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DNR-FS-2024-5

SMALL BUSINESS COMPLIANCE GUIDE
Amendment to Subtitle 02 Fisheries Service
Regarding the Department's Regulations for Yellow Perch — Commercial Season
COMAR 08.02.21.03 and .04
Released January 22, 2024

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.

The Department will clarify or update the text of the Guide as an idea moves through the regulatory process. Direct your comments and recommendations, or calls for further assistance, to Fishing and Boating Services Regulatory Division:

410-260-8300

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

I. SUMMARY & FAQs

What is being considered?

The Department is considering modifying the commercial yellow perch season in regulation to start a month earlier than the current regulation establishes.

Why is this change necessary?

The fishery has been opened December 1 by public notice for several years to allow for fish potters, and others, to harvest yellow perch against the quota. This has been beneficial to commercial yellow perch permit holders, but has not created any overages in the yellow perch quota.

Who will this affect?

Commercial yellow perch permit holders. There are approximately 20 yellow perch permit holders who pay for a yellow perch permit annually that could benefit from being able to plan the start of their yellow perch harvest a month earlier every year.

Has this change been discussed with advisory bodies?

This idea was discussed with the Sport Fisheries Advisory Commission and Tidal Fisheries Advisory Commission at their January 2024 meetings.

What is the specific regulatory action?

Amend Regulations .03 and .04 under COMAR 08.02.21 Yellow Perch.

II. RECORDKEEPING AND REPORTING REQUIREMENTS

This action would not create any new recordkeeping or reporting requirements.

III. IMPLEMENTATION DATE

The Department projects that this change could be effective in the summer of 2024. However, the exact date cannot be determined. The Department will follow our normal proposal procedures if this concept moves forward.

This idea is in the scoping process (January 22—February 6). 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.

If the action is necessary and appropriate, the rules will be 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 is printed by the Division of State Documents in the Maryland Register.
- A 30 day public comment period begins on the day of publication.
- 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.