

# Public Scoping of Fishing Gear Regulatory Ideas 2013



# The Problem

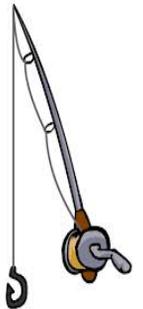
- Rules for fishing gear are in many different sections of regulation and law and it is hard to find the applicable rule.



- Current rules are ambiguous as to the legality of some gears and confuse anglers.



- The rules are not clear and concise.



- There are gears that DNR would like to allow for that are currently prohibited.

Changes are needed to address this issue.

# Proposed Solution

- Define fishing gear for clarification and enforcement purposes
- Provide increased consistency with gear uses in tidal and non-tidal waters
- Expand the use of certain gear within fisheries management guidelines

# Background on Gear Rules

- 2011 - MD General Assembly passed House Bill 111 which gives DNR authority to regulate recreational gear and commercial fyke nets, hoop nets, bank traps, and fish pots.
- 2011-2012 - DNR staff discuss gear options and conflicts
- May 8, 2012 - DNR staff meet with a joint workgroup of the Tidal Fisheries Advisory Commission and Sport Fisheries Advisory Commission to discuss ideas for gear regulations. Their suggestions have been incorporated in this presentation.
- 2013 - MD General Assembly passes Senate Bill 59 which cleans up statute conflicts and allows the draft gear regulations to move forward

# Recreational Gear Addressed in Proposal

## Nets

Cast nets  
Seines  
Dip nets  
Landing nets

## Non-Active Line Gear

Jug  
Bank pole  
Bush-bob  
Trotline

## Projectile Gear

Bow and arrow  
Crossbow  
Spear  
Spear gun

## Active Line Gear

Hook and line  
Rod and reel  
Handline

## Traps

## Hand Gear

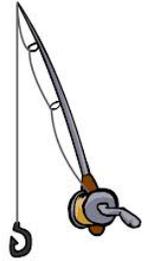
By Hand  
Noodling

# Active Line Fishing Gear

## Definitions

### Hook and line:

- 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.



### Rod and reel:

- 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

### Handline:

- A fishing line attended primarily by hand.

# Rules for Active Line Gear

Currently there is a limit of three rods at one time in non-tidal waters, but no limit in tidal waters. The proposal establishes a maximum of three or a combination of three active line fishing gears that may be used per individual.

- *Should this apply to Charter boats?*
- *Should there be a boat limit regardless the number of individuals?*

*Gear must be attended or person must be actively in control of the gear.*

Some rules do not change but will be located in a new regulation:

- *No more than two hook units (i.e. hooks or lures) per line.*
- *Snagging is not legal in State waters.*

# Non-Active Line Fishing

## Gear Definitions

### Bank pole:

- 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.

### Bush-bob:

- A line and hook dangling into a river, stream, or lake that has the other end attached to an overhead tree or bush limb.

### Jug:

- A method of fishing, where the fish take the bait voluntarily, that uses lines suspended from floating plastic containers or devices.

### Trotline:

- A single line from which hang, at intervals, multiple short lines which terminate with single baited hooks.

# Rules for Non-Active Line Gear

No more than 25 non-active line fishing gears may be used.

Currently bush bobs and bank poles are addressed only for non-tidal waters. Drafted rules would establish bank poles, and bush-bobs:

- Cannot be used in tidal waters; and
- May only be used in non-tidal waters in accordance with Natural Resources Article, 4-617, Annotated Code of Maryland.

Current rules do not address the distinct differences of jugging and trotlines in regards to hooks, specifically in tidal waters. The draft rule would establish:

- A jug cannot have more than 2 hooks per line and no more than one line per jug.
- Finfish Trotlines:
  - Cannot have more than 25 hooks;
  - Cannot be more than 100 feet in length;
  - Cannot be made of metal; and
  - Cannot be use finfish for bait.

# Additional Questions for Non-Active Line Gear

Should there be season limits for when these gears may be used?

Should there be limits on hook sizes that may be used to address concerns regarding catching non-targeted species?

Are there areas where non-active line gear should be prohibited?

# Traps Definition

A single entrapment device, used to catch bait finfish, without associated wings or leads, and consisting of:

- An enclosure of various shapes covered with mesh webbing of not greater than  $1/2$  inch square mesh size for tidal waters and inch square mesh for non-tidal waters;
- 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 non-tidal waters; and
- No dimension greater than 24 inches in any direction.

# Rules for Traps

Current rules do not allow traps to be used in State waters. Many individuals like using traps to catch bait and the current prohibition is problematic. The drafted rules provide for the use of a trap under the following conditions:

1. A trap must be marked with the individual's name, address, or DNR ID.
2. A trap must be set in front of the individual's property, within 100 yards of the shore, and:
  - Attached by a line to the property or a privately owned pier or dock;
  - Marked by a buoy or pole and sign; or
  - Attached to a boat that is not docked.
3. An individual cannot harvest fish with a trap in the following nontidal areas:
  - All Special Trout Management Waters described in COMAR 08.02.11.01C, D, G, and H; and
  - Deer and Swan Creeks in Harford County.

# Projectile Fishing Gears

## Definitions

### Bow and arrow:

- 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.

### Crossbow:

- 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.

### Spear:

- 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.

### Spear gun:

- Any type of device used for propelling a spear under water by any means other than manual in order to catch fish.

# Rules for Projectile Gear

- *Nontidal Waters – Current rules still apply*
- *Tidal Waters*
  - *We are considering allowable species and seasons – Please make suggestions!*
  - *Prohibited Species – Striped bass, Sharks, Lobster, walleye, chain pickerel, and species with closures (shad, herring, etc.)*
- *Crossbows would be added as a permissible gear.*
- *The following restriction was only for nontidal waters but would be expanded to tidal waters: A person may not shoot a projectile gear without specific advance permission within 100 yards of any:*
  - *Human being;*
  - *Private or public swimming area;*
  - *International diving flag;*
  - *Occupied duck blind; or*
  - *Vessel other than that occupied by the individual arrow fishing.*
- *Projectile gear must have a retrieval line attached to it.*

# Nets Definitions

## Cast nets

- 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.

## Seines

- An encircling type of net with mesh.

## Dip nets

- 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.

## Landing nets

- 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.

# Rules for Nets

Rules for net use vary throughout the State and are not clear. The proposal would clarify net use as follows:

## Seine

— In tidal waters seines shall:

- Have mesh no greater than  $1/4$  inch;
- Not exceed 50 feet in width and 5 feet in height;
- Only be used to catch minnows and other bait fish; and
- Only be emptied from shore.

— In nontidal waters seines shall:

- Have mesh no greater than  $1/4$  inch;
- Not exceed 6 feet in width and 4 feet in height;
- Only be used to catch minnows and other bait fish;
- Not be used within 50 yards of the base of any dam or the mouth of any river or tributary; and
- Only be emptied from shore.

# Nets Rules Con't

Rules for net use vary throughout the State and are not clear. The proposal would clarify net use as follows:

## Cast Net

- May only be used in tidal waters; and
- The radius cannot be larger than 10 feet.

## Dip Net

- Existing rules will still apply.
- Prohibited 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.

Landing nets may be used in tidal and non-tidal waters.  
Existing rules will still apply in non-tidal waters.

# Hand Fishing Gear

## Definitions

These gears are not currently prohibited, but the proposal would clarify that they are legal gears and permissible:

### By Hand:

- A method of fishing whereby an individual uses their own hand to physically capture the fish.

### Noodling:

- A method of catching fish using one's hand or foot while in the water

## Draft Rules

No specific rules – just obey other species restrictions (seasons, catch limits, and size).

# Commercial Gears

## Definitions

Like the recreational rules, the goal of these commercial changes is to address vague definitions and inconsistent gear rules.

Bank Traps - an enclosure constructed of wire mesh not more than 4 feet long and not more than 4 feet wide, with a single row of hedging not more than 75 feet long

Fyke Nets - 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, nylon 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.

# Definitions Con't

Fish Pots - 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.

Hoop Nets - 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 having a minimum mesh size of 2-1/2 inches.

# Rules for Commercial Gear

Fish pots may not be used in the float free channels listed in COMAR 08.02.03.07 and 08.02.05.08.

Fish pots may be fished in a strings of pots, but only if the licensee places a marker with their license number on each end of the string.

A commercial tidal fish licensee may only use a bank trap as defined.

A commercial tidal fish licensee may only use a fyke net as defined.

- The fyke net shall be marked with the licensee's tidal fishing license number.
- When harvesting from a fyke net, a licensee shall remove and return to the water any fish for which the season is closed or the quota has been reached.

A commercial tidal fish licensee may only use a hoop net as defined.

# We want to hear from you!

DNR is always striving to do better.  
Please speak with our staff or leave us  
a comment regarding the information  
we have provided you today.

You can also provide comment on these  
ideas by visiting our website.

[www.dnr.maryland.gov/fisheries/regulations/draftregulations.asp](http://www.dnr.maryland.gov/fisheries/regulations/draftregulations.asp)