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DNR-FS-2026-02

SMALL BUSINESS COMPLIANCE GUIDE
Amendment to Subtitle 02 Fisheries Service
Regarding the Department's Regulations for Gill Nets
COMAR 08.02.15
Released June 18, 2026
Updated September 21, 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 consider whether the recommendations or interpretations in the Guide are appropriate in that situation this Guide and the appropriateness of its application to a particular situation. The Department will then. 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
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I. SUMMARY

What was proposed and why did the Department propose it?

The purpose of this action is to allow an individual participating in the striped bass drift gill net fishery to harvest other species of fish while fishing for striped bass using large mesh (5 to 7 inches) drift gill nets.

Striped bass permittees fishing in the Chesapeake Bay and its tidal tributaries during the commercial drift gill net season (December through February) have reported that they also catch non-target species, such as blue catfish and gizzard shad, in their large mesh nets. Currently, during the commercial drift gill net season in the Chesapeake Bay and its tidal tributaries, only striped bass may be harvested from large mesh gill nets. This means that other species of fish that are caught (bycatch) in these nets are not legally allowed to be harvested and must be returned to the water.

In order to maximize the value of fish and minimize the possibility of dead discards across all species, the proposed action modifies the drift gill net rules to allow an individual participating in the drift gill net fishery to harvest species of fish other than striped bass from their net, only if they hold a striped bass permit with the required minimum amount of allocation remaining. The remaining allocation required to participate in harvesting bycatch will be determined by the Department and set by public notice. Setting the amount by public notice ensures that the striped bass commercial drift gill net fishery retains its focus as a striped bass fishery and allows the Department to respond to fishing behavior in a timely manner. The proposed action establishes the process for issuing and distributing the public notice.

Any species being harvested is subject to all other applicable rules and regulations. The proposed action does not change seasons, size limits, or catch limits for any species.

Who will this affect?

The proposed action will economically benefit commercial striped bass permit holders and seafood dealers. However, the actual impact is indeterminable.

Commercial striped bass permittees that have a permit with the required minimum amount of allocation remaining will be able to harvest other species while fishing for striped bass during the striped bass drift gill net fishery (December 1 through the last day of February). This could result in additional income if they harvest species of marketable value. The actual impact is indeterminable because the Department is not able to predict the participation level of a permittee (species harvested, numbers harvested, length of participation, etc.) nor can the market for other species be predicted.

If commercial striped bass permittees harvest additional species during the striped bass drift gill net fishery (December 1 through the last day of February), there could be more fish to process and sell. This could result in additional income for seafood dealers, but the actual impact is indeterminable because the Department is not able to predict the participation level of the permittees nor can the market for other species be predicted.

What is the specific regulatory action?

Amend Regulation .07 under COMAR 08.02.15 Striped Bass.

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

This idea was discussed with two Tidal Fisheries Advisory Commission subgroups:

1. [Invasive Catfish Advisory Committee](#) - This was discussed at their meeting on [April 15, 2026](#).
2. [Striped Bass Industry Advisory Workgroup](#) - This was discussed at their meeting on [May 7, 2026](#).

This idea was scoped with the general public from 6/18/2026 through 7/5/2026.

II. ADDITIONAL INFORMATION

“Allocation” means pounds or numbers of striped bass which a striped bass permittee is provided on an annual basis.

Chesapeake Bay General Gill Net Rules can be found in the Code of Maryland Regulations: [COMAR 08.02.05.02B](#)

Chesapeake Bay Striped Bass Drift Gill Net Rules can be found in the Code of Maryland Regulations: [COMAR 08.02.15.07C](#)

III. 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 September 18, 2026.

- A 30-day public comment period began on the day of publication. The comment period ends October 19, 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 approval and the effective date.

IV. IMPLEMENTATION DATE

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