

HOUSE BILL 202

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M2

2004 Regular Session
4r1171
CF 4r0626

By: **Delegates Owings, Bohanan, Boutin, Cane, Cluster, Donoghue, Frush,
Harrison, Hennessy, Jameson, Jennings, McIntosh, Minnick, Mitchell,
O'Donnell, Rudolph, Sossi, Weir, and Wood**

Introduced and read first time: January 22, 2004
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 24, 2004

CHAPTER _____

1 AN ACT concerning

2 **Department of Natural Resources - Finfishing - Closure of State Waters**

3 FOR the purpose of ~~prohibiting~~ authorizing the Department of Natural Resources
4 ~~from completely closing to close~~ an area of State waters to all finfishing ~~unless~~
5 if the Department satisfies certain requirements; requiring the Department to
6 publicize in certain ways certain information regarding certain public hearings
7 and to make a certain report available at a certain time; requiring the
8 Department to prepare a certain report at certain times; ~~requiring the~~
9 ~~Department to reopen a certain area under a certain circumstance~~; providing for
10 the application of this Act; and generally relating to certain closures of State
11 waters to finfishing.

12 BY adding to
13 Article - Natural Resources
14 Section 4-215.1
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2003 Supplement)

17 Preamble

18 WHEREAS, The waters of Maryland are among the State's most renowned
19 resources; and

20 WHEREAS, Effective assessment, management, and planning in the
21 conservation of Maryland waters are vital tools in the protection of the aquatic
22 environment; and

1 WHEREAS, There are more than 700,000 Maryland recreational anglers, and
2 recreational fishing is the most popular outdoor sporting activity in the State; and

3 WHEREAS, Recreational fishing provides more than 11,000 jobs in the State in
4 the retail, wholesale, and manufacturing sectors, and its average annual total
5 economic output is estimated to surpass \$1.06 billion; and

6 WHEREAS, Commercial fishing contributes an additional estimated economic
7 output of \$100.4 million per year, and 7,600 licensed harvesters, 225 dealers, and
8 more than 2,000 processing jobs rely on the productivity of State waters for their
9 livelihoods; and

10 WHEREAS, These commercial fisheries supply hundreds of local and national
11 restaurants and retail seafood outlets with the high quality seafood for which
12 Maryland is world famous; and

13 WHEREAS, The conservation of the State's aquatic resources and fisheries is in
14 the best interests of all of Maryland's citizens, and the General Assembly regards
15 fishing in Maryland waters as critical to the State's economy and way of life; and

16 WHEREAS, The sports fishery and commercial fishery alike have historically
17 demonstrated sound conservation ethics by seeking and supporting effective fishery
18 management plans and by participating in voluntary research and educational
19 outreach programs; and

20 WHEREAS, The General Assembly desires to establish a process to govern the
21 complete closure of an area of State waters to all finfishing throughout the year; now,
22 therefore,

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

25 **Article - Natural Resources**

26 4-215.1.

27 (A) THE PROVISIONS OF THIS SECTION DO NOT APPLY IF:

28 (1) THE DEPARTMENT OF THE ENVIRONMENT HAS DETERMINED THAT
29 IT IS NECESSARY TO CLOSE AN AREA OF STATE WATERS TO FINFISHING FOR THE
30 PROTECTION OF THE PUBLIC HEALTH AND SAFETY;

31 (2) AN ABATEMENT OR A SUMMARY ABATEMENT OF A STATE OF
32 NUISANCE IS NECESSARY UNDER § 4-205.1 OF THIS SUBTITLE; OR

33 (3) THE DEPARTMENT CLOSES AN AREA OF STATE WATERS:

34 (I) FOR THE STOCKING OF COLDWATER TROUT; OR

1 (II) IN ORDER TO PROVIDE A SECURITY ZONE ADJACENT TO A
2 PRODUCTION HATCHERY.

3 (B) THE DEPARTMENT MAY ~~NOT~~ COMPLETELY CLOSE AN AREA OF STATE
4 WATERS TO ALL FINFISHING ~~UNLESS IF~~ THE DEPARTMENT:

5 (1) IN A WRITTEN REPORT MADE AVAILABLE TO THE GENERAL PUBLIC:

6 (I) ~~FINDS~~ MAKES A FINDING THAT THE CLOSURE IS NECESSARY,
7 AFTER DUE CONSIDERATION OF:

8 1. THE SCIENTIFIC BASIS FOR THE ~~FINDING~~ CLOSURE;

9 2. THE PURPOSE OF THE CLOSURE;

10 3. THE RATIONALE FOR THE SELECTION OF THE SPECIFIC
11 AREA TO BE CLOSED;

12 4. THE SUFFICIENCY OF THE AREA CLOSED TO GENERATE
13 THE BENEFITS PROJECTED; AND

14 5. THE LIKELIHOOD THAT THE SAME OBJECTIVE COULD BE
15 EFFECTIVELY ACCOMPLISHED THROUGH THE USE OF ALTERNATIVE MANAGEMENT
16 MEASURES; AND

17 (II) DEVELOPS PROTOCOLS AND A REPORTING TIMELINE TO
18 MONITOR AND EVALUATE THE EFFECTIVENESS OF THE CLOSURE; AND

19 (2) HOLDS AT LEAST ONE PUBLIC HEARING IN ACCORDANCE WITH THE
20 REQUIREMENTS UNDER SUBSECTION ~~(C)~~ (D) OF THIS SECTION.

21 (C) THE REPORTING TIMELINE REQUIRED UNDER SUBSECTION (B)(1)(II) OF
22 THIS SECTION SHALL PROVIDE FOR A WRITTEN REPORT AS OFTEN AS APPROPRIATE
23 UNDER THE CIRCUMSTANCES BUT AT LEAST AS OFTEN AS EVERY 3 YEARS FROM THE
24 DATE OF CLOSURE.

25 ~~(C)~~ (D) (1) FOR 2 SUCCESSIVE WEEKS IN ADVANCE OF A PUBLIC HEARING
26 REQUIRED UNDER SUBSECTION (B)(2) OF THIS SECTION, THE DEPARTMENT SHALL:

27 (I) POST A NOTICE OF THE DATE, TIME, PLACE, AND PURPOSE OF
28 THE HEARING IN A PROMINENT POSITION ON THE DEPARTMENT'S OFFICIAL
29 INTERNET WEBSITE; AND

30 (II) ADVERTISE THE DATE, TIME, PLACE, AND PURPOSE OF THE
31 HEARING IN AT LEAST:

32 1. ONE NEWSPAPER OF GENERAL DAILY CIRCULATION IN
33 THE STATE; AND

