

Emergency Action on Regulations

Symbol Key

- Roman type indicates text existing before emergency status was granted.
- *Italic type* indicates new text.
- [Single brackets] indicate deleted text.

Emergency Regulations

Under State Government Article, §10-111(b), Annotated Code of Maryland, an agency may petition the Joint Committee on Administrative, Executive, and Legislative Review (AELR), asking that the usual procedures for adopting regulations be set aside because emergency conditions exist. If the Committee approves the request, the regulations are given emergency status. Emergency status means that the regulations become effective immediately, or at a later time specified by the Committee. After the Committee has granted emergency status, the regulations are published in the next available issue of the Maryland Register. The approval of emergency status may be subject to one or more conditions, including a time limit. During the time the emergency status is in effect, the agency may adopt the regulations through the usual promulgation process. If the agency chooses not to adopt the regulations, the emergency status expires when the time limit on the emergency regulations ends. When emergency status expires, the text of the regulations reverts to its original language.

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.15 Striped Bass

Authority: Natural Resources Article, §§4-215 and 4-2A-03, Annotated Code of Maryland

Notice of Emergency Action

[23-297-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to repeal Regulation **.08** and amend Regulations **.09** and **.12** under **COMAR 08.02.15 Striped Bass**.

Emergency status began: February 9, 2024.

Emergency status expires: June 15, 2024.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action may have a short-term negative impact on charter operators and a long-term positive impact on all participants in the striped bass fishery. There may also be a short-term negative impact on the agency if the action discourages individuals from purchasing recreational fishing licenses.

II. Types of Economic Impact.

Impacted Entity	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
Maryland Department of Natural Resources	(R-)	Indeterminable
B. On other State agencies:		
	NONE	
C. On local governments:		
	NONE	

	Benefit (+) Cost (-)	Magnitude
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D. On regulated industries or trade groups:

(1) Striped bass fishery participants (all sectors)	(+)	Indeterminable
(2) Fishing guides	(-)	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.)

A. This action may result in the short-term loss of license revenue for the Department. The spring (trophy) season is a popular time for individuals to fish for striped bass. Eliminating the trophy season throughout the Chesapeake Bay and the early season in the Susquehanna Flats, Susquehanna River, and Northeast River may result in some loss of revenue. However, many participants in these seasons are either on a charter boat (so are not required to purchase a recreational fishing license) or on a private boat that engages in fishing activities throughout the year, not just in the affected seasons. While the actual impact of this action on agency revenues is indeterminable, it is not likely to be exceptional.

D(1). The Department anticipates a long-term positive impact for all participants in the striped bass fishery based on this action. Protecting the spawning stock will result in a long-term increase in the population of striped bass. That increase will provide more resilience to fishing pressure and potentially more opportunity for participants. It is not possible to know the nature of those opportunities and how they will ultimately benefit participants, but charter captains, recreational anglers, and commercial harvesters all will ultimately benefit from a properly managed, healthy spawning stock of striped bass.

D(2). There will likely be some negative impacts on the charter fleet in the Chesapeake Bay. Over the last 3 years, an average of 636 charter trips were taken in the Chesapeake Bay from May 1 through May 15. The majority of those trips were likely for striped bass, although some may have been for catfish, snakehead, perch, crappie, or other fish. It is likely that the majority of those trips, therefore, will not be taken in that time frame due to the prohibition on targeting striped bass, but it is not possible to know exactly how many trips will be lost due to this

action. Additionally, there were an average of approximately 79 trips taken in the Upper Bay from May 16 through May 31 over the last 3 years. Some percentage of those trips will also not be taken due to the prohibition on targeting striped bass in the Susquehanna Flats, Susquehanna River, and Northeast River during that time period. Depending on the time of year and duration of the trip, charter captains usually charge between \$600 and \$1,000 per trip.

Economic Impact on Small Businesses

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

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.09 Recreational and Charter Boat Summer and Fall Fishery in the Chesapeake Bay and Its Tidal Tributaries.

A. Early Season.

(1) (text unchanged)

(2) Chesapeake Bay and Its Tidal Tributaries.

(a) The areas subject to the provisions of §A(2) of this regulation are:

(i) The areas described in Regulation .08D(1) and (2) of this chapter;

(ii) All of the waters of the Chesapeake Bay enclosed by a line beginning at a point at or near North Point, defined by Lat. 39°11.71'N and Long. 76°26.53'W; then running approximately 156° True to a point at or near Buoy "2B" at the mouth of the Patapsco River, defined by Lat. 39°10.71'N and Long. 76°25.95'W; then running approximately 111° True to a point at or near Buoy "10", defined by Lat. 39°10.35'N and Long. 76°24.74'W; then running approximately 110° True to a point at or near Buoy "8", defined by Lat. 39°10.00'N and Long. 76°23.51'W; then running approximately 112° True to a point at or near Buoy "6", defined by Lat. 39°09.61'N and Long. 76°22.30'W; then running approximately 111° True to a point at or near Buoy "4", defined by Lat. 39°09.24'N and Long. 76°21.08'W; then running approximately 111° True to a point at or near Buoy "2BE", defined by Lat. 39°08.92'N and Long. 76°19.98'W; then running approximately 90° True to a point at or near Buoy "12", defined by Lat. 39°08.91'N and Long. 76°19.15'W; then running approximately 91° True to a point at or near Swan Point, defined by Lat. 39°08.88'N and Long. 76°16.69'W, then running northerly along the shore of Kent County to a point at or near the end of Maryland Route 21 at Tolchester, defined by Lat. 39°12.91'N and Long. 76°14.63'W; then running approximately 282° True to a point at or near the south corner of the Hart-Miller Island dike, defined by Lat. 39°14.23'N and Long. 76°22.44'W; then running north and west along the Hart-Miller shoreline to a point at or near the west end of Hart-Miller Island, defined by Lat. 39°14.36'N and Long. 76°23.19'W; then running approximately 206° True to a point at or near the east end of Pleasure Island, defined by Lat. 39°14.23'N and Long. 76°23.27'W; then running southwesterly along the Chesapeake Bay shoreline to a point at or near the West end of Pleasure Island, defined by Lat. 39°13.85'N and Long. 76°23.65'W; then running approximately 245°

True to a point at or near the east end of Patapsco River Neck, defined by Lat. 39°13.76'N and Long. 76°23.91'W; then running southwesterly along shore to a point at or near the east entrance of Shallow Creek, defined by Lat. 39°12.25'N and Long. 76°25.95'W; then running approximately 251° True to a point at or near the west entrance of Shallow Creek, defined by Lat. 39°12.19'N and Long. 76°26.20'W; then running southwesterly along shore to the point of beginning, defined by Lat. 39°11.72'N and Long. 76°26.53'W;

(iii) Chester River: All of the waters of Chester River and its tributaries upstream of a line beginning at a point at or near Love Point, defined by Lat. 39°02.40'N and Long. 76°18.16'W; then running approximately 83° True to a point at or near the northwesterly point of Eastern Neck Island, defined by Lat. 39°02.77'N and Long. 76°14.05'W; and downstream of a line beginning at a point at or near Hail Point, defined by Lat. 39°00.76'N and Long. 76°12.00'W; then running approximately 216° True to a point at or near Long Point, defined by Lat. 38°58.81'N and Long. 76°13.80'W; then running approximately 271° True to a point at or near Ferry Point, defined by Lat. 38°58.82'N and Long. 76°14.60'W;

(iv) Choptank River: All of the waters of the Choptank River and its tributaries upstream of a line beginning at a point at or near Cook Point, defined by Lat. 38°37.73'N and Long. 76°17.35'W; then running approximately 317° True to a point at or near Blackwalnut Point, defined by Lat. 38°40.24'N and Long. 76°20.37'W; and downstream of a line beginning at a point at or near Holland Point at the west entrance of Irish Creek, defined by Lat. 38°41.88'N and Long. 76°13.61'W; then running approximately 174° True to a point at or near a point of land at the west entrance of Chapel Creek, defined by Lat. 38°36.59'N and Long. 76°12.91'W; and

(v) Patuxent River: All of the waters of the Patuxent River and its tributaries upstream of a line beginning at a point at or near Drum Point, defined by Lat. 38°19.14'N and Long. 76°25.27'W; then running approximately 119° True to a point at or near Hog Point, defined by Lat. 38°18.59'N and Long. 76°23.99'W; and downstream of a line beginning at a point at or near Point Patience, defined by Lat. 38°19.73'N and Long. 76°29.04'W; then running approximately 236° True to a point at or near the west point of land at the entrance of Little Kingston Creek, defined by Lat. 38°19.40'N and Long. 76°29.67'W.

(b) Catch Restrictions.

(i) A person may not catch or possess more than one striped bass per day.

(ii) A person may not catch or possess striped bass less than 19 inches in total length.

(3) Susquehanna Flats and Northeast River.

(a) The areas subject to the provisions of §A(3) of this regulation are:

(i) Susquehanna Flats, upstream of a line from a point at or near Sandy Point, defined by Lat. 39°26.96'N and Long. 76°03.63'W; then running in an easterly direction to a point at or near Turkey Point, defined by Lat. 39°27.13'N and Long. 76°00.70'W and the Susquehanna River downstream from a line connecting a point at or near the Susquehanna State Park boat ramp in Lapidum, defined by Lat. 39°35.86'N and Long. 76°07.67'W; then running in a northeasterly direction to a point at or near Twin Rocks, defined by Lat. 39°36.17'N and Long. 76°07.56'W; then running in a northeasterly direction to a point at or near Tomes Wharf in Port Deposit, defined by Lat. 39°36.23'N and Long. 76°06.99'W; and

(ii) Northeast River.

(b) Catch Restrictions.

(i) A person may not catch or possess more than one striped bass per day.

(ii) A person may not use eels as bait.

(iii) A person may catch and possess one striped bass between 19 and 26 inches, inclusive, total length.]

(2) *Catch Restrictions.*

(a) A person may not catch or possess more than one striped bass per day.

(b) A person may not catch or possess striped bass less than 19 inches in total length.

(3) *Open Areas.* A person may only catch or possess striped bass during the recreational and charter boat early summer and fall season in the following areas:

(a) *Chesapeake Bay north of the William Preston Lane Jr. Memorial Bridge northern span, with the following boundaries:*

(i) *Western boundary* — east of a line beginning at a point at or near the west end of the north span of the William Preston Lane Jr. Memorial Bridge, defined by Lat. 39°00.52'N and Long. 76°24.24'W; then running northerly along the shore to a point at or near Persimmon Point, defined by Lat. 39°03.16'N and Long. 76°26.33'W; then running approximately 34° True to a point at or near Mountain Point, defined by Lat. 39°03.55'N and Long. 76°25.99'W; then running northerly along the shore to a point at or near Bodkin Point, defined by Lat. 39°07.98'N and Long. 76°25.83'W; then running approximately 358° True to a point at or near Buoy "2B" at the mouth of Patapsco River, defined by Lat. 39°10.71'N and Long. 76°25.95'W;

(ii) *Northern boundary* — south of a line beginning at a point at or near Buoy "2B" at the mouth of the Patapsco River, defined by Lat. 39°10.71'N and Long. 76°25.95'W; then running approximately 111° True along the Brewerton Channel to a point at or near Buoy "10", defined by Lat. 39°10.35'N and Long. 76°24.74'W; then running approximately 110° True to a point at or near Buoy "8", defined by Lat. 39°10.00'N and Long. 76°23.51'W; then running approximately 112° True to a point at or near Buoy "6", defined by Lat. 39°09.61'N and Long. 76°22.30'W; then running approximately 111° True to a point at or near Buoy "4", defined by Lat. 39°09.25'N and Long. 76°21.08'W; then running approximately 111° True to a point at or near Buoy "2BE" at the east end of the Brewerton Channel, defined by Lat. 39°08.92'N and Long. 76°19.98'W; then running approximately 90° True to a point at or near Buoy "12", defined by Lat. 39°08.91'N and Long. 76°19.15'W; then running approximately 91° True to a point at or near Swan Point, defined by Lat. 39°08.89'N and Long. 76°16.69'W; and

(iii) *Eastern and southern boundary* — west of a line beginning at a point at or near Swan Point, defined by Lat. 39°08.89'N and Long. 76°16.69'W; then running approximately 141° True to a point at or near Huntingfield Point, defined by Lat. 39°07.13'N and Long. 76°14.85'W; then running southerly along the shore of Eastern Neck to a point at or near Wilson Point, defined by Lat. 39°03.19'N and Long. 76°13.66'W; then running approximately 216° True to a point at or near the northwest point of Eastern Neck Island, defined by Lat. 39°02.77'N and Long. 76°14.05'W; then running approximately 263° True to a point at or near Love Point, defined by Lat. 39°02.40'N and Long. 76°18.16'W; then running southerly along the shore of Kent Island to a point at or near the east end of the north span of the William Preston Lane Jr. Memorial Bridge, defined by Lat. 38°59.08'N and Long. 76°20.41'W; then running westerly along the north span of the William Preston Lane Jr. Memorial Bridge to a point at or near the west end of the north span of the William Preston Lane Jr. Memorial Bridge, defined by Lat. 39°00.52'N and Long. 76°24.24'W.

(b) *Additional areas open north of the William Preston Lane Jr. Memorial Bridge northern span:*

(i) *All of the waters of the Chesapeake Bay enclosed by a line beginning at a point at or near North Point, defined by Lat. 39°11.71'N and Long. 76°26.53'W; then running approximately 156° True to a point at or near Buoy "2B" at the mouth of the Patapsco River, defined by Lat. 39°10.71'N and Long. 76°25.95'W; then running approximately 111° True to a point at or near Buoy "10", defined by Lat. 39°10.35'N and Long. 76°24.74'W; then running approximately 110° True to a point at or near Buoy "8", defined by Lat. 39°10.00'N*

and Long. 76°23.51'W; then running approximately 112° True to a point at or near Buoy "6", defined by Lat. 39°09.61'N and Long. 76°22.30'W; then running approximately 111° True to a point at or near Buoy "4", defined by Lat. 39°09.24'N and Long. 76°21.08'W; then running approximately 111° True to a point at or near Buoy "2BE", defined by Lat. 39°08.92'N and Long. 76°19.98'W; then running approximately 90° True to a point at or near Buoy "12", defined by Lat. 39°08.91'N and Long. 76°19.15'W; then running approximately 91° True to a point at or near Swan Point, defined by Lat. 39°08.88'N and Long. 76°16.69'W, then running northerly along the shore of Kent County to a point at or near the end of Maryland Route 21 at Tolchester, defined by Lat. 39°12.91'N and Long. 76°14.63'W; then running approximately 282° True to a point at or near the south corner of the Hart-Miller Island dike, defined by Lat. 39°14.23'N and Long. 76°22.44'W; then running north and west along the Hart-Miller shoreline to a point at or near the west end of Hart-Miller Island, defined by Lat. 39°14.36'N and Long. 76°23.19'W; then running approximately 206° True to a point at or near the east end of Pleasure Island, defined by Lat. 39°14.23'N and Long. 76°23.27'W; then running southwesterly along the Chesapeake Bay shoreline to a point at or near the West end of Pleasure Island, defined by Lat. 39°13.85'N and Long. 76°23.65'W; then running approximately 245° True to a point at or near the east end of Patapsco River Neck, defined by Lat. 39°13.76'N and Long. 76°23.91'W; then running southwesterly along shore to a point at or near the east entrance of Shallow Creek, defined by Lat. 39°12.25'N and Long. 76°25.95'W; then running approximately 251° True to a point at or near the west entrance of Shallow Creek, defined by Lat. 39°12.19'N and Long. 76°26.20'W; then running southwesterly along shore to the point of beginning, defined by Lat. 39°11.72'N and Long. 76°26.53'W; and

(ii) *Chester River.* All of the waters of Chester River and its tributaries upstream of a line beginning at a point at or near Love Point, defined by Lat. 39°02.40'N and Long. 76°18.16'W; then running approximately 83° True to a point at or near the northwesterly point of Eastern Neck Island, defined by Lat. 39°02.77'N and Long. 76°14.05'W; and downstream of a line beginning at a point at or near Hail Point, defined by Lat. 39°00.76'N and Long. 76°12.00'W; then running approximately 216° True to a point at or near Long Point, defined by Lat. 38°58.81'N and Long. 76°13.80'W; then running approximately 271° True to a point at or near Ferry Point, defined by Lat. 38°58.82'N and Long. 76°14.60'W;

(c) *Between the William Preston Lane Jr. Memorial Bridge northern span and the Maryland-Virginia state line excluding all bays, sounds, tributaries, creeks, and rivers, except Tangier Sound and Pocomoke Sound and as provided in §A(3)(d)—(f) of this regulation.*

(d) *Choptank River.* All of the waters of the Choptank River and its tributaries upstream of a line beginning at a point at or near Cook Point, defined by Lat. 38°37.73'N and Long. 76°17.35'W; then running approximately 317° True to a point at or near Blackwalnut Point, defined by Lat. 38°40.24'N and Long. 76°20.37'W; and downstream of a line beginning at a point at or near Holland Point at the west entrance of Irish Creek, defined by Lat. 38°41.88'N and Long. 76°13.61'W. then running approximately 174° True to a point at or near a point of land at the west entrance of Chapel Creek, defined by Lat. 38°36.59'N and Long. 76°12.91'W; and

(e) *Patuxent River.* All of the waters of the Patuxent River and its tributaries upstream of a line beginning at a point at or near Drum Point, defined by Lat. 38°19.14'N and Long. 76°25.27'W; then running approximately 119° True to a point at or near Hog Point, defined by Lat. 38°18.59'N and Long. 76°23.99'W; and downstream of a line beginning at a point at or near Point Patience, defined by Lat. 38°19.73'N and Long. 76°29.04'W; then running approximately 236° True to a point at or near the west point of land at the entrance of Little Kingston Creek, defined by Lat. 38°19.40'N and Long. 76°29.67'W.

(f) *All of the Maryland waters of the Potomac River, and its tidal tributaries, downstream of a line beginning at a point at or near the east end of the Nice Memorial Bridge (U.S. 301), defined by Lat. 38°21.55'N and Long. 77°00.90'W; then running approximately 80° True to a point at or near the west end of the Nice Memorial Bridge, defined by Lat. 38°21.81'N and Long. 76°59.00'W; and upstream of a line beginning at a point at or near the shore at the north side of the north jetty at Smith Point, defined by Lat. 37°53.40'N and Long. 76°14.23'W; then running approximately 335° True to a point at or near Point Lookout, defined by Lat. 38°02.25'N and Long. 76°19.34'W.*

B.—C. (text unchanged)

.12 General Restrictions.

A.—H. (text unchanged)

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

(1)—(3) (text unchanged)

(4) During the period April 1 through [April 30] *May 15*, a person may not target striped bass or striped bass hybrids in the Chesapeake Bay or its tidal tributaries.

(5) During the period May [1] *16* through May 31, except as provided in [Regulations .08 and] *Regulation .09* of this chapter and §I(6) of this regulation, a person may not target striped bass or striped bass hybrids in the striped bass spawning rivers and areas listed in Regulation .03B of this chapter.

(6) During the period May [1] *16* through May 31, a person authorized in accordance with Natural Resources Article, §4-745, Annotated Code of Maryland, to recreationally angle for finfish may hook striped bass and shall immediately release the striped bass unharmed to the water from which the striped bass was taken in that area of the Chester River on the north side of Kent Narrows and bounded on the southern side by the southernmost edge of the old Route 50 bridge and, on the northern side, by a line beginning at a point (east tip of Ferry Point) defined by Lat. 38°58.820'N and Long. 76°14.627'W; then running approximately 92° True to a point (northwest tip of Long Point) defined by Lat. 38°58.798'N and Long. 76°13.825'W.

(7) (text unchanged)

JOSH KURTZ
Secretary of Natural Resources