

Thorofare at points marking its western entrance and continuing northward along shore to Fog Point; thence to southwesternmost point of land on Pry Island; thence to southernmost point of Holland Island; thence along western shores of Holland Island, Adam Island, Billys Island, and Bloodsworth Island to tip of shore on southwesterly side of entrance into Okahanikan Cove; thence to Navy-maintained tower; thence to nun Buoy N “2”, thence to Honga River Light Fl. 4 § 16 ft. 4M; thence to Billy’s Point at Lat. 38°14.52’ N., Long. 76°07.58’ W. on lower Hoopers Island; thence westerly along shore of Hoopers Island to Pons Point; thence to southernmost point of Barren Island; thence northerly along the western shore of Barren Island crossing Tar Bay at points marking its northwestern entrances, and continuing northerly along west shores of Meekins Neck, Taylors Island, and James Island to James Point; thence to Hills Point; thence to Black Walnut Bar Bell buoy; thence to Black Walnut Point; thence northerly along west shore of Tilghman Island to point on northerly side of Paw Cove; thence northerly along shore to a point on the eastern side of Harbor Cove defined by Lat. 38°46’43.98” N., Long. 76°19’23.38” W.; thence in a straight line in a northwesterly direction to Bloody Point; thence northerly along west shore to Kent Island to Love Point; thence to northwest point of Eastern Neck Island; thence northerly along west shore of Eastern Neck to Huntingfield Point; thence to Swan Point; thence northerly along shore to point on south side of Fairlee Creek marking its entrance; thence along shore to Worton Point; thence along shore to Plum Point; thence along shore to include the area known as Still Pond to Meeks Point; thence along shore to Howell Point; thence along the shore to a point defined by Lat. 39°22’16.68” N, Long. 76°6’22.04” W; thence 73° True to a point defined by Lat. 39°23’12.32” N, Long. 76°2’12.99” W; thence along shore to Grove Point; thence along the shore to a point near Pearce Creek defined by Lat. 39°26’20.04” N, Long. 75°58’46.50” W; thence [westerly to Buoy R 6 Fl. R 4 §] 301° True to a point defined by Lat. 39°26’59.96” N, Long. 76°0’9.72” W; thence along shore to Turkey Point; thence northerly along the western shore of Elk Neck to Rocky Point; thence westerly across the Bay to Locust Point, the point of beginning.

F.—H. (text unchanged)

**.10 Recreational Crabbing Catch and Possession Limits — Chesapeake Bay and its Tidal Tributaries.**

A. (text unchanged)

B. Female Hard Crabs and Female Peelers.

(1) (text unchanged)

(2) [Exceptions] *Exception.*

[a)] An individual may *only* possess female peeler or hard crabs if the [female]:

(a) *Female* crabs are accompanied by a bill of sale[.]; and

(b) [An individual recreationally harvesting crabs may not be in possession of female peeler or hard crabs] *Individual is not catching or attempting to catch crabs.*

[C. An individual commercially harvesting crabs aboard a vessel may only have crabs that are commercially harvested on board.]

**.13 Commercial Harvest of Crabs from Finfish Gear.**

A. (text unchanged)

B. The harvest and possession of crabs from a pound net is:

(1)—(2) (text unchanged)

(3) Restricted by the size limits provided in Regulation .14 of this chapter; [and]

(4) Restricted to a maximum of 2 bushels of *male crabs* per licensee per day[, except as described in Regulation .14 of this chapter, harvested from a single pound net or a combination of pound nets registered to the individual]; and

(5) *Restricted to the daily maximum number of female crabs allowed by the individual’s license type.*

*C. Notwithstanding COMAR 08.02.25.04, a licensee may only harvest or possess crabs from a pound net or combination of pound nets registered in the licensee’s name.*

**.14 General [Prohibitions].**

A. (text unchanged)

B. Commercial — General.

(1)—(12) (text unchanged)

(13) *An individual commercially harvesting crabs aboard a vessel may only have crabs that are commercially harvested on board.*

C.—F. (text unchanged)

F. Limited Crab Harvester. (text unchanged)

G. Public Notice. [The Department may open, close, or modify a season, or catch limits to manage the harvest at safe management levels by:

(1) Publishing notice in a daily newspaper of general circulation at least 48 hours in advance of the time of modification, stating the effective hour and date; and]

(1) *The Secretary may establish or modify catch limits or modify seasons for blue crabs in order to implement the Chesapeake Bay Blue Crab Fishery Management Plan by issuing a public notice on the Department’s website.*

(2) *The public notice shall state its effective hour and date and shall be published on the Department’s website at least 48 hours in advance of the effective hour and date.*

[(2)] (3) [Disseminating] *The Secretary shall make a reasonable effort to disseminate a public notice [of modification] issued under this section through various other media so that an affected person has a reasonable opportunity to be informed.*

(4) *A violation of the restrictions set by the Secretary in accordance with this section is a violation of this regulation.*

JEANNIE HADDAWAY-RICCIO  
Secretary of Natural Resources

**Subtitle 02 FISHERIES SERVICE**

**08.02.15 Striped Bass**

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

**Notice of Proposed Action**

[21-018-P]

The Secretary of Natural Resources proposes to amend Regulation .12 under **COMAR 08.02.15 Striped Bass.**

**Statement of Purpose**

The purpose of this action is to establish an in-season closure period for the striped bass recreational and charter boat fishery and create a definition for target. The 2018 benchmark stock assessment for striped bass indicated the striped bass stock is overfished and experiencing overfishing. Based on these findings, the Atlantic States Marine Fisheries Commission (ASMFC) determined that conservation measures are needed. Addendum VI to Amendment 6 to the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Striped Bass (Addendum) was finalized by ASMFC in October of 2019. The conservation goal set by ASMFC is to reduce the total number of striped bass that are killed by fishing activities. This means reducing the number of fish that are harvested and the number of fish that die after being caught and returned to the water, known as dead discards. The Department adopted regulations to implement reductions required by the Addendum, including an in-season closure; however, that period for the recreational fishery was only for the year 2020 and needs to be updated for the future.

The proposed action establishes a closure period that begins July 16 and ends July 31. During the closure period, anglers would not be allowed to target striped bass. Anglers would still be allowed to fish for other species, but all efforts must be made to avoid interacting with striped bass during the closure period. If the season is closed, you may not land striped bass in Maryland, regardless of where they were caught.

A closure period is needed to reduce dead discards during the summer when water quality conditions in the Chesapeake Bay increase this mortality. Striped bass require cool, well oxygenated water to thrive. During the summer months, as water temperatures increase and oxygen conditions worsen, striped bass become more stressed. With peak Bay water temperatures occurring in mid to late July, the amount of cool, oxygenated striped bass habitat is at its lowest point. Over the last 10 years (2010—2019), Bay water conditions in Maryland have been especially poor during the months of July and August. Stressful conditions have worsened in recent years with both hotter than average water temperatures and worse than average oxygen conditions occurring over 55 percent of the time in July and 45 percent of the time in August.

The definition of target is not currently in regulation. Instead, the regulation states what is prohibited during the closure. When referring to the prohibitions during a closure for striped bass, the common terminology is target. Target means to catch or attempt to catch. The proposed action establishes the definition. The term catch is defined in Natural Resources Article, §4-101, Annotated Code of Maryland, and the other prohibitions listed in regulation for closure periods (harass, harm, pursue, hunt, shoot, wound) are either ambiguous or prohibited elsewhere in regulation. Therefore, the proposed action replaces the prohibitions during the closures with the term target so that the regulation is clearer.

This action will ensure Maryland’s compliance with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Striped Bass.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposed action may have an economic impact on charter boat operations.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:		
Charter boat operations	(-)	Indeterminable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

D. The summer prohibition on targeting striped bass in 2020 occurred from August 16 through August 31. From 2015—2019, charter captains reported an average of 679 trips per year where they landed striped bass from July 16 through July 31 and 524 trips from August 16 through August 31. Therefore, the July closure may impact roughly 150 additional trips when compared to the August closure that occurred in 2020. However, the actual impact is indeterminable because it is unknown how many trips during these time periods are taken strictly for striped bass. Instead of fishing for striped bass, charter captains could plan trips for other species. We are not able to predict the actions of anglers or businesses so the actual impact cannot be determined.

**Economic Impact on Small Businesses**

The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows.

The proposed action may have an economic impact on charter boat operations. These types of businesses are generally considered small businesses. Please see the Assumptions in the Estimate of Economic Impact for how it could impact the 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 Striped Bass Summer Closure, 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#sb> close. Comments will be accepted through February 16, 2021. A webinar to discuss the details of the proposed action will be held at 6 p.m. on January 27, 2021. An agenda and details on how to participate in the webinar will be announced on the Department’s website. Interested persons are invited to participate and express their views. Anyone needing special accommodations under Title II of the Americans with Disabilities Act of 1990, as amended, or under Title VI of the Civil Rights Act of 1964, should contact the Department of Natural Resources Office of Fair Practices at 410-260-8058 or at richard.allen@maryland.gov, at least 3 working days (72 hours) prior to the scheduled public hearing.

**.12 General Restrictions.**

A.—H. (text unchanged)

I. Seasonal Restrictions *for the Recreational and Charter Boat Fishery.*

(1) *Definition.*

(a) *In this section, the following term has the meaning indicated.*

(b) *Term Defined. “Target” means to catch or attempt to catch.*

[(1)] (2) Except as provided in [§I(2)] §I(3) of this regulation, a person may not [catch, harass, harm, pursue, 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 during the period March 1 through March 31.

[(2)] (3) (text unchanged)

[(3)] (4) During the period April 1 through April 30, 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.

[(4)] (5) During the period May 1 through May 31, except as provided in Regulations .08 and .09 of this chapter and [§I(5)] §I(6) of this regulation, a person may not [catch, harass, harm, pursue,

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)

JEANNIE HADDAWAY-RICCIO  
Secretary of Natural Resources