

SPINY DOGFISH — Gill Nets

What was proposed?

The proposed action implements area-based commercial gear requirements in the spiny dogfish gill net fishery to reduce bycatch of Atlantic sturgeon.

The proposed action creates a definition for roundfish gill nets and restrictions for using the nets in State waters of the Atlantic Ocean (0-3 miles from shore). The proposed action requires harvesters that possess a Maryland spiny dogfish permit, who do not have a federal permit and use roundfish gill nets with a mesh size equal to or greater than 5.25 inches and less than 10 inches to remove roundfish gill nets from the water by 8:00 p.m. each day and prohibits them from setting the nets prior to 5:00 a.m. the following day during the time period November 1 through March 31 each year.

Why is this change necessary?

This action is necessary to implement the Atlantic States Marine Fisheries Commission (ASMFC) Addendum VII to the Spiny Dogfish Interstate Fishery Management Plan. Addendum VII has gear restrictions for the Delaware and Maryland Sturgeon Bycatch Reduction Areas.

In August 2024, NOAA Fisheries published a proposed rule (Federal Register notice 89 FR 65576; August 12, 2024) to approve and implement Spiny Dogfish Framework Adjustment 6, as recommended by the Mid-Atlantic and New England Fishery Management Councils. The Councils developed Spiny Dogfish Framework Adjustment 6 in response to a 2021 Biological Opinion and 2022 Action Plan that called for reducing bycatch of Atlantic sturgeon in spiny dogfish gill net fisheries. Atlantic sturgeon harvest has been under a coastwide moratorium in federal and state waters since 1998. The ASMFC Fishery Management Plan for Atlantic Sturgeon maintains the moratorium through at least 2038, and while the 2024 stock assessment update showed signs of improvement, the stock remains depleted coastwide. The proposed rule was approved in December 2024 by NOAA Fisheries and will implement area-based gear requirements in the spiny dogfish gill net fishery to reduce bycatch of Atlantic sturgeon for harvesters that possess a federal spiny dogfish permit.

Currently, harvesters who hold a Maryland Spiny Dogfish Permit, do not possess a federal spiny dogfish permit, and only fish in state waters are not captured by the federal action. Because the specific areas included for additional management span state and federal waters, action is needed by the Department to implement corresponding measures for state-only permit holders to maintain consistency between the federal and interstate fishery management plans. ASMFC developed Addendum VII to ensure consistency with the the Mid-Atlantic and New England Fishery Management Councils Spiny Dogfish Framework Adjustment 6 by applying the overnight soak restrictions for harvesters who have state spiny dogfish permits in Maryland, but do not possess a federal spiny dogfish permit.

Consistency with state and federal waters is important for this fishery as it operates in both areas.

Additional Information

- Atlantic States Marine Fisheries Commission [Press Release](#) approving Addendum VII
- [Addendum VII](#) to the Interstate Fishery Management Plan for Spiny Dogfish

Who will this affect?

Anyone who:

1. Holds a Maryland Spiny Dogfish Permit,
2. Does not hold a federal spiny dogfish permit, **and**
3. Harvests spiny dogfish using roundfish gill nets with the described mesh size in Maryland waters of the Atlantic Ocean (0-3 miles from shore).

Definition

Roundfish gill net means a gill net that is constructed with floats on the float line and that has no tie-down twine between the float line and the lead line.

What is the specific regulatory action?

Amend Regulation .24 under COMAR 08.02.05 Fish.

Has this changes been discussed with advisory bodies or other interested individuals?

- This was discussed at the Mid-Atlantic Fishery Management Council and New England Fishery Management Council boards, with the Spiny Dogfish Committee, and at public meetings.
- The addendum was discussed at the ASMFC Board meeting in October 2024 and public hearings were held. The Maryland public hearing was held December 18, 2024. ASMFC approved Addendum VII at their board meeting in February 2025.
- The idea was scoped with the Sport Fisheries Advisory Commission and the Tidal Fisheries Advisory Commission at their meetings in April 2025.
- The idea was scoped with the general public from 4/24/2025 through 5/11/2025.

Regulatory Process

The Addendum's measures were effective May 1, 2025 in federal waters for federal spiny dogfish permit holders.

Fishing rules in Maryland may be created by either the General Assembly or the Department. When the Department creates a fishing rule, it is called a regulation. When the General Assembly creates a rule, it is called a statute. The Department often has to create a regulation to implement a statute. The regulatory process begins with scoping and the Department follows normal procedures as concepts move forward.

During the scoping process, the Department gathers suggestions and ideas from stakeholders and others about how to solve a fishery problem or address a need. The goal of scoping is to identify issues, potential impacts, and reasonable alternatives associated with the issues so that management actions can be developed. After the public has had an opportunity to comment on possible management actions during the scoping process, the Department considers these comments and develops an appropriate management strategy. The ideas for this proposal were scoped from April 24, 2025, through May 11, 2025.

At the conclusion of the scoping process, the Department determined that the action was necessary and appropriate. The rules were promulgated following the Administrative Procedures Act described in Title 10, Subtitle 1 of the State Government Article Annotated Code of Maryland.

- The General Assembly's Administrative, Executive, and Legislative Review Committee reviews the regulatory proposal for fiscal and legal analysis.
- The proposal was printed by the Division of State Documents in the Maryland Register on December 26, 2025.
- A 30 day public comment period began on the day of publication. The comment period ended January 26, 2026.
- After reviewing the comments, the Department adopted the changes.
- The final action was published in the Maryland Register on February 20, 2026.

Effective Date of Change

March 2, 2026