

Editor’s Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, Amendment 1 to the 2002 Maryland Tidewater Yellow Perch Fishery Management Plan (December 2017) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 46:1 Md. R. 9 (January 4, 2019), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

**.01 Fishery Management Plans.**

A. The following Fishery Management Plans are adopted and incorporated by reference:

- (1)—(17) (text unchanged)
- (18) Maryland Tidewater Yellow Perch Fishery Management Plan (November 2002) and Amendment 1 to the 2002 Maryland Tidewater Yellow Perch Fishery Management Plan (December 2017); and
- (19) (text unchanged)

B. (text unchanged)

JEANNIE HADDAWAY-RICCIO  
Secretary of Natural Resources

**Subtitle 02 FISHERIES SERVICE**

**08.02.11 Fishing in Nontidal Waters**

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

**Notice of Proposed Action**

[19-161-P]

The Secretary of Natural Resources proposes to amend Regulations **.01**, **.03**, and **.04** under **COMAR 08.02.11 Fishing in Nontidal Waters**.

**Statement of Purpose**

The purpose of this action is to increase the possession limit to twice the daily creel limit for trout species in certain areas, clarify the description for the Fishing Creek put-and-take trout fishing area, and include all nontidal impoundments as areas where an angler may keep a striped bass.

The proposed action increases the possession limit to twice the daily creel limit for trout species in delayed harvest fishing areas, trophy trout fishing areas, and zero creel limit areas for brook trout. Currently, those areas have a possession limit that is equal to the daily creel limit. The zero creel area will only increase the possession limit for brown and rainbow trout; the brook trout limit will remain zero. Changing the possession limit to twice the daily creel limit makes the possession limit consistent with other species’ possession limits, and it will allow someone who may be on a multi-day fishing trip the ability to keep more than one daily limit without having to consume the fish they catch each day. Even though the possession is increased, the daily creel limit will remain the same. Daily creel is the number of fish that an angler can keep after a single day of fishing, and possession limit is the maximum number of fish that an angler may have in their possession after 2 or more days of fishing.

The proposed action clarifies the description for the Fishing Creek put-and-take trout fishing area. Anglers have noted that the map does not match the description in regulation. The action clarifies that the fishing area is Fishing Creek mainstem upstream of Fishing Creek Reservoir including Steep Creek.

The proposed action removes the special management areas for striped bass and moves the information to Regulation .04 so that the rules apply Statewide. This action will allow an angler to keep a striped bass from any impoundment. Currently, an individual may only keep a striped bass from certain impoundments. If an angler catches a striped bass in an area not listed, they cannot keep the fish and must return it to the water. This action will allow possession from any pond, lake, or reservoir. The rules for season, size, and creel limits will remain the same. The season is open year round and a striped bass caught in an impoundment must be at least 18 inches in length. An angler may keep two fish per person per day, but only one of those may be over 30 inches in length. Striped bass caught in nontidal portions of rivers will still need to be returned to the water immediately.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**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 Regulations for Nontidal Waters, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through September 30, 2019. A public hearing has not been scheduled.

**.01 Trout Fishing and Management Areas.**

- A. (text unchanged)
- B. Put-and-Take Trout Fishing Areas.
  - (1)—(5) (text unchanged)
  - (6) Except as provided in §C(1) of this regulation the following areas are subject to the provisions in §B(1)—(4) of this regulation:

	Closure Periods
(a)—(g) (text unchanged)	
(h) Frederick County:	
(i) Fishing Creek mainstem upstream of Fishing Creek Reservoir including [the left fork (JSteep Creek)]	1
(ii)—(xiii) (text unchanged)	
(i)—(n) (text unchanged)	

- C. (text unchanged)
- D. Trophy Trout Fishing Areas.
  - (1) Savage River mainstem from the downstream side of the Route 135 bridge upstream for a distance of approximately 2.7 miles to the lower suspension bridge (Allegheny Bridge) is a trophy trout fishing area. The following apply:
    - (a) (text unchanged)

(b) Creel limit all trout species in aggregate — daily: 2, possession: [2] 4.

(c)—(f) (text unchanged)

(2) Savage River mainstem from the Savage River Reservoir Dam downstream to the lower suspension bridge (Allegheny Bridge) is a trophy trout fishing area. The following apply:

(a) (text unchanged)

(b) Creel limit all trout species in aggregate — daily: 2, possession: [2] 4.

(c)—(f) (text unchanged)

E.—F. (text unchanged)

G. Delayed Harvest Trout Fishing Areas and Requirements.

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

(a) (text unchanged)

(b) Season, Creel, and Possession Limits for Group I Fishing Areas.

(i) From June 1 through September 30, inclusive, the daily creel limit is *five trout* and the possession limit is [five] *ten* trout (all species of trout in aggregate); and

(ii) (text unchanged)

(c) (text unchanged)

(2) Group II Delayed Harvest Trout Fishing Areas and Restrictions.

(a) (text unchanged)

(b) Season, Creel, and Possession Limits for Group II Fishing Areas.

(i) From June 16 through September 30, inclusive, the daily creel limit is *five trout* and the possession limit is [five] *ten* trout (all species of trout in aggregate).

(ii) (text unchanged)

(c) (text unchanged)

H. Zero Creel Limit Areas for Brook Trout.

(1) Special provisions in effect in these areas are:

(a) (text unchanged)

(b) Creel limit. Brook trout: daily — 0, possession — 0; all other trout species in aggregate: daily — 2, possession — [2] 4;

(c)—(d) (text unchanged)

(2) (text unchanged)

**.03 Special Fisheries Management Areas.**

A.—C. (text unchanged)

[D. Nontidal Striped Bass Fishing Areas.

(1) For the purposes of this regulation, the term “striped bass” includes all species of striped bass, also known as rockfish, and all hybrids of striped bass.

(2) The following special requirements for fishing for striped bass are in effect in the areas indicated:

(a) Minimum size: 18 inches;

(b) Daily limit: two fish per day, only one of which may be over 30 inches;

(c) Season: no closed season;

(d) The areas subject to these provisions are:

(i) Piney Run Reservoir,

(ii) Triadelphia Reservoir,

(iii) Loch Raven Reservoir,

(iv) Prettyboy Reservoir,

(v) T. Howard Duckett (Rocky Gorge) Reservoir,

(vi) Liberty Reservoir,

(vii) Conowingo Reservoir,

(viii) Broadford Lake,

(ix) Jennings Randolph Reservoir.]

[E.] D. (text unchanged)

**.04 Statewide General Regulations.**

A. Open Seasons, Creel, Possession, and Size Limits on Game and Fresh Water Fish in Nontidal Waters. Except as otherwise provided in this chapter for specific areas, the following apply Statewide:

(1) Open Seasons.

<i>Species</i>	<i>Open Season</i>
(a)—(j) (text unchanged)	
(k) Striped bass and striped bass hybrids	[Closed, except as provided for in Special Management Areas]
(i) Nontidal streams and rivers	Closed
(ii) Nontidal lakes and ponds	No closed season
(l)—(n) (text unchanged)	

(2) Creel and Possession Limits.

	<i>Daily Creel</i>	<i>Possession</i>
(a)—(j) (text unchanged)		
(k) Striped bass and striped bass hybrids	[Closed, except as provided for in Special Management Areas]	
(i) Nontidal streams and rivers	Closed season — none permitted	
(ii) Nontidal lakes and ponds	2, only one of which may be over 30 inches	4, only 1 of which may be over 30 inches
(l)—(t) (text unchanged)		

(3) Minimum Size from Tip of Nose to End of Caudal Fin or Tail.

(a)—(f) (text unchanged)	
(g) Striped bass and striped bass hybrids	[As provided for in Regulation .03D of this chapter].
(i) Nontidal streams and rivers	Closed season — none permitted
(ii) Nontidal lakes and ponds	18 inches
(h)—(r) (text unchanged)	

B.—P. (text unchanged)

JEANNIE HADDAWAY-RICCIO  
Secretary of Natural Resources

**Subtitle 02 FISHERIES SERVICE**

**08.02.21 Yellow Perch**

Authority: Natural Resources Article, §4-215, Annotated Code of Maryland

**Notice of Proposed Action**

[19-162-P]

The Secretary of Natural Resources proposes to amend Regulation .03 under COMAR 08.02.21 Yellow Perch.

**Statement of Purpose**

The purpose of this action is to clarify coordinates in the yellow perch chapter regarding where fyke nets cannot be set. A recent review of coordinates found three areas that need to be clarified. The proposed action updates and clarifies coordinates in the Bush and Chester Rivers.