

Approved April 9, 1991.

CHAPTER 53

(Senate Bill 121)

AN ACT concerning

Fish Ladders on Dams – Injunctive Relief

FOR the purpose of authorizing a circuit court, on application by the Department of Natural Resources, to enjoin certain persons who fail to construct or maintain a fish ladder on certain dams; and generally relating to the enforcement of laws relating to the construction and maintenance of fish passage facilities.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4-502

Annotated Code of Maryland

(1989 Replacement Volume and 1990 Supplement)

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

Article – Natural Resources

4-502.

(a) Every owner of a dam on waters of the State shall construct on the dam and keep repaired at least one fish ladder if the Department deems it necessary for ascending and descending of fish. Every fish ladder shall be constructed to allow anadromous fish free course up and down the waters at all times.

(b) Any person intending to construct a dam on waters of the State shall file an application with the Department. Each application shall contain sufficient information to enable the Department to determine the necessity for constructing a fish ladder. The Department shall advise the applicant of its determination.

(c) The Department and any other unit having jurisdiction shall approve the construction plan before the dam is constructed.

(d) If the owner, operator, or lessee of a dam entered into an agreement prior to July 1, 1955, to pay the State an annual periodic sum of money instead of being required to erect a fish ladder or instead of being required to construct and maintain any fish way or fish ladder pursuant to the provisions contained in any charter previously granted to any corporation by any special or general State law, the provisions of the charter or agreement remain in effect. The amount of money paid to the State during each year may not be less than four and one-half percent of the estimated cost to erect the fish ladder, but not to exceed \$4,000 annually. Any money paid to the Department shall be used to