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

Introduced and read first time: January 31, 2001

Assigned to: Environmental Matters

A BILL ENTITLED

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;
- 22 (2) White perch;
- 23 (3) Yellow perch;
- 24 (4) American shad;
- 25 (5) Hickory shad;

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

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

- 23 (1) The best available estimates of sustainable harvest rates;
- 24 (2) Indicators that would trigger any tightening or loosening of harvest
25 restrictions;
- 26 (3) A description of the fishery, including:
 - 27 (i) The history of the fishery, and its current condition relative to
28 historic populations;

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

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

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

6 (v) The actual and potential revenues from the recreational and
7 commercial fishery; and

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

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

13 (ii) The Secretary may adopt conservation and management
14 measures in separate proceedings and by separate regulations. Conservation and
15 management measures adopted separately may include changes to those proposed or
16 adopted in a fishery management plan and any additional measures necessary to
17 carry out the adopted plan.

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

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

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

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