



TIDAL FISH RECREATIONAL 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:

- (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.

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(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.

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.

(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.

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(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.
- B. **Recreational Catch Limit.** Except for a person licensed to catch finfish for sale, a person may not catch or possess more than ten bluefish per day.

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.

SUMMER FOUNDER

08.02.05.12 Summer Flounder.

A. Recreational Fishery.

- (1) Minimum Size. An individual may not catch or possess summer flounder less than 19 inches total length.
- (2) Catch Limit. An individual may not catch or possess more than three summer flounder per day.
- (3) Season. An individual may recreationally catch and possess summer flounder only from April 17 through November 22, inclusive.

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.

- (1) A recreational angler may not catch or possess spotted sea trout less than 14 inches in total length.
 - (2) A recreational angler may not catch or possess weakfish less than 13 inches in total length.
- B. Recreational Catch Limits. Except for a person licensed to catch finfish for sale, a person may not catch or possess more than one weakfish and ten spotted sea trout per day.

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

- A. Recreational Fishery.
 - (1) A person may not catch or possess red drum less than 18 inches in total length or greater than 27 inches in total length.
 - (2) A person may not catch or possess more than one red drum per day.

CROAKER

08.02.05.18 Croaker.

- A. Minimum Size.

(1) A recreational angler may not catch or possess a croaker less than 9 inches total length.

B. Recreational Catch Limit. Except for a person licensed to catch finfish for sale, a person may not catch or possess more than 25 croaker per day.

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.

A. Recreational.

(1) Minimum Size. A recreational angler may not catch or possess a black sea bass less than 12-1/5 inches in total length, excluding the tail filament.

(2) Catch Limit. A recreational angler may not catch or possess more than 25 black sea bass per day.

(3) Season. The recreational season for catching black sea bass is January 1 through December 31.

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.

(1) Recreational. A recreational angler may not catch or possess a scup less than 8 inches in total length.

C. Catch Limits.

(3) Recreational Catch Limits. An individual may not catch or possess more than 50 scup per day.

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

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(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.

A. Recreational Fishery.

- (1) Size Limit. An individual may not catch or possess, in tidal waters, walleye less than 15 inches total length.

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(2) Season. Recreational fishing of walleye is permitted year round in tidal waters.

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 GROUPEL 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 caryos*);
- (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.

D. Recreational. An individual may not catch or possess more than:

(1) Seven of any species or any combination of the species listed in §A(1) of this regulation.

(2) One of any species or any combination of the species listed in §A(2) of this regulation; and

(3) 20 of any species or any combination of the species listed in §A(3) of this regulation.

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.

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- (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 Beavertdam 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 Beavertdam 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.

08.02.15.08 Recreational and Charter Boat Spring Fishery.

A. Season. Notwithstanding Regulation .03D(1) of this chapter, the recreational and charter boat spring season is the third Saturday of April through May 15 for the areas described in §D of this regulation.

B. Minimum Size. The minimum legal size for the spring season is 28 inches total length.

C. Harvest and Catch Limit. The daily catch limit for the spring season is one striped bass per individual.

D. Fishing Areas. An individual may fish for striped bass only in the following areas:

(1) North of the William Preston Lane Jr. Memorial Bridge northern span, with the following boundaries:

(a) Western boundary—east of a line beginning at a point at or near the west end of the north span of the William Preston Lane Jr. Memorial Bridge, defined by Lat. 39°00.52'N and Long. 76°24.24'W; then running northerly along the shore to a point at or near Persimmon Point, defined by Lat. 39°03.16'N and Long. 76°26.33'W; then running approximately 34° True to a point at or near Mountain Point, defined by Lat. 39°03.55'N and Long. 76°25.99'W; then running northerly along the shore to a point at or near Bodkin Point, defined by Lat. 39°07.98'N and Long. 76°25.83'W; then running approximately 358° True to a point at or near Buoy "2B" at the mouth of Patapsco River, defined by Lat. 39°10.71'N and Long. 76°25.95'W;

(b) Northern boundary—south of a line beginning at a point at or near Buoy "2B" at the mouth of the Patapsco River, defined by Lat. 39°10.71'N and Long. 76°25.95'W; then running approximately 111° True along the Brewerton Channel to a point at or near Buoy "10", defined by Lat. 39°10.35'N and Long. 76°24.74'W; then running approximately 110° True to a point at or near Buoy "8", defined by Lat. 39°10.00'N and Long. 76°23.51'W; then running approximately 112° True to a point at or near Buoy "6", defined by Lat. 39°09.61'N and Long. 76°22.30'W; then running approximately 111° True to a point at or near Buoy "4", defined by Lat. 39°09.25'N and long. 76°21.08'W; then running approximately 111° True to a point at or near Buoy "2BE" at the east end of the Brewerton Channel, defined by Lat. 39°08.92'N and Long. 76°19.98'W; then running approximately 90° True to a point at or near Buoy "12", defined by Lat. 39°08.91'N and Long. 76°19.15'W; then running approximately 91° True to a point at or near Swan Point, defined by Lat. 39°08.89'N and Long. 76°16.69'W; and

(c) Eastern and Southern boundary—west of a line beginning at a point at or near Swan Point, defined by Lat. 39°08.89'N and Long. 76°16.69'W; then running approximately 141° True to a point at or near Huntingfield Point, defined by Lat. 39°07.13'N and Long. 76°14.85'W; then running southerly along the shore of Eastern Neck to a point at or near Wilson Point, defined by Lat. 39°03.19'N and Long. 76°13.66'W; then running approximately 216° 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; then running approximately 263° True to a point at or near Love Point, defined by Lat. 39°02.40'N and Long. 76°18.16'W; then running southerly along the shore of Kent Island to a point at or near the east end of the north span of the William Preston Lane Jr. Memorial Bridge, defined by Lat. 38°59.08'N and Long. 76°20.41'W; then running westerly along the north span of the William Preston Lane Jr. Memorial Bridge to a point at or near the west end of the north span of the William Preston Lane Jr. Memorial Bridge, defined by Lat. 39°00.52'N and Long. 76°24.24'W.

(2) Between the William Preston Lane Jr. Memorial Bridge northern span and the Maryland-Virginia state line excluding all bays, sounds, tributaries, creeks, and rivers, except Tangier Sound and Pocomoke Sound.

(3) All of the Maryland waters of the Potomac River, and its tidal tributaries, downstream of a line beginning at a point at or near the east end of the Nice Memorial Bridge (U.S. 301), defined by Lat. 38°21.55'N and Long. 77°00.90'W; then running approximately 80° True to a point at or near the west end of the Nice Memorial Bridge, defined by Lat. 38°21.81'N and Long. 76°59.00'W; and upstream of a line beginning at a point at or near the shore at the north side of the north jetty at Smith Point, defined by Lat. 37°53.40'N and Long. 76°14.23'W; then running approximately 335° True to a point at or near Point Lookout, defined by Lat. 38°02.25'N and Long. 76°19.34'W.

E. Bait Prohibited. A person may not use eels as bait while participating in the striped bass spring fishery

08.02.15.09 Recreational and Charter Boat Summer and Fall Fishery in the Chesapeake Bay and Its Tidal Tributaries

A. Season. Notwithstanding Regulation .03D(1) of this chapter, the recreational and charter boat spring season is the third Saturday of April through May 15 for the areas described in §D of this regulation.

B. Minimum Size. The minimum legal size for the spring season is 28 inches total length.

C. Harvest and Catch Limit. The daily catch limit for the spring season is one striped bass per individual.

D. Fishing Areas. An individual may fish for striped bass only in the following areas:

(1) North of the William Preston Lane Jr. Memorial Bridge northern span, with the following boundaries:

(a) Western boundary—east of a line beginning at a point at or near the west end of the north span of the William Preston Lane Jr. Memorial Bridge, defined by Lat. 39°00.52'N and Long. 76°24.24'W; then running northerly along the shore to a point at or near Persimmon Point, defined by Lat. 39°03.16'N and Long. 76°26.33'W; then running approximately 34° True to a point at or near Mountain Point, defined by Lat. 39°03.55'N and Long. 76°25.99'W; then running northerly along the shore to a point at or near Bodkin Point, defined by Lat. 39°07.98'N and Long. 76°25.83'W; then running approximately 358° True to a point at or near Buoy "2B" at the mouth of Patapsco River, defined by Lat. 39°10.71'N and Long. 76°25.95'W;

(b) Northern boundary—south of a line beginning at a point at or near Buoy "2B" at the mouth of the Patapsco River, defined by Lat. 39°10.71'N and Long. 76°25.95'W; then running approximately 111° True along the Brewerton Channel to a point at or near Buoy "10", defined by Lat. 39°10.35'N and Long. 76°24.74'W; then running approximately 110° True to a point at or near Buoy "8", defined by Lat. 39°10.00'N and Long. 76°23.51'W; then running approximately 112° True to a point at or near Buoy "6", defined by Lat. 39°09.61'N and Long. 76°22.30'W; then running approximately 111° True to a point at or near Buoy "4", defined by Lat. 39°09.25'N and long. 76°21.08'W; then running approximately 111° True to a point at or near Buoy "2BE" at the east end of the Brewerton Channel, defined by Lat. 39°08.92'N and Long. 76°19.98'W; then running approximately 90° True to a point at or near Buoy "12", defined by Lat. 39°08.91'N and Long. 76°19.15'W; then running approximately 91° True to a point at or near Swan Point, defined by Lat. 39°08.89'N and Long. 76°16.69'W; and

(c) Eastern and Southern boundary—west of a line beginning at a point at or near Swan Point, defined by Lat. 39°08.89'N and Long. 76°16.69'W; then running approximately 141° True to a point at or near Huntingfield Point, defined by Lat. 39°07.13'N and Long. 76°14.85'W; then running southerly along the shore of Eastern Neck to a point at or near Wilson Point, defined by Lat. 39°03.19'N and Long. 76°13.66'W; then running approximately 216° 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; then running approximately 263° True to a point at or near Love Point, defined by Lat. 39°02.40'N and Long. 76°18.16'W; then running southerly along the shore of Kent Island to a point at or near the east end of the north span of the William Preston Lane Jr. Memorial Bridge, defined by Lat. 38°59.08'N and Long. 76°20.41'W; then running westerly along the north span of the William Preston Lane Jr. Memorial Bridge to a point at or near the west end of the north span of the William Preston Lane Jr. Memorial Bridge, defined by Lat. 39°00.52'N and Long. 76°24.24'W.

(2) Between the William Preston Lane Jr. Memorial Bridge northern span and the Maryland-Virginia state line excluding all bays, sounds, tributaries, creeks, and rivers, except Tangier Sound and Pocomoke Sound.

(3) All of the Maryland waters of the Potomac River, and its tidal tributaries, downstream of a line beginning at a point at or near the east end of the Nice Memorial Bridge (U.S. 301), defined by Lat. 38°21.55'N and Long. 77°00.90'W; then running approximately 80° True to a point at or near the west end of the Nice Memorial Bridge, defined by Lat. 38°21.81'N and Long. 76°59.00'W; and upstream of a line beginning at a point at or near the shore at the north side of the north jetty at Smith Point, defined by Lat. 37°53.40'N and

Long. 76°14.23'W; then running approximately 335° True to a point at or near Point Lookout, defined by Lat. 38°02.25'N and Long. 76°19.34'W.

E. Bait Prohibited. A person may not use eels as bait while participating in the striped bass spring fishery

08.02.15.10 Recreational and Charter Boat Summer and Fall Fishery for Maryland Tributaries of the Potomac River

A. Season. The recreational and charter boat summer and fall season in the:

(1) Areas described in Regulation .08D(3) of this regulation is May 16 through May 31; and

(2) Maryland tributaries of the Potomac River downstream of Woodrow Wilson Bridge (I-95) is June 1 through December 31.

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

C. Size Limit. A person may catch and possess two striped bass at least 18 inches total length, only one of which may be greater than 28 inches total length.

08.02.15.11 Atlantic Coast Recreational and Charter Boat Fishery.

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

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

08.02.15.12 General Restrictions.

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

B. Possession of Striped Bass.

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

(2) During a recreational striped bass season:

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

(b) An individual may not cull striped bass.

C. Filleting Striped Bass.

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

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

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

(b) All striped bass carcasses:

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

(ii) Are included in the possession limit; and

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

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

(1) Conduct a fishing tournament or contest; or

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

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

F. Mycobacteriosis Tagging Study.

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

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

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

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

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

(a) In excess of the daily catch limit;

(b) Outside of the striped bass season;

(c) Above or below the size limits; and

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

G. Restrictions for Charter Boats.

(1) During a chartered fishing trip, the captain or mate:

(a) May not land or possess striped bass for personal consumption during the season described in Regulation .08 of this chapter;

(b) May land and possess one striped bass per boat per trip during the seasons described in Regulation .09 of this chapter, to be retained for personal consumption only.

(2) A fishing guide licensee may not make more than two charter trips daily to fish for striped bass.

H. Season Limitations. The Secretary:

(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.

08.02.21.02 Recreational.

A. Season. The recreational season is open year round.

B. Size.

(1) Except as provided in §B(2) of this regulation, the minimum size for yellow perch harvested from waters of the State is 9 inches total length.

(2) There is no minimum size for yellow perch harvested from reservoirs, lakes, ponds, impoundments, and waters upstream of them.

C. Creel and Possession Limits.

(1) Except as provided in §C(2) of this regulation, the daily catch and possession limit for yellow perch is ten fish per person per day.

(2) There is no daily catch limit for reservoirs, lakes, ponds, impoundments, and waters upstream of them.

D. Reporting. A recreational angler shall cooperate with Department-approved surveys and catch inspections necessary for harvest and by-catch determination, and biological characterization.

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:

(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.

08.02.22.02 Recreational Shark Fishery

A. Authorized Shark Species. A recreational angler may harvest only the following species:

- (1) Smooth Dogfish (*Mustelus canis*);
- (2) Atlantic sharpnose (*Rhizoprionodon terraenovae*);
- (3) Finetooth (*Carcharhinus isodon*);
- (4) Blacknose (*Carcharhinus acronotus*);
- (5) Bonnethead (*Sphyrna tiburo*);
- (6) Tiger (*Galeocerdo cuvier*);
- (7) Blacktip (*Carcharhinus limbatus*);
- (8) Spinner (*Carcharhinus brevipinna*);
- (9) Bull (*Carcharhinus leucas*);
- (10) Lemon (*Negaprion brevirostris*);
- (11) Nurse (*Ginglymostoma cirratum*);
- (12) Scalloped hammerhead (*Sphyrna lewini*);
- (13) Great hammerhead (*Sphyrna mokarran*);
- (14) Smooth hammerhead (*Sphyrna zygaena*);
- (15) Shortfin mako (*Isurus oxyrinchus*);
- (16) Porbeagle (*Lamna nasus*);
- (17) Common thresher (*Alopias vulpinus*);

(18) Oceanic whitetip (*Carcharhinus longimanus*); and

(19) Blue (*Prionace glauca*).

B. Season Closure. A recreational angler may not harvest, possess, or transport the species listed in §A(6)—(14) of this regulation from May 15 through July 15, inclusive, regardless of where the shark was caught.

C. Size Limits.

(1) There is no minimum fork length for the species listed in §A(1)—(5) of this regulation.

(2) The minimum fork length is 4.5 feet (54 inches) for the species listed in §A(6)—(19) of this regulation.

D. Catch Limits.

(1) Shore-Angler Catch Limits. Each calendar day, a recreational shore-angler may harvest:

(a) Only one shark, regardless of the species, from the list in §A of this regulation;

(b) One additional Smooth Dogfish (*Mustelus canis*);

(c) One additional Atlantic sharpnose (*Rhizoprionodon terraenovae*); and

(d) One additional Bonnethead (*Sphyrna tiburo*).

(2) Vessel-Fishing Catch Limits.

(a) A recreational fishing vessel may not harvest more than one shark, per trip, from the list in §A of this regulation, regardless of the:

(i) Species of shark; and

(ii) Number of people on board the vessel.

(b) In addition to the vessel limit described in §D(2)(a) of this regulation, each recreational angler fishing from a vessel may harvest, per trip:

(i) One Smooth Dogfish (*Mustelus canis*);

(ii) One Atlantic sharpnose (*Rhizoprionodon terraenovae*); and

(iii) One Bonnethead (*Sphyrna tiburo*).

E. Gear. A recreational angler may catch sharks using only:

(1) Handlines retrieved by hand, not by mechanical means; or

(2) Rod and reel.

F. General.

(1) A recreational angler may not sell, barter, or trade sharks or shark pieces.

(2) When aboard a vessel, a recreational angler is bound by the more restrictive vessel-fishing possession limits described in §D(2) of this regulation, regardless of the location where the shark was caught.

(3) A shark that is transported by a vessel is considered "boat assisted" and is regulated under the more restrictive vessel-fishing possession limits described in §D(2) of this regulation, regardless of where it was caught.

(4) All sharks harvested by a recreational angler shall have heads, tails, and fins attached naturally to the carcass through landing.

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.