

SENATE BILL 313

Unofficial Copy
M2

2000 Regular Session
0lr1814
CF 0lr2339

By: **Senator Stoltzfus**
Introduced and read first time: February 1, 2000
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 22, 2000

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of requiring the Department of Natural Resources to prepare
5 fishery management plans that apply to the Chesapeake Bay and its
6 tributaries, the coastal bays and their tributaries, and the Atlantic Ocean;
7 ~~prohibiting the Department from adopting regulations until the Department~~
8 ~~holds public hearings providing that certain regulations may not take effect~~
9 until the Department holds a public hearing; requiring that, for certain
10 regulations, a public hearing be held in a certain location; and generally relating
11 to fishery management plans.

12 BY repealing and reenacting, with amendments,
13 Article - Natural Resources
14 Section 4-215(d) and (g)
15 Annotated Code of Maryland
16 (1997 Replacement Volume and 1999 Supplement)

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

19 **Article - Natural Resources**

20 4-215.

21 (d) A fishery management plan SHALL APPLY, SEPARATELY OR JOINTLY, TO
22 THE WATERS OF THE CHESAPEAKE BAY AND ITS TIDAL TRIBUTARIES, THE COASTAL

1 BAYS AND THEIR TRIBUTARIES, AND THE MARYLAND WATERS OF THE ATLANTIC
2 OCEAN AND shall include:

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

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

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

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

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

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

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

14 (v) The actual and potential revenues from the recreational and
15 commercial fishery; and

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

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

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

26 ~~(2) THE REGULATIONS OF THE DEPARTMENT MAY NOT BECOME~~
27 ~~EFFECTIVE UNDER THIS SECTION UNTIL THE DEPARTMENT FIRST HOLDS PUBLIC~~
28 ~~HEARINGS.~~

29 (2) (I) A REGULATION TO ADOPT OR IMPLEMENT A FISHERIES
30 MANAGEMENT PLAN FOR THE COASTAL BAYS OR THE MARYLAND WATERS OF THE
31 ATLANTIC OCEAN MAY NOT BECOME EFFECTIVE UNTIL THE DEPARTMENT HOLDS A
32 PUBLIC HEARING.

33 (II) FOR REGULATIONS AFFECTING THE COASTAL BAYS AND THE
34 MARYLAND WATERS OF THE ATLANTIC OCEAN, A PUBLIC HEARING SHALL BE HELD
35 ON THE LOWER EASTERN SHORE.

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2000.