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DNR-FS-2026-01

SMALL BUSINESS COMPLIANCE GUIDE
Amendment to Subtitle 02 Fisheries Service
Regarding the Department's Regulations for Yellow Perch
COMAR 08.02.11.04 and 08.02.21.02
Released April 3, 2026

This Guide is prepared in accordance with the requirements of State Government Article, §10-110, Annotated Code of Maryland. It is intended to help small businesses comply with the revised rules adopted in the above-referenced sections of the Code of Maryland Regulations. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small businesses, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply. Furthermore, the Department retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decisions regarding a particular small business will be based on the statute and any relevant rules and regulations.

In any civil or administrative action against a small business for a violation of rules, the content of the Small Business Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties, or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation. The Department will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The Department may decide to revise this Guide without public notice to reflect changes in the Department's approach to implementing a rule, or it may clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to Fishing and Boating Services:

410-260-8300
410-260-8DNR; toll free in Maryland 877-620-8DNR; TTY Users Call via the Maryland Relay
Fax: 410-260-8310

I. SUMMARY

What was proposed?

The Department proposed to reduce the recreational catch limit and clarify rules for yellow perch. The proposed action reduces the daily catch and possession limit of yellow perch from ten fish to five fish per person in all tidal waters and in streams and rivers in nontidal waters. Since yellow perch can move freely between nontidal and tidal streams and rivers, the limits in those areas need to be the same. The proposed action does not modify the limits for nontidal lakes and ponds. The proposed action clarifies the separation of tidal and nontidal limits by referencing the appropriate section of COMAR rather than repeating rules.

Why is this change necessary?

The Department believes this action is necessary because yellow perch are experiencing a period of low recruitment that has occurred over the last six years. Reducing the catch limit is expected to improve the chance of spawning success.

Who will this affect?

This action will affect recreational anglers who fish for yellow perch in tidal waters or nontidal streams and rivers.

It could also economically impact small businesses. Fishing guides, charter captains, and bait and tackle stores could be economically impacted, but the actual impact is indeterminable.

Reducing the creel limit from ten to five fish per person per day may negatively impact fishing guides and charter captains if anglers decide not to charter a fishing trip. The actual impact is indeterminable because it is unknown how many trips are booked each year solely for yellow perch and it is unknown if the change in creel limit would deter anglers from booking a trip. Additionally, the catch limit was already reduced from ten to five fish per day by public notice for the 2026 season, so any negative impacts may have already been realized by that public notice rather than this regulatory change.

Reducing the creel limit from ten to five fish per person per day could negatively impact bait and tackle stores if anglers change their buying habits as a result of this change. The actual impact is indeterminable because anglers can still fish for yellow perch and other species so it is not possible to determine if less money would be spent during the year on fishing supplies. Additionally, the catch limit was already reduced from ten to five fish per day by public notice for the 2026 season, so any negative impacts may have already been realized by that public notice rather than this regulatory change.

What is the specific regulatory action?

Amend:

1. Regulation .04 under [COMAR 08.02.11](#) Fishing in Nontidal Waters; and
2. Regulation .02 under [COMAR 08.02.21](#) Yellow Perch.

Was this change discussed with advisory bodies or other interested or impacted individuals?

- The yellow perch workgroup met May 22, 2025, to discuss the status of the fishery and current management measures.
- A verbal summary of the meeting and recommendations from the meeting were provided at the July 2025 meetings of the Sport Fisheries Advisory Commission and Tidal Fisheries Advisory Commission. We solicited feedback on preferred approaches to reducing the recreational harvest. We heard a comment at SFAC to maintain the season. That comment informed the options to scope.
- Two options (season reduction and reduced creel limit) were scoped with the Sport Fisheries Advisory Commission (SFAC) and Tidal Fisheries Advisory Commission (TFAC) at their meetings in October 2025. SFAC suggested including nontidal streams and rivers and recommended that the reduced creel option was best. Not including nontidal streams and rivers was an oversight by the Department and the scoping information was changed to include those areas.
- Both options (season reduction and reduced creel limit) were scoped with the public. Respondents preferred the reduced creel limit.

II. 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. The ideas for this proposal were scoped from October 20, 2025, through November 4, 2025.

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 April 3, 2026.
- A 30-day public comment period began on the day of publication. The comment period ends May 4, 2026.
- After review of 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 approval and the effective date.

III. IMPLEMENTATION DATE

The Department issued a [public notice](#) in January to reduce the recreational daily catch and possession limit for yellow perch. [COMAR 08.02.21.04](#) states that the Secretary of Natural Resources may modify catch limits, target harvests, registration process, or reporting requirements by publishing notice on the Fisheries Service website at least 48 hours in advance, stating the effective hour and date. The public notice was issued in January so that the catch limit was effective for the 2026 recreational season.

The Department projects that the proposed regulatory changes presented in this guide could be effective in June of 2026. However, the exact date cannot be determined at this time.