

- E. (text unchanged)
- F. General.

(1) A commercial tidal fish licensee may not catch striped bass between 6 p.m. Friday and 5 a.m. Monday, except as provided in §§C, D, and E of this regulation.

- (2)—(6) (text unchanged)

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.25 Gear

Authority: Natural Resources Article, §§4-215 and 4-221, Annotated Code of Maryland

Notice of Proposed Action

[20-195-P]

The Secretary of Natural Resources proposes to amend Regulation .03 under **COMAR 08.02.25 Gear**.

Statement of Purpose

The purpose of this action is to implement the circle hook requirement of Addendum VI to Amendment 6 to the Atlantic States Marine Fisheries Commission Atlantic Striped Bass Interstate Fishery Management Plan. The plan requires the mandatory use of non-offset circle hooks when fishing for striped bass with bait. The requirement is for all striped bass recreational fisheries and must be implemented by January 1, 2021. The proposed action reorganizes the regulation so that rules are in the appropriate locations and easier to understand.

The intent of the requirement is to improve post-release survival of striped bass and reduce discard mortality. Discard mortality accounts for a considerable amount of removals in the Atlantic striped bass fishery along the east coast. The latest assessment assumes 9 percent of fish that are released alive die as a result of being caught, although there is some evidence it may be higher, particularly in the summer months.

The use of non-offset circle hooks by anglers targeting striped bass with bait, live or chunk, has been identified as a method to reduce the discard mortality of striped bass in recreational fisheries. The configuration of the hook makes it less likely to fatally hook or “deep hook” a fish when using bait compared with the standard “J” hook. When a circle hook begins to exit the mouth of a fish, the shape causes the shaft to rotate towards the point of resistance and the barb is more likely to embed in the jaw or corner of the fish’s mouth and it is less likely to puncture internal organs if the hook is swallowed.

The proposed action expands the requirements for circle hook use in the Chesapeake Bay and its tidal tributaries. Currently, the rules have specific conditions and only apply during certain times of the year. The proposed action implements a year-round requirement to use a non-offset circle hook if an individual is: a) using bait while fishing for striped bass; b) live-lining; or c) chumming. The proposed action also modifies the time period during May and December that an angler is required to use a circle hook or “J” hook when using bait. This action expands the time period to May 1 through December 31.

The proposed action implements a year-round requirement to use non-offset circle hooks while recreationally fishing for striped bass using bait in the Atlantic Ocean, its coastal bays, and their tidal tributaries. If an individual is fishing for striped bass and using bait, they must use a non-offset circle hook.

Bait is defined in the Code of Maryland Regulations (COMAR 08.02.20.02). The proposed action requires the use of a non-offset circle hook when fishing for striped bass using bait. This means that the proposed rules would apply when an individual is using fish,

crabs, or worms as bait, or when an individual is using processed bait.

The Department must implement this requirement to be in compliance with the Atlantic States Marine Fisheries Commission (ASMFC) Atlantic Striped Bass Interstate Fishery Management Plan. The Department will continue its public education and outreach campaign on the benefits of circle hooks when fishing with bait.

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 Circle Hook Regulations, Regulatory Staff, Maryland Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or complete the form at <https://dnr.maryland.gov/fisheries/Pages/regulations/changes.aspx#chks>. Comments will be accepted through January 4, 2021. A public hearing has not been scheduled.

.03 Recreational Gear—Tidal Waters.

A. Recreational Gear.

- (1)—(3) (text unchanged)

[(4) Chesapeake Bay and Its Tidal Tributaries — March 1 through April 30. A person recreationally angling in the Chesapeake Bay and its tidal tributaries during the period March 1 through April 30:

(a) When using fish, crabs, or worms as bait, or processed bait, shall only use a:

- (i) Circle hook; or

(ii) “J” hook with a gap of less than or equal to 1/2 inch between the point and the shank; and

- (b) May not use stinger hooks;

(5) Chesapeake Bay and Its Tidal Tributaries — March 1 through March 31. During the period March 1 through March 31:

(a) A person recreationally angling shall only use barbless hooks while trolling; and

(b) No more than six lines, regardless of the number of people on board a vessel, may be used for recreationally angling from a boat when trolling.

(6) Chesapeake Bay and Its Tidal Tributaries — April 1 through April 30. A person recreationally angling in the Chesapeake Bay and its tidal tributaries during the period April 1 through April 30 may not attempt to catch fish by trolling.

(7) Chesapeake Bay and Its Tidal Tributaries — May 16 through December 15.

(a) Except for chumming or live-lining, when using fish, crabs, or worms as bait, or processed bait, a person recreationally angling in the Chesapeake Bay and its tidal tributaries during the period May 16 through December 15 shall only use a:

- (i) Circle hook; or

(ii) “J” hook.

(b) When chumming or live-lining, a person recreationally angling in the Chesapeake Bay and its tidal tributaries during the period May 16 through December 15 shall only use a circle hook.]

B. Hook Requirements—Chesapeake Bay and Its Tidal Tributaries.

(1) When chumming or live-lining, a person recreationally angling in the Chesapeake Bay or its tidal tributaries shall only use a circle hook.

(2) When fishing for striped bass, a person recreationally angling in the Chesapeake Bay or its tidal tributaries shall only use a circle hook when using fish, crabs, or worms as bait, or processed bait.

(3) During the period March 1 through March 31, a person recreationally angling in the Chesapeake Bay or its tidal tributaries:

- (a) May not use stinger hooks;
- (b) Shall only use barbless hooks while trolling; and
- (c) Except as required by §§B(1) and (2) of this regulation, when using fish, crabs, or worms as bait, or processed bait, shall only use a:

- (i) Circle hook; or
- (ii) "J" hook with a gap of less than or equal to 1/2 inch between the point and the shank.

(4) During the period April 1 through April 30, a person recreationally angling in the Chesapeake Bay or its tidal tributaries:

- (a) May not use stinger hooks; and
- (b) Except as required by §§B(1) and (2) of this regulation, when using fish, crabs, or worms as bait, or processed bait, shall only use a:

- (i) Circle hook; or
- (ii) "J" hook with a gap of less than or equal to 1/2 inch between the point and the shank.

(5) During the period May 1 through December 31, except as required by §§B(1) and (2) of this regulation, when using fish, crabs, or worms as bait, or processed bait, a person recreationally angling in the Chesapeake Bay or its tidal tributaries shall only use a:

- (a) Circle hook; or
- (b) "J" hook.

C. Hook Requirements—Atlantic Ocean, Its Coastal Bays, and Their Tributaries. When fishing for striped bass, a person recreationally angling in the Atlantic Ocean, its coastal bays, or their tributaries shall only use a circle hook when using fish, crabs, or worms as bait, or processed bait.

- [B.] D. (text unchanged)
- [C.] E. Active Line Fishing Gear.

(1) Individuals catching fish in tidal waters may only use the following active line fishing gear:

- (a)—(c) (text unchanged)
- (2) The gear listed in [§C(1)] §E(1) of this regulation shall be used in a manner in which the individual is handling the gear or actively in control of the gear.

(3) No more than two hook units per line may be used on the gear listed under [§C(1)] §E(1) of this regulation.

- (4) (text unchanged)
- [5] Additional restrictions on active line fishing gear may be found at COMAR 08.02.05.02.]

(5) During the period March 1 through March 31, no more than six lines, regardless of the number of people on board a vessel, may be used for recreationally angling from a boat when trolling in the Chesapeake Bay or its tidal tributaries.

(6) During the period April 1 through April 30, a person recreationally angling in the Chesapeake Bay or its tidal tributaries may not attempt to catch fish by trolling.

- [D.] F. — [G.] I (text unchanged)

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Title 09 MARYLAND DEPARTMENT OF LABOR

Subtitle 10 RACING COMMISSION

09.10.03 Prohibited Acts

Authority: Business Regulation Article, §11-210, Annotated Code of Maryland

Notice of Proposed Action [20-198-P]

The Maryland Racing Commission proposes to amend Regulation .01-1 under **COMAR 09.10.03 Prohibited Acts**. This action was considered by the Racing Commission at a public meeting held on October 22, 2020.

Statement of Purpose

The purpose of this action is to prohibit a specific medication in a horse's system during a race. The specific medication is currently allowed in a horse's system, if below a quantitated amount.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

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 J. Michael Hopkins, Executive Director, Maryland Racing Commission, 300 East Towsontown Blvd., Towson, MD 21286, or call 410-296-9682, or email to mike.hopkins@maryland.gov, or fax to 410-296-9687. Comments will be accepted through January 25, 2021. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland Racing Commission during a public meeting to be held on January 28, 2021, at 12:30 p.m., at Laurel Park, Laurel, MD 20725.

.01-1 Restricted Use of Medications and Other Substances.

- A.—D-2. (text unchanged)
- [E. Clenbuterol quantitated at not more than 140 picograms per milliliter of urine, or the limit of detection in blood plasma or serum;]
- [E-1.] E. (text unchanged)
- F.—EE. (text unchanged)

EMMET DAVITT, ESQ.
Chairman
Racing Commission