

Black Bass—Largemouth and Smallmouth Bass

**Regulation .21 adopted effective October 20, 1997 (24:21 Md. R. 1447)**

1997 October COMAR 08.02.05.19 Black Bass – Largemouth and Smallmouth Bass – created in 1997 after passage of House Bill 1408 by the General Assembly which authorized the Dept. to supervise, regulate, and control harvest of black bass in tidal waters. Adopted effective October 20, 1997 (24:21 Md. Reg. 1447)

*.21 Black Sea Bass*

A. *Minimum Size. A person may not catch or possess a black sea bass less than 9 inches in total length.*

B. *Commercial Gear Restrictions.*

*(1) Trawls.*

*(a) Except for a person possessing less than 100 pounds of black sea bass per trip, a person may not use a trawl with mesh less than 4 inches stretched mesh size to catch black sea bass.*

*(b) A person may not use a roller rig trawl with a roller diameter in excess of 18 inches.*

*(2) Pots and Traps. A pot or trap used to catch black sea bass shall have:*

*(a) An unobstructed escape vent of at least a:*

*(i) 2 inch diameter circle opening*

*(ii) 1.5 inch by 1.5 inch square opening, or*

*(iii) 1-1/8 inch by 5-3/4 inch rectangular opening; and*

*(b) Hinges and fasteners on one panel or door made of one of the following degradable materials:*

*(i) Untreated hemp or jute string of 3/16 inch in diameter or less,*

*(ii) Magnesium alloy fasteners, or*

*(iii) Ungalvanized, uncoated iron wire of 0.94 inch diameter or smaller.*

---

**Regulation .21A amended as an emergency provision effective August 14, 1998 (25:18 Md. R. 1430), amended permanently effective October 19, 1998 (25:21 Md. R. 1573)**

1998 August COMAR 08.02.05.21A (1) amended to apply the 10 inch minimum size limit for black sea bass for both recreational and commercial fishing, up from the 9 inch minimum.

---

**Regulation .21 amended effective September 2, 2002 (29:17 Md. R. 1379)**

2002 September      08.02.05.21A(1) amended the minimum size a recreational angler may catch from 10 inches to 11 ½ inches, also amended the minimum size for commercial purposes from 10 inches to 11 inches. Also amended the commercial gear restrictions for trawls, changed from [1,000] to 500 pounds of black sea bass per trip *January 1 to March 31*, a person may not use a trawl with mesh less than [4] 4 ½ inches stretched mesh size *throughout the net or a minimum of 75 meshes in the codend* to catch black sea bass. Also amended, *except for a person possessing less than 100 pounds of black sea bass per trip from April 1 to December 31, a person may not use a trawl with mesh less than 4 ½ inches stretched mesh size throughout the net or a minimum of 75 meshes in the codend to catch black sea bass.*

Also, amended, C(2) to say that “a commercial tidal fish licensee may not catch, possess, or land more *pounds of black sea bass than as set forth in §C(1) of this regulation.*

Also, amended that *an individual may not catch or possess more than 25 black sea bass per day.*

Also, amended to give the Secretary the ability to not only modify a season, but to *set* a season as well.

---

**Regulation .21 amended as an emergency provision effective June 9, 2003 (30:13 Md. R. 850); amended permanently effective August 18, 2003 (30:16 Md. R. 1074)**

2003 June      .21 amended to modify the recreational minimum size from 11 ½ to 12 inches in total length, and adopts the recreational season of January 1 through September 1; and September 16 through November 30; and details quotas for commercial, dividing by gear and quarterly year. It also establishes that unattained quotas cannot be carried over to the next quarter, and that any excess quota will be carried over to the next quarter. It also modifies when an individual may use a trawl, reducing the requirement to use a trawl from 500 pounds to 50 pounds. It was also amended so as to require that any black sea bass harvested from the Atlantic Ocean Waters of Maryland or from the waters of the Exclusive Economic Zone. It also modifies the commercial catch limits from no more than 3 percent of black sea bass under 11 inches and land more

pounds than set forth in previous sections of provision. It also modifies the recreational catch limit from 25 pounds to 50 pounds. It also inserts a section regulating the licensing and permitting of harvesting vessels. It also modifies the ability of the Secretary to set not a season, quarterly, or monthly quota from solely a season quota. It also gives the Department the responsibility to ensure that the quotas are in correlation to Maryland's portion of the coastwide quota.

\*\*\*NOTE\*\*\*

June 2003 Regulations were Emergency/Proposed Regulations Instead of Finalized N&C Regulations.

---

**Regulation .21 amended as an emergency provision effective February 17, 2004 (31:5 Md. R. 445); amended permanently effective April 26, 2004 (31:8 Md. R. 645)**

2004 February

08.02.05.02 amended to define commercial fishing gear.

*(5) Fyke net; means a fixed entrapment gear without a pound or crib consisting of: (a) A series of hoops covered by web netting; (b) At least one set of wings; (c) A leader or hedging no longer than 250 feet consisting of #12 twine or larger and with a minimum stretched mesh size of 3 inches; and (d) A cull panel with a minimum stretched mesh of 2 ½ inches.*

*(6) "Haul seine" means an encircling type of net: (a) Made of at least #12 twine; (b) Consisting of two wings with brail lines; (c) With a depth or width limited to 15 feet graduation to a width of 22 feet at the bunt or back; and (d) Without a length of its bunt or back greater than 100 feet, which is a hung measure.*

*(7) "Hoop net" means a single entrapment net consisting of: (a) #12 twine or larger supported by a series of hoops; and (b) One or more internal funnel-shaped throats.*

*(9) "Pound net" means a fixed entrapment gear consisting of: (a) A net body or crib measuring at least 16 feet long by 16 feet wide at the surface of the water with a netting floor and open top; (b) Mesh webbing with a twine size of #12 or larger; (c) At least one heart leading into the crib; and (d) A leader or hedging.*

.02B(9) also amended so that “*A haul seine shall be sealed as provide in Natural Resources Article, §4-713, Annotated Code of Maryland, and the seal may not be tampered with or removed.*”

2005 February

08.02.05.21 amended to change season to “open or close season,” also added the phrase “State waters” to the limitation.

---

**Regulation .21 amended effective March 27, 2006 (33:6 Md. R. 577)**

2006 March

.21B(2)(d) amended to change the reference of (D)(5) to (D)(1). Also inserting .21B(2)(e) which now reads:

(e) Quota Transfers

- (i) A Maryland Black Sea Bass permit holder (permittee) may annually transfer not more than 30 percent of the permittee’s individual quota in a maximum of two transactions per year to another permittee upon notification of and approval by the Department.
- (ii) A permittee with a pot catch allocation may catch up to an additional 30 percent of the transferor’s quota in a maximum of two transactions per year if they receive a quota transfer.
- (iii) A permittee with a trawl application may catch up to an additional 30 percent of the transferor’s quota in a maximum of two transactions per year if they receive a quota transfer.

.21C(1) amended to add “including any quota transfers”. .21C(2) was removed and now reads “A vessel that does not have an individual on board who validly possesses a Maryland black sea bass landing permit may not catch, possess, or land more than 50 pounds of black sea bass per day.

.21D was amended to remove (1)-(4), making (5) the new (1) and (6) the new (3), and adding (2) to read:

(2) Proof of Eligibility for a Maryland Black Sea Bass landing permit as required in d(1) of this regulation may be documented by records of the Department of Records of the National Marine Fisheries Service

.21D was also amended to remove (7)-(8). The new (4) reads:

“(4) Under the conditions described in this section, a pot individual quota or trawl individual quota may be harvested by either gear.”

.21D was also amended so that (9) and (10) became (5) and (6). And (7)-(15) was added to say:

(7) A permittee may catch, possess, or land black sea bass for commercial purposes on a vessel other than the vessel declared on the permittee’s permit if:

- (a) The permittee is in possession of the permit issued to the permittee; and
- (b) The undeclared vessel is permitted by the National marine Fisheries Service.

(8) When a vessel is used to catch, possess, or land more than 50 pounds of Black Sea Bass for Commercial Purposes from the waters of the Atlantic Ocean, the operator, permittee, or owner shall have in possession aboard the vessel a Maryland Black Sea Bass landing permit issued by the Department while the vessel is engaged in fishing for and harvesting of Black Sea Bass.

(9) An operator means an individual who is not a permittee and acts as an agent of a permittee.

(10) The name of the vessel on which the operator is working shall be declared on the Maryland Black Sea Bass landing permit.

(11) An operator may catch, possess, or land black sea bass for commercial purposes on a vessel owned by a permittee and in possession of that permittee’s permit.

(12) A vessel which is used to catch, possess, or land black sea bass for commercial purposes from the waters of the exclusive economic zone (EEZ) of the Atlantic Ocean shall be permitted by the National Marine Fisheries Service in accordance with 50 CFR 648.4.

(13) A person shall have a share of ownership in a federally permitted vessel in order to be issued a Maryland Black Sea Bass permit.

(14) The federally registered name of the permitted vessels or the state registration numbers shall be indicated at the time of application for the permit and declared on the Maryland Black Sea Bass Landing Permit. Any change in ownership shall be reported to the Department, who will issue a revised permit card.

(15) Two Black Sea Bass quotas may be fished off any one federally permitted vessel, if two authorized individuals with Maryland Black Sea Bass permits are on board.

---

**Regulation .19B, D amended effective July 16, 2007 (34:14 Md. R. 1245)**

2007 July .19 amended to remove the Pocomoke River exception, disallowing the possession of black bass in the area, from July 15 through August 31.

---

**Regulation .21A amended effective February 11, 2008 (35:3 Md. R. 288); March 9, 2009 (36:5 Md. R. 422)**

2008 February .21 amended to modify the recreational season from January 1 through November 30 to January through December 31.

2009 February .21 amended to exclude the tail filament in the measurement of the sea bass and a pot or trap's diameter of an escape vent was modified from 2 3/8 inches to 2 1/2 inches.

---

**Regulation .21A amended effective March 9, 2009 (36:5 Md. R. 422); Regulation .21B amended effective March 9, 2009 (36:5 Md. R. 422)**

2008 March .21 amended to exclude the tail filament from the total length in inches. The unobstructed escape vent was amended from 2 3/8 inch diameter circular opening to a 2 1/2 inch diameter circular opening.

---

**Regulation .21A amended as an emergency provision effective April 11, 2009 (36:10 Md. R. 713); amended permanently effective June 29, 2009 (36:13 Md. R. 898)**

2009 April .21 amended to change the minimum size from 12 inches in total length to 12.5 inches in length.

---

**Regulation .21E amended effective October 19, 2009 (36:21 Md. R. 1590)**

2009 October .21 amended to change the word in E(1) to insert "size limits" and change "quota" to "quotas."

---

**Regulation .21B amended effective December 14, 2009 (36:25 Md. R. 1953);  
Regulation .21D amended effective December 14, 2009 (36:25 Md. R. 1953)**

2009 December .21B amended to modify .21B(2)(b), (c), (d), (e) by deleting the specified Maryland quota and inserting a “permit allocation section.” The section now reads:  
“(b) Permit Allocation  
(i) A Maryland Black Sea Bass Permit holder may apply for a permit for the following year.  
(ii) The total pounds of Black Sea Bass that may be harvested by a Black Sea Bass permit holder who applies for 2010 shall be based on the proportion of the total black sea bass harvest allocated to the permit holder in 2009.  
(iii) The total pounds of black sea bass that may be harvested by a black sea bass permit holder who applies for a permit for 2010 and subsequent years shall be based on the proportion of the total black sea bass harvest allocated to the permit holder in the previous year.  
(iv) In addition to the quota allocation, as described in B2(b)(ii) of this regulation, the Department shall reallocate equitably among permit holders the quota of any permit holder who fails to apply for a permit for the following year, or who leaves the fishery without transferring his license and permit.”

.21D amended to remove the specific gear types listed, and further reference to them in the regulation.

---

**Regulation .21D amended effective February 22, 2010 (37:4 Md. R. 338)**

2010 February .21D amended to remove the phrase “shall return the permit to the Department at the end of the season” to “submit the completed permit to the Department within 14 days from the end of the black sea bass season.” As well as inserting, 6-1, which states “The Department may deny an application for a black sea bass landing permit for failing to comply with c(6) of this regulation during the previous season.”