Article - Natural Resources

§4–2A–05.

(a) Except with respect to species of fish determined to be endangered or threatened pursuant to the Endangered Species Act, the Secretary, upon the petition of an interested person, shall conduct a review of any listed or unlisted species proposed to be removed from or added to the lists published pursuant to § 4–2A–04(f) of this subtitle, if he makes and publishes a public notice that the person has presented substantial evidence which warrants a review.

(b) When any species of fish is listed as a threatened species pursuant to § 4–2A–04(f) of this subtitle, the Secretary shall adopt regulations necessary and advisable to provide for the conservation of the species. The Secretary, by regulation, shall prohibit with respect to any threatened species of fish any act prohibited under subsection (c).

(c) Except as provided in subsection (f) of this section, with respect to any endangered species of fish, no person may:

(1) Export the species from the State;

(2) Take the species within the State;

(3) Possess, process, sell, or offer for sale, deliver, carry, transport, or ship the species by any means; or

(4) Violate any regulation pertaining to the conservation of the species or to any threatened species of wildlife listed pursuant to this subsection and adopted by the Secretary pursuant to authority provided by this section.

(d) Except as provided in subsection (f) of this section, with respect to any endangered species of fish, no person may:

(1) Export the species from the State;

(2) Possess, process, sell, offer for sale, deliver, carry, transport, or ship the species by any means; or

(3) Violate any regulation pertaining to the species or to any threatened species of fish listed pursuant to § 4–2A–04(f) of this subtitle and adopted by the Secretary.

(e) If any endangered species of fish which enters the State from another state or from a point outside the territorial limits of the United States and which is being transported to a point within or beyond the State may be so entered and transported without restriction in accordance with the terms of any federal permit or permit issued under the laws or regulations of another state.

(f) (1) Subject to paragraph (2) of this subsection, the Secretary may issue a permit, under the terms and conditions he prescribes, to allow any act otherwise prohibited by subsections (c) and (d) of this section for scientific purposes, to enhance the propagation or survival of the affected species, and on or after January 1, 1990, for aquaculture involving the affected species in nontidal ponds, lakes, or impoundments.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, on or after June 1, 1989, the Secretary may issue a permit to allow the purchase of striped bass or striped bass hybrid from out–of–state sources for possession and raising in aquaculture operations in nontidal ponds, lakes, or impoundments in the State.