

.01 Trout Fishing and Management Areas.

A. Basic Statewide Trout Fishing. Except as listed in §§B—[H] I of this regulation, the following shall be in effect for trout fishing in all nontidal waters of the State:

(1)—(5) (text unchanged)

B. Put-and-Take Trout Fishing Areas.

(1) Open Season. [Put-and-take] *Except as provided in §I of this regulation, put-and-take* trout fishing areas are closed to all fishing from 10 p.m. of the first date to 5:30 a.m. of the last date, during the period listed in the following schedule:

(a)—(c) (text unchanged)

(2) Fishing Hours.

(a) Except as provided in [§(2)(b)] §B(2)(b) and (c) and §I of this regulation, the fishing hours are from 5:30 a.m. to 10 p.m.

(b) (text unchanged)

(c) *In areas designated as Closure 1 or Closure 2 areas in §B(5) of this regulation, the fishing hours on the last Saturday in March are from 6:30 a.m. to 10 p.m.*

(3)—(4) (text unchanged)

(5) Except as provided in §C(1) of this regulation the following areas are designated as put-and-take trout fishing areas and are subject to the provisions in §B(1)—(3) of this regulation:

	Closure Periods
(a)—(e) (text unchanged)	
(f) Carroll County:	
(i)—(viii) (text unchanged)	
(ix) <i>Little Pipe Creek from Shepherds Mill Road downstream to the Maryland Route 75 bridge</i>	0
(g)—(n) (text unchanged)	

C.—D. (text unchanged)

E. Areas Limited to Fishing by Persons Younger than 16 Years Old, Persons 65 Years Old or Older, and Blind Persons.

(1) (text unchanged)

(2) Areas subject to provisions of this section:

[(a) Jones Falls, Baltimore County. That portion of Jones Falls and tributaries above Stevenson Road to their source.]

[(b)] (a)—[(e)] (d) (text unchanged)

F. (text unchanged)

G. Delayed Harvest Trout Fishing Areas and Requirements.

(1) Group I Delayed Harvest Trout Fishing Areas and Restrictions.

(a) Group I Fishing Areas.

(i) (text unchanged)

(ii) *Catoctin Creek (Frederick County) [within the boundaries of Catoctin Creek Park] from the southernmost boundary of Catoctin Creek Park upstream to 200 feet north of the Sumantown Road Bridge.*

(iii)—(v) (text unchanged)

(b)—(c) (text unchanged)

(2) (text unchanged)

H. (text unchanged)

I. Youth Trout Fishing Day.

(1) *Youth trout fishing day is the Saturday before the last Saturday in March in areas designated as Closure 1 or Closure 2 in §B of this regulation.*

(2) *Fishing Hours. The fishing hours on youth trout fishing day are from 6:30 a.m. to 10 p.m.*

(3) *Fishing in the areas during the date and times described in this section is limited to individuals younger than 16 years old.*

(4) *Creel and Possession Limits.*

(a) *Brook trout — Daily: 0, Possession: 0.*

(b) *All other species of trout in aggregate — Daily: 2, Possession: 2.*

JOSH KURTZ
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.11 Fishing in Nontidal Waters

Authority: Natural Resources Article, §§4-219, 4-602, 4-603, and 4-616, Annotated Code of Maryland

Notice of Proposed Action

[23-036-P]

The Secretary of Natural Resources proposes to adopt new Regulation .02 and amend Regulation .04 under **COMAR 08.02.11 Fishing in Nontidal Waters**.

Statement of Purpose

The purpose of this action is to amend Regulation .04 and adopt new Regulation .02 under COMAR 08.02.11 Fishing in Nontidal Waters.

The proposed action would legalize the use of cut bait in nontidal waters Statewide with the following restrictions: 1) Only fish with no minimum size restrictions can be used as cut bait; and 2) An angler may possess no more than one quart of cut bait at any time.

The proposed action would create definitions for creel limit, possession limit, and bait fish in nontidal waters. Some individuals have expressed confusion with regard to the differences between the creel limit and possession limit for certain species, and what that means for possession while fishing. There have also been questions about what species constitute bait fish. The Department would like to clarify by defining 1) “daily creel limit” as the total number of a species of fish that can be in an individual's possession while afield or on the water between 12:01 a.m. and midnight; 2) “possession limit” as the total number of a particular species, including the daily creel limit and any previously caught fish, that an individual may possess or control in any location; and 3) “bait fish” as any species of fish which are legally permitted to be put on a hook for the purpose of catching a fish which do not otherwise have a catch or possession limit. The total number of bait fish, in aggregate, while afield or on the water must not exceed 35 per individual.

The proposed action would legalize the use of cut bait in nontidal waters. Although cut bait is widely used and accepted as a method of catching catfish, current regulations prohibit its use in nontidal waters. The proposed action would allow the use of cut bait so catfish anglers may more effectively target both noninvasive and invasive catfish species and help the Department achieve its management objectives.

The proposed action would only allow the use of cut bait for species with no minimum size. Permitting an angler to possess up to one quart of cut bait allows a reasonable amount of bait to be prepared ahead of time, but does not allow an angler to possess a large quantity of fish potentially unidentifiable by law enforcement. An angler would still be able to possess whole fish that they intend to use as cut bait within any of the established limit as long as they do not exceed the one quart of cut fish limit at any time.

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 Fishing in Nontidal Waters Regulations, Regulatory Staff, Department of Natural Resources, 580 Taylor Avenue, E-4, Annapolis, MD 21401, or call 410-260-8300, or complete the comment form at <https://dnr.maryland.gov/fisheries/pages/regulations/changes.aspx>. Comments will be accepted through May 22, 2023. A public hearing has not been scheduled.

.02 Definitions.

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

B. Terms Defined.

(1) “Daily creel limit” means the total number of a species of fish that can be in an individual's possession while afield or on the water between 12:01 a.m. and midnight.

(2) “Possession limit” means the total number of a particular species, including the daily creel limit and any previously caught fish, that an individual may possess or control in any location.

.04 Statewide General Regulations.

A.—H. (text unchanged)

I. Bait.

(1) Term Defined. In this regulation, the term “bait fish” means any species of fish which does not otherwise have a catch or possession limit and which is legally permitted to be put on a hook for the purpose of catching fish.

[(1)] (2)—[(2)] (3) (text unchanged)

J. Possession of Fish Whose Physical Condition Has Been Altered.

(1) While at the fishing location, a person may not remove the head and tail of [fish in possession.] any:

(a) Fish for which there is a minimum size; or

(b) Trout.

(2) The head and tail of any fish for which there is a minimum size or trout shall remain attached in such a manner as to permit identification of fish species and total length.

(3) An individual may not have in possession at a fishing location more than 1 quart of fish which have been cut into pieces.

[(3)] (4) (text unchanged)

K.—P. (text unchanged)

JOSH KURTZ
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.13 Fishing Licenses—Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure

Authority: Natural Resources Article, §§4-220 and 4-701, Annotated Code of Maryland

Notice of Proposed Action

[23-056-P]

The Secretary of Natural Resources proposes to amend Regulations, .03, .05, and .10 under **COMAR 08.02.13 Fishing Licenses — Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure.**