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By: Senator Dyson

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Assigned to: Education, Health, and Environmental Affairs

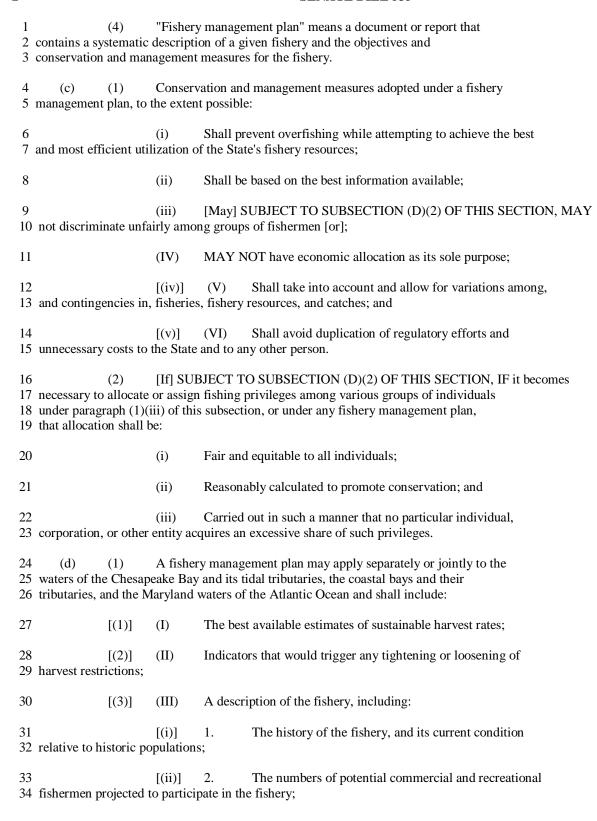
### A BILL ENTITLED

#### 1 AN ACT concerning

# 2 Natural Resources - Fishery Management Plans - Sport Fishing

- 3 FOR the purpose of prohibiting the Department of Natural Resources from adopting
- 4 a fishery management plan that prohibits a Chesapeake Bay sport fishing
- 5 licensee from fishing for finfish; providing for an exception if the Department
- 6 makes certain findings; requiring certain regulations adopted by the
- 7 Department to include certain criteria, establish a timetable for review, meet
- 8 certain standards, and contain a certain contingency; altering certain
- 9 requirements and authority of the Department that apply to the adoption of a
- fishery management plan; and generally relating to fishery management plans
- and Chesapeake Bay sport fishing licensees.
- 12 BY repealing and reenacting, without amendments,
- 13 Article Natural Resources
- 14 Section 4-215(a)(4)
- 15 Annotated Code of Maryland
- 16 (2000 Replacement Volume and 2002 Supplement)
- 17 BY repealing and reenacting, with amendments,
- 18 Article Natural Resources
- 19 Section 4-215(c), (d), and (e)
- 20 Annotated Code of Maryland
- 21 (2000 Replacement Volume and 2002 Supplement)
- 22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 23 MARYLAND, That the Laws of Maryland read as follows:
- 24 Article Natural Resources
- 25 4-215.
- 26 (a) In this section the following terms have the meanings indicated:

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1	[(iii)]	3.	The type and quantity of fishing gear used commercially;	
Where practicable, the cost likely to be incurred in the management of the fishery; and				
4 5 and commercial fish	[(v)] ery; and	5.	The actual and potential revenues from the recreational	
	6 [(4)] (IV) Other pertinent data that will assist the Secretary in 7 determining conservation and management measures reasonably necessary to ensure 8 that the fishery resources will be sustained.			
9 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS 10 PARAGRAPH, A FISHERY MANAGEMENT PLAN MAY NOT PROHIBIT A HOLDER OF A 11 CHESAPEAKE BAY SPORT FISHING LICENSE UNDER § 4-745 OF THIS TITLE FROM 12 FISHING FOR FINFISH IN THE CHESAPEAKE BAY OR IN ITS TRIBUTARIES UP TO 13 TIDAL BOUNDARIES.				
14 (II) A FISHERY MANAGEMENT PLAN MAY PROHIBIT A HOLDER OF A 15 CHESAPEAKE BAY SPORT FISHING LICENSE FROM FISHING FOR FINFISH IN THE 16 CHESAPEAKE BAY OR IN ITS TRIBUTARIES UP TO TIDAL BOUNDARIES IF THE 17 DEPARTMENT FINDS:				
18 19 A SPECIFIC CONS	SERVAT.	1. ION OR I	CLEAR EVIDENCE THAT SPORT FISHING IS THE CAUSE OF MANAGEMENT PROBLEM; AND	
	TO ADD	RESS TI	THAT OTHER CONSERVATION OR MANAGEMENT ESTRICTIONS, QUOTAS, OR SEASON CLOSURES, ARE HE CONSERVATION OR MANAGEMENT PROBLEM NFISH.	
24 25 SUBPARAGRAPH	(III) (II) OF T		LATIONS ESTABLISHING A CLOSED AREA UNDER RAGRAPH SHALL:	
26 27 ESTABLISH THE 0	CONSER	1. VATION	INCLUDE SPECIFIC MEASURABLE CRITERIA TO NOR MANAGEMENT BENEFITS OF THE CLOSED AREA;	
28 29 LEAST ONCE EVE	ERY 3 YI	2. EARS OF	ESTABLISH A TIMETABLE FOR PERIODIC REVIEW AT THE CONTINUED NEED FOR THE CLOSED AREA;	
30 31 REASONABLY NE	ECESSAI	3. RY, AS S	REQUIRE A CLOSED AREA THAT IS NO LARGER THAN IS SUPPORTED BY THE BEST AVAILABLE SCIENCE; AND	
32 33 RELEVANT CONS	SERVAT.	4. ION OR	PROVIDE FOR THE REOPENING OF A CLOSED AREA IF THE MANAGEMENT PROBLEM IS NO LONGER PRESENT.	
34 (e) [A] SUBJECT TO SUBSECTION (D)(2) OF THIS SECTION, A fishery 35 management plan may include:				

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- 1 (1) Proposed limitations on the catch of fish, based on area, species, size,
  2 number, weight, sex, incidental catch, total biomass, or other factors, which are
  3 necessary and appropriate for conservation and management of a fishery;

  4 (2) Incorporation of relevant fishery conservation and management
  5 measures proposed or adopted by interstate bodies of which Maryland is a member;
  6 and

  7 (3) Other proposed measures, requirements, or conditions and
- 8 restrictions which are necessary and appropriate for fishery management.
- 9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 10 June 1, 2003.