

(4) The full name of the [attesting mother of] *parent who gave birth to the child*;

(5) The full name of the [attesting father of] *parent who did not give birth to the child*;

(6) The signatures of [the mother and the father] *the parents of the child attesting, under penalty of perjury, that the information provided on the affidavit of parentage is true and correct*;

(7) A statement by the mother consenting to the assertion of [paternity] *parentage by the other parent* and acknowledging that [her cosignatory is the only possible father]:

(a) *The mother's cosignatory is the only possible father of the child; or*

(b) *The mother and the mother's cosignatory consented to the conception of the child by means of assisted reproduction with the shared intent to be the parents of the child*;

(8) A statement by the [father that he] *individual who did not give birth to the child that*:

(a) *The individual is the father of the child; or*

(b) *The individual and the child's mother consented to the conception of the child by means of assisted reproduction with the shared intent to be the parents of the child*; and

(9) (text unchanged)

B. The Administration shall supply participating entities with:

(1) (text unchanged)

(2) Training on the:

(a) (text unchanged)

(b) Alternatives to voluntary acknowledgement of [paternity] *parentage*;

(c)—(d) (text unchanged)

C. Upon the birth of a child to an unmarried [woman] *mother* in a Maryland hospital, the hospital administrator or the hospital administrator's designee shall:

(1) Provide an opportunity for the child's [mother and father] *parents* to complete an affidavit of parentage; and

(2) (text unchanged)

D. Upon request, authorized individuals employed by participating entities shall provide an affidavit of parentage to [a father or an unmarried mother] *an unmarried mother or the individual who did not give birth to the child* who wishes to acknowledge the [paternity] *parentage* of [a] *the child*.

E. (text unchanged)

**.04 [Paternity] Establishment of Parentage Information.**

A. The Administration shall:

(1) Maintain and stock informational brochures about the benefits of establishing [paternity] *parentage* and the availability of child support services in Maryland; and

(2) (text unchanged)

B. Upon the birth of a child to an unmarried [woman] *mother* in a Maryland hospital, the hospital administrator or the administrator's designee shall furnish the brochures to the parents.

LOURDES R. PADILLA  
Secretary of Human Services

**Title 08  
DEPARTMENT OF NATURAL  
RESOURCES**

**Subtitle 02 FISHERIES SERVICE**

**Notice of Proposed Action**

[19-273-P]

The Secretary of Natural Resources proposes to:

- (1) Amend Regulation .02 under **COMAR 08.02.05 Fish**;
- (2) Amend Regulations .01, .03, .08—10, and .12 under **COMAR 08.02.15 Striped Bass**; and
- (3) Amend Regulation .03 under **COMAR 08.02.25 Gear**.

**Statement of Purpose**

The purpose of this action is to extend the rules for the recreational striped bass fishery regarding hooks, minimum sizes, and seasons that were in place only for 2018 and 2019, change the start of the spring (trophy) season, and prohibit catch and release of striped bass in March and April.

Measures were put in place in 2018 to reduce the minimum size of striped bass for the recreational and charter boat summer and fall fishery in the Chesapeake Bay and its tidal tributaries from 20 inches to 19 inches. Measures also specified the type of hooks that can be used when using certain types of bait or with certain methods of fishing. The intention was to reduce dead discards of striped bass that occur throughout the summer/fall when anglers are using bait. The measures were put in place for two seasons to allow the department to assess if the measures were working. The department, in cooperation with stakeholders, has determined that these measures need to be in place for the future to maintain conservation efforts. In addition, management action taken by the Atlantic States Marine Fisheries Commission makes circle hooks mandatory in all states for anglers fishing for striped bass with bait by January 1, 2021. The proposed action removes the specified years to implement the changes for future years.

The department, in cooperation with stakeholders, has also determined that additional action needs to be taken to reduce the mortality of striped bass and maximize the opportunity for migratory fish to successfully reach the spawning grounds. The proposed action changes the start of the spring season from the third Saturday in April to May 1 and prohibits the catch and release and targeting of striped bass during the period March 1 through April 30. Delaying the start of the spring season along with prohibiting the catch and release and targeting of striped bass during the pre-season contributes to the conservation of spawning stock biomass by reducing the overall harvest and dead discards associated with these fisheries. The proposed action also prohibits trolling during March and April because trolling is a method that is specifically used for targeting striped bass. Preventing the interception of fish when they are normally heading to spawn will increase the chance that more striped bass have an opportunity to spawn.

The proposed action corrects the reference to the Magnuson-Stevens Act and removes an outdated provision regarding catch and release. The catch and release provision was added in the 1990s and contradicts several regulations that were adopted after the moratorium ended. The proposed action reorganizes certain sections of regulatory text so that the requirements are clear and do not occur in multiple chapters. The proposed action creates a new section in Regulation .12 of the striped bass chapter that includes all of the seasonal restrictions for the catch and release of striped bass. This action makes the time periods clear for when and where a person may

not target striped bass. The proposed action creates a new section in Regulation .03 of the gear chapter that includes all of the hook requirements and gear prohibitions. This action makes the gear requirements clear by putting all of the restrictions in one location.

**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 recreational anglers, charter boat operations and tackle stores.

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 (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
(1) March/April closure, spring season delay — charter	(-)	Indeterminable
(2) Type of hook—recreational anglers/charter captains	NONE	NONE
(3) Minimum size—recreational anglers/charter captains	(+)	Indeterminable
E. On other industries or trade groups:		
(1) Closure, spring season delay—tackle shop/marina	(-)	Indeterminable
(2) Type of hook—tackle shops	NONE	NONE
F. Direct and indirect effects on public:	NONE	

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

D(1). The prohibition on targeting (catching or attempting to catch) striped bass from March 1 through April 30 in the Chesapeake Bay and its tidal tributaries and the delayed start date of the spring fishery will likely have an indeterminable negative impact on charter captains. Over the last two years, charter captains have reported an average of slightly more than 200 trips in the months of March and April to the Department. The majority of those trips occurred starting on the third Saturday in April, which is when the spring striped bass fishery opened in previous years. Losing those days in April will likely result in lost opportunities to book trips. While some of the trips that would have happened in April are likely to be shifted to May when the season opens, it is likely not possible for all of the trips that would have happened in April to occur in May. Because it is not possible to know how many trips that would have occurred in April will instead take place in May, it is not possible to determine the economic impact of these measures. Additionally, according to the Marine Recreational Information Program (MRIP) a large number

of for-hire trips occur in the Maryland portion of Chesapeake Bay during March and April, largely centering around the catch-and-release striped bass fishery. While we cannot determine what proportion of these trips occurred during the pre-season it is likely that there will be substantial impacts to individuals whose businesses rely on guiding trips during this time.

D(2). Extending the requirement to use circle hooks when engaged in certain fishing activities is unlikely to have an economic impact on anglers or charter captains. The rules have been in place for 2 years and circle hooks are widely available at tackle shops and retail outlets.

D(3). Removing the sunset provision for the minimum size, to keep the minimum size 19 inches in the summer/fall season, rather than allow the minimum size to return to 20 inches, will give anglers an increased probability of success because a greater proportion of the striped bass in the Chesapeake Bay and its tidal tributaries will be harvestable. When more fish are legal for harvest, angler success and satisfaction both generally increase. This may increase charter business by having satisfied and return customers. This impact is indeterminable because angler activity is not predictable.

E(1). Prohibiting the targeting (catching or attempting to catch) of striped bass and the later season start date will both likely have an indeterminable negative impact on tackle shops and marinas. With less time available to pursue one of the most popular fish in the Chesapeake Bay and its tidal tributaries, anglers will likely have less need for tackle and will take fewer trips, resulting in less marine fuel being purchased as well as the loss of any other incidental sales that would have resulted from the refueling stop. It is not possible to know how many fewer trips will be taken, as anglers could choose to pursue other species during the striped bass closure, so the total economic impact is not determinable.

E(2). Removing the sunset provision requiring circle hooks when engaged in certain fishing activities is unlikely to have an economic impact on tackle shops. The rules have been in place for 2 years and tackle shops have been selling the required circle hooks during that time period.

**Economic Impact on Small Businesses**

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

The proposed action may have an economic impact on charter boat operations and tackle stores. Both of those types of businesses are generally considered small businesses. Please see the assumptions under Part III of the Estimate of Economic Impact statement above 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 Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through January 21, 2020. A public hearing will be held at a time and location to be determined.

**08.02.05 Fish**

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

**.02 General Fishing Prohibitions.**

A.—D (text unchanged)

[E. During the period March 1 through May 31, a person may not catch, harass, harm, pursue, hunt, shoot, wound, or attempt to catch striped bass or striped bass hybrids in the striped bass spawning rivers and areas listed in COMAR 08.02.15.03B. However, during the period March 1 through May 3, inclusive, 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 the following areas:

(1) 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

(2) Northeast River.

F. Bait.

(1) When using fish, crabs, or worms as bait, or processed bait, a person recreationally angling in the Susquehanna Flats and Northeast River during the period March 1 through May 3 shall only use a:

(a) Circle hook; or

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

(2) 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 periods May 16, 2018 through December 15, 2018 and May 16, 2019 through December 15, 2019 shall only use a:

(a) Circle hook; or

(b) "J" hook.

(3) When chumming or live-lining, a person recreationally angling in the Chesapeake Bay and its tidal tributaries during the periods May 16, 2018 through December 15, 2018 and May 16, 2019 through December 15, 2019 shall only use a circle hook.]

[(4)] E. (text unchanged)

[G. An individual recreationally angling in waters of the Chesapeake Bay and its tidal tributaries that are not restricted in accordance with COMAR 08.02.15.03D(1), during the period from March 1 through the third Friday in April, shall abide by the restrictions listed in COMAR 08.02.15.03E.]

[H.] F. — [O.] M. (text unchanged)

### 08.02.15 Striped Bass

Authority: Natural Resources Article, §§4-215, 4-2A-03, and 4-732, Annotated Code of Maryland

#### .01 Scope.

A. Except in accordance with COMAR 08.02.05, 08.02.11, 08.02.14, and this chapter, it is illegal for a person to take, possess, transport, export, process, sell, offer for sale, or ship any striped bass (*Morone saxatilis*), including striped bass taken in the State's Territorial Sea and the Exclusive Economic Zone (EEZ), as defined by the [Magnuson] *Magnuson-Stevens* Fishery Conservation and Management Act, [90 Stat. 331,] 16 U.S.C. *Ch. 38* §§1801[—1882] *et seq.*, and which extends from 0 to 200 nautical miles from the coastline of the United States.

B. (text unchanged)

[C. The catching of striped bass is not a violation under this chapter if the fish is immediately returned unharmed to the water where taken.]

#### .03 Spawning Rivers, Areas, and Reaches.

A.—C. (text unchanged)

[D. General Fishing Restrictions.

(1) Except as provided in Regulation .09 of this chapter, during the period March 1 through May 31, a person may not catch, harass, harm, pursue, hunt, shoot, wound, or attempt to catch striped bass or striped bass hybrids in the striped bass spawning rivers and areas listed in §B of this regulation.

(2) Notwithstanding §D(1) of this regulation, during the period March 1 through May 3, inclusive, 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 the following areas:

(a) 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

(b) Northeast River.

(3) Notwithstanding §D(1) of this regulation, during the period March 1 through May 31, inclusive, 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 southern most 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 (NW tip of Long Point) defined by Lat. 38°58.798' N and Long. 76°13.825' W.

E. Fishing Restrictions for the Period March 1 Through the Third Friday in April. The restrictions in this section apply to the waters of the Chesapeake Bay and its tidal tributaries that are not closed in accordance with §D(1) of this regulation. During the period from March 1 through the third Friday in April:

(1) A person recreationally angling:

(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;

(b) May not use stinger hooks; and

(c) Shall only use barbless hooks while trolling; and

(2) 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.]

#### .08 Recreational and Charter Boat Spring Fishery.

A. Season. [Notwithstanding Regulation .03D(1) of this chapter, the] *The* recreational and charter boat spring season is [the third Saturday of April] *May 1* through May 15 for the areas described in §D of this regulation.

B.—E. (text unchanged)

**.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) (text unchanged)
  - (b) Catch Restrictions.
    - (i) (text unchanged)
    - (ii) [Except as provided in §A(2)(b)(iii), a person may catch and possess two striped bass at least 20 inches total length, only one of which may be greater than 28 inches total length.
    - (iii) During the periods May 16, 2018 through May 31, 2018 and May 16, 2019 through May 31, 2019, a] A person may catch and possess two striped bass at least 19 inches total length, only one of which may be greater than 28 inches total length.

(3) Susquehanna Flats and Northeast River.

- (a) [Notwithstanding COMAR 08.02.15.03D(1), the] *The* areas subject to the provisions of §A(3) of this regulation are:
  - (i)—(ii) (text unchanged)
  - (b) Catch Restrictions.
    - (i) (text unchanged)
    - (ii) Except as provided in §A(3)(b)(iv), a person may catch and possess one striped bass between 20 and 26 inches, inclusive, total length.]
    - (iii) (i) (text unchanged)

- (iv) (iii) [During the periods May 16, 2018 through May 31, 2018 and May 16, 2019 through May 31, 2019, a] A person may catch and possess one striped bass between 19 and 26 inches, inclusive, total length.

B. Summer and Fall Season.

- (1) The recreational and charter boat summer and fall season for taking striped bass is:
  - (a) June 1 through December 15 [for the years 2018 and 2019; and
  - (b) June 1 through December 20 for all other years].
- (2) (text unchanged)
- (3) Catch Restrictions.
  - (a) (text unchanged)
  - (b) [Except as provided in §B(3)(c), a person may catch and possess two striped bass at least 20 inches total length, only one of which may be greater than 28 inches total length.
  - (c) During the periods June 1, 2018 through December 15, 2018 and June 1, 2019 through December 15, 2019, a] A person may catch and possess two striped bass at least 19 inches total length, only one of which may be greater than 28 inches total length.

C. (text unchanged)

**.10 Recreational and Charter Boat Summer and Fall Fishery for Maryland Tributaries of the Potomac River.**

A.—B. (text unchanged)

C. Size Limit.

- [(1) Except as provided in §C(2), a person may catch and possess two striped bass at least 20 inches total length, only one of which may be greater than 28 inches total length.
- (2) During the periods May 16, 2018 through December 31, 2018 and May 16, 2019 through December 31, 2019, a] A person may catch and possess two striped bass at least 19 inches total length, only one of which may be greater than 28 inches total length.

**.12 General Restrictions.**

A.—H. (text unchanged)

I. Seasonal Restrictions.

- (1) *During the period March 1 through April 30, a person may not catch, harass, harm, pursue, hunt, shoot, wound, or attempt to catch striped bass or striped bass hybrids in the Chesapeake Bay or its tidal tributaries.*

(2) *During the period May 1 through May 31, except as provided in Regulations .08 and .09 of this chapter and §I(3) of this regulation, a person may not catch, harass, harm, pursue, hunt, shoot, wound, or attempt to catch striped bass or striped bass hybrids in the striped bass spawning rivers and areas listed in Regulation .03B of this chapter.*

(3) *During the period May 1 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 (NW tip of Long Point) defined by Lat. 38°58.798'N and Long. 76°13.825'W.*

**08.02.25 Gear**

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

**.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;*
- (b) *May not use stinger hooks; and*
- (c) *May not attempt to catch fish by trolling.*

(5) *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. (text unchanged)

C. Active Line Fishing Gear.

- (1)—(4) (text unchanged)

(5) Additional restrictions on active line fishing gear may be found at COMAR 08.02.05.02 [and COMAR 08.02.15.03].

D.—G. (text unchanged)

JEANNIE HADDAWAY-RICCIO  
Secretary of Natural Resources