

PROPOSED ACTION ON REGULATIONS

(c) No more than 25 percent of the total restorable bottom in the St. Mary's River Oyster Sanctuary shall be leased for shellfish aquaculture purposes.

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

Notice of Proposed Action

[13-331-P]

The Secretary of Natural Resources proposes to:

- (1) Amend Regulations .01 and .02 under COMAR 08.02.05 Fish;
- (2) Amend Regulation .04 under COMAR 08.02.11 Fishing in Nontidal Waters; and
- (3) Adopt new Regulations .01 and .02 under a new chapter, COMAR 08.02.25 Gear.

Statement of Purpose

The purpose of this action is to clarify and consolidate rules pertaining to recreational fishing gear into one chapter of regulation. In 2011, the General Assembly passed House Bill 111, which required the Department to consult with the Tidal Fisheries Advisory Commission (TFAC) and Sport Fisheries Advisory Commission (SFAC) to create regulations pertaining to recreational fishing gear and four commercial fishing gears. As required under this law, the Department considered relevant biological, ecological, and socioeconomic factors in creating the proposed action. The Department met with the TFAC and SFAC Gear Workgroup in May 2012 and scoped the proposed regulations in May 2013. The Department will be further discussing the commercial gears with the TFAC before proposing a commercial gear regulation to address fish pots, bank traps, fyke nets and hoop nets.

The proposed action creates a new chapter of regulation that defines fishing gears and restrictions pertaining to each classification of recreational fishing gear. The regulation creates five categories of gear: traps, non-active line fishing gear, active line fishing gear, nets, projectile gear, and hand gear. Gears are listed under each of these categories and restrictions are based on existing restrictions and/or biological, ecological or socioeconomic factors.

The proposed action creates new definitions for the following items: Bank pole, Bow and arrow, Bush-bob, Cast net, Crossbow, Gig, Hand, Handline, Jug, Landing net, Lure, Net, Noodling, Rod, Rod and reel, Snagging, Spear, Spear gun, and Trap. The following is a list of new rules relating to recreational fishing gear:

- May only use the recreational gear allowed in the gear chapter and in the Maryland Code.
- Now allow traps for recreational anglers to catch bait, so long as the trap is in front of the individual's property, within 100 yards of the shore or attached to an un-docked boat. The trap must also be marked with the individual's DNRid number.
- Creates category of non-active line fishing gear. Jugs are now explicitly approved for recreational use, and the allowable use of recreational finfish trotlines has been expanded.
- Seines may now be used by all recreational anglers, not just resident anglers.
- New projectile gear rules:
 - Crossbows are now allowed.
 - Season on spears/spear guns has been removed.

- Added the following species to the explicit "no shoot" list (although they had all been prohibited from being shot in their respective species regulations):
 - American lobster.
 - Snapping turtle.
 - Sharks.
 - Species listed as threatened or endangered.
- Removed the restriction that gigs may only be used by residents in nontidal waters.
- Added "Hand" and "Noodling" as explicitly allowed means of catching fish.

Additionally, changes are made in order to align regulations with proposed changes to the striped bass chapter. Commercial fishermen participating in the Chesapeake Bay individual transferrable quota fishery will no longer have crew limitations on vessels engaged in hook-and-line fishing. Previously, and still in the common pool fishery, such vessels were limited to two crew members and a maximum of four individuals on a vessel. By eliminating these restrictions, ITQ fishery participants will be able to maximize efficiency while engaged in the fishery by increasing the number of people on their boat, thereby lowering the length of time and the number of days they require to catch their allocation.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action has an economic impact on the affected industries.

II. Types of Economic Impact.

	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	
	Cost (-)	Magnitude
D. On regulated industries or trade groups:		
(1) Recreational Licensees	(+)	Indeterminable
(2) Bait Shops/Manufacturers	(+)	Indeterminable
(3) Commercial Licensees	(+)	Indeterminable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

D(1). The regulations will have an overall positive economic impact on the regulated industry. Recreational users will now be legally able to use a small trap for bait purposes. They will also be able to use crossbows for fishing. There is also a negative economic impact because the lines per person are limited to three person for active line fishing gear and nonactive line fishing gear is limited to 25 hooks per line and no more than 25 lines per person. The Department

is not aware of persons using more nonactive line fishing gear than is purposed. The recreational and charter boat community may see some slight indeterminable positive impact from the proposed regulations.

D(2). By allowing new gears, bait shops and gear manufacturers may see a slight increase in their revenues as they are now able to sell more types of gear for use in the recreational fishery in Maryland. The amount of the impact is indeterminable and will depend on user demand.

D(3). Commercial fishermen participating in the Chesapeake Bay individual transferrable quota fishery will no longer have crew limitations on vessels engaged in hook-and-line fishing. Previously, and still in the common pool fishery, such vessels were limited to two crew members and a maximum of four individuals on a vessel. By eliminating these restrictions, ITQ fishery participants will be able to maximize efficiency while engaged in the fishery by increasing the number of people on their boat, thereby lowering the length of time and the number of days they require to catch their allocation.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

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Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Gear Regulations, ATTN: Regulatory Staff, Maryland Department of Natural Resources Fisheries Service, 580 Taylor Ave, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment@dnr.state.md.us, or fax to 410-260-8310. Comments will be accepted through November 18, 2013. A public hearing has not been scheduled.

08.02.05 Fish

Authority: Natural Resources Article, §4-221, Annotated Code of Maryland

.01 Methods of Fishing in Tidal Waters.

[A.] — [C.] (proposed for repeal)

[D.] A. Registration of Pound Net Sites.

(1) An individual may not set a pound net in State waters unless:

(a)—(c) (text unchanged)

(d) The individual has notified the Department of the setting of the net in compliance with [§F] §C of this regulation.

(2) — (9) (text unchanged)

[E.] B. — [G.] D. (text unchanged)

[H. 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.]

[I.] E. (text unchanged)

.02 [Definitions and] General Fishing Prohibitions.

[A.] (proposed for repeal)

[B. Prohibitions and Limitations on Fishing in General.]

[(1)] A. 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)] B. A person may set and fish:

[(a)] (1) — [(c)] (3) (text unchanged)

[(3)] C 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)] (1) — [(b)] (2) (text unchanged)

[(4)] D. (text unchanged)

[(5)] E. 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)] (1) — [(b)] (2) (text unchanged)

[(6)] F. 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)] (1) — [(b)] (2) (text unchanged)

[(7)] G. (text unchanged)

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

[(a)] (1) — [(d)] (4) (text unchanged)

[(9)] I. — [(10)] J. (text unchanged)

[(11)] K. Except as provided in [§B(12)] §L 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)] (1) — [(b)] (2) (text unchanged)

[(12)] L. *Hook and Line Fishing Exceptions.*

(1) 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)] §K of this regulation.

(2) *Tidal fish licensees registered in and engaged in the Chesapeake Bay individual transferrable quota striped bass fishery are not subject to the crew member limit or boat limit on individuals as described in §K of this regulation.*

[(13)] M. — [(14)] N. (text unchanged)

[(15)] O. General Provisions.

[(a)] (1) — [(c)] (3) (text unchanged)

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08.02.11 Fishing in Nontidal Waters

Authority: Natural Resources Article, §4-221, Annotated Code of Maryland

.04 Statewide General Regulations.

[A.] (proposed for repeal)

[B.] A. Use of [Bow and Arrow.] *Projectile Gear*.

(1) Subject to the provisions of this section, a person may [shoot fish with a bow and arrow,] use *projectile gear to take fish in nontidal waters* except for all trout species, walleye, striped bass, striped bass hybrid, northern pike, muskellunge, muskellunge hybrids including tiger musky, and largemouth and smallmouth bass.

(2) A person may not [shoot] take or attempt to [shoot] take any fish with a [bow and arrow] *projectile gear* in a Put-and-Take Trout Fishing Area or Special Fisheries Management Area for trout at any time.

(3) A person may not [shoot] take or attempt to [shoot] take any fish with a [bow and arrow] *projectile gear* in State-controlled community ponds or lakes. However, the Department may permit the taking of carp in community ponds and lakes when it deems advisable.

[C.] B. (text unchanged)

[D.] — [E.] (proposed for repeal)

[F.] C. Swimming. Swimming is prohibited in any area controlled by the [Freshwater] *Inland Fisheries Division* except in designated areas.

[G.] D. — [J.] G. (text unchanged)

[K.] H. Vehicles on [Freshwater] *Inland Fisheries Division Owned or Controlled Lands*.

(1) (text unchanged)

(2) A person may not operate any vehicle on any lands owned or controlled by the [Freshwater] *Inland Fisheries Division* without written permission of the Division except on those roads, lanes, or areas which are open to automobile traffic or which are specifically marked by the Division.

[L.] I. Camping on [Freshwater] *Inland Fisheries Division Owned or Controlled Lands*.

(1) (text unchanged)

(2) A person may not camp on lands owned or controlled by the [Freshwater] *Inland Fisheries Division* except on designated sites or by written permit, or both.

(3) It is unlawful to fish in a lake or pond owned or controlled by the [Freshwater] *Inland Fisheries Division* before 5:30 a.m. and after 10 p.m.

[M.] J. Bait.

(1) (text unchanged)

(2) Crayfish.

(a) (text unchanged)

(b) In addition to [§M(2)(a)] §J(2)(a) of this regulation, regulations relating to the importation, transport, purchase, possession, propagation, sale, or release of specific nuisance species of crayfish appear in COMAR 08.02.19.04.

[N.] K. Possession of Fish Whose Physical Condition has been Altered.

(1) — (2) (text unchanged)

(3) This provision does not apply to the capture of snakehead fish, under [§S] §P of this regulation.

[O.] L. (text unchanged)

[P.] M. Use of Dip Nets, Cast Nets, and Seines in Nontidal Waters.

[(1) Cast nets may not be used in nontidal waters.]

[(2)] (1) — [(6)] (5) (text unchanged)

[(7)] (6) Subject to the provisions of [§P] §M of this regulation, a seine not more than 6 feet in length nor more than 4 feet in depth or a dip net may be used by residents to catch bait fish.

[Q.] N. — [R.] O. (text unchanged)

[S.] P. Snakehead Harvest.

(1) [Notwithstanding Natural Resources Article, §4-710(g), Annotated Code of Maryland, an] *An* individual may capture and possess a snakehead fish using any legal method if, upon capture, the:

(a) — (d) (text unchanged)

(2) — (3) (text unchanged)

[T.] Q. — [U.] R. (text unchanged)

S. In addition to any requirements in this chapter, gear may only be used in accordance with the requirements in COMAR 08.02.24.

08.02.25 Gear

Authority: Natural Resources Article, §4-221, Annotated Code of Maryland

.01 Gear Definitions.

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

B. Terms Defined.

(1) "*Bank pole*" means a line and hook dangling into a river, stream, or lake that has the other end attached to a pole which is stuck into the ground.

(2) "*Bow and arrow*" means a projectile with a thin straight shaft that is intended to be shot from a weapon operated by hand which is composed of a curved piece of material with a taut cord to propel the arrow.

(3) "*Bush-bob*" means a line and hook dangling into a river, stream, or lake that has the other end attached to an overhead tree or bush limb.

(4) "*Cast net*" means a circular monofilament or multi-ply net with weights distributed around its edge that is cast or thrown by hand in such a manner that it spreads out on the water and sinks.

(5) "*Circle hook*" means a non-offset hook with the point turned perpendicularly back to the shank.

(6) "*Crossbow*" means a weapon for shooting a projectile with a thin straight shaft with an attached line that consists of a short bow mounted crosswise by the end opposite the stock.

(7) "*Dip net*" means a mesh bag of netting which is suspended from a circular, oval, or a rectangular frame attached to a handle or rope which is fished by hand.

(8) "*Eel pot*" means an enclosure constructed of wire having:

(a) A square mesh size not less than 1/2 inch; 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.

(9) "*Finfish trotline*" means a single line from which hang, at intervals, multiple short lines which terminate with single baited hooks.

(10) "*Fish pot*" means a single, finfish entrapment net device, without associated wings or leads, consisting of:

(a) An enclosure of various shapes covered with mesh webbing of not less than 1-1/2 inch mesh size;

(b) One or more conical entrance funnels; and

(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 mesh size if square.

(11) "*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 mesh size;

(b) No more than one set of wings;

(c) A leader or hedging not longer than 250 feet consisting of #12, or larger, twine and with a minimum 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 when set with a minimum mesh size of 2-1/2 inches;

(e) A single entrance funnel; and

(f) One or more internal funnel shaped throats.

(12) "Gig" means a hand-thrown implement with a shaft and three-pronged barbed point used for catching fish.

(13) "Gill net" means a net which:

(a) Is maintained in a vertical position in the water with sinkers, floats, or stakes, or a combination of sinkers, floats, and stakes; 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.

(14) "Gill net, anchored" means a gill net that is stationary in the water and secured to the bottom by conventional anchors or heavy weights on either end or along the bottom line which prevent the gill net from drifting freely with the tide or current.

(15) "Gill net, attended" means the licensee remains in the boat within 2 miles of the gill net while it is in waters of the Chesapeake Bay, or within 1 mile when the gill net is in waters of the Atlantic Ocean, its coastal bays and their tributaries, or a tributary of the Chesapeake Bay.

(16) "Gill net, drift" means a gill net not secured to or anchored to the bottom, designed to drift with the natural or prevailing tidal current, including a gill net rigged with up to 20 pounds of weight at each end, in addition to that weight required to achieve negative buoyancy.

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

(18) "Hand" means a method of fishing whereby an individual uses their own hand to physically capture the fish.

(19) "Handline" means a fishing line attended primarily by hand.

(20) "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 width of the bunt or back not greater than 100 feet.

(21) "Hook and line" means a line free of mechanical devices except for reels attached to a pole or rod or held in hand and attended in a manner that the fish is caught by the hook.

(22) "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 mesh size;

(b) One or more internal funnel-shaped throats;

(c) A single entrance funnel;

(d) No wings and 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 when set with a minimum mesh size of 2-1/2 inches.

(23) "J hook" means a hook having a point parallel to the hook shank.

(24) "Jug" means a method of fishing, where the fish take the bait voluntarily, that uses lines suspended from floating plastic containers or devices.

(25) "Landing net" means a mesh bag which is suspended from a circular, oval, or rectangular frame attached to a handle which is operated by hand to capture a fish attached to a line.

(26) "Lure" means an artificial bait used for catching fish.

(27) "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.

(28) "Noodling" means a method of catching fish using one's hand or foot while in the water.

(29) "Number 12 twine" means tightly twisted or braided nylon fibers, which are between 0.043 and 0.048 inches in diameter when compressed.

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

(31) "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 mesh size of 3 inches; and

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

(32) "Rod" means a pole, cane, or stick to which a line can be attached directly.

(33) "Rod and reel" means a pole with a line and usually a mechanism, attached at the bottom of the pole, and is turned by a crank so that the line is wound around a barrel

(34) "Seine" means an encircling type of net with mesh.

(35) "Slat basket" means a wooden box that funnels fish down into a holding area that is usually baited.

(36) "Snagging" means actively fishing with a hook that intentionally foul-hooks the fish outside the mouth.

(37) "Spear" means a shaft with a sharp point and/or barbs for capturing a fish by piercing its body which may also be known as a gig.

(38) "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.

(39) "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.

(40) "Trap" means a single, bait finfish entrapment device, without associated wings or leads, and consisting of:

(a) An enclosure of various shapes covered with mesh webbing of not greater than 1/2-inch square mesh size for tidal waters and 1/4-inch square mesh for nontidal waters;

(b) One or more entrances with an opening not more than 2 inches in diameter in tidal waters or not more than 1 inch in diameter in nontidal waters; and

(c) No dimension greater than 24 inches in any direction.

(41) "Trip" means the duration which begins with departure of the fishing vessel from a shore-based location and which terminates with return to a shore-based location.

(42) "Trolling" means the method of angling during which fish are attracted to a lure or bait being trailed from a boat which is moving forward or backward by mechanical, manual, or wind power.

.02 Recreational Gear.

A. Recreational Gear.

(1) An individual may only use finfish gear in accordance with this chapter except as described in Natural Resources Article, §§4-714 — 4-730 and 4-735, Annotated Code of Maryland.

(2) An individual using finfish gear in accordance with this chapter shall comply with all seasons, creel limits, size limits, and

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other species-specific regulations as specified under this subtitle and Natural Resources Article, Title 4, Annotated Code of Maryland.

B. Traps.

(1) An individual harvesting finfish for recreational purposes may use one trap in State waters except as provided in §B(4) of this regulation and in accordance with this subsection.

(2) A trap shall be marked with the individual's name, address, and fishing registration or license number.

(3) A trap shall be set in front of the individual's property, within 100 yards of the shore, and:

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

(b) Marked by a buoy or pole and sign; or

(c) Attached to a boat that is not docked.

(4) An individual may not harvest fish with a trap in all Special Trout Management Waters as described in COMAR 08.02.11.01C, D, G, and H.

(5) A trap shall be set:

(a) In front of the individual's property, within 100 yards of the shore, and:

(i) Attached by a line to the property or a privately owned pier or dock; and

(ii) Marked by a buoy or pole and sign; or

(b) By attaching to a boat that is not docked.

C. Active Line Fishing Gear.

(1) The following gear is considered active line fishing gear:

(a) Hook and line;

(b) Rod and reel; and

(c) Handline.

(2) A maximum of three or a combination of three of the gear listed under §C(1) of this regulation may be used by an individual fishing in State waters.

(3) The gear listed in §C(1) of this regulation shall be used in a manner in which the individual is handling the gear or actively in control of the gear.

(4) No more than two hook units per line may be used on the gear listed under §C(1) of this regulation.

(5) Snagging is not legal in State waters.

(6) Additional restrictions on active line fishing gear used to catch striped bass may be found at COMAR 08.02.15.03.

D. Nonactive Line Fishing Gear.

(1) The following gear is considered nonactive line fishing gear:

(a) Jug;

(b) Bank pole;

(c) Bush-bob; and

(d) Finfish trotline.

(2) Non-active line fishing gear must be marked with the individual's DNRid number.

(3) No more than 25 non-active line fishing gear as listed in §D(1)(a)-(c) of this regulation may be used by an individual in State waters.

(4) An individual may use no more than two finfish trotlines.

(5) Bush-bobs and bank poles may not be used in tidal waters.

(6) Bush-bobs and bank poles may only be used in accordance with Natural Resources Article, §4-617, Annotated Code of Maryland.

(7) Finfish Trotlines:

(i) Shall have no more than 25 hooks;

(ii) Be no more than 100 feet in length;

(iii) May not be made of metal; and

(iv) May not be baited with scaled fish bait.

(8) A jug shall have no more than 2 hooks per line and no more than one line per jug.

E. Nets.

(1) The following gears are considered recreational fishing nets:

(a) Cast nets;

(b) Seines;

(c) Dip nets; and

(d) Landing nets.

(2) Cast net:

(a) May only be used in tidal waters; and

(b) Must have a radius not exceeding 10 feet.

(3) Seine.

(a) In tidal waters seines:

(i) Shall have mesh no greater than 1/4 inch;

(ii) May not exceed 50 feet in width and 5 feet in height;

(iii) Shall only be used to catch minnows and other bait

fish; and

(iv) Shall only be emptied from shore.

(b) In nontidal waters seines:

(i) Shall have mesh no greater than 1/4 inch;

(ii) May not exceed 6 feet in width and 4 feet in height;

(iii) Shall only be used to catch minnows and other bait

fish;

(iv) May not be used within 50 yards of the base of any

dam or the mouth of any river or tributary; and

(v) Shall only be emptied from shore.

(4) Dip Net.

(a) A dip net may only be used in accordance with COMAR 08.02.11.04 and Natural Resources Article, §4-617, Annotated Code of Maryland.

(b) A dip net may not be used in tidal waters of the State.

(5) In nontidal waters, landing nets may only be used in accordance with COMAR 08.02.11.04.

F. Projectile Gear.

(1) The following gear is considered projectile gear:

(a) Bow and arrow;

(b) Crossbow;

(c) Gig;

(d) Spear; and

(e) Spear gun.

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

(3) In nontidal waters, an individual may only use projectile gear in accordance with COMAR 08.02.11.04 and 08.02.19.06.

(4) A person may use projectile gear to take any fish except for the following species:

(a) American lobster (*Homarus americanus*);

(b) Sharks

(c) Snapping turtle (*Chelydra serpentina*);

(c) Striped bass (*Morone saxatilis*);

(d) Any species listed as threatened or endangered under COMAR 08.03.08; and

(e) Any species prohibited in COMAR 08.02.11.04.

(5) A person may not shoot projectile gear without specific advance permission within 100 yards of any:

(a) Human being;

(b) Private or public swimming area;

(c) International diving flag;

(d) Occupied duck blind; or

(e) Vessel other than that occupied by the individual projectile gear.

(6) Projectile gear shall have a retrieval line attached to it.

(7) Gigs or other hand-thrown implements with a shaft and barbed point may be used to catch fish in accordance with this chapter.

G. *Hand Gear.* The following gear is considered legal hand gear that may be used in all open State waters:

- (1) Hand; and
- (2) Noodling.

H. *Recreational Gear—General.*

(1) An individual harvesting with any legal gear as described in this chapter shall be licensed, registered, or otherwise authorized to recreationally harvest fish in Maryland in accordance with Natural Resources Article, Title 4, Annotated Code of Maryland.

(2) Individuals harvesting finfish for recreational purposes may only use gear as defined in COMAR 08.02.25.01.

JOSEPH P. GILL
Secretary, Natural Resources

(ii) Owens Creek mainstem from [Raven Rock] Buck Lantz Road downstream to Roddy Road	1, 4
(iii)—(xiii) (text unchanged)	
(i)—(n) (text unchanged)	

C. Catch-and-Return Trout Fishing Areas.

(1) Owens Creek.

(a) (text unchanged)

(b) The area subject to the provisions of §C(1)(a) of this regulation is Owens Creek mainstem from [Raven Rock] Buck Lantz Road downstream to Roddy Road.

(2)—(4) (text unchanged)

D.—H. (text unchanged)

JOSEPH P. GILL
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.11 Fishing in Nontidal Waters

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

Notice of Proposed Action

[13-319-P]

The Secretary of Natural Resources proposes to amend Regulation .01 under **COMAR 08.02.11 Fishing in Nontidal Waters.**

Statement of Purpose

The purpose of this action is to update and clarify certain trout fishing and management areas. The proposed action changes the upper boundary of the Put-and-Take/Catch-and-Return area on Owens Creek from Raven Rock Road to Buck Lantz Road. The change is necessary because stocking on Owens Creek extends to Buck Lantz Road.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Nontidal Regulations, Fisheries Regulatory Staff, Department of Natural Resources, Fisheries Service B-2, 580 Taylor Avenue, Annapolis MD 21401, or call 410-260-8300, or email to fisheriespubliccomment@dnr.state.md.us, or fax to 410-260-8310. Comments will be accepted through November 18, 2013. A public hearing has not been scheduled.

.01 Trout Fishing and Management Areas.

A. (text unchanged)

B. Put-and-Take Trout Fishing Areas.

(1)—(5) (text unchanged)

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

	Closure Periods
(a)—(g) (text unchanged)	
(h) Frederick County:	
(i) (text unchanged)	

Subtitle 02 FISHERIES SERVICE

08.02.15 Striped Bass

Authority: Natural Resources Article, §§4-215 and 4-701, Annotated Code of Maryland

Notice of Proposed Action

[13-330-P]

The Secretary of Natural Resources proposes to amend Regulations .02, .04, .05, .07, and .12 under **COMAR 08.02.15 Striped Bass.**

Statement of Purpose

The purpose of this action is to establish the fishing rules for the Chesapeake Bay's Commercial Striped Bass Individual Transferable Quota (ITQ) and Common Pool (CP) fisheries. Each Chesapeake Bay commercial striped bass permit holder was required to select either the ITQ or CP fishery during the 2014 declaration period in August 2013. Based on the difference in the management approach of these fisheries, permit holders will be required to follow different rules depending on their selection of the ITQ or CP. There are, however, some rules that will apply to both fisheries that all permit holders (ITQ and CP) must follow.

Common Pool and ITQ

New rules and changes to rules that will affect all Chesapeake Bay commercial striped bass fisheries include flag requirements, new tagging requirements, new season dates, and a clarification on tagging.

A flag provided by the Department will be required to be displayed while actively participating in either Chesapeake Bay commercial striped bass fishery. A flag identifies boats fishing commercially. The flags in this case will also identify the fishery (ITQ or CP) the permit holder has selected for 2014 which will aid the Natural Resource Police with enforcement efforts. Only one flag (either CP or ITQ) may be on board a vessel engaged in commercial fishing activity. This will reduce confusion with enforcement efforts of the different fishing rules between the ITQ and CP fisheries.

All striped bass will be required to be tagged with tags identifying the fishery in which the fish was harvested. Tags will be identified as either ITQ or CP and must be on board the vessel engaging in commercial fishing activity. Tags on board the vessel must match the flag being displayed which identifies the fishery in which the permittee is participating.

The new season dates will be January 1—February 28 and June 1—December 31. Currently there is a staggering of the start date between the pound net (June 1) and hook and line and haul seine (June 7) fisheries. This staggering is based on gear competition and marketing at the beginning of the fishing season in June. The