

Yellow Perch Regulations.

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

Chapter 21 Yellow Perch

Authority: Natural Resources Article, §§1-104, 4-206, 4-215, 4-215.2, 4-602, and 4-701;
State Government Article, §10-206; Annotated Code of Maryland

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Harvest" means to take, kill, trap, gather, catch, or in any manner reduce any fish to personal possession or to attempt to engage in this conduct.

(2) "Landing" means:

(a) Unloading any fish at a dock, pier, or shore by a commercial fisherman; or

(b) Bringing any fish to a dock, pier, or shore by a recreational fisherman for personal use.

(3) "Tag" means the device or form approved by the Department and affixed to a fish.

(4) "Target harvest" means pounds or numbers of yellow perch allowed by the Department to be harvested in a season.

(5) "Total length" means the distance from the tip of the snout to the end of the longest lobe of the extended tail of a fish.

(6) "Yellow perch" means the species of fish *Perca flavescens*.

(7) "Yellow perch harvest permit" means a permit issued by the Department which allows a person to commercially harvest yellow perch.

.02 Recreational.

A. Season. The recreational season is open year round.

B. Size.

(1) Except as provided in §B(2) of this regulation, the minimum size for yellow perch harvested from waters of the State is 9 inches total length.

(2) There is no minimum size for yellow perch harvested from reservoirs, lakes, ponds, impoundments, and waters upstream of them.

C. Creel and Possession Limits.

(1) Except as provided in §C(2) of this regulation, the daily catch and possession limit for yellow perch is ten fish per person per day.

(2) There is no daily catch limit for reservoirs, lakes, ponds, impoundments, and waters upstream of them.

D. Reporting. A recreational angler shall cooperate with Department-approved surveys and catch inspections necessary for harvest and by-catch determination, and biological characterization.

.03 Commercial.

A. Season.

(1) The commercial season for harvesting yellow perch is January 1 through March 31, inclusive.

(2) Yellow perch legally harvested in another state may be sold or offered for sale in Maryland if accompanied by proof of origin which details the total weight of yellow perch for each container.

B. Size.

(1) The minimum size for yellow perch is 8-1/2 inches total length.

(2) The maximum size for yellow perch is 11 inches total length.

C. Daily Catch Limits.

(1) Hook and Line. The daily catch limit for yellow perch harvested by means of hook and line from the tidal waters of the State is ten fish per person per day.

(2) Gear Other than Hook and Line.

(a) A commercial tidal fish licensee permitted in accordance with §E of this regulation to harvest yellow perch commercially may harvest up to 150 pounds of yellow perch per day from the Patuxent River fishing area defined in §D(3) of this regulation.

(b) There is no daily catch limit for the fishing area defined in §D(1) or (2) of this regulation.

(c) The Department shall set an annual commercial target harvest for each fishing area defined in §D of this regulation.

D. Fishing Areas. A person may fish for yellow perch for commercial purposes only in the following areas:

(1) Chesapeake Bay and its tidal tributaries, excluding the Magothy River and the Chester River, upstream of the William Preston Lane Jr. Memorial Bridge northern span;

(2) Chester River upstream of a line beginning at a point at or near Love Point, defined by Lat. 39°02.40'N and Long. 76°18.16'W; then running approximately 83° True to a point at or near the northwest point of Eastern Neck Island, defined by Lat. 39°02.77'N and Long. 76°14.05'W; and

(3) Patuxent River upstream of a line drawn from a point at or near Hog Point, defined by Lat. 38°18.59'N and Long. 76°23.99'W; then running approximately 299° True to a point at or near Drum Point, defined by Lat. 38°19.14'N and Long. 76°25.27'W; and downstream of a line beginning at a point at or near Jackson Landing defined by Lat. 38°46.46'N and Long. 76°42.70'W; then running approximately 45° True to a point defined by Lat. 38°46.48'N and Long. 76°42.68'W.

E. Yellow Perch Harvest Permit.

(1) A person catching yellow perch for commercial purposes shall:

(a) Be licensed to fish for commercial purposes in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland;

(b) Obtain a valid yellow perch harvest permit issued by the Department; and

(c) Have the Department issued yellow perch harvest permit in possession while harvesting or transporting yellow perch.

(2) Yellow perch harvest permits issued by the Department shall be valid during the current commercial season for harvesting yellow perch.

F. Declaration.

(1) During the period August 1 through October 31, unless otherwise directed by public notice, a commercial tidal fish licensee shall declare their intent to fish for yellow perch by paying the fee as established in Natural Resources Article, §4-701(f)(1)(ii), Annotated Code of Maryland.

(2) A commercial tidal fish licensee who has not declared by October 31 of the current year or the close of business the next business day when October 31 occurs on a weekend or holiday, may not catch yellow perch for sale or participate during the subsequent commercial yellow perch season.

(3) An exception to the October 31 deadline may be considered by the Department only for an individual who can provide satisfactory documentation of a physical or mental incapacity that prevented that individual from meeting the declaration time period established in §F(1) of this regulation.

G. Tags.

(1) The Department shall provide tags to each commercial tidal fish licensee who is authorized to participate in the commercial yellow perch fishery.

(2) The Department may not provide replacement tags for tags that are lost.

(3) Except as provided in §I of this regulation, before landing a yellow perch, an individual shall affix a tag to the yellow perch as directed by the Department.

(4) A commercial tidal fish licensee shall return any unused tags to the Department within 14 days of the end of the permitted season.

H. Transfers.

(1) Yellow perch harvest permits and tags may not be transferred.

(2) If an individual transfers a tidal fish license during the yellow perch season, the yellow perch harvest permit and tags assigned to that individual shall be returned to the Department within 14 days of the license transfer.

I. Yellow Perch Live Market.

(1) A commercial tidal fish licensee who sells or offers for sale yellow perch in the live market which were harvested from the tidal waters of the State shall:

(a) Contact the Department at the number stated on the yellow perch harvest permit at least 24 hours prior to loading yellow perch into a container in which it will be transported;

(b) Wait until the Department representative is present before loading the live untagged yellow perch into a container in which it will be transported; and

(c) Keep a bill of lading or other proof of sale and provide a copy of that documentation to the Department within 14 days of the end of the permitted season.

(2) The bill of lading or other proof of sale shall contain the total weight of yellow perch sold and the date of the sale.

J. Reporting. A commercial tidal fish licensee permitted by the Department to harvest yellow perch shall:

(1) Complete all information on the yellow perch harvest permit card and on the daily commercial fisheries catch log;

(2) Report daily catch, regardless of amount, to the Department by 11:59 p.m. every day through the Department-described process;

(3) Return the daily commercial fisheries catch log to the Department within the time specified by the Department in accordance with COMAR 08.02.13.06;

(4) Return the completed yellow perch harvest permit card to the Department within 14 days of the end of the permitted season;

(5) Make available yellow perch harvest permit cards, tags, and catch logs for immediate inspection on request of a Department representative; and

(6) Cooperate with Department-approved surveys and catch inspections necessary for harvest and by-catch determination, and biological characterization.

K. Gear Restriction Areas. From February 1 through March 31, inclusive, a person may not set a fyke net in any of the following areas:

(1) Bohemia River upstream of a line beginning at a point at or near Little Hack Point defined by Lat. 39°27.78'N and Long. 75°52.45'W; then running approximately 70° True to a point at or near the Route 213 bridge defined by Lat. 39°27.87'N and Long. 75°52.19'W;

(2) Bush River upstream of a line beginning at a point at or near the mouth of Church Creek defined by Lat. 39°28.05'N and Long. 76°13.35'W; then running approximately 135° True to a point defined by Lat. 39°28.03'N and Long. 76°13.39'W;

(3) Chester River upstream of a line beginning at a point at or near Indian Point defined by Lat. 39°14.28'N and Long. 75°56.17'W; then running approximately 360° True to a point on the Kent County shore defined by Lat. 39°14.54'N and Long. 75°56.16'W; and then upstream to a line, beginning at a point upstream of the mouth of Red Lion Creek defined by Lat. 36°14.62'N and Long. 75°54.63'W; then running 360° True to a point on the Kent County shore at Lat. 39°14.80'N and Long. 75°54.63';

(4) Chester River upstream of a line beginning at a point at or near Ford's Landing defined by Lat. 39°15.04'N and Long. 75°53.70'W; then running 270° True to a point on the Kent County shore defined by Lat. 39°15.04'N and Long. 75°53.64'W;

(5) Choptank River upstream of a line beginning at a point defined by Lat. 38°55.82'N and Long. 75°50.00'W; then running approximately 45° True to a point defined by Lat. 38°55.84'N and Long. 75°49.84'W;

(6) Tuckahoe Creek, Choptank River tributary, upstream of a line beginning at a point defined by Lat. 38°52.86'N and Long. 75°57.10'W; then running approximately 90° True to a point defined by Lat. 38°52.86'N and Long. 75°57.07'W;

(7) Elk River upstream of a line beginning at a point at or near Old Frenchtown Wharf defined by Lat. 39°34.56'N and Long. 75°50.55'W; then running approximately 279° True to a point at or near Scotland Point defined by Lat. 39°34.60'N and Long. 75°50.90'W;

(8) Gunpowder River upstream of a line beginning at a point defined by Lat. 39°23.13'N and Long. 76°22.11'W; then running approximately 50° True to a point at or near the base of the Amtrak rail defined by Lat. 39°23.51'N and Long. 76°20.67'W;

(9) Bird River, Gunpowder River tributary, upstream of a line beginning at a point defined by Lat. 39°22.94'N and Long. 76°23.83'W; then running approximately 10° True to a point defined by Lat. 39°22.98'N and Long. 76°23.77'W;

(10) Marshyhope Creek, Nanticoke River tributary, upstream of a line beginning at a point defined by Lat. 38°38.85'N and Long. 75°48.84'W; then running approximately 90° True to a point defined by Lat. 38°38.85'N and Long. 75°48.80'W;

(11) Northeast River upstream of a line beginning at a point defined by Lat. 39°35.25'N and Long. 75°57.72'W; then running approximately 110° True to a point defined by Lat. 39°35.05'N and Long. 75°56.99'W;

(12) Patuxent River upstream of a line beginning at a point at or near Jackson Landing defined by Lat. 38°46.46'N and Long. 76°42.70'W; then running approximately 45° True to a point defined by Lat. 38°46.48'N and Long. 76°42.68'W;

(13) Allen's Fresh, Potomac River tributary, upstream of a line beginning at a point defined by Lat. 38°23.14'N and Long. 76°55.42'W; then running approximately 20° True to a point defined by Lat. 38°23.20'N and Long. 76°55.40'W;

(14) Nanjemoy Creek, Potomac River tributary, upstream of a line beginning at a point defined by Lat. 38°26.63'N and Long. 77°07.19'W; then running approximately 90° True to a point defined by Lat. 38°26.78'N and Long. 77°06.32'W; and

(15) Sassafras River upstream of a line beginning at a point at or near the Route 213 bridge in Georgetown defined by Lat. 39°21.91'N and Long. 75°52.98'W; then running approximately 150° True to a point defined by Lat. 39°21.81'N and Long. 75°52.89'W.

.04 General Requirements.

A. Eggs. A person may not catch, attempt to catch, or possess yellow perch eggs from any State waters, except for a person who:

(1) Is working in cooperation with a scientific investigation of the Department;

(2) Is authorized by a scientific collection permit in accordance with Natural Resources Article, §4-212, Annotated Code of Maryland; or

(3) Catches yellow perch eggs and returns the eggs to the location where they were caught without landing.

B. Public Notice.

(1) The Secretary may:

(a) 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; or

(b) Open, close, or modify a commercial season in order to manage the quota by publishing notice on the Fisheries Service website at least 24 hours in advance, stating the effective hour and date.

(2) The Secretary shall make a reasonable effort to disseminate public notice through various other media so that an affected person has reasonable opportunity to be informed.

C. Penalties.

(1) Failure to comply with the reporting or tagging requirements of this chapter may result in immediate suspension of a yellow perch harvest permit, as follows:

(a) For a first offense, the period of suspension shall be 1 day;

(b) For a second offense, the period of suspension shall be 5 days; and

(c) For the third offense, the period of suspension shall be the remainder of the current season.

(2) In addition to the suspension under §C(1) of this regulation, a licensee with a third offense shall be ineligible to apply for a yellow perch harvest permit for the following season.

(3) Prior to suspending a permit under this chapter, the Department shall give the licensee notice of its intended action and an opportunity to appear at a hearing conducted in accordance with the contested case procedures set forth in State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 08.01.04.

(4) In addition to any other penalty, failure to submit a report as required by this chapter may result in license revocation under Natural Resources Article, §4-701, Annotated Code of Maryland.