FISHING IN NONTIDAL WATERS - Trout (Owens Creek)

What was proposed?
The Department proposed adding the upper sections of Owens Creek that are located on Catoctin Mountain Park (U.S. National Park Service) property (Figure 1) to the list of catch-and-return, artificial fly fishing only areas. This change adds bait and tackle restrictions and requires catch and release for any trout, including brown trout. See the Additional Information section for rules that would apply if the area is added.

Why is this change necessary?
Declines in brook trout numbers in this upper section of Owens Creek warrant further protection of the population. The catch-and-return, artificial fly fishing only regulations are the most protective angling regulations that can be applied. Adopting this change on sections of Owens Creek on federal property will also match the catch-and-return, artificial fly fishing only regulations on the Catoctin Mountain Park and Cunningham Falls State Park sections of Big Hunting Creek.

Who will this affect?
This action will affect nontidal anglers that fish Owens Creek within the affected area on Catoctin Mountain Park property.

Survey data over the past decade has indicated very few if any brown trout remain in this section. Therefore, this regulation should not have an impact on anglers who want to harvest brown trout.

Map of the Area

Figure 1. Possible catch-and-release artificial fly fishing sections on Owens Creek within Catoctin National Park property.

What is the specific regulatory action?
Amend Regulation .01 under COMAR 08.02.11 Fishing in Nontidal Waters.

Additional Information
Code of Maryland Regulations - COMAR 08.02.11.01C(4) has the provisions in effect for a catch-and-return trout fishing area that is limited to artificial fly fishing only. The rules are:

(i) A person may not have any trout in possession while fishing in these areas. All trout which are caught shall be released and returned to the water.
(ii) A person may fish only with artificial flies and streamers constructed in a normal fashion using natural or synthetic materials, or both, which may include feathers, fur, hair, tinsel, thread, fiber, plastic, cork, wire, and rubber, on a single hook with the components wound on or about the hook. A person may not use molded replicas of insects, earthworms, fish eggs, fish, or any invertebrate or vertebrate, either singly or in combination with the other materials, or other lures commonly described as spinners, spoons, or plugs made of metal, plastic, wood, rubber, or a similar substance or a combination of these.
(iii) A person may fish only with conventional fly fishing tackle, including fly rods, fly reels, and fly line with a leader or monofilament line attached. Any method of angling when the fly is cast directly from the reel is prohibited. The use of centerpin, spinning, spincast, and casting reels is prohibited.
(iv) In these areas, a person may not possess or use any natural or live bait, or any device enhanced with a scent and capable of catching fish.
(v) The open season is January 1 through December 31, inclusive.
(vi) A person may not fish with any barbed hook.

Public Angler Access Map - an interactive map to locate fishing locations and the basic rules for each area.

Was this change discussed with advisory bodies or other interested or impacted individuals?
1. This idea was discussed with Catoctin Mountain Park personnel and they approved the change.
2. This idea was discussed at the Coldwater Fisheries Advisory Committee April 2026 meeting and received general support.
3. The idea was presented to the Sport Fisheries Advisory Committee (SFAC) and the Tidal Fisheries Advisory Commission (TFAC) at their April 2026 meetings. Commissioners discussed how this area is one of the strongest remaining brook trout populations on the eastern edge of their range in Maryland and this change is positive for protecting those fish.
4. This idea was scoped with the general public from May 14, 2026, through June 4, 2026.

Regulatory Process
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.

At the conclusion of the scoping process, the Department determined that the action is necessary and appropriate. The rules are being 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 October 2, 2026.
- A 30-day public comment period began on the day of publication. The comment period ends November 2, 2026.
- After reviewing the comments, the Department may adopt the changes.
- If the Department adopts the changes, they become effective after a notice is published in the Maryland Register that announces the adoption and effective date.

When could this be effective?
The Department projects that this change could be effective January 1, 2027. However, the exact date cannot be determined at this time.