

(i) Unless the total number issued for that type of activity is less than the number of authorizations which the Department determines is appropriate for the resource and consistent with fishery management plans adopted under § 4-215 of this title; and

(ii) Until it has adopted regulations stating the number of people who may be authorized to engage in each fishing activity.

(2) The Department may issue an authorization for any activity under subsection (d)(2)(ii)1 or 2 of this section to a person who has resided for at least 5 years on an island in the State that is at least 3 miles from the mainland.

(3) In determining the number of people who may be authorized to participate in each activity, the Department shall consider:

(i) Recommendations of the Tidal Fisheries Advisory Commission;

(ii) Recommendations of fishery management plans adopted by the Department, the Chesapeake Bay Program, the Atlantic States Marine Fisheries Commission, the Mid-Atlantic Fisheries Management Council, or any other appropriate management body;

(iii) The number of people historically participating; and

(iv) Target species, size, number, weight, incidental catch, total biomass, annual harvest, mortality rates, and other factors which are necessary and appropriate.

(4) (i) The Department shall by regulation limit the total number of authorizations to fish for striped bass under any commercial license to the number of persons who, based on the best information available to the Department, were authorized to fish for striped bass between September 1, 1993 and April 1, 1994.

(ii) The Department shall provide in its regulations for reallocation of any authorizations that may be revoked or voluntarily relinquished to the Department.

(III) THE DEPARTMENT SHALL PROVIDE IN ITS REGULATIONS FOR THE ALLOCATION OF ANY AVAILABLE QUOTA ON A MONTHLY BASIS TO ASSURE THAT ALL AREAS OF THE STATE HAVE AMPLE OPPORTUNITY TO ATTAIN AN EQUITABLE PORTION OF THE AVAILABLE QUOTA.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1998.

Approved May 21, 1998.