(7) Transquaking River upstream of a line beginning at a point at or near the east side of the mouth where it enters Fishing Bay, defined by Lat. 38°22.18'N and Long. 75°59.69'W; then running approximately 260° True to a point at or near the west side of the mouth, defined by Lat. 38°22.10'N and Long. 76°00.26'W;

(8) Chester River upstream of a line beginning at a point at or near Love Point, defined by Lat. 39°02.40'N and Long. 76°18.16'W; then running approximately 83° True to a point at or near the northwest point of Eastern Neck Island, defined by Lat. 39°02.77'N and Long. 76°14.05'W;

(9) Manokin River upstream of a line beginning at a point at or near Hazard Point, defined by Lat. 38°04.54'N and Long. 75°52.73'W; then running approximately 307° True to a point at or near Pin Point, defined by Lat. 38°06.72'N and Long. 75°56.45'W;

(10) Potomac River upstream of a line beginning at a point at or near Point Lookout, defined by Lat. 38°02.25'N and Long. 76°19.34'W; then running approximately 155° True to a point at or near the shore on the north side of the north jetty at Smith Point, defined by Lat. 37°53.40'N and Long. 76°14.22'W; and

(11) The area of the Chesapeake Bay and its tributaries upstream of a line beginning at a point at or near Abbey Point, defined by Lat. 39°20.97'N and Long. 76°13.69'W; then running approximately 133° True to a point at or near Worton Point, defined by Lat. 39°19.14'N and Long. 76°11.13'W; including the Sassafra River, the Bohemia River, the Elk River, the Northeast River, an area of the Susquehanna River downstream of a line beginning at a point at or near the southwest end of Conowingo Dam, defined by Lat.

39°39.39'N and Long. 76°10.53'W; then running approximately 22° True to a point at or near the northeast end of Conowingo Dam, defined by Lat. 39°39.89'N and Long. 76°10.26'W; the Susquehanna Flats, and the portion of the Chesapeake and Delaware Canal west of a line beginning at a point at or near the north side of the Chesapeake and Delaware Canal at the Maryland-Delaware state line, defined by Lat. 39°32.20'N and Long. 75°46.77'W; then running approximately 176° True to a point at or near the south side of the Chesapeake and Delaware Canal at the Maryland-Delaware state line, defined by Lat. 39°32.08'N and Long. 75°46.76'W.

C. Within the spawning rivers and areas listed in §§A and B of this regulation, sections of these rivers and areas are established for special conservation actions and are known as striped bass spawning reaches, and are established as follows:

(1) Choptank River upstream of a line beginning at a point at or near Bow Knee point, defined by Lat. 38°40.43'N and Long. 75°57.01'W; then running approximately 139° True to a point at or near a point of land at Wrights Wharf, defined by Lat. 38°40.22'N and Long. 75°56.77'W; and downstream of a line beginning at a point at or near Lyford Landing, defined by Lat. 38°50.62'N and Long. 75°51.94'W; then running approximately 90° True to a point at or near the shore on the east side of the river, defined by Lat. 38°50.62'N and Long. 75°51.81'W; including the portion of the Tuckahoe River downstream of a line beginning at a point at or near the southwest end of the MD Route 328 highway bridge, defined by Lat. 38°49.83'N and Long. 75°54.87'W; then running approximately 53° True to a point at or near the northeast end of the MD Route 328 highway bridge, defined by Lat. 38°49.87'N and Long. 75°54.80'W;

(2) Nanticoke River upstream of a line beginning at a point at or near Newfoundland Point, defined by Lat. 38°19.71'N and Long. 75°54.78'W; then running approximately 88° True to a point at or near Hatcrown Point, defined by Lat. 38°19.75'N and Long. 75°52.93'W; and downstream of a line beginning at a point at or near the north shore of the Nanticoke River at the Maryland-Delaware line, defined by Lat. 38°33.68'N and Long. 75°42.10'W; then running approximately 176° True to a point at or near the south shore of the Nanticoke River at the Maryland-Delaware line, defined by Lat. 38°33.59'N and Long. 75°42.09'W; including the portion of Marshyhope Creek downstream of a line beginning at a point at or near the mouth of Little Indian Creek, defined by Lat. 38°32.15'N and Long. 75°45.86'W; then running approximately 132° True to a point at or near a point of land on the opposite shore, defined by Lat. 38°32.11'N and Long. 75°45.80'W;

(3) Patuxent River upstream of a line beginning at a point at or near Deep Landing, defined by Lat. 38°35.77'N and Long. 76°40.22'W; then running approximately 265° True to a point at or near the southerly side of the entrance to Summerville Creek, defined by Lat. 38°35.73'N and Long. 76°40.74'W; and downstream of a line beginning at a point at or near Jackson's Landing, defined by Lat. 38°46.39'N and Long. 76°42.58'W; then running approximately 112° True to a point at or near the east side of the upstream end of Jug Bay, defined by Lat. 38°46.27'N and Long. 76°42.21'W;

(4) Wicomico River upstream of a line beginning at a point at or near Pine Beach, defined by Lat. 38°14.45'N and Long. 75°50.93'W; then running approximately 334° True to a point at or near Holland Point, defined by Lat. 38°14.85'N and Long. 75°51.18'W; and downstream of a line beginning at a point at or near the east side of the mouth of Rockawalking Creek, defined by Lat. 38°20.46'N and Long. 75°40.83'W; then running approximately 128° True to a point at or near the downstream side of the mouth of Stock Creek, defined by Lat. 38°20.37'N and Long. 75°40.69'W;

(5) Blackwater River upstream of a line beginning at a point at or near the north shore of the river near Snake Island, defined by Lat. 38°21.36'N and Long. 76°00.74'W; then running approximately 131° True to a point at or near the south shore of the river at Snake Island, defined by Lat. 38°21.27'N and Long. 76°00.62'W; and downstream of a line beginning at a point at or near the east side of the mouth of the Little Blackwater River, defined by Lat. 38°26.19'N and Long. 76°05.21'W; then running approximately 268° True to a point at or near the west side of the mouth of the Little Blackwater River, defined by Lat. 38°26.19'N and Long. 76°05.55'W;

(6) Pocomoke River upstream of a line beginning at a point at or near Bullbeggar Creek, defined by Lat. 37°57.86'N and Long. 75°38.77'W; then running approximately 258° True to a point at or near the north side of the east entrance of Fair Island Canal, defined by Lat. 37°57.79'N and Long. 75°39.33'W; and downstream of a line beginning at a point at or near the west end of the U.S. Route 13 highway bridge in Pocomoke City, defined by Lat. 38°04.70'N and Long. 75°34.31'W; then running approximately 84° True to a point at or near the east end of the U.S. Route 13 highway bridge in Pocomoke City, defined by Lat. 38°04.71'N and Long. 75°34.25'W;

(7) Transquaking River upstream of a line beginning at a point at or near the east side of the mouth where it enters Fishing Bay, defined by Lat. 38°22.18'N and Long. 75°59.69'W; then running approximately 260° True to a point at or near the west side of the mouth, defined by Lat. 38°22.10'N and Long. 76°00.26'W; and downstream of a line beginning at a point at or near the north side of the river at Beaverdam Pond, defined by Lat. 38°26.38'N and Long. 75°59.67'W; then running approximately 204° True to a point at or near the south side of the river at Beaverdam Pond, defined by Lat. 38°26.35'N and Long. 75°59.69'W; including the waters of the

Chicamacomico River downstream of a line beginning at a point at or near the north side of the river at Brick House Landing, defined by Lat. 38°25.72'N and Long. 75°57.42'W; then running approximately 178° True to a point at or near the south side of the river at Brick House Landing, defined by Lat. 38°25.69'N and Long. 75°57.42'W;

(8) Chester River upstream of a line beginning at a point at or near the shore at Piney Grove, defined by Lat. 39°11.04'N and Long. 76°04.04'W; then running approximately 63° True to a point at or near the shore at Primrose Point, defined by Lat. 39°11.17'N and Long. 76°03.70'W; and downstream of a line beginning at a point at or near the north end of the Maryland Route 290 highway bridge at Crumpton, defined by Lat. 39°14.73'N and Long. 75°55.51'W; then running approximately 175° True to a point at or near the south end of the Maryland Route 290 highway bridge at Crumpton, defined by Lat. 39°14.70'N and Long. 75°55.50'W;

(9) Manokin River upstream of a line beginning at a point at or near Sharps Point, defined by Lat. 38°09.30'N and Long. 75°45.36'W; then running approximately 356° True to a point at or near the shore on the north side of the river, defined by Lat. 38°09.37'N and Long. 75°45.36'W; and downstream of a line beginning at a point at or near a point of land on the north side of the river across from Taylor Branch, defined by Lat. 38°11.05'N and Long. 75°42.63'W; then running approximately 137° True to a point at or near the mouth of Taylor Branch, defined by Lat. 38°11.03'N and Long. 75°42.61'W;

(10) Potomac River upstream of a line beginning at a point at or near Upper Cedar Point, defined by Lat. 38°24.44'N and Long. 77°05.51'W; then running approximately 181° True to a point at or near the mouth of Chotank Creek, defined by Lat. 38°22.03'N and Long. 77°05.59'W; and downstream of a line beginning at a point at or near Whitestone Point, defined by Lat. 38°41.08'N and Long. 77°07.39'W; then running approximately 106° True to a point at or near the east shore of the Potomac River, defined by Lat. 38°40.85'N and Long. 77°06.39'W;

(11) Susquehanna River upstream of a line beginning at a point at or near Concord Point, defined by Lat. 39°32.44'N and Long. 76°05.09'W; then running approximately 79° True to a point at or near Stump Point, defined by Lat. 39°32.79'N and Long. 76°02.80'W; and downstream of a line beginning at a point at or near the southwest end of Conowingo Dam, defined by Lat. 39°39.39'N and Long. 76°10.53'W; then running approximately 22° True to a point at or near the northeast end of Conowingo Dam, defined by Lat. 39°39.89'N and Long. 76°10.26'W; and

(12) All of the area of the Chesapeake Bay and its tributaries enclosed by a line beginning at a point at or near Worton Point, defined by Lat. 39°19.14'N and Long. 76°11.13'W; then running approximately 313° True to a point at or near Abbey Point, defined by Lat. 39°20.97'N and Long. 76°13.69'W; then running northeasterly along the shore to a point at or near the south entrance of Romney Creek, defined by Lat. 39°22.12'N and Long. 76°11.70'W; then running approximately 52° True to a point at or near Taylor Point, defined by Lat. 39°22.66'N and Long. 76°10.79'W; then running northeasterly along the shore to a point at or near Black Point, defined by Lat. 39°26.11'N and Long. 76°06.11'W; then running approximately 11° True to a point at or near Mulberry Point, defined by Lat. 39°26.62'N and Long. 76°05.98'W; then running approximately 117° True to a point at or near Bear Point, defined by Lat. 39°26.20'N and Long. 76°04.93'W; then running northeasterly along the shore to a point at or near Sandy Point, defined by Lat. 39°26.87'N and Long. 76°03.65'W; then running approximately 87° True to a point at or near Turkey Point, defined by Lat. 39°26.97'N and Long. 76°00.56'W; then running northeasterly along the north shore of the Elk River, including Piney Creek and Plum Creek to a point at or near Scotland Point, defined by Lat. 39°34.68'N and Long. 75°50.60'W; then running approximately 164° True to a point at or near Frenchtown Wharf, defined by Lat. 39°34.56'N and Long. 75°50.56'W; then running southwesterly along the south shore of the Elk River, including Perch Creek, and easterly along the north shore of the Chesapeake and Delaware Canal to a point at or near the Maryland-Delaware line, defined by Lat. 39°32.20'N and Long. 75°46.77'W; then running approximately 176° True to a point at or near the intersection of the Maryland-Delaware line and the south shore of the Chesapeake and Delaware Canal, defined by Lat. 39°32.08'N and Long. 75°46.76'W; then running southeasterly along the south shore of the Chesapeake and Delaware Canal and the Elk River, including Herring Creek to a point at or near Town Point, defined by Lat. 39°29.25'N and Long. 75°55.49'W; then running approximately 232° True to a point at or near Ford Landing, defined by Lat. 39°28.48'N and Long. 75°56.78'W; then running southwesterly along the shore, including Cabin John Creek, Pearce Creek, and Pond Creek to a point at or near Grove Point, defined by Lat. 39°23.40'N and Long. 76°02.47'W; then running approximately 251° True to a point at or near Howell Point, defined by Lat. 39°22.34'N and Long. 76°06.72'W; then running southwesterly along the shore to a point at or near Meeks Point, defined by Lat. 39°20.77'N and Long. 76°08.21'W; then running approximately 210° True to a point at or near Rocky Point, defined by Lat. 39°20.07'N and Long. 76°08.73'W; then running southwesterly along the shore to the point of beginning, defined by Lat. 39°19.14'N and Long. 76°11.13'W.

D. General Fishing Restrictions.

(1) Except as provided in Regulation .09 of this chapter, during the period March 1 through May 31, a person may not catch, harass, harm, pursue, hunt, shoot, wound, or attempt to catch striped bass or striped bass hybrids in the striped bass spawning rivers and areas listed in §B of this regulation.

(2) Notwithstanding §D(1) of this regulation, during the period March 1 through May 3, inclusive, a person authorized in accordance with Natural Resources Article, §4-745, Annotated Code of Maryland, to recreationally angle for finfish may hook striped bass and shall immediately release the striped bass unharmed to the water from which the striped bass was taken in the following areas:

(a) Susquehanna Flats, upstream of a line from a point at or near Sandy Point, defined by Lat. 39°26.96'N and Long. 76°03.63'W; then running in an easterly direction to a point at or near Turkey Point, defined by Lat. 39°27.13'N and Long. 76°00.70'W and the Susquehanna River downstream from a line connecting a point at or near the Susquehanna State Park boat ramp in Lapidum, defined by Lat. 39°35.86'N and Long. 76°07.67'W; then running in a northeasterly direction to a point at or near Twin Rocks, defined by Lat. 39°36.17'N and Long. 76°07.56'W; then running in a northeasterly direction to a point at or near Tomes Wharf in Port Deposit, defined by Lat. 39°36.23'N and Long. 76°06.99'W; and

(b) Northeast River.

(3) Notwithstanding §D(1) of this regulation, during the period March 1 through May 31, inclusive, a person authorized in accordance with Natural Resources Article, §4-745, Annotated Code of Maryland, to recreationally angle for finfish may hook striped bass and shall immediately release the striped bass unharmed to the water from which the striped bass was taken in that area of the Chester River on the North side of Kent Narrows and bounded on the southern side by the southern most edge of the old Route 50 bridge and, on the northern side, by a line beginning at a point (east tip of Ferry Point) defined by Lat. 38°58.820'N and Long. 76°14.627'W; then running approximately 92° True to a point (NW tip of Long Point) defined by Lat. 38°58.798'N and Long. 76°13.825'W.

E. Fishing Restrictions for the Period March 1 Through the third Friday in April. The restrictions in this section apply to the waters of the Chesapeake Bay and its tidal tributaries that are not closed in accordance with §D(1) of this regulation. During the period from March 1 through the third Friday in April:

(1) A person recreationally angling:

(a) When using fish, crabs, or worms as bait, or processed bait, shall use:

(i) Circle hooks; or

(ii) "J" hooks with a gap of less than 1/2 inch between the point and the shank;

(b) May not use stinger hooks; and

(c) Shall use barbless hooks while trolling; and

(2) No more than six lines, regardless of the number of people on board a vessel, may be used for recreationally angling from a boat when trolling.

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.

E. Pound Net Registration Requirements to Participate in the Striped Bass Season.

(1) A commercial tidal fish licensee may not register or receive a transfer of a striped bass allocation permit to participate in the striped bass season with a pound net unless the licensee has at least one pound net registered with the Department and can document use of the site to the satisfaction of the Department. The pound net shall have:

(a) A net body or crib at least 20 feet long by 20 feet wide;

(b) Leader or hedging with a total length of at least 200 feet; and

(c) A heart or funnel leading into the pound net crib.

(2) A commercial tidal fish licensee may not register to participate in the striped bass season for more pound nets than the number of pound nets registered to that individual licensee and may not register for more than four pound nets.

(3) A licensee shall obtain certification from the Department for any nets used to harvest striped bass if the licensee has not previously had pound nets certified in the commercial striped bass fishery.

(4) Pound net certification requirements are:

(a) The pound net requirements outlined in §E(1) of this regulation;

(b) The net body or crib shall have a bottom panel;

(c) Latitude and longitude coordinates from a global positioning system shall be on record with the Department for each registered pound net site; and

(d) An affidavit signed by the licensee shall be on record with the Department and shall include a specific time period during which the net or nets shall be set and available for inspection.

(5) When a commercial tidal fish licensee has registered and certified pound nets to participate in the striped bass season in accordance with §E(1)—(4) of this regulation, a recipient of a beneficiary transfer of these registered nets is not required to recertify the pound nets that the licensee had certified.

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:

(a) In the Chesapeake Bay and its tidal tributaries:

(i) One striped bass hook and line allocation permit;

(ii) Four striped bass gill net allocation permits;

(iii) Five striped bass pound net allocation permits; and

(iv) One striped bass haul seine allocation permit; or

(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.

08.02.15.05 Disposition of Catch.

A. Permits and Tags.

- (1) Prior to the start of a striped bass season, the Department shall provide tamper-evident locking tags to each commercial tidal fish licensee who is authorized to participate in a commercial striped bass fishery.
- (2) The Department shall issue additional tags only if the harvest report submitted by the tidal fish licensee:
- (a) Indicates that the quantity of tags issued by the Department is insufficient to complete the season; and
 - (b) Does not report exceeding the number of tags issued to the tidal fish licensee.
- (3) A commercial tidal fish licensee who catches striped bass for sale shall:
- (a) Have in possession:
 - (i) A commercial tidal fish license;
 - (ii) An allocation permit; and
 - (iii) Unused tamper-evident tags issued by the Department;
 - (b) Securely affix a tag, as provided in §A(1) of this regulation, through the mouth and one gill opening:
 - (i) Immediately to a striped bass harvested by hook and line;
 - (ii) Within 200 yards of the pound net to a striped bass harvested from a pound net; or
 - (iii) Before removing a striped bass from a boat or removing a boat from the water, to a striped bass harvested by any other gear; and
 - (c) Except as required by Regulation .04F and G of this chapter, return the assigned allocation permit or permits and any unused tags to the Department within 14 days immediately following the end of the quota year.
- (4) Striped bass tags:
- (a) May not be transferred, reused, defaced, modified, or counterfeited;
 - (b) Shall reflect the gear used to harvest the striped bass;

- (c) Shall be securely affixed to a whole striped bass or accompany fillets until sale to the final consumer; and
- (d) Shall only be used by the commercial tidal fish licensee to whom they were assigned.
- (5) The Department may not provide replacement tags for tags that are lost.
- (6) A commercial tidal fish licensee registered with pound net, Atlantic otter and beam trawl, or Atlantic gill net shall receive a fixed number of tags.
- (7) Only striped bass tags issued by the Department may be on board a vessel while engaged in fishing for striped bass in the Chesapeake Bay and its tidal tributaries.
- (8) An allocation permit and striped bass tags for only one fishing-gear type may be on board a vessel at any one time.

B. Importation.

- (1) Striped bass legally harvested in another state may be possessed, transported, processed, sold, offered for sale, or shipped in Maryland.
- (2) Commercially harvested whole striped bass, imported to Maryland, shall be:
 - (a) Accompanied by proof of origin which details numbers and total weight of striped bass for each container; and
 - (b) Individually tagged with a tamper-evident sealed tag which:
 - (i) Is made of plastic, nylon, or metal,
 - (ii) Indicates state of origin, and
 - (iii) Is securely affixed through the mouth and one gill opening.
- (3) Striped bass fillets are not subject to tagging requirements if the fillets are imported to Maryland and in a marked container as specified in §B(2)(a) of this regulation.

C. Check Stations. The Secretary shall:

- (1) Designate check stations throughout the State;
- (2) Provide a commercial tidal fish licensee with a list of check stations; and
- (3) Make available, to a check station, forms required under these regulations.

D. Check-In.

- (1) Time Requirements.
 - (a) Except as provided in §D(1)(b) of this regulation, within 3 hours of completing a fishing trip and returning to dock and not later than 9 p.m., a commercial tidal fish licensee shall have his striped bass harvest counted and weighed by a Department representative at a check station.
 - (b) Not later than 9 p.m. on the day of harvest or 9 a.m. on the day immediately following harvest, a commercial tidal fish licensee registered with a hook and line striped bass allocation permit shall have his striped bass harvest counted and weighed by a Department representative at a check station.

(2) At check-in time a person shall present his or her commercial tidal fish license and striped bass allocation permit to the Department representative at the check station.

(3) At check-in, the Department representative shall:

(a) Specify numbers and weight of fish, date checked, and commercial tidal fish license number on the daily logsheet issued by the Department, and striped bass allocation permit;

(b) Complete a daily logsheet issued by the Department, mail a copy to the Department by Tuesday of the following week, and maintain a copy;

(c) Notify a Natural Resources Police Officer of a harvest which exceeds a licensee's catch limit plus 50 pounds; and

(d) Validate the licensee's striped bass allocation permit and adjust the remaining seasonal allowable harvest by subtracting the total daily harvest, including all overage.

08.02.15.06 Monitoring.

A. Reporting Requirements.

(1) The reporting week for a commercial tidal fish or fishing guide licensee participating in a striped bass season is Sunday through Saturday.

(2) A check station Department representative shall maintain harvest information and transmit reports to the Department daily or as requested, during a commercial striped bass season.

(3) A packer or dealer shall maintain logs of each striped bass transaction as required, and transmit through the Department approved reporting system the information to the Department daily, or as requested.

(4) The Department shall provide the required report forms or reporting mechanism.

(5) A tidal fish licensee shall return the forms containing catch and landing information to the Department in the time period specified by the Department.

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

B. Inspection.

(1) A tidal fish licensee, check station, or dealer shall make available daily information, landing tickets, allocation permits, and tags for immediate inspection on request of a Department representative.

(2) A Department representative may at reasonable times conduct an administrative inspection of the contents of any facility or vehicle where striped bass may reasonably be stored if the facility or vehicle is owned or operated by a seafood dealer licensed under Natural Resources Article, §4-702, Annotated Code of Maryland.

(3) Failure to comply with the inspection may result in suspension or revocation of a seafood dealer's license as follows:

(a) For a first offense, the suspension shall be 15 days;

(b) For a second offense, the suspension shall be 30 days; and

(c) For a third offense, the license shall be revoked.

(4) Before the suspension or revocation of a seafood dealer's license, the Department shall provide a contested case hearing in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 08.01.04.

C. A tidal fish licensee, recreational angler, or check station shall cooperate with Department-approved surveys and catch inspection necessary for harvest and bycatch determination, and biological characterization.

08.02.15.07 Commercial Fishery.

A. Chesapeake Bay and its Tidal Tributaries.

(1) Quota. The annual target harvest for the commercial fishery is 42.5 percent of the overall Maryland quota.

(2) Size Limits.

(a) The minimum legal size for the commercial fishery is 18 inches total length.

(b) The maximum legal size for the commercial fishery is 36 inches total length.

(3) Seasons. The commercial seasons for taking striped bass are as follows:

(a) The pound net season is June 1 through November 30;

(b) The haul seine season is June 7 through November 30;

(c) The hook and line season is June 7 through November 30; and

(d) The drift gill net season is December 1 through the last day of February.

(4) The Secretary shall allocate the annual target harvest for the commercial fishery for the following seasons:

(a) Pound net;

(b) Haul seine;

(c) Commercial hook and line; and

(d) Gill net.

(5) The Secretary may allocate the number of pounds for each season based on the:

(a) Number of commercial tidal fish licensees declared under the specified gear types in accordance with Regulation .04 of this chapter;

(b) Level of harvest reflected through catch reports for each gear type; and

(c) Recommendations from the Striped Bass Ad Hoc Advisory Group.

(6) The Secretary may:

(a) Reassign a commercial tidal fish licensee's seasonal allocation if the licensee has not used the allocation; and

(b) Proportionally increase the seasonal, weekly, or daily allocation of all commercial tidal fish licensees during the season.

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.

C. Repealed.

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.
- (2) In the tidal waters of the Chesapeake Bay and its tributaries:
 - (a) Only attended drift gill nets, as defined in COMAR 08.02.05.02A(6), with a stretched mesh size, as defined in COMAR 08.02.05.02A(23), of not less than 5 inches or greater than 7 inches are permitted for the taking of striped bass;
 - (b) The total length of drift gill net aboard a boat may not exceed 3,500 yards and may not be contained in more than ten containers; and
 - (c) The amount of striped bass on board a vessel may not exceed 2,000 pounds on any day, regardless of the number of licensees with a striped bass allocation permit for gill net on board the vessel.
- (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.

F. Pound Net Fishery Limitations.

(1) A commercial tidal fish licensee may not harvest striped bass from a pound net between 6 p.m. and 12 a.m.

(2) A commercial tidal fish licensee may not harvest striped bass from a pound net on Sunday.

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.

08.02.15.12 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;

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<http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

(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:

(1) May establish seasons in Regulations .07—.10 of this chapter for tidal waters of the Chesapeake Bay and its tributaries according to the following:

(a) The recreational and charter boat seasons are within the period April through November;

(b) The season for pound net, haul seine, and commercial hook and line is within the period June through December;

(c) The gill net season is within the period December 1 through the last day of February;

(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 Code Subtitle 7: Licensing, Regulation, and Supervision of Fishing and Fisheries in Tidal Waters

§ 4-704.1. Striped bass

A person may not catch striped bass for sale unless the person has purchased a valid license to catch striped bass from the Department under § 4-701 of this subtitle.

§ 4-731. Sale, Purchase, or transportation of striped bass or rockfish.

(a)(1) Except as provided in paragraph (2) of this subsection, a person may not sell, offer for sale, or transport across a boundary of the State any striped bass, commonly known as rockfish, caught from the State waters of the Chesapeake Bay and its tributaries unless the person has in his possession one of the following:

(i) A valid commercial fishing license issued in his name;

(ii) A dated bill of sale signed by the licensed commercial fisherman who caught the fish; or

(iii) A dated bill of sale signed by a dealer or wholesaler from whom the fish were purchased.

(2) However, a nonresident of the State who has caught striped bass from State waters by hook and line may transport across a boundary of the State not more than 100 pounds of striped bass on any day for any purpose other than sale.

(b) A person may not knowingly buy any striped bass caught from the State waters of the Chesapeake Bay and its tributaries from any person except the licensed commercial fisherman who caught the fish, or a wholesaler or retailer of fish.

(c) Any person who buys striped bass caught from State waters of the Chesapeake Bay and its tributaries for the purpose of resale shall maintain records showing every purchase made during the preceding 90 day period, the date and place of each purchase, the quantity purchased, and the name of the person from whom the fish were purchased.

(d) Any person who violates any provision of this section is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding \$1,000, or imprisonment not exceeding six months, or both, with costs imposed in the discretion of the court.

§ 4-732. Striped bass spawning season

The Department may restrict or prohibit by rule or regulation catching fish in areas where striped bass spawn during the spawning season of striped bass.

BAIT FINFISH

08.02.20.02 Bait Finfish.

A. Bait. For the purpose of this subtitle, "bait" means an attractant to catch fish which includes:

(1) The living or dead, whole body or part of body of an animal; or

(2) A processed product from an animal or vegetative source.

B. Species. The only species of finfish that may be caught and sold for use as fishing bait by an individual who is not licensed in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland, are:

(1) Mummichog (*Fundulus heteroclitus*);

(2) Striped killifish (*Fundulus majalis*);

(3) Banded killifish (*Fundulus diaphanous*);

(4) Spottail shiner (*Notropis hudsonius*);

(5) Golden shiner (*Notemigonus crysoleucas*);

(6) Rough silverside (*Membras martinica*);

(7) Silverside (*Menidia* species);

(8) Anchovy (*Anchoa* species); and

(9) Silvery minnow (*Hybognathus nuchalis*).

C. Methods.

(1) An individual who is not licensed in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland, may use only the following gear and methods, defined in COMAR 08.02.05, to catch bait finfish from the tidal waters of the State:

(a) Cast net;

(b) Dip net;

(c) Minnow seine;

(d) Hook and line; and

(e) Minnow trap.

(2) A cast net shall be thrown by hand and have a radius not greater than 10 feet.

(3) A dip net shall be operated by hand.

(4) A minnow seine may not be emptied on the shore or beach or in any water less than sufficient depth to enable the unwanted fish to return to the waters alive.

(5) A minnow trap shall:

(a) Be clearly labeled with the name, address, and telephone number of the registered user; and

(b) Be emptied at least once every 24-hour period.

D. Seasons and Limits.

(1) Season. There is no closed season.

(2) Daily Catch and Possession Limits. The daily catch and possession limit of bait finfish for an individual who is not licensed in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland, is as follows:

(a) Mummichog (*Fundulus heteroclitus*): 10 gallons;

(b) Striped killifish (*Fundulus majalis*): 10 gallons;

(c) Banded killifish (*Fundulus diaphanous*): 10 gallons;

(d) Spottail shiner (*Notropis hudsonius*): 600 individuals;

(e) Golden shiner (*Notemigonus crysoleucas*): 600 individuals;

(f) Rough silverside (*Membras martinica*): 600 individuals;

(g) Silverside (*Menidia* species): 600 individuals;

(h) Anchovy (*Anchoa* species): 600 individuals; and

(i) Silvery minnow (*Hybognathus nuchalis*): 600 individuals.

E. Registration.

- (1) Unless otherwise permitted by law, an individual may not catch and sell bait finfish from the tidal waters of the State without first registering with the Department on a form provided by the Department.
- (2) An individual may cancel a registration by notifying the Department in writing.
- (3) The Department may revoke the registration if the registrant violates the regulations in this chapter.

YELLOW PERCH
08.02.21.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Harvest" means to take, kill, trap, gather, catch, or in any manner reduce any fish to personal possession or to attempt to engage in this conduct.
- (2) "Landing" means:
 - (a) Unloading any fish at a dock, pier, or shore by a commercial fisherman; or
 - (b) Bringing any fish to a dock, pier, or shore by a recreational fisherman for personal use.
- (3) "Tag" means the device or form approved by the Department and affixed to a fish.
- (4) "Target harvest" means pounds or numbers of yellow perch allowed by the Department to be harvested in a season.
- (5) "Total length" means the distance from the tip of the snout to the end of the longest lobe of the extended tail of a fish.
- (6) "Yellow perch" means the species of fish *Perca flavescens*.
- (7) "Yellow perch harvest permit" means a permit issued by the Department which allows a person to commercially harvest yellow perch.

08.02.21.03 Commercial.

A. Season.

- (1) The commercial season for harvesting yellow perch is January 1 through March 10, inclusive.
- (2) Yellow perch legally harvested in another state may be sold or offered for sale in Maryland if accompanied by proof of origin which details the total weight of yellow perch for each container.

B. Size.

- (1) The minimum size for yellow perch harvested by hook and line is 9 inches total length.
- (2) The minimum size for yellow perch harvested by means other than hook and line is 8-1/2 inches total length.
- (3) The maximum size for yellow perch harvested by means other than hook and line is 11 inches total length.

C. Daily Catch Limits.

(1) Hook and Line. The daily catch limit for yellow perch harvested by means of hook and line from the tidal waters of the State is ten fish per person per day.

(2) Gear Other than Hook and Line.

(a) A commercial tidal fish licensee permitted in accordance with §E of this regulation to harvest yellow perch commercially may harvest up to 150 pounds of yellow perch per day from the Patuxent River fishing area defined in §D(3) of this regulation.

(b) There is no daily catch limit for the fishing area defined in §D(1) or (2) of this regulation.

(c) The Department shall set an annual commercial target harvest for each fishing area defined in §D of this regulation.

D. Fishing Areas. A person may fish for yellow perch for commercial purposes only in the following areas:

(1) Chesapeake Bay and its tidal tributaries, excluding the Magothy River and the Chester River, upstream of the William Preston Lane Jr. Memorial Bridge northern span;

(2) Chester River upstream of a line beginning at a point at or near Love Point, defined by Lat. 39°02.40'N and Long. 76°18.16'W; then running approximately 83° True to a point at or near the northwest point of Eastern Neck Island, defined by Lat. 39°02.77'N and Long. 76°14.05'W; and

(3) Patuxent River upstream of a line drawn from a point at or near Hog Point, defined by Lat. 38°18.59'N and Long. 76°23.99'W; then running approximately 299° True to a point at or near Drum Point, defined by Lat. 38°19.14'N and Long. 76°25.27'W; and downstream of a line beginning at a point at or near Jackson Landing defined by Lat. 38°46.46'N and Long. 76°42.70'W; then running approximately 45° True to a point defined by Lat. 38°46.48'N and Long. 76°42.68'W.

E. Yellow Perch Harvest Permit.

(1) A person catching yellow perch for commercial purposes shall:

(a) Be licensed to fish for commercial purposes in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland;

(b) Obtain a valid yellow perch harvest permit issued by the Department; and

(c) Have the Department issued yellow perch harvest permit in possession while harvesting or transporting yellow perch.

(2) Yellow perch harvest permits issued by the Department shall be valid during the current commercial season for harvesting yellow perch.

F. Registration.

(1) During the period October 1 through October 31, unless otherwise directed by public notice, a commercial tidal fish licensee shall submit an application for a yellow perch harvest permit to the Department on a form provided by the Department.

(2) A commercial tidal fish licensee who has not applied to catch yellow perch by October 31 of the current year or the close of business the next business day when October 31 occurs on a weekend or holiday, may not catch yellow perch for sale or participate during the subsequent commercial yellow perch season.

(3) An exception to the October 31 deadline may be considered by the Department 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 §F(1) of this regulation.

G. Tags.

- (1) The Department shall provide tags to each commercial tidal fish licensee who is authorized to participate in the commercial yellow perch fishery.
- (2) The Department may not provide replacement tags for tags that are lost.
- (3) Except as provided in §I of this regulation, before landing a yellow perch, an individual shall affix a tag to the yellow perch as directed by the Department.
- (4) A commercial tidal fish licensee shall return any unused tags to the Department within 14 days of the end of the permitted season.

H. Transfers.

- (1) Yellow perch harvest permits and tags may not be transferred.
- (2) If an individual transfers a tidal fish license during the yellow perch season, the yellow perch harvest permit and tags assigned to that individual shall be returned to the Department within 14 days of the license transfer.

I. Yellow Perch Live Market.

- (1) A commercial tidal fish licensee who sells or offers for sale yellow perch in the live market which were harvested from the tidal waters of the State shall:
 - (a) Contact the Department at the number stated on the yellow perch harvest permit at least 24 hours prior to loading yellow perch into a container in which it will be transported;
 - (b) Wait until the Department representative is present before loading the live untagged yellow perch into a container in which it will be transported;
 - (c) Submit yellow perch tags at the time of loading to the Department representative equivalent to the number of yellow perch harvested for live sale; and
 - (d) Keep a bill of lading or other proof of sale and provide a copy of that documentation to the Department within 14 days of the end of the permitted season.

- (2) The bill of lading or other proof of sale shall contain the total weight of yellow perch sold and the date of the sale.

J. Reporting. A commercial tidal fish licensee permitted by the Department to harvest yellow perch shall:

- (1) Complete all information on the yellow perch harvest permit card and on the daily commercial fisheries catch log;
- (2) Report daily catch, regardless of amount, to the Department by 11:59 p.m. every day through the Department-described process;
- (3) Return the daily commercial fisheries catch log to the Department within the time specified by the Department in accordance with COMAR 08.02.13.06;
- (4) Return the completed yellow perch harvest permit card to the Department within 14 days of the end of the permitted season;
- (5) Make available yellow perch harvest permit cards, tags, and catch logs for immediate inspection on request of a Department representative; and
- (6) Cooperate with Department-approved surveys and catch inspections necessary for harvest and by-catch determination, and biological characterization.

K. Gear Restriction Areas. From February 1 through March 31, inclusive, a person may not set a fyke net in any of the following areas:

- (1) Bohemia River upstream of a line beginning at a point at or near Little Hack Point defined by Lat. 39°27.78'N and Long. 75°52.45'W; then running approximately 70° True to a point at or near the Route 213 bridge defined by Lat. 39°27.87'N and Long. 75°52.19'W;
- (2) Bush River upstream of a line beginning at a point at or near the mouth of Church Creek defined by Lat. 39°28.05'N and Long. 76°13.35'W; then running approximately 135° True to a point defined by Lat. 39°28.03'N and Long. 76°13.39'W;
- (3) Chester River upstream of a line beginning at a point at or near Indian Point defined by Lat. 39°14.28'N and Long. 75°56.17'W; then running approximately 360° True to a point on the Kent County shore defined by Lat. 39°14.54'N and Long. 75°56.16'W; and then upstream to a line, beginning at a point upstream of the mouth of Red Lion Creek defined by Lat. 36°14.62'N and Long. 75°54.63'W; then running 360° True to a point on the Kent County shore at Lat. 39°14.80'N and Long. 75°54.63';
- (4) Chester River upstream of a line beginning at a point at or near Ford's Landing defined by Lat. 39°15.04'N and Long. 75°53.70'W; then running 270° True to a point on the Kent County shore defined by Lat. 39°15.04'N and Long. 75°53.64'W;
- (5) Choptank River upstream of a line beginning at a point defined by Lat. 38°55.82'N and Long. 75°50.00'W; then running approximately 45° True to a point defined by Lat. 38°55.84'N and Long. 75°49.84'W;
- (6) Tuckahoe Creek, Choptank River tributary, upstream of a line beginning at a point defined by Lat. 38°52.86'N and Long. 75°57.10'W; then running approximately 90° True to a point defined by Lat. 38°52.86'N and Long. 75°57.07'W;
- (7) Elk River upstream of a line beginning at a point at or near Old Frenchtown Wharf defined by Lat. 39°34.28'N and Long. 75°50.91'W; then running approximately 270° True to a point at or near Scotland Point defined by Lat. 39°34.57'N and Long. 75°50.55'W;
- (8) Gunpowder River upstream of a line beginning at a point defined by Lat. 39°23.13'N and Long. 76°22.11'W; then running approximately 50° True to a point at or near the base of the Amtrak rail defined by Lat. 39°23.51'N and Long. 76°20.67'W;
- (9) Bird River, Gunpowder River tributary, upstream of a line beginning at a point defined by Lat. 39°22.94'N and Long. 76°23.83'W; then running approximately 10° True to a point defined by Lat. 39°22.98'N and Long. 76°23.77'W;
- (10) Marshyhope Creek, Nanticoke River tributary, upstream of a line beginning at a point defined by Lat. 38°38.85'N and Long. 75°48.84'W; then running approximately 90° True to a point defined by Lat. 38°38.85'N and Long. 75°48.80'W;
- (11) Northeast River upstream of a line beginning at a point defined by Lat. 39°35.25'N and Long. 75°57.72'W; then running approximately 90° True to a point defined by Lat. 39°35.05'N and Long. 75°56.99'W;
- (12) Patuxent River upstream of a line beginning at a point at or near Jackson Landing defined by Lat. 38°46.46'N and Long. 76°42.70'W; then running approximately 45° True to a point defined by Lat. 38°46.48'N and Long. 76°42.68'W;
- (13) Allen's Fresh, Potomac River tributary, upstream of a line beginning at a point defined by Lat. 38°23.14'N and Long. 76°55.42'W; then running approximately 20° True to a point defined by Lat. 38°23.20'W and Long. 76°55.40'W;
- (14) Nanjemoy Creek, Potomac River tributary, upstream of a line beginning at a point defined by Lat. 38°26.63'N and Long. 77°07.19'W; then running approximately 90° True to a point defined by Lat. 38°26.78'N and Long. 77°06.32'W; and
- (15) Sassafras River upstream of a line beginning at a point at or near the Route 213 bridge in Georgetown defined by Lat. 39°21.91'N and Long. 75°52.98'W; then running approximately 150° True to a point defined by Lat. 39°21.81'N and Long. 75°52.89'W.

08.02.21.04 General Requirements.

A. Eggs. A person may not catch, attempt to catch, or possess yellow perch eggs from any State waters, except for a person who:
Last Updated 04/22/11. For any recent regulatory changes, please visit
<http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

- (1) Is working in cooperation with a scientific investigation of the Department;
- (2) Is authorized by a scientific collection permit in accordance with Natural Resources Article, §4-212, Annotated Code of Maryland;
or
- (3) Catches yellow perch eggs and returns the eggs to the location where they were caught without landing.

B. Public Notice.

- (1) The Secretary may:
 - (a) Modify catch limits, target harvests, registration process, or reporting requirements by publishing notice in a daily newspaper of general circulation at least 48 hours in advance, stating the effective hour and date; or
 - (b) Open, close, or modify a commercial season in order to manage the quota by publishing notice in a daily newspaper of general circulation at least 24 hours in advance, stating the effective hour and date.
- (2) 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. Penalties.

- (1) Failure to comply with the reporting or tagging requirements of this chapter may result in immediate suspension of a yellow perch harvest permit, as follows:
 - (a) For a first offense, the period of suspension shall be 1 day;
 - (b) For a second offense, the period of suspension shall be 5 days; and
 - (c) For the third offense, the period of suspension shall be the remainder of the current season.
- (2) In addition to the suspension under §C(1) of this regulation, a licensee with a third offense shall be ineligible to apply for a yellow perch harvest permit for the following season.
- (3) Prior to suspending a permit under this chapter, the Department shall give the licensee notice of its intended action and an opportunity to appear at a hearing conducted in accordance with the contested case procedures set forth in State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 08.01.04.
- (4) In addition to any other penalty, failure to submit a report as required by this chapter may result in license revocation under Natural Resources Article, §4-701, Annotated Code of Maryland.

SHARKS

08.02.22.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Circle hook" means a nonoffset hook with the point turned perpendicularly back to the shank.
- (2) "Eviscerate" means to remove the digestive organs of a shark, excluding the head.
- (3) "Finning" means removing only the fins of a shark.

(4) "Fork length" means that length measured in a straight line from the tip of the nose of the shark to the center of the fork of the tail of the shark.

(5) "Handline" means a mainline to which not more than two gangions or hooks are attached.

(6) "Landing" means:

(a) The unloading of any fish at a dock or shore by a commercial fisherman; or

(b) The bringing of any fish to a dock, pier, or shore by a recreational fisherman for personal use.

(7) "Large mesh gillnet" means a gillnet having a stretch mesh size equal to or greater than 5 inches.

(8) "Recreational angler" means any fisherman who catches sharks for personal use.

(9) "Shore-angler" means any person engaged in any type of fishing that does not take place on board a vessel.

(10) "Shortline" means a fishing line containing 50 or fewer hooks and measuring less than 500 yards in length.

(11) "Small mesh gillnet" mean a gillnet having a stretch mesh size smaller than 5 inches.

(12) "Vessel" means every type of watercraft used or capable of being used as a means of transportation on water except for nondisplacement craft and seaplanes.

(13) "Vessel-fishing" means any fishing conducted from a vessel.

08.02.22.03 Commercial Fishery.

A. Shark Groups.

(1) Prohibited Species. The species of shark in the prohibited group are:

(a) Sand tiger (*Carcharias taurus*);

(b) Bigeye sandtiger (*Odontaspis noronhai*);

(c) Whale (*Rhincodon typus*);

(d) Basking (*Cetorhinus maximus*);

(e) White (*Carcharodon carcharias*);

(f) Dusky (*Carcharhinus obscurus*);

(g) Bignose (*Carcharhinus altimus*);

(h) Galapagos (*Carcharhinus galapagensis*);

(i) Night (*Carcharhinus signatus*);

(j) Reef (*Carcharhinus perezii*);

(k) Narrowtooth (*Carcharhinus brachyurus*);

- (l) Caribbean sharpnose (*Rhizoprionodon porosus*);
 - (m) Smalltail (*Carcharhinus porosus*);
 - (n) Atlantic angel (*Squatina dumeril*);
 - (o) Longfin mako (*Isurus paucus*);
 - (p) Bigeye thresher (*Alopias superciliosus*);
 - (q) Sharpnose sevengill (*Heptranchias perlo*);
 - (r) Bluntnose sixgill (*Hexanchus griseus*); and
 - (s) Bigeye sixgill (*Hexanchus nakamurai*).
- (2) Research. The species of shark in the research group is Sandbar (*Carcharhinus plumbeus*).
- (3) Smooth Dogfish. The species of shark in the smooth dogfish group is Smooth Dogfish (*Mustelus canis*).
- (4) Small Coastal. The species of shark in the small coastal group are:
- (a) Atlantic sharpnose (*Rhizoprionodon terraenovae*);
 - (b) Finetooth (*Carcharhinus isodon*);
 - (c) Blacknose (*Carcharhinus acronotus*); and
 - (d) Bonnethead (*Sphyrna tiburo*).
- (5) Nonsandbar Large Coastal. The species of shark in the nonsandbar large coastal group are:
- (a) Silky (*Carcharhinus falciformis*);
 - (b) Tiger (*Galeocerdo cuvier*);
 - (c) Blacktip (*Carcharhinus limbatus*);
 - (d) Spinner (*Carcharhinus brevipinna*);
 - (e) Bull (*Carcharhinus leucas*);
 - (f) Lemon (*Negaprion brevirostris*);
 - (g) Nurse (*Ginglymostoma cirratum*);
 - (h) Scalloped hammerhead (*Sphyrna lewini*);
 - (i) Great hammerhead (*Sphyrna mokarran*); and
 - (j) Smooth hammerhead (*Sphyrna zygaena*).
- (6) Pelagic. The species of shark in the pelagic group are:

- (a) Shortfin mako (*Isurus oxyrinchus*);
- (b) Porbeagle (*Lamna nasus*);
- (c) Common thresher (*Alopias vulpinus*);
- (d) Oceanic whitetip (*Carcharhinus longimanus*); and
- (e) Blue (*Prionace glauca*).

B. Season.

(1) Closure. During the period of May 15—July 15, inclusive, an individual may not:

- (a) Harvest the species listed in §A(5) of this regulation from State waters; or
- (b) Transport the species listed in §A(5) of this regulation in State waters, unless the shark was harvested from federal waters provided:
 - (i) The vessel does not engage in fishing within the closed area while possessing the species listed in §A(5) of this regulation;
 - (ii) The sharks possessed were not caught in the closed area; and
 - (iii) All fishing gear is stowed as described in §D(4) of this regulation and not available for immediate use.

(2) A person may not harvest, possess, or land sharks for commercial purposes in State waters when the National Oceanic and Atmospheric Administration closes the fishery in federal waters for any species listed in §A of this regulation.

C. Catch Limits.

(1) Prohibited and Research Shark Groups. A commercial tidal fish licensee may not harvest, possess, or land any species listed in §A(1) and (2) of this regulation without a scientific collection permit issued in accordance with Natural Resources Article, §4-212, Annotated Code of Maryland.

(2) Smooth Dogfish, Small Coastal, and Pelagic Shark Groups. There is no creel or possession limit for the species listed in §A(3), (4), and (6) of this regulation.

(3) Nonsandbar Large Coastal Shark Group. A commercial tidal fish licensee may not harvest, possess, or land more than 33 sharks, regardless of the species, from the list in §A(5) of this regulation.

(4) Vessels are prohibited from landing more than the specified number in one 24-hour period.

D. Gear.

(1) The following gear types are the only gear authorized for use by a commercial tidal fish licensee to catch sharks in State waters:

- (a) Rod and reel;
- (b) Handline, which shall be:
 - (i) Retrieved by hand, not by mechanical means; and
 - (ii) Attached to, or in contact with, a vessel;

- (c) Small mesh gillnet;
 - (d) Large mesh gillnet, which shall be:
 - (i) Shorter than 2.5 kilometers; and
 - (ii) Checked once every 2 hours;
 - (e) Trawl net;
 - (f) Shortline;
 - (g) Pound net; and
 - (h) Weir.
- (2) A maximum of two shortlines are allowed per vessel.
- (3) Any vessel using a shortline shall:
- (a) Use corrodible circle hooks;
 - (b) Practice the protocols and possess the federally required release equipment for pelagic and bottom longlines for the safe handling, release, and disentanglement of sea turtles and other nontarget species; and
 - (c) Have all captains and vessel owners federally certified in using handling and release equipment.
- (4) Methods of Stowing Gear.
- (a) On Reel.
 - (i) The net shall be on a reel, its entire surface covered with canvas or other similar opaque material, and the canvas or other material securely bound.
 - (ii) The towing wires shall be detached from the doors.
 - (iii) A containment rope, codend tripping device, or other mechanism to close off the codend may not be attached to the codend.
 - (b) Hook Gear.
 - (i) All anchors and buoys shall be secured.
 - (ii) All hook gear, including jigging machines, shall be covered.
 - (c) Sink Gillnet Gear.
 - (i) All nets shall be covered with canvas or other similar material and lashed or otherwise securely fastened to the deck or rail.
 - (ii) All buoys larger than 6 inches (15.24 centimeters) in diameter, high flyers, and anchors shall be disconnected.

E. General.

- (1) A person shall be authorized in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland, in order to harvest sharks for commercial purposes.
- (2) A federal commercial shark dealer permit is required to buy and sell any shark harvested from State waters.
- (3) All sharks harvested in accordance with this chapter shall have the tails and fins attached naturally to the carcass through landing.
- (4) Sharks harvested in accordance with this chapter may have the heads removed.

08.02.22.04 General.

A. Filleting and Finning.

- (1) Sharks harvested in accordance with this chapter may be eviscerated as long as the tail is not removed.
- (2) Sharks may not be filleted or cut into pieces at sea.
- (3) Finning is prohibited.

B. Public Notice.

- (1) The Secretary may modify size limits, catch limits, gear provisions, and shark species lists, or open, close, or modify a season, by publishing notice in a daily newspaper of general circulation at least 48 hours in advance, stating the effective hour and date.
- (2) 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. Spiny Dogfish. The provisions of this chapter do not apply to spiny dogfish (*Squalis acanthias*). Spiny dogfish (*Squalis acanthias*) may be harvested in accordance with COMAR 08.02.05.24.