

FISHING IN NONTIDAL WATERS – Trout and Black Bass

What was proposed and why are the changes necessary?

The Department proposed to:

- 1) Modify the boundary of the uppermost put-and-take trout fishing area on Beaver Creek, located in Washington County.

The proposed action modifies the uppermost put-and-take trout fishing area on Beaver Creek by moving the boundary downstream from a private farm lane to the upstream side of the I-70 West on-ramp bridge. This is necessary because the upper boundary is currently on private property and the landowner no longer allows public access to their property. Shifting the upper boundary downstream to I-70 W adjusts the uppermost put-and-take section to areas where public angler access is allowed.

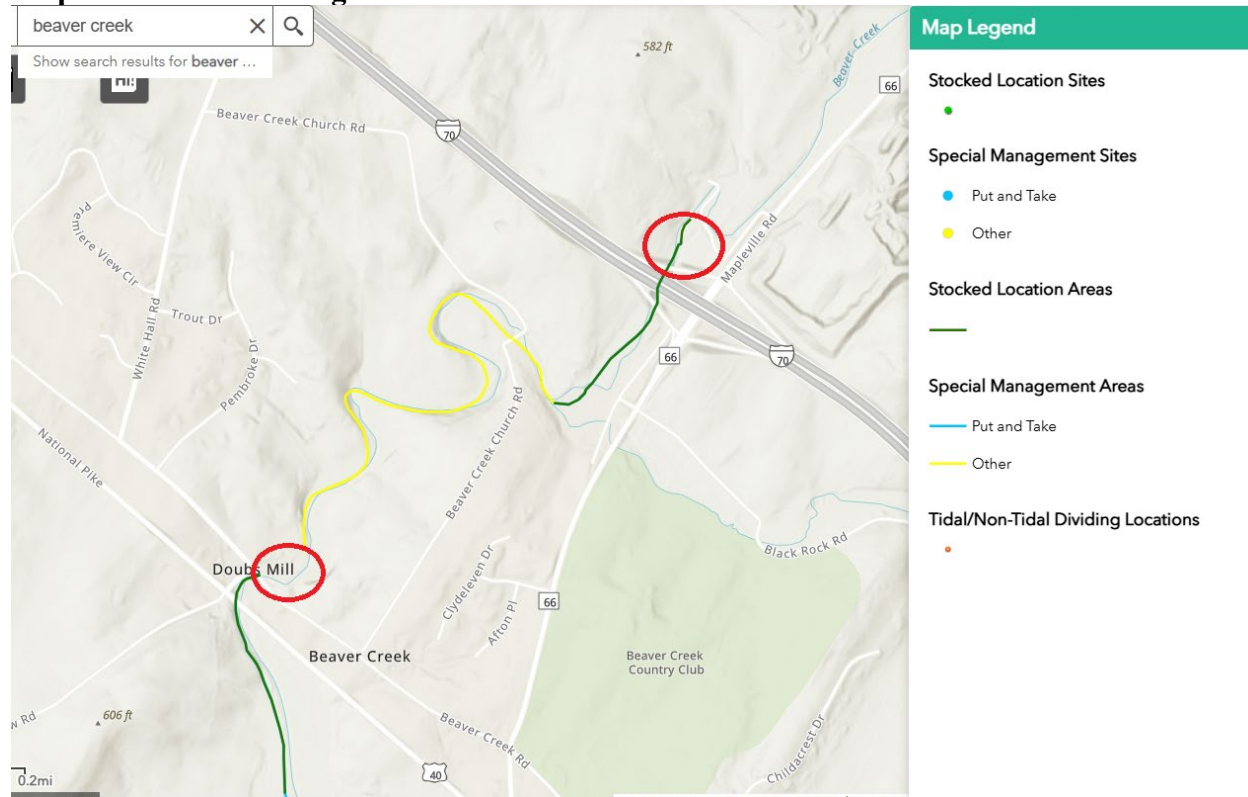
- 2) Modify the rules for a small section of Beaver Creek, located in Washington County, that currently has three sections with different trout fishing rules.

The proposed action clarifies the rules for a small section of Beaver Creek that currently has three sections with different rules. Specifically, the proposed action extends the catch-and-release artificial fly fishing section on Beaver Creek to the downstream side of the bridge at U.S. Route 40 and modifies the lower put-and-take trout fishing area on Beaver Creek by moving the boundary from Beaver Creek Road to the downstream side of the bridge at U.S. Route 40. Changing the boundaries of these areas eliminates a section of the creek that does not have special management rules. This change is necessary because having three separate management areas in such a short distance is confusing for anglers. This change will simplify the rules in the area and reduce confusion about where and when anglers can harvest trout. The change will also protect stocked trout from being harvested during the put-and-take closure period and ensure more trout are available to anglers for opening day.

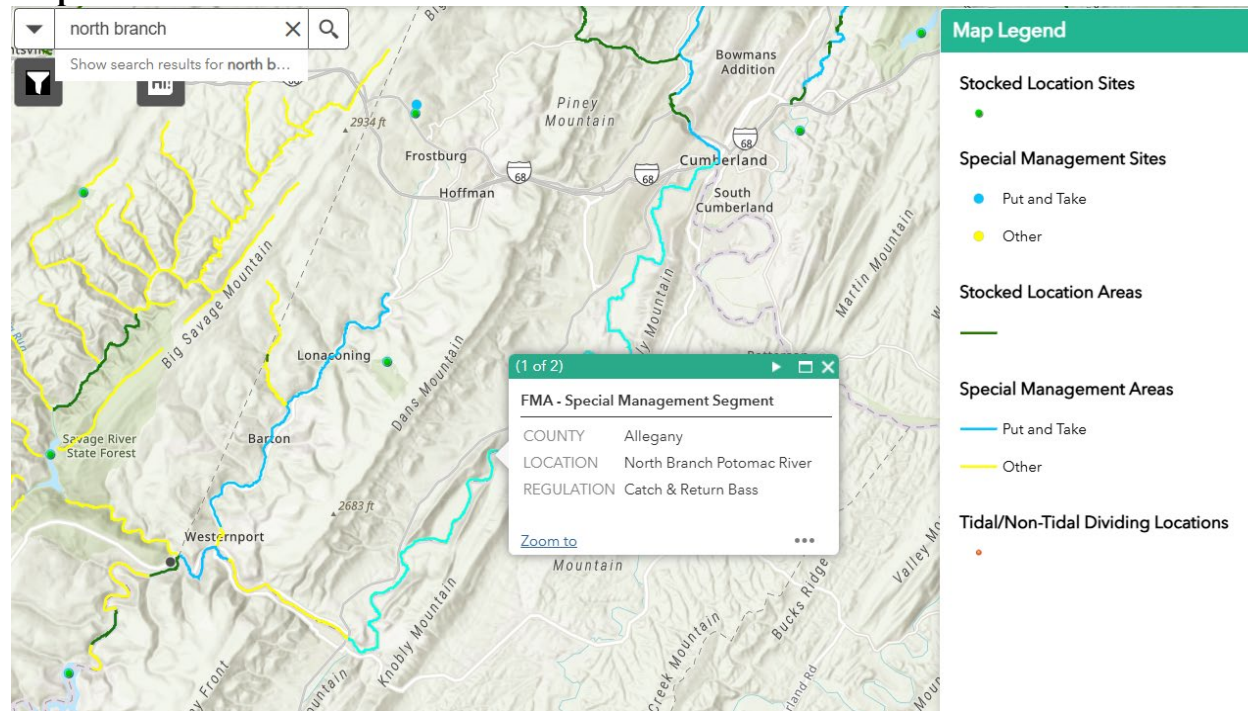
- 3) Eliminate the catch-and-return area bass area on the North Branch of the Potomac River.

The proposed action eliminates the catch-and-return bass area on the North Branch of the Potomac River. The designated area extends from the spillway in Cumberland, Maryland upstream approximately 25 miles to the U.S. Route 220 Bridge at Keyser, West Virginia. The Department continuously evaluates freshwater fishing regulations for efficacy based on fishery monitoring efforts and habitat assessments. After the initial introduction, the smallmouth bass fishery in this portion of the North Branch of the Potomac River was characterized by faster growth rates, a desirable size distribution, and a higher density of fish. Recent surveys indicate that with the improvements in upstream water quality relating to temperature (i.e., colder temperatures), smallmouth bass growth rates have slowed significantly and the fishery now has a contracted, downstream distribution compared to their initial range following introduction. Age and growth data suggest that the catch and return regulation has become ineffective since smallmouth bass now only rarely reach quality size or the statewide minimum size for harvest (12 inches). Because few fish will survive to reach a quality size, catch and release regulations are no longer expected to improve the overall quality of the fishery or meet angler expectations for a catch and release fishery.

Map of the Trout Changes



Map of the Catch and Return Bass Area



Additional Information

[Public Angler Access Map](#)

Who will this affect?

Nontidal anglers that fish in the affected areas.

What is the specific regulatory action?

Amend Regulations .01 and .03 under COMAR 08.02.11 Fishing in Nontidal Waters.

Current Regulations

- Trout Fishing and Management Areas [COMAR 08.02.11.01](#)
- Catch-and-Return Bass Areas [COMAR 08.02.11.03](#)

Have these changes been discussed with advisory bodies or other interested individuals?

- These ideas were discussed with the Sport Fisheries and Tidal Fisheries Advisory Commissions at their July 2025 meetings.
- The ideas were scoped with the general public in August 2025.

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.

At the conclusion of the scoping process, the Department determined that the action was necessary and appropriate. The rules were promulgated following the Administrative Procedures Act described in Title 10, Subtitle 1 of the State Government Article Annotated Code of Maryland.

- The General Assembly's Administrative, Executive, and Legislative Review Committee reviews the regulatory proposal for fiscal and legal analysis.
- The proposal was printed by the Division of State Documents in the Maryland Register on December 1, 2025.
- A 30 day public comment period began on the day of publication. The comment period ended January 2, 2026.
- After reviewing the comments, the Department adopted the changes.
- The final action was published in the Maryland Register on February 6, 2026.

Effective Date of Change

February 16, 2026