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DNR-FS-2023-03

### SMALL BUSINESS COMPLIANCE GUIDE

Adopt new Regulation and Amendment to Subtitle 02 Fisheries Service

Regarding the Department's Regulations for Species In Need of Conservation — Longnose Gar  
COMAR 08.02.05 Fish and 08.02.12 Endangered and Threatened Fish Species

Released April 28, 2023

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This Guide is prepared in accordance with the requirements of State Government Article, §10-110, Annotated Code of Maryland. It is intended to help small businesses comply with the revised rules adopted in the above-referenced sections of the Code of Maryland Regulations. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small businesses, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply.

The Department will clarify or update the text of the Guide as an idea moves through the regulatory process. Direct your comments and recommendations, or calls for further assistance, to Fishing and Boating Services Regulatory Division:

410-260-8300

410-260-8DNR; toll free in Maryland 877-620-8DNR; TTY Users Call via the Maryland Relay

## I. SUMMARY & FAQs

### **What has been proposed?**

The Department proposed declaring longnose gar as In Need of Conservation and establishing a creel limit for the species. Currently, there is no creel or size limit, or season for possession, established for longnose gar in Maryland. The Department has established a creel limit of 1 longnose gar per person from April 15 through June 30 and a creel limit of 5 longnose gar per person from July 1 through April 14. This creel limit would apply to both recreational anglers and commercial harvesters. These regulations would mirror the recreational creel limits in Virginia to provide consistency with adjacent jurisdictions and provide heightened protections during the spawning period when gar are more vulnerable to harvest due to their tendency to gather in large groups to spawn.

### **Why is this change necessary?**

Longnose gar is "in need of conservation" in the tidal waters of Maryland. Near the northern edge of their Atlantic coast range, longnose gar is a native species to Maryland. It is one of seven species of an ancient family of fishes that pre-date the dinosaurs and are found only in North America. In Maryland, longnose gar has been reported from southerly tidal freshwaters of the Chesapeake Bay, including the Potomac, Pocomoke, Nanticoke, Wicomico, and Choptank Rivers. Its restricted distribution in Maryland and its life history aspects can make this species particularly vulnerable to population declines and possibly extirpation if mortality rates increase. Because it is a native, top predator in Maryland's tidal freshwater, the species must be protected and managed sustainably.

Anecdotally considered a "rough fish" by recreational anglers, gar has been maligned as a competitor to the game and sport fish that damages fishing gear, resulting in gar being thrown to shore to die rather than harvested as table fare. Gar is also a popular bowfishing target in Maryland and across the southeastern United States and can be harvested in high numbers. While the species was listed as a Species of Greatest Conservation Need in 2005 by the Maryland Department of Natural Resources, no regulations were adopted to prevent or limit the harvest of longnose gar in tidal waters. Because interest in longnose gar and bowfishing has not historically been widely popular in Maryland, regulations were not adopted to help protect the species.

However, the recent rise in popularity of bowfishing over the past ten years has increased because of interest in shooting northern snakehead and blue catfish. Recently, the Virginia Department of Wildlife Resources reduced its creel limit of longnose gar from five fish per person during their spawning season to one fish per person. In Maryland, more anglers and archers may encounter longnose gar, and unregulated harvest of the species may seriously threaten its conservation in Maryland waters. Often called "living fossils," gars possess characteristics that are now uncommon among fishes, making longnose gar a unique feature of the bay's ecosystem. The species include:

- A special tail type (i.e., abbreviate heterocercal).
- Unique scales (i.e., ganoid scales).
- A unique, highly vascularized lung-like gas bladder that enables it to "breathe air" when experiencing low dissolved oxygen.

During the spring spawning season, which can include April but mainly in May and June, adults will congregate in shallow, freshwater bays for spawning. Groups of adults can lie motionless near the water's

surface in slow water, bays, or coves and in waters with submerged aquatic vegetation or submerged wood to which their eggs adhere. Because of these behaviors, many spawning longnose gar can be harvested quickly. Unfortunately, the specialized spawning season and habitat (i.e., lentic-like embayments or coves) of longnose gar are shared with invasive fishes, northern snakehead and blue catfish specifically, both of which are popular bowfishing targets. The Department continues to encourage bowfishing for those invasive fishes but believes, based on their life history and restricted range, that longnose gar require additional protection by implementing a creel limit. Similar restrictions have long been used to manage other species of conservation interest, such as largemouth bass and striped bass, to great positive effect.

**Who will this affect?**

This change will affect anyone who harvests longnose gar.

**Has this change been discussed with advisory commissions?**

This idea was scoped with the Sport Fisheries Advisory Commission and Tidal Fisheries Advisory Commission at their April 2023 meetings.

**What is the specific regulatory action?**

Adopt new Regulation .31 under COMAR 08.02.05 Fish and amend Regulation .03 under COMAR 08.02.12 Endangered and Threatened Fish Species.

**II. RECORDKEEPING AND REPORTING REQUIREMENTS**

This proposal alone will not create any new recordkeeping or reporting requirements.

**III. IMPLEMENTATION DATE**

This regulation change is effective December 11, 2023.