

hunt, shoot, wound, or attempt to catch] *target* striped bass or striped bass hybrids in the striped bass spawning rivers and areas listed in Regulation .03B of this chapter.

[(5)] (6) (text unchanged)

[(6)] (7) During the period [August 16, 2020 through August 31, 2020] *July 16 through July 31*, a person may not [catch, harass, harm, pursue, hunt, shoot, wound, or attempt to catch] *target* striped bass or striped bass hybrids in the Chesapeake Bay or its tidal tributaries.

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.19 Nuisance and Prohibited Species

Authority: Natural Resources Article, §4-205.1, Annotated Code of Maryland

Notice of Proposed Action

[21-019-P]

The Secretary of Natural Resources proposes to amend Regulation .04 and repeal Regulation .08 under **COMAR 08.02.19 Nuisance Species**.

Statement of Purpose

The purpose of this action is to remove the zebra mussel-free bait certification regulation and add Alabama bass and spotted bass to the list of fish species that a person may not import, transport, purchase, possess, propagate, sell, or release into State waters.

The proposed action repeals Regulation .08 because the regulation is not necessary. The certification was developed many years ago because Baltimore City Department of Public Works requires bait used in their reservoirs to be zebra mussel free. Since that time, additional regulations have been adopted that prohibit the possession and introduction of zebra mussels, therefore, this regulation is no longer needed.

The proposed action adds Alabama bass and spotted bass to the list of fish species that a person may not import, transport, purchase, possess, propagate, sell, or release into State waters. Alabama bass (*Micropterus hensalli*) is one of at least twelve recognized temperate black basses indigenous to freshwater rivers and lakes of North America. It is an aggressive species that generally does not grow as big as largemouth bass, can rapidly become abundant when introduced into an ecosystem, competes with other black bass for food, and can genetically pollute populations of smallmouth bass (*Micropterus dolomieu*) and largemouth bass (*Micropterus salmoides*), as well as other species of black bass (e.g., shoal bass, spotted bass). Because of its fighting ability, anglers from black bass fishing clubs have illegally introduced Alabama bass to Georgia, North Carolina, and Virginia waters. It has been introduced by government agencies in Texas and California, and possibly abroad in South Africa. Where introduced, the species has not been eradicated, though harvest may be encouraged. Anglers have debated the merits of a control program dedicated to Alabama bass because some enjoy fishing for the species, while others recognize the problems it poses to other black bass species. The species is highly valued for its catchability along with its fighting ability. Alabama bass has not been reported in Maryland but there is concern anglers could introduce the species into Maryland. Additionally, out-of-State suppliers might sell Alabama bass to Marylanders. Because Alabama bass and the more widespread spotted bass (*Micropterus punctulatus*) were once considered the same species, can be indistinguishable to the naked eye, and regularly hybridize in Tennessee and Georgia, the Department is including spotted bass in order to prevent introduction of it or hybrids.

If introduced, Alabama bass, spotted bass, and their hybrids could pose a risk to existing black bass fisheries in Maryland. The species could become successfully established in meso-oligotrophic impoundments, such as Deep Creek Lake, Prettyboy, Loch Raven, and Liberty Reservoirs, and lotic, fast-flowing systems with cobble or small boulder substrates, such as the nontidal Potomac River and its major tributaries. The species could also pose a threat to some areas of the tidal Chesapeake Bay, particularly locations where smallmouth bass occur (e.g., lower Susquehanna River) and mesotrophic habitats where competition could occur for limited prey resources. Once established, Alabama bass may outcompete largemouth bass in some habitats, hybridize with smallmouth bass, and create fisheries with smaller adult bass than anglers can currently catch.

Climate matching data and risk assessments performed by the Department indicate overall medium risk of Alabama bass to Maryland. By adopting a regulation for these species: 1) anglers will learn about the dangers of introducing Alabama bass or spotted bass (and other unpermitted introductions); and 2) out-of-State suppliers will not be able to sell Alabama bass or spotted bass to Marylanders.

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 Nuisance Species Regulations, Regulatory Staff, Department of Natural Resources, Fishing and Boating Services, 580 Taylor Avenue, E-4, Annapolis, MD 21401, or call 410-260-8300, or complete the form at <https://dnr.maryland.gov/fisheries/Pages/regulations/changes.aspx#nuisance>. Comments will be accepted through February 16, 2021. A public hearing has not been scheduled.

.04 Classification of Nonnative Aquatic Organisms.

A. A person may not import, transport, purchase, possess, propagate, sell, or release into State waters the following nonnative aquatic organisms:

(1) Fish species:

(a) *Alabama bass (Micropterus hensalli)*;

[(a)] (b) — [(p)] (q) (text unchanged)

(r) *Spotted bass (Micropterus punctulatus)*;

[(q)] (s) — [(s)] (u) (text unchanged)

(2) (text unchanged)

B.—D. (text unchanged)

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