

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	06/20/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 7/25/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

08 02 19 06

08 02 25 01 - .03

3. Name of Promulgating Authority

Department of Natural Resources

4. Name of Regulations Coordinator Telephone Number
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6. Check applicable items:

- New Regulations

- Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: 5/27/2014.

- Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R

(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes - No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Shara Mervis Alpert, Assistant Attorney General, (telephone #410-260-8358) on 6/19/2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Eileen Mosley

Title

Regulations Coordinator

Telephone No.

410-260-8107

Date

6/20/2014

Title 08
DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.19 Nuisance and Prohibited Species

Subtitle 02 FISHERIES SERVICE

08.02.25 Gear

Authority: Natural Resources Article, §§ 4-205.1, 4-221, and 4-510, Annotated Code of Maryland

Notice of Proposed Action

[]

The Secretary of Natural Resources proposes to amend Regulation .06 under COMAR 08.02.19 Nuisance and Prohibited Species and to amend Regulation .01, repeal and replace Regulation .02, and establish Regulation .03 under COMAR 08.02.25 Gear.

Statement of Purpose

The purpose of this action is to define, clarify, and modify recreational fishing gears and the manner in which those gears may be used. The Department proposed recreational fishing gear regulations in 2013 in order to standardize rules across the State and make those rules more understandable for recreational anglers. In the intervening year, the Department has taken note of certain gear definitions that are not functioning as planned and certain rules for gear use that are either vague or in contrast to how the recreational fishing sector prefers to use the gear. Because the purpose of the recreational gear regulations was to clarify the rules for recreational fishing, rather than for conservation, the Department is modifying some of the rules both based on feedback from stakeholder groups that had been negatively affected by the standardization and from fisheries managers that have noted issues with how the gear has been used.

This regulation creates two separate recreational gear regulations: one for nontidal waters and one for tidal waters. Changes to gear use in nontidal waters include prohibiting the use of projectile gears in Youth and Blind and Youth, Elderly, and Blind Trout Management Areas and prohibiting the use of jugs. Changes to gear use in tidal waters include allowing the use of dip nets, changing the rules for jug fishing by reducing the allowable number from 25 to 10 and to only allowed their use in from July 1 to the last day in February in the tidal tributaries of the Chesapeake Bay, and allowing for an unlimited number of rods in tidal waters. Changes statewide include a prohibition of recreational finfish trotlines, allowing the use of minnow traps from any property so long as permission is first obtained, and the allowing the use of crossbows to take snakeheads. The use of crossbows had previously been prohibited in the Nuisance and Prohibited Species regulation due to a statute which has since been removed from the Annotated Code of Maryland. The distance a minnow trap may be set from a property has been

reduced from 100 yards to 100 feet. A number of definitions have also been amended or added to the regulation.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

This proposed action may have an indeterminable, positive economic impact on the Department, recreational fishermen and retail outlets that sell fishing tackle.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:		
Increased Recreational Opportunities	(R+)	Indeterminable
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:		
Stores selling fishing tackle	(+)	Indeterminable

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

A. The Department may see increased recreational fishing participation, and consequently, an increase in revenue, through the elimination of the 3 rods per person regulation and allowing an unlimited number of rods per person. The amount of the increase in revenue is largely contingent upon the number of anglers who would not buy a license when faced with a 3 rod limit (or would fish in other jurisdictions with more lenient rod restrictions), but would purchase a license if they were allowed to use 4+ rods while fishing. While it is also possible that in locations where angler congestion is an issue (e.g., public piers and shorelines), an unlimited number of rods per person could result in less anglers being able to comfortably fish in that location, that issue has historically not been a problem.

E. Any store selling fishing tackle may potentially see a positive economic impact from these regulations. Without a limit on the number of rods an individual may use, recreational anglers may be more likely to purchase additional fishing rods and reels, as well as other additional tackle. While it is difficult to isolate the impact of the 3 rod limit in tidal waters on small business revenue, tackle shops noted a decline in sales in rods,

reels, and other tackle after the implementation of this regulation. With no limit on the number of rods, individuals are more likely to supplement their collection of rods, replace old or broken rods, and purchase additional items such as fishing line, leaders, and terminal tackle such as lures, resulting in a positive economic impact to the tackle industry.

Economic Impact on Small Businesses

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

The proposed action removes the 3-rod per person limit in tidal waters that was put in place last year. Based on conversations with industry, the new rod limit coincided with and contributed to reductions in retail sales of rods, reels, and terminal tackle. To the extent the 3-rod limit was a causal influence on the reduction in rod sales, this reduced level of retail sales would be expected to persist if the 3-rod limit was maintained.

Likewise, to the extent that the reduction in retail sales was attributable to the 3-rod per person limit, retail stores are likely to see sales return to baseline levels with the removal of the 3-rod per person limit.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Recreational Gear Regulations, 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 August 25, 2014. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 15

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

There are no funds necessary to implement these regulations. These regulations define and manage allowable recreational gears. There is no action necessary for the Department to take.

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

G. Small Business Worksheet:

Attached Document:

Chapter 19 Nuisance and Prohibited Species

Authority: Natural Resources Article, §4-205.1, Annotated Code of Maryland

.06 Snakehead Prohibitions.

A.—C. (text unchanged)

D. *Except as described in §E of this regulation, an individual may only possess a snakehead if, upon capture, the:*

- (1) *Head of the snakehead is immediately removed;*
- (2) *Body is gutted;*
- (3) *Gill arches are removed from both sides of the fish; or*
- (4) *Fish is filleted.*

[D.] E. The Department may issue a permit for the possession of a live snakehead fish for scientific purposes to a properly accredited person of known scientific attainment.

[E. Taking of Snakeheads.

(1) Notwithstanding Natural Resources Article, §4-710(g), Annotated Code of Maryland, an individual may shoot and take snakeheads with a bow and arrow, but not a crossbow, and snag these fish by means of hooks.

(2) Snakeheads may be taken by any means, as described in COMAR 08.02.11.04P.]

Chapter 25 Gear

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

.01 Gear Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(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] *bow and arrow or crossbow.*

(3)—(5) (text unchanged)

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

[(8)] (7) "Eel pot" means an enclosure constructed of wire having:

(a) (text unchanged)

(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 *measuring at least 16 square inches* 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)] (8) (text unchanged)

[(11)] (9) "Fyke net" means a [fixed] *stationary* finfish entrapment net device, without a pound or crib, consisting of:

(a)—(f) (text unchanged)

[(12)] (10) "Gig" means [a hand-thrown] *an* implement with a shaft and three-pronged barbed point [used for catching fish] *which is either thrust or thrown by hand.*

[(13)] (11) (text unchanged)

[(14)] (12) “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)—(21)] (13)—(19) (text unchanged)

(20) “Hook unit” means a lure with multiple hooks.

[(22)—(23)] (21)—(22) (text unchanged)

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

[(25)] (24) “Landing net” means a mesh bag which is suspended from a circular, oval, or rectangular frame attached to a *short* handle which is operated by hand to capture a fish [attached to a line] *which is being caught by other means*.

[(26)—(27)] (25)—(26) (text unchanged)

[(28)] (27) “Noodling” means a method of catching fish using one’s [hand or foot] *hands or feet* while in the water.

[(29)—(32)] (28)—(31) (text unchanged)

[(33)] (32) “Rod and reel” means a pole with a line and usually a *line winding* mechanism, attached at the bottom of the pole, and is turned by a crank so that the line is wound around a barrel

[(34)—(36)] (33)—(35) (text unchanged)

[(37)] (36) “Spear” means a shaft with [a] *one* sharp point and/or [barbs] *a barb* for capturing a fish by piercing its body [which may also be known as a gig].

[(38)—(39)] (37)—(38) (text unchanged)

(39) “Tip up” means a device used in ice fishing in which a signal flag is raised when a fish takes the bait.

(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)—(c) (text unchanged)

(41)—(42) (text unchanged)

[.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 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) 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.

(4) 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 the trap 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 nontidal 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 name, address, or 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.]

.02 Recreational Gear – Nontidal Waters.

A. Recreational Gear.

(1) An individual may only use the gear specified in this regulation to catch fish for recreational purposes from nontidal waters.

(2) An individual shall comply with all seasons, creel limits, size limits, and other species-specific regulations as specified under this subtitle and Natural Resources Article, Title 4, Annotated Code of Maryland.

B. Traps.

(1) An individual may not take or attempt to take fish with a trap in any trout management area described in COMAR 08.02.11.01C, D, G, and H.

(2) An individual may not use more than one trap.

(3) A trap shall be:

- (a) Marked with the individual's
 - (i) Name and address; or
 - (ii) DNRid number; and

(b) Checked daily.

(4) A trap shall be set:

(a) In front of the individual's property, or property belonging to another if an individual has received the landowner's permission, within 100 feet of the shore, and:

- (i) Attached by a line to the property or a privately owned pier or dock; or
- (ii) Marked by a buoy or pole and sign; or

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

C. Active Line Fishing Gear.

(1) Individuals catching fish in nontidal waters may only use the following active line fishing gear:

- (a) Hook and line;
- (b) Rod and reel; and
- (c) Handline.

(2) 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.

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

(4) Except when ice fishing, a maximum of three or a combination of three of the gear listed in §C(1) of this regulation may be used by an individual fishing in nontidal waters.

(5) When ice fishing, a maximum of five tip ups or rods may be used.

(6) Snagging is not legal in State waters.

D. Nonactive Line Fishing Gear.

(1) Individuals catching fish in nontidal waters may only use the following nonactive line fishing gear:

- (a) Bank pole; and
- (b) Bush-bob.

(2) Non-active line fishing gear shall be marked with the individual's

- (a) Name and address; or
- (b) DNRid number.

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

E. Nets.

(1) Individuals catching fish in nontidal waters may only use the following nets:

- (a) Seines;
 - (b) Dip nets; and
 - (c) Landing nets.
 - (2) Except for a landing net, a nonresident may not use nets in nontidal waters.
 - (3) Except for a landing net, nets may not be used in waters described in COMAR 08.02.11.01B—H.
 - (4) A person may not bait a net.
 - (5) Seines in nontidal waters:
 - (a) Shall have mesh no greater than 1/4 inch;
 - (b) May not exceed 6 feet in width and 4 feet in height;
 - (c) Shall only be used to catch minnows and other bait fish;
 - (d) May not be used within 50 yards of the base of any dam or the mouth of any river or tributary; and
 - (e) Shall only be emptied from shore.
 - (6) Dip nets in nontidal waters:
 - (a) May not be used to fish for any trout species, walleye, striped bass, striped bass hybrid, northern pike, largemouth bass, small mouth bass, muskellunge, or muskellunge hybrids including tiger musky; and
 - (b) Shall be used in accordance with Natural Resources Article, §4-617, Annotated Code of Maryland.
 - (7) Landing nets in nontidal waters may be used to land a fish which is being caught by other means.
- F. Projectile Gear.**
- (1) Individuals catching fish in nontidal waters may only use the following projectile gear:
 - (a) Bow;
 - (b) Gig;
 - (c) Spear; and
 - (d) Spear gun.
 - (2) 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 the vessel occupied by the individual using the projectile gear.
 - (3) Projectile gear shall have a retrieval line attached to it.
 - (4) An individual may use projectile gear to take any fish except for the following species:
 - (a) All trout species;
 - (b) Walleye;
 - (c) Striped bass;
 - (d) Striped bass hybrids;
 - (e) Northern pike;
 - (f) Muskellunge;
 - (g) Muskellunge hybrids, including tiger musky;
 - (h) Largemouth and smallmouth bass;
 - (i) Snapping turtles; and
 - (j) Any species listed as threatened or endangered under COMAR 08.03.08.
 - (5) An individual may not take or attempt to take any fish with a projectile gear in any trout management area described in COMAR 08.02.11.01B—H.
 - (6) An individual may not take or attempt to take any fish with a projectile gear in State-controlled community ponds or lakes.
 - (7) Additional Restrictions.
 - (a) Except as provided in §F(6)(b) of this regulation, a person may not shoot projectile gear within 100 yards of any:
 - (i) Human being;
 - (ii) Private or public swimming area;
 - (iii) International diving flag;
 - (iv) Occupied duck blind; or
 - (v) Vessel other than the vessel occupied by the individual using the projectile gear.
 - (b) The distance restriction in §F(6)(a) of this regulation does not apply if the person using the projectile gear receives permission from all affected parties within that area prior to engaging in fishing activities.
- G. Hand Gear. Individuals catching fish in nontidal waters may only use the following hand gear:**
- (1) Hand; and
 - (2) Noodling.

.03 Recreational Gear – Tidal Waters.

A. Recreational Gear.

(1) An individual may only use the gear specified in this regulation to catch fish for recreational purposes from tidal waters.

(2) An individual using gear in accordance with this chapter shall comply with all seasons, creel limits, size limits, and other species-specific rules as specified under this subtitle and Natural Resources Article, Title 4, Annotated Code of Maryland.

B. Traps.

(1) An individual may not use more than one trap.

(2) A trap shall be:

(a) Marked with the individual's DNRid number; and

(b) Checked daily.

(3) A trap shall be set:

(a) In front of the individual's property, or property belonging to another if an individual has received the landowner's permission, within 100 feet of the shore, and:

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

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

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

C. Active Line Fishing Gear.

(1) Individuals catching fish in tidal waters may only use the following active line fishing gear:

(a) Hook and line;

(b) Rod and reel; and

(c) Handline.

(2) 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.

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

(4) Snagging is not legal in State waters.

(5) 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 only nonactive line fishing gear that an individual may use to catch fish in tidal waters is a jug.

(2) An individual may use up to 10 jugs.

(3) Jugs:

(a) Shall have no more than 2 hooks per line and no more than one line per jug

(b) May only be used in tidal tributaries of the Chesapeake Bay;

(c) May only be used from July 1 through the last day of February;

(d) Shall be marked with the individual's DNRid number; and

(e) Shall be attended between the hours of sunset and sunrise.

(f) May be used to take any fish except for the following species:

(i) Largemouth and smallmouth bass;

(ii) Striped bass;

(iii) All shark species;

(iv) Snapping turtles; or

(v) Any species listed as threatened or endangered under COMAR 08.03.08.

E. Nets.

(1) Individuals catching fish in tidal waters may only use the following nets:

(a) Cast nets;

(b) Seines;

(c) Dip nets; and

(d) Landing nets.

(2) Cast nets shall have a radius not exceeding 10 feet.

(3) Seines in tidal waters:

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

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

(c) Shall only be used to catch minnows and other bait fish; and

(d) May not be emptied from a boat.

(e) May not be emptied on the shore or in water less than 12 inches deep.

(4) An individual may use a landing net to land a fish which is being caught by other means.

(5) A person may not bait a net.

F. Projectile Gear.

(1) Individuals catching fish in tidal waters may only use the following projectile gear:

(a) Bow;

(b) Spear; and

(c) Spear gun.

- (2) *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 the vessel occupied by the individual using the projectile gear.*
- (3) *Projectile gear shall have a retrieval line attached to it.*
- (4) *An individual may use projectile gear to take any fish except for the following species:*
- (a) *All trout species;*
 - (b) *Walleye;*
 - (c) *Striped bass;*
 - (d) *Striped bass hybrids;*
 - (e) *Northern pike;*
 - (f) *Muskellunge;*
 - (g) *Muskellunge hybrids, including tiger musky;*
 - (h) *Largemouth and smallmouth bass;*
 - (i) *Snapping turtles;*
 - (j) *All shark species;*
 - (k) *American lobster; and*
 - (l) *Any species listed as threatened or endangered under COMAR 08.03.08.*
- (5) *Additional Restrictions.*
- (a) *Except as provided in §F(5)(b) of this regulation, a person may not shoot projectile gear within 100 yards of any:*
- (i) *Human being;*
 - (ii) *Private or public swimming area;*
 - (iii) *International diving flag;*
 - (iv) *Occupied duck blind; or*
 - (v) *Vessel other than the vessel occupied by the individual using the projectile gear.*
- (b) *The distance restriction in §F(5)(a) of this regulation does not apply if the person using the projectile gear receives permission from all affected parties within that area prior to engaging in fishing activities.*
- G. *Hand Gear. Individuals catching fish in tidal waters may only use the following hand gear:*
- (1) *Hand; and*
 - (2) *Noodling.*

JOSEPH P. GILL

Secretary of Natural Resources