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By: **Delegates Bozman, Conway, McClenahan, and Cane**

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Assigned to: Environmental Matters

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Committee Report: Favorable

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CHAPTER 101

1 AN ACT concerning

2 **Natural Resources - Fishery Management Plans - Chesapeake Bay and**  
3 **Coastal Bays**

4 FOR the purpose of authorizing the Department of Natural Resources to prepare  
5 fishery management plans for certain species that apply to the Chesapeake Bay  
6 and its tributaries, the coastal bays and their tributaries, and the Atlantic  
7 Ocean; prohibiting the Department from adopting certain regulations until the  
8 Department holds certain public hearings; and generally relating to fishery  
9 management plans.

10 BY repealing and reenacting, with amendments,  
11 Article - Natural Resources  
12 Section 4-215(b), (d), and (g)  
13 Annotated Code of Maryland  
14 (2000 Replacement Volume)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Natural Resources**

18 4-215.

19 (b) The Department shall prepare fishery management plans for the following  
20 species:

21 (1) Striped bass or rockfish;

- 1 (2) White perch;
- 2 (3) Yellow perch;
- 3 (4) American shad;
- 4 (5) Hickory shad;
- 5 (6) Oysters;
- 6 (7) Blue crabs;
- 7 (8) Bluefish;
- 8 (9) Herring;
- 9 (10) Weakfish;
- 10 (11) Croaker;
- 11 (12) Spot;
- 12 (13) Summer flounder;
- 13 (14) American eel
- 14 (15) Red drum;
- 15 (16) Black drum;
- 16 (17) Spotted sea trout;
- 17 (18) Horseshoe crabs;
- 18 (19) Menhaden;
- 19 (20) Tautog;
- 20 (21) Black sea bass; [and]
- 21 (22) Scup; AND
- 22 (23) HARD SHELL CLAMS.

23 (d) A fishery management plan MAY APPLY SEPARATELY OR JOINTLY TO THE  
24 WATERS OF THE CHESAPEAKE BAY AND ITS TIDAL TRIBUTARIES, THE COASTAL BAYS  
25 AND THEIR TRIBUTARIES, AND THE MARYLAND WATERS OF THE ATLANTIC OCEAN  
26 AND shall include:

- 27 (1) The best available estimates of sustainable harvest rates;

1 (2) Indicators that would trigger any tightening or loosening of harvest  
2 restrictions;

3 (3) A description of the fishery, including:

4 (i) The history of the fishery, and its current condition relative to  
5 historic populations;

6 (ii) The numbers of potential commercial and recreational  
7 fishermen projected to participate in the fishery;

8 (iii) The type and quantity of fishing gear used commercially;

9 (iv) Where practicable, the cost likely to be incurred in the  
10 management of the fishery; and

11 (v) The actual and potential revenues from the recreational and  
12 commercial fishery; and

13 (4) Other pertinent data that will assist the Secretary in determining  
14 conservation and management measures reasonably necessary to ensure that the  
15 fishery resources will be sustained.

16 (g) (1) (i) The Secretary shall adopt the proposed management plans and  
17 any proposed conservation and management measures by regulation.

18 (ii) The Secretary may adopt conservation and management  
19 measures in separate proceedings and by separate regulations. Conservation and  
20 management measures adopted separately may include changes to those proposed or  
21 adopted in a fishery management plan and any additional measures necessary to  
22 carry out the adopted plan.

23 (III) THE SECRETARY MAY NOT PROHIBIT THE USE OF POUND NET  
24 SITES IN THE COASTAL BAYS THAT ARE REGISTERED WITH THE DEPARTMENT AS OF  
25 JANUARY 1, 2000.

26 (2) THE REGULATIONS OF THE DEPARTMENT TO IMPLEMENT A  
27 FISHERIES MANAGEMENT PLAN FOR THE COASTAL BAYS MAY NOT BECOME  
28 EFFECTIVE UNDER THIS SECTION UNTIL THE DEPARTMENT FIRST HOLDS PUBLIC  
29 HEARINGS IN WORCESTER COUNTY.

30 (3) All notices of public hearings required for the adoption of regulations  
31 under this section shall be printed in the Maryland Register and further publicized so  
32 as to provide reasonable notice to the affected communities of fishermen and the  
33 public.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 October 1, 2001.

