

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

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

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

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

Article - Natural Resources

4-215.1.

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

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

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

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

(I) FOR THE STOCKING OF COLDWATER TROUT; OR

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

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

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

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

1. THE SCIENTIFIC BASIS FOR THE ~~FINDING~~ CLOSURE;
2. THE PURPOSE OF THE CLOSURE;
3. THE RATIONALE FOR THE SELECTION OF THE SPECIFIC AREA TO BE CLOSED;
4. THE SUFFICIENCY OF THE AREA CLOSED TO GENERATE THE BENEFITS PROJECTED; AND