



Pound Net Specific Laws

COMAR:

CHAPTER 03 CRABS

08.02.03.11 Season and Time for Catching Crabs.

A. Commercial.

(1) An individual licensed to catch crabs for sale may remove crabs from commercial gear in the Chesapeake Bay and its tidal tributaries only during the following time periods:

(c) Crab pots, bank traps, channel pounds, collapsible traps, net rings, handlines, dip nets, and pound nets between 1/2 hour before sunrise to 7-1/2 hours after sunrise.

08.02.03.13 Commercial Harvest of Crabs from Finfish Gear

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

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

(1) Prohibited on any day during which a licensee is otherwise prohibited from harvesting crabs as provided in Regulation .14 of this chapter;

(2) Restricted to the seasons and times provided in Regulations .11 and .12 of this chapter;

(3) Restricted by the size limits provided in Regulation .14 of this chapter; and

(4) Restricted to a maximum of 2 bushels per licensee per day harvested from a single pound net or a combination of pound nets registered to the individual.

CHAPTER 05 FISH

08.02.05.01 Methods of Fishing in Tidal Waters

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:

- (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.

08.02.05.02 Definitions and General Fishing Prohibitions.

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

- (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

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- (f) One or more internal funnel shaped throats.
- (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.

08.02.05.15 Black Drum

C. Commercial Fishery.

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

08.02.05.19 Black Bass-Largemouth Bass and Smallmouth 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.

CHAPTER 11 FISHING IN NONTIDAL WATERS

08.02.11.02 Statewide Special Regulations Affecting All Trout Fishing Areas.

A. Nets and Traps in Put-and-Take Trout Fishing Areas and Special Fisheries Management Areas for Trout. A person may not use seines, traps, or nets of any description in or upon the waters of the State which are Put-and-Take Trout Fishing Areas or Special Fisheries Management Areas for trout designated by the Department of Natural Resources. This section does not apply to landing nets used to land fish caught by angling.

B. Bait Fish. A person may not take bait fish of any description from any Put- and-Take Trout Fishing Area or Special Fisheries Management Area for trout.

CHAPTER 15 STRIPED BASS

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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

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(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

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- (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

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- (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.

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 14 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 the previous year;
 - (b) Level of harvest reflected through catch reports for each gear type; and
 - (c) Recommendations from the Striped Bass Ad Hoc Advisory Group.

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. Intent to Fish.

- (1) A commercial tidal fish licensee shall register intent to fish with the Department to take striped bass in a user group season as required by the Department.
- (2) The Department shall notify a licensee of the licensee's daily and seasonal allocation at least 10 days

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before the season begins.

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;
 - (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

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(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.

08.02.22.03 Commercial Fishery (Sharks).

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*);

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- (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:

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- (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.

STATUTES:

Natural Resources Code Subtitle 5: Obstructing The Passage of Fish; Interference with Nets and Fishing, and Other Prohibitions Generally

§4-215. Fishery Management Plans

- (g) Adoption of plans and measures; public hearings; notices.-
 - (1)(iii) - The Secretary may not prohibit the use of pound net sites in the coastal bays that are registered with the Department as of January 1, 2000.

§ 4-505 – Removing gear

A person may not molest, disturb, destroy, or catch and carry away fish belonging to another person from any boat, live box, crab pot, trot line, or the pocket or crib of any pound net or enclosed or gilled in any fish net of any kind, or take or carry away any net or gear belonging to another person used in catching fish. This section does not apply directly or indirectly to seine haulers actually engaged in laying and taking up nets

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when making a haul.

§ 4-506 – Interference with nets and stakes

A person may not fasten, tie, or anchor any boat to or in any other way interfere with any other person's fishing nets, stakes, or other personal property in or close to the waters of the State.

§ 4-508. Intentional passage through nets

A skipper, captain or other person commanding a vessel, float, or boat may not pass knowingly, wantonly, maliciously, or as a result of gross negligence, through any net lawfully placed and marked. Any person who violates this section is guilty of a misdemeanor and upon conviction is subject to a fine equal to the damages suffered by the owner or occupier of the fishery, and court costs.

Natural Resources Code Subtitle 6: Licensing, Regulation and Supervision of Fishing and Fisheries in Nontidal Waters

§ 4-618 – Non-residents not allowed nets

A nonresident may not fish in the nontidal waters of the State with nets of any description.

§ 4-619 – Additional equipment prohibitions

Except as provided in § 4-620 of this subtitle, a person may not use or attempt to use a gig, gig iron, net, seine, fish pot, or other fishing rig. If any person is found in possession of the devices prohibited by this section while catching fish, it is prima facie evidence of a violation of this section.

§ 4-620 – Certain exceptions

- (a) Catching carp with bow and arrow or gig.- Under supervision, rule or regulation, and control of the Department, a person may catch carp with bow and arrow and by gig.
- (b) Certain nets permitted for catching bait fish.-
 - (1) Except as provided in paragraph (2) of this subsection, a dip net or seine not more than 6 feet in length nor more than 4 feet in depth may be used to catch bait fish.
 - (2) A dip net or seine may not be used within 50 yards of the mouth of any river or tributary or the base of any dam.
- (c) Snagging with hooks prohibited.- Fish may not be snagged by means of hooks.

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

§ 4-704- License to catch finfish.

- (a) Required.- A person may not catch or attempt to catch finfish in the tidal waters of the State by the use of any net or other device except hook and line, dip net operated by hand, spear gun, or bow and arrow pursuant to the provisions of this subtitle unless he possesses a valid license to catch finfish issued by the Department.
- (b) Application.- An applicant for a license to catch finfish shall furnish information the Department requires.
- (c) Restrictions on licenses for pound nets.- The Department may not grant a license to any person, under the provisions of this subtitle, to set a pound net on the location occupied by any other pound net or within

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4,500 feet in the Chesapeake Bay or 1,500 feet in a tributary of the Chesapeake Bay measured at right angles to the line of stakes, unless the other licensee failed to apply for renewal of his license by the expiration date of the year for which it was granted

§ 4-705 License renewal or expiration during armed forces service or war emergency.

A license does not lapse if the licensee fails to renew or make bona fide use of his license because of induction or enlistment into the armed forces or employment in essential war industries, and the licensee applies to the Department for the renewal of his license within one year of the termination of hostilities or from the date of his release from the armed forces. If a licensee cannot fish every net for which he was licensed at any time during a war emergency because of some condition arising out of a war, he may not be deprived of his right to a license for these nets thereafter.

§ 4-708 Operation when license suspended or revoked.

A person may not set any net during the time his commercial net fishing license is suspended or revoked.

§ 4-710. Fishing methods

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

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

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

(c) Size of mesh.-

- (1) A person may not fish with any net whose size of stretched mesh, allowing a reasonable tolerance for shrinkage, is less than the following: pound net, 11/2 inches; haul seine, 11/2 inches; gill net, 21/2 inches; fyke or hoop net, 11/2 inches.
- (2) Any hedging or lead attached to a fish trap, fyke net, or pound net shall be constructed of materials which have meshes having a twine size of #12 or larger.
- (3) In the Chesapeake Bay and its tributaries, a person may not set or fish any gill net whose size of stretched mesh is more than 6 inches.
- (4) This subsection does not apply to catching eels with a net.

(d) Use of monofilament gill net webbing, cast nets or throw nets.-

- (1) Except as provided in paragraphs (2) and (3) of this subsection, a person may not install, set, operate, or maintain in any tidal water of the Chesapeake Bay or its tributaries any monofilament gill net webbing of any description to catch fish.
- (2) A person may use a monofilament cast net or a monofilament throw net to catch baitfish in any tidal water of the Chesapeake Bay or its tributaries.
- (3) In casting a monofilament net as provided under paragraph (2) of this subsection, a person:

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- (i) May not use a cast net that has a radius greater than 10 feet; and
- (ii) May cast a cast net only by hand.

(e) Use of anchored gill nets and fyke or hoop nets.- A person may not set any anchored gill net or fyke or hoop net or any line of these nets which has a length more than one third the distance across the waters of the bay, sound, river, creek, cove, or inlet where it is set, or is set so that it impedes or obstructs navigation on or blocks in any way the main channel of the bay, sound, river, creek, cove, or inlet. The outer end of the submerged gear of any nets referred to in this subsection shall be marked by means of a paddle, a board, or a buoy or other floating device which shows the name and license number of the net owner.

(f) Restrictions on hauling seines or nets.- A person may not haul any seine or net more than one third of the distance across the body of water, bay, sound, river, creek, cove, or inlet.

(g) Snagging certain fish; shooting with bow and arrow.- A person may take or shoot carp, garfish, skate, bullfish, shark, oyster toads, swelling toads, sting rays, or any other ray fish with bow and arrow, except a crossbow, and snag these fish by means of hooks in the tidal waters of the State under the supervision, regulation, and control of the Department. This subsection only applies to the fish referred to in it.

(h) Restrictions on use of stationary fishing gear, setting anchor or mooring buoy, etc.- A person may not catch or attempt to catch finfish by the use of any stationary fishing gear, or set an anchor or mooring buoy, or in any way obstruct the normal taking of finfish by drift net from December 1 through April 1.

This subsection applies only to waters more than 50 feet in depth in the Chesapeake Bay south of the William Preston Lane, Jr., Memorial Bridge and is not applicable to any Chesapeake Bay tributaries. This provision does not apply to any designated anchorage in existence on July 1, 1975. The Department has the authority to permit exceptions to this section by regulations when it can be shown that the obstruction will not interfere with a useable fishing reach.

(i) Restrictions on certain hooks.-

(1) Except in State waters in the Atlantic Ocean, a person may not use more than 2 hooks or 2 sets of hooks for each rod or line.

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

§ 4-711. Pound or fyke nets

(a) A person may not set any pound net or any line of these nets that is greater in length than one third the distance across the waters of the bay, sound, river, creek, cove, or inlet where it is set, or is set so that it impedes or obstructs navigation on or blocks in any way the main channel of the bay, sound, river, creek, cove, or inlet. The length limit provided here shall not be construed to apply to any line of nets running parallel to the bank or shore of any bay, sound, river, creek, cove, or inlet, but no net may be set across the mouth on any tributary, harbor, or navigation channel.

(b) A person may not set at any time a pound net within 4500 feet of another pound net in the Chesapeake Bay and within 1500 feet in a tributary of the Chesapeake Bay, measured at right angles to the line of stakes. Every pound net set licensed in the Chesapeake Bay or one of its tributaries may retain the locations it lawfully occupied on June 1, 1949. Except as otherwise provided by this title, a person may not set at any time a fyke net within 300 feet of a pound net, measured at right angles to the line of stakes. A person may set any fyke net closer to any pound net than the distance provided in this subsection if the owner of the pound net location gives written permission.

(c) Clear and unobstructed intervals of at least 200 feet shall be maintained between successive pound nets in the same row.

(d) A person may not set a pound net in or upon the waters covering leased oyster ground without the permission of the lessee.

(e) The outer end of each line of pound or net stakes shall be marked plainly by a brush or other suitable day marker, readily discernible to indicate the opening between nets. The name of the owner and the license number of each pound or stake net shall be displayed in black letters, at least 2 inches high, on a white background on a stake at the outer end of the pound or line, at a height and in a position as to be seen readily from adjacent navigable channels. The Secretary, after a public hearing, shall promulgate rules and regulations governing the lighting of pound nets.

(f) A single line of stakes, including the pound or head and the leader or hedging, may not have a length greater than the following:

(1) In Chesapeake Bay, south of a line from Sandy Point to Love Point and in the Choptank River from the mouth of the Choptank River to a line drawn from the center of house with white roof in vicinity of Drum Point to the easterly of two silos in the vicinity of Kate Point - 1500 feet.

(2) In Chesapeake Bay, north of a line from Sandy Point to Love Point and south of line from the northernmost point of Poole's Island to Worton's Point - 1200 feet.

(3) In Chesapeake Bay, north of a line from the northernmost point of Poole's Island to Worton's Point - 1000 feet.

(4) In the tributaries of the Chesapeake Bay except as provided, and in the Potomac River - 1200 feet.

(5) In Chincoteague, Sinepuxent, Isle of Wight, and Assawoman Bays, and their tributaries, and in the Atlantic Ocean within 3 miles of the Maryland shore - 1500 feet.

(6) In Honga River, south of a line drawn from Hickory Point on Middle Hoopers Island to Windmill Point on Aisquith Island - 1500 feet.

(7) In Hoopers Straits - 1500 feet.

(8) In Fishing Bay, south of a line from Point No Point to Department Triangulation Station Cler at southerly side of Gray's Island - 1650 feet.

(9) In the Nanticoke River, south of a line from the southeasterly most point of entrance into Jack's Creek in Dorchester County to Triangulation Station Earle in Wicomico County - 1650 feet.

(g) A person may not drive, maintain, or permit any stake to remain, in any line of stakes or otherwise, unless it projects above the surface of the water at least 3 feet at high tide.

(h)(1) Every licensee shall:

(i) Maintain the licensee's stakes in good condition; and

(ii) Promptly remove and renew any stake that may be unsound, broken, or liable to go adrift.

(2) A licensee may not permit or allow to remain in the water:

(i) Any pound net stake for a period greater than 30 days following the removal of the net from each stake;

(ii) Any pound net or stake for a period greater than 30 days following the discontinuance of fishing of the net; or

(iii) Any pound net or stake between January 1 and January 31 of any year unless the owner of the pound net or stake notifies the Department by certified mail, return receipt requested, that the net is being actively fished.

(3) A licensee who fails to comply with the provisions of this subsection is guilty of a misdemeanor and upon conviction is subject to a fine of at least \$200 and not exceeding \$1,000 with costs imposed in the discretion of the court.

(4) For a licensee who is convicted twice within 2 years of violating paragraph (1) of this subsection, the Department may suspend the licensee's striped bass authorization in the following year.

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- (i)(1) The Department may adopt regulations on the placement of pound or stake nets, including a limit on the number of locations of pound nets that may be assigned to a licensee.
- (2) In the regulations adopted under paragraph (1) of this subsection, the Department may impose a limit of up to eight locations of pound nets that may be assigned to a licensee.

§ 4-712. Riparian owners' rights

(a) The owner, tenant, or lessee of any property bordering on tidal waters of the tributaries of the Chesapeake Bay, except the waters of the Great Choptank River, lying in the State, by virtue of his ownership or occupancy, may make first choice of the set or position to place nets or establish a haul seine fishery to catch fish for commercial use in front of the property for which he possesses riparian rights. The section does not permit any riparian owner or anyone acquiring the right of a riparian owner to fish with nets or seine in any manner prohibited by this subtitle.

(b) In any year, any other person may set any net or haul seine in front of the property of a riparian property owner if the owner, tenant, or lessee of the riparian rights does not exercise the privilege of locating the position where he desires to set his nets or haul seine within 20 days after receiving notice from the other person who desires to locate his nets or fishery in front of the riparian owner's property.

(c) The notice required by this section shall be mailed to the owner, tenant, or lessee of the shore property. If the name and address are unknown, then notice shall be posted for 20 days on a board fastened to a stake driven in the water directly in front of the property and within 300 feet of the shore.

(d) This section does not grant by reason of the notice any right to any fisherman to fish without the permission of the shore owner in water within 1500 feet of any shore used as a resort so as to interfere with bathing or boating.

(e)(1) The notice provisions of this section do not apply in the waters of Baltimore, Caroline, Charles, Dorchester, Prince George's, St. Mary's, and Talbot counties where the permission of the shore owner always shall be necessary.

(2) The provisions of this section do not apply to Anne Arundel, Calvert, Queen Anne's, Kent, and Somerset counties.

4-714 -730 – county and river area specific laws with pound net implications:

§ 4-714. Anne Arundel County

(d)(1) A person may not set a pound net or other similar device at any time in the waters of South River, or any creek, cove, or inlet of the South River above Saunders Point on the south side and Marsh Point on the north.

(2) A person may not set any net at any time except a gill net or a haul seine in any creek, cove, tributary, or inlet of the South River.

(3) A person may not set any net or equipment during February, March, and April in the headwaters of South River from a line drawn from Howards Point on the west side of the river to Brier Bottom on the east side, and in the headwaters of Beards Creek and in the headwaters of any of the creeks of South River for a distance of 1200 feet from its headwaters.

§ 4-715. Baltimore County

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(a) A person may not fish with rod or hook and line from any kind of boat or float, or fish with nets of any kind within 1500 feet of any occupied duck blind for the period beginning two days prior to the open season, as promulgated by the Department of Interior of the United States for hunting wild waterfowl, and ending the day following the closing of the season in the following waters:

Back River, except in the portion lying west of a line drawn from Stansbury's Point on the south shore to Walnut Point on the north shore;

Bird River and its tributaries lying within Baltimore County;

Dark Head Creek, except in the portion lying north of a line drawn from Clark Point on the west shore directly across the creek to Sharp Point on Bull Neck Shore;

Frog Mortar Creek, except in the portion lying northerly of a line drawn from Strawberry Point on the west shore to Weiskettle's Landing on the east shore;

Gunpowder River and its tributaries lying within Baltimore County;

Hogpen Creek, except in the portion lying southwest of natural headlands marking entrance into the creek;

Middle River, except in the portion lying west of a line drawn from Clark Point, also known as Maryland Yacht Club Point, on the north shore to the point of shore directly south of Clark Point;

Norman Creek, except in the portion lying west of a line drawn from Cape May Beach on the south shore to Barren Point on the north shore;

Seneca Creek, except in the portion lying northwest of a line drawn from Gun Point on the north shore directly south to Blackberry or Flying Point on the south shore;

Seneca River; Saltpeter Creek; Dundee Creek and in the waters of their tributaries;

Stansbury's Creek, except in the portion lying northwest of a line drawn from Wilson Point on south shore to Strawberry Point on north shore; and

Sue Creek, except in the portion lying west of a line drawn from the northeasternmost point of Sue's Island to extremity of Rockaway Beach Road at the southern tip of Turkey Point.

(b) A person may not set a pound net or any similar device in the waters of Back River and its tributaries.

(c) A person may not fish with rod, hook and line or a net in the waters of Bird River between November 1 and January 31, both dates inclusive. A person shall remove every net or stake used for taking fish before midnight on October 31.

(d) A person may not fish with a net of any kind in the waters of Dundee Creek west of a line drawn from Levering's Point on the north to Marshy Point on the south.

(e)(1) Except as provided in paragraph (2) of this subsection, a person may not fish in the waters of Gunpowder River lying in Baltimore County, with nets, from May 15 to September 15, both dates inclusive.

(2)(i) Except in areas where it is prohibited by the Department, in the waters of the Gunpowder River lying in Baltimore County or Harford County, on prior notification to the Department a person may catch carp 6 weeks before and during Passover in each year and 4 weeks before and during Rosh Hashanah through Yom Kippur in each year. If a person catches any fish variety other than carp under this paragraph, the person shall return them immediately to the water unharmed.

(ii) The Department, by regulation:

Shall establish procedures for the prior notification required under subparagraph (2)(i) of this subsection; and
May prohibit fishing for carp and catfish in certain areas as provided in subparagraph (2)(i) of this subsection.

(f) A person may not fish with nets or seines of any kind in the waters of Middle River and its tributaries, defined as those waters northeast of a line drawn from Bowley Point southwesterly to the navigation light at the western end of Sue Island, between March 1 and June 1, both dates inclusive.

(g) A person may not fish with seines or nets of any kind in the waters of Sue's Creek west of a line drawn

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from the northeasternmost point of Sue's Island to extremity of Rockaway Beach Road at the southern tip of Turkey Point.

§ 4-717. Cecil County

(a) A person may not set a pound net or stake net in the waters of the Susquehanna River in Cecil County.

(b) Unless the written consent of the owner is first obtained, a person may not set any pound net opposite the shore of any owner of land bordering on the waters of the Elk, Bohemia or Sassafras rivers and their tributaries, and on the water of the North East River from Turkey Point to the River's Head, or any part of it within the limits of Cecil County. A person, unless he is the owner of the fishing shore, may not set a pound net so that it obstructs the hauling of any seine on an established fishing shore on these waters.

(c) A person may not catch fish by means of hook and line in the tidal waters of the following tributaries of the Chesapeake Bay in Cecil County, Mill Creek, Furnace Bay, North East River, Elk River, or Bohemia River two days prior to and extending until the closing day of the regular ducking season as promulgated by the Department of Interior of the United States. This subsection does not prohibit ice fishing at any time nor catching fish by means of hook and line from the shore line, docks, or wharves, or fishing by any means on Sundays during the regular ducking season.

(d) A person may not set any net within 200 yards of the beach on the Turkey Point section of Elk Neck State Park. The area that is restricted by this subsection shall be set off with buoys by the Department.

§ 4-718. Charles County

(c) A person may not set a net of any description to catch fish in the Wicomico River proper above Woodland Point House in Charles County.

§ 4-719. Dorchester County

(a) A person may not set a haul seine or seine of any description, or what is commonly called a put net, to catch fish in the following waters of Dorchester County: Transquaking River and Chicamacomico River and their tributaries, Big and Little Blackwater Rivers, White Hall Creek, Hurst's Creek, Shoal Creek, and Jenkins Creek.

(b) A person may not set a patent twine weir, or any other twine weir, a pound net and hauling seine of a length greater than 350 feet in Blackwater River and its tributaries except Little Blackwater River. A person also may not fasten or stick a stake in the part of Blackwater River lying between a line drawn from Grog Point to the opposite side of the river and a line drawn from Berg's Ditch to the opposite side of the river, except in the bends of the river where stake weirs now exist.

(c) A person may not set a gill net in the waters of Fishing Bay or Transquaking River north of a line drawn from Blackwater Point to Irish Creek, up the Transquaking River to Destroys Creek, or set any net whose farther end extends more than 1200 feet from shore or more than one third the breadth of the water at the place where the net is fished, or closer than 600 feet of another net in the Transquaking or Chicamacomico River. A person may not set any net whose farther end extends more than one half the breadth of the water at the place where the net is fished or closer than 600 feet of another net in the waters of the Transquaking River above Decourcey Bridge or placed in or across the channels of these rivers. In the waters of Fishing Bay south of a line drawn from Blackwater Point to Irish Creek and north of a line drawn from Roasting Ear Point to the northwesterly most point of the entrance to Duck Island Cove, a person may not set any weir more than 1200 feet from shore, or set any gill net or weir closer to each other than 1200 feet, or set any row

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of gill nets more than 1200 feet in length. A person may not set any weir beyond a depth of 18 feet in the waters of Fishing Bay south of the line from Roasting Ear Point to the northwesterly most point of the entrance to Duck Island Cove.

(d) A person may not place pound nets, weirs, or hedges less than one third of a mile apart in the northwest branch of the Nanticoke River, from Walnut Landing to the place known as Chimney Landing, on the west branch of this stream.

(e) A person may fish only with hook and line, eel pot, or gill net with at least a three-inch mesh in the following waters:

(1) Cabin Creek above a line drawn from the residence of Joseph Era in a northeasterly direction to the residence on the opposite side on what is known as the Travers Farm;

(2) Warwick River above a line drawn from the east end of a sand bar extending from the Hughlett Farm in a northerly direction across the river to the nearest point of marsh on Warwick Manor; and

(3) Goose Creek and Indian Creek.

§ 4-720. Cecil and Harford Counties

A person may not use a haul seine in the water area west of a line from Locust Point to the pumping station at Perry Point. This section does not prohibit catching fish for conservation or scientific purposes under the supervision of the Department, or prohibit catching carp. If 25 or more rockfish are found in a seine or net, there is a violation of this section, and the exception stated does not apply. Any person who violates the provisions of this section is guilty of a misdemeanor and upon conviction is subject to a fine of at least \$100 and not more than \$1,000 with costs imposed in the discretion of the court.

§ 4-721. Harford County

(a) A person may not fish with a hauling seine or stake net in the waters of Swan Creek from July 15 to September 15, both dates inclusive, and in the waters of the Gunpowder River lying in Harford County from May 15 to September 15, both dates inclusive.

(b) A person may not fish at any time with a haul seine in the waters of Bush River or any of its tributaries in Harford County.

(c)(1) A person may not fish a pound net in any part of the Gunpowder and Bush rivers lying in Harford County further than 1,500 feet from the shoreline of the Gunpowder River below Maxwell Point at mean low water tide and 750 feet from the shoreline of the Bush River at mean low water tide.

(2)(i) Except within the boundaries of the Aberdeen Proving Grounds, a person may not set a fyke net in the Bush River within 300 feet of another fyke net or 750 feet of a pound net, measured at right angles to existing nets or line of nets for enforcement purposes.

(ii) An owner, tenant, or lessee of the riparian rights of any property bordering the Bush River may maintain a single fyke net that is closer than 300 feet to another fyke net or pound net set in front of an adjacent property.

(d) A person may not use a pound net or stake net in the waters of the Susquehanna River.

(e)(1) A person may not set or maintain a commercial drift gill net, stake gill net, or anchor gill net so that any portion of the net is closer than 500 feet from any portion of any other commercial drift gill net, stake gill net, or anchor gill net in the designated striped bass spawning area of the Susquehanna River north of Concord Point and Stump Point.

(2) South of the line outlined, in paragraph (1) of this subsection, to Bears Point and Turkey Point, a person

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may set a commercial drift gill net only as provided in paragraph (1) of this subsection and may set and maintain a stake gill net or anchor gill net only as provided in paragraph (1) of this subsection.

§ 4-722. Kent County

A person may set a pound net in the waters of Sassafra River and its tributaries lying in Kent County from Luke's Point to the head of this river from August 1 to May 31 following, both dates inclusive. A pound net may not be set so as to obstruct the haul of any seine on any established fishing shore on these waters, unless set by the owners of the fishing shore.

§ 4-723. Saint Mary's County

(a) A person may not fish with any kind of seine or net in the waters of Chaptico Bay and the Wicomico River within the limits of St. Mary's County, within 1500 feet of any established duck blind during the open season for shooting ducks or other wild fowl.

(b) A person may not set a fish trap, net, or haul seine in the waters of St. Catherine's Sound in St. Mary's County. However, a gill net not exceeding a length of 90 yards is permitted.

§ 4-725. Talbot County

In the waters of Talbot County, a person may set only the following types of nets in the areas and during the times prescribed:

- (1) Any net at any time in the waters of the Chesapeake Bay bordering Talbot County;
- (2) Any net at any time in the waters of the Choptank River southeast of a straight line drawn from Benoni's Point to Chlora's Point;
- (3) Gill nets and fyke nets at any time in any of the waters of Talbot County; and
- (4) Haul seines in Harris Creek southerly and downstream from a straight line drawn between Station Hawk on the west side and Indian Point on the east side if the mesh in all seines is in bar not less than one and one-half inches.

§ 4-727. Worcester County

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

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

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

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

§ 4-728. Chesapeake Bay

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(a) Use of nets generally.-

(1) In this subsection, "connected line of nets" means a series of connected nets set in single file.

(2) Except as otherwise provided in this title, a person may not set:

(i) A fish pot, fyke net, or connected line of fyke nets within 500 feet in any direction of any other net or connected line of nets;

(ii) A fyke net or connected line of fyke nets that exceeds 1,500 feet in length, including the net's leaders, hedges, or wings; or

(iii) A fish pot, fyke net, or connected line of fyke nets at a distance greater than one-fourth the distance across the bay, measured from the low water mark.

(3) In the waters in the part of the Chesapeake Bay which lies between a straight line drawn from Drum Point Lighthouse in Calvert County to Hog Point in St. Mary's County, and a straight line drawn from Cove Point Lighthouse in Calvert County to Cedar Point Lighthouse in St. Mary's County, a person may not set any kind of net:

(i) Nearer than 500 yards in every direction from any other net;

(ii) Of a total length of more than 550 yards including the net's leaders, hedges, or wings; or

(iii) At a greater distance than one-fourth the distance across these waters measured from the low water mark on either side.

(b) Use of any pound net or stake net in headwaters.- A person may not set any pound net or stake net in the headwaters of the Chesapeake Bay, except those areas within 2,400 feet from the natural shoreline in Cecil County, the bay shore of Kent County up to Howell Point, and those areas within 2,400 feet from the shore on the west side of the bay from Pooles Island north to one-half mile north of Spesutie Island. For the purpose of this subsection the headwaters of the Chesapeake Bay are defined as the waters embraced in the area marked by the following line:

Beginning at Concord Point and running in a northeasterly direction, crossing Susquehanna River to Stump Point, then to Carpenter's Point, then to Turkey Point, then to Grove Point, all in Cecil County, then to Howell Point, Kent County, continuing in a straight line from Howell Point in a southwesterly direction across the bay to Abbey Point, the northernmost point at the entrance of Bush River, then northerly by a line following the bay shore of Harford County to Mulberry Point, then to Bear Point, Sandy Point, and to Locust Point on Spesutie Island, then to the southernmost point at the entrance of Swan Creek, and then crossing Swan Creek and continuing in a northerly direction following the bay shore to Concord Point, the place of beginning.

§ 4-730. Patuxent River

(a) A person may not set, nor construct any kind or description of net in the Patuxent River from Queen Anne Bridge to the mouth of the river, within 1,500 feet in every direction from any other net, without the permission of the owner of the other net. In addition, a person may not set, nor construct, any net more than 425 feet in length, including the net's leaders, hedges, or wings, below a straight line from Holland's Cliffs across the river to a point on the shore directly opposite Holland's Cliffs, or more than 150 feet in length including the net's leaders, hedges, or wings, above the straight line from Holland's Cliffs. The provisions of this subsection do not apply to floating gill nets or seines.

(b) A person may not set or haul any seine or gill net in any creek, cove or tributary of the Patuxent River if the mouth of the creek or tributary is less than 200 feet wide.

(c) A person may not set or haul any drifting gill net in the Patuxent River south of the Patuxent River Bridge or in any creek, cove, or tributary of the river south of the Patuxent River Bridge at any time.

§ 4-735. Black bass and chain pickerel

(c) 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 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-19](#) 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.

§4-11A-05. Chesapeake Bay - Aquaculture Enterprise Zone.

(b) In general.-

(2) An Aquaculture Enterprise Zone may not be located:

(ii) Within 150 feet of the public shellfish fishery or a registered pound net site

§4-11A-06. Chesapeake Bay - Submerged land lease.

(b) In general.-

(2) A submerged land lease may not be located:

(ii) Within 150 feet of the public shellfish fishery or a registered pound net site

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

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

(2) Within 150 feet of the public shellfish fishery or a registered pound net site

§4-11A-10. Demonstration lease.

(d) Location.- The proposed lease area may not be located:

(2) Within 150 feet of the public shellfish fishery or a registered pound net site