

SENATE BILL 702

M2

7lr2164

By: **Senator Dyson**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Yellow Perch – Harvest Restrictions**

3 FOR the purpose of prohibiting a person from installing, setting, operating, or
4 maintaining in certain tributaries of the Chesapeake Bay at certain times
5 certain fishing gear capable of catching yellow perch; establishing a certain
6 exception to the prohibition; establishing a certain exception to the authority of
7 the Department of Natural Resources to regulate a certain fishery resource
8 exclusively through the adoption of a fishery management plan; requiring the
9 Department, in consultation with certain stakeholders, to report annually to the
10 General Assembly on the environmental and economic impact of certain harvest
11 restrictions on or before a certain date; requiring the Department in
12 consultation with certain stakeholders, to prepare and submit to certain
13 committees of the General Assembly a certain report related to fisheries on or
14 before a certain date; and generally relating to fishery management in the
15 State.

16 BY repealing and reenacting, with amendments,
17 Article – Natural Resources
18 Section 4–215(h)
19 Annotated Code of Maryland
20 (2005 Replacement Volume and 2006 Supplement)

21 BY adding to
22 Article – Natural Resources
23 Section 4–710(j)
24 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2005 Replacement Volume and 2006 Supplement)

Preamble

WHEREAS, There is an immediate need to conserve the dwindling stock of yellow perch in the Chesapeake Bay and its tributaries for the purpose of sustaining the yellow perch population in the future and ensuring the continued economic viability of the yellow perch commercial fishery; and

WHEREAS, Maryland's angling community is concerned about the State's regulatory efforts to manage this coveted fishery because of questionable science-based policies that allow the commercial harvesting of yellow perch: (1) as the perch attempt to reach their ancestral spawning grounds; (2) at rates and with nets absent any appropriate limits; and (3) within tributaries previously restocked for yellow perch propagation purposes; and

WHEREAS, Markets for yellow perch harvested in Maryland are primarily located out of State; and

WHEREAS, The commercial harvest of yellow perch comprises 95% of the annual catch in Maryland and, under existing regulatory policies, is therefore the most measurable threat to the future sustainability of the yellow perch fishery; now, therefore,

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

Article – Natural Resources

4–215.

(h) Notwithstanding any other provision of this title **BUT EXCEPT AS PROVIDED IN § 4–710(H) OF THIS TITLE**, once a fishery management plan has been adopted by regulation, the State's fishery resources shall be harvested in accordance with the conservation and management measures in the fishery management plan and any regulations implementing or amending that plan.

4–710.

(J) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT INSTALL, SET, OPERATE, OR MAINTAIN IN A TIDAL OR NONTIDAL TRIBUTARY OF THE CHESAPEAKE BAY FROM JANUARY 1

1 **THROUGH MARCH 20, INCLUSIVE, OF ANY YEAR ANY ENTRAPMENT GEAR,**
2 **ENTANGLEMENT GEAR, OR NET CAPABLE OF CATCHING YELLOW PERCH.**

3 **(2) A PERSON MAY USE THE FOLLOWING FISHING GEAR FOR**
4 **HARVESTING BAIT IN THE TIDAL AND NONTIDAL TRIBUTARIES OF THE**
5 **CHESAPEAKE BAY FROM JANUARY 1 THROUGH MARCH 20, INCLUSIVE, OF ANY**
6 **YEAR:**

7 **(I) A HAND OPERATED DIP NET;**

8 **(II) A CAST OR THROW NET;**

9 **(III) A MINNOW TRAP THAT HAS A MAXIMUM OPENING**
10 **DIAMETER OF 1 INCH;**

11 **(IV) A MINNOW SEINE; OR**

12 **(V) AN EEL POT THAT HAS A MAXIMUM OPENING DIAMETER**
13 **OF 1.5 INCHES.**

14 **(3) THE DEPARTMENT, IN CONSULTATION WITH INTERESTED**
15 **STAKEHOLDERS, SHALL REPORT TO THE GENERAL ASSEMBLY IN ACCORDANCE**
16 **WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE ON OR BEFORE**
17 **DECEMBER 31, 2008, AND EACH YEAR THEREAFTER ON THE ENVIRONMENTAL**
18 **AND ECONOMIC IMPACT OF THE HARVEST RESTRICTIONS FOR YELLOW PERCH**
19 **UNDER THIS SECTION, FOR THE PURPOSE OF DETERMINING THE CONDITIONS**
20 **OR CIRCUMSTANCES UNDER WHICH THE YELLOW PERCH RESTRICTIONS MAY BE**
21 **REPEALED.**

22 **SECTION 2. AND BE IT FURTHER ENACTED,** That the Department of
23 Natural Resources, in consultation with interested stakeholders, shall:

24 **(1) analyze and develop findings regarding new funding mechanisms**
25 **to help:**

26 **(i) underwrite the cost to the Department of researching,**
27 **developing, managing, and enforcing the fishery policies of the State; and**

28 **(ii) promote the economic interests of the State's commercial**
29 **fishing industry; and**

1 (2) report the findings, in accordance with § 2-1246 of the State
2 Government Article, to the House Environmental Matters Committee and the Senate
3 Education, Health, and Environmental Affairs Committee on or before November 1,
4 2007.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 June 1, 2007.