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## **Potomac and North Branch Fisheries Enforcement Issue**

### **PROBLEM**

Natural Resources Police (NRP) is having difficulty enforcing fishing rules on the Potomac River and North Branch of the Potomac because anglers know that Maryland jurisdiction only extends to the low-water mark of the south bank (West Virginia side). In some areas such as the Barnum below Jennings Randolph dam the only access is from the West Virginia shore. Most anglers fish from above the low water mark and therefore are on West Virginia soil. NRP cannot enforce regulations in West Virginia. In addition anglers below the low water mark who see NRP coming may seek “refuge” on the shores of West Virginia. NRP cannot pursue or investigate a potential fishing violation when the angler is in West Virginia jurisdiction.

### **BACKGROUND**

Maryland has a license reciprocity agreement with WV. The agreement also states that West Virginia is the authority to enforce rules and regulations in their jurisdiction. The Attorney Generals office advised that modifying this Agreement language would NOT be sufficient to provide NRP enforcement authority in the jurisdiction of West Virginia.

The enforcement provisions of the current agreement just solidifies existing jurisdictional enforcement boundaries – that Maryland laws apply in the waters and on the Maryland shore, and West Virginia laws apply on the West Virginia shore. West Virginia has the authority to enforce Maryland’s rules on the West Virginia shore. However their agency is severely understaffed and cannot effectively patrol areas of the Potomac and North Branch of the Potomac. The statutory authority for the agreement is set out in Natural Resources Article §4-606(b), which authorizes a reciprocal agreement between the states to validate that the fishing license of one of the two states is sufficient to fish these waters. It doesn’t speak to enforcement at all or authorize any extension of enforcement powers beyond existing state boundaries, and the current agreement doesn’t extend either state’s enforcement jurisdiction beyond their state jurisdiction.

NRP has the authority in the portion of the Potomac shared with Virginia to pursue and make arrests or violations of Maryland laws, but only because they have specific enabling legislation. (NR 1-210).

### **RECOMMENDATION**

The Department would like feedback and advice from the Commission regarding this enforcement issue? Would the Commission support legislation to allow NRP to investigate a MD violation in West Virginia and/or pursue a violator into West Virginia? In addition, West Virginia enforcement would be granted this authority in Maryland. Reciprocal legislation would be needed in West Virginia and NRP would coordinate with their counterparts in West Virginia. The license reciprocity agreement would also need to be updated to reflect this extended enforcement jurisdiction.