EELS - Commercial Use as Bait

What is being considered?
The Department would like to re-allow commercial hook-and-line harvesters the ability to use eels as bait during the recreational striped bass season closure in August.

Why is this change necessary?
Prior to 2026, the Department allowed the use of eels as bait by a "recreational, charter, or commercial hook and line fisherman authorized to participate in and fish during summer and fall striped bass seasons established in COMAR 08.02.15". In adopting the recreational striped bass rule changes for 2026, the Department changed that language to specify the time period when eels could not be used as bait because the "summer and fall striped bass season" language was modified in the striped bass chapter to no longer refer to the seasons of the year. This meant that while commercial harvesters were previously allowed to use eels when their season was open, even when the recreational season was closed, the new language no longer allowed for that practice. This was unintended and the Department is now seeking to re-allow the use of eels by commercial hook-and-line harvesters during any period open to commercial harvest with hook-and-line gear.

Who will this affect?
These changes will affect commercial hook-and-line harvesters.

Has this change been discussed with advisory bodies or other interested or impacted individuals?

1. This change was requested by commercial harvesters at the July 2026 Tidal Fisheries Advisory Commission meeting.
2. The Department considered the request, realized what happened and is moving forward with scoping. This topic was discussed with the Sport Fisheries Advisory Commission and the Tidal Fisheries Advisory Commission at their meetings in October 2026.

Additional Information
The rules for using eels as bait can be found in the Code of Maryland Regulations (COMAR 08.02.05.02E).

Regulatory Process
Fishing rules in Maryland may be created by either the General Assembly or the Department. When the Department creates a fishing rule, it is called a regulation. When the General Assembly creates a rule, it is called a statute. The Department often has to create a regulation to implement a statute. The regulatory process begins with scoping and the Department follows normal procedures as concepts move forward.

During the scoping process, the Department gathers suggestions and ideas from stakeholders and others about how to solve a fishery problem or address a need. The goal of scoping is to identify issues, potential impacts, and reasonable alternatives associated with the issues so that management actions can be developed. After the public has had an opportunity to comment on

possible management actions during the scoping process, the Department considers these comments and develops an appropriate management strategy.

When could this be effective?
The Department projects that this change could be effective in the spring of 2027. However, the exact date cannot be determined at this time.