



MURIEL BOWSER
MAYOR

SEP 21 2015

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Ave., Suite 402
Washington, D.C. 20004

Dear Chairman Mendelson:

Today, I am transmitting the *Fisheries and Wildlife Omnibus Amendment Act of 2015* for consideration by the Council of the District of Columbia. This ambitious legislation will supplement and amend the District's authority to manage and protect the precious natural resources of the District of Columbia.

The *Fisheries and Wildlife Omnibus Amendment Act of 2015* contains three titles that will advance a healthier natural environment.

Natural Resources Education

Title I, the Natural Resources Education title, provides opportunities to recognize, commemorate, and increase exposure to the natural resources of the District of Columbia.

- Subtitle A will designate the American shad as the State Fish of the District of Columbia.
- Subtitle B will designate the Hay's Spring amphipod as the State Amphipod of the District of Columbia.
- Subtitle C will fully authorize the Aquatic Resources Education Center to enable more District youth in all eight Wards to access educational opportunities near our waterbodies.

Natural Resources Conservation

Title II, the Natural Resources Conservation title, clarifies and expands the tools available to the District to protect waterbodies and wildlife in the District.

- Subtitle A will designate the Director of the Department of Energy and Environment as the Natural Resources Trustee for the District, providing the opportunity to cooperate with our Federal Partners and clarify the responsibility for the District's natural resources.
- Subtitle B will prohibit the sale of products that contain Plastic Microbeads which become dangerous pollutants in the District's waterways, causing hazards to fish, amphibians, and humans.

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MAYOR

- Subtitle C will establish an interagency unit, the Conservation Officer Corps, tasked with protecting the natural resources of the District.
- Subtitle D provides additional authority to manage invasive wildlife such as snakeheads and blue catfish through authorized control techniques and expanded allowable gear types.

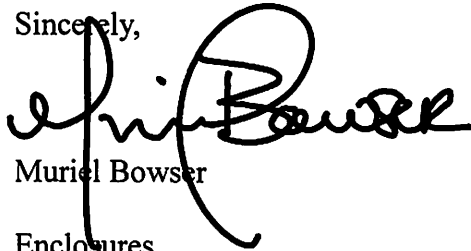
Watersport Promotion

Title III, the Watersport Promotion title, clarifies and authorizes the District's authority to encourage safe enjoyment of the District's aquatic resources.

- Subtitle A authorizes the Mayor to sell fishing licenses and fishing license endorsements to allow for specialized fishing activities and allows the Mayor to authorize private vendors to conduct sales on behalf of the District
- Subtitle B authorizes the Mayor to address the environmental hazard of abandoned vessels that can leak hazardous materials into our waterbodies.
- Subtitle C authorizes the Mayor to license and set standards for Marinas to ensure they adhere to practices that protect our waterbodies.


I urge the Council's prompt approval of this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser", written over the printed name.

Muriel Bowser

Enclosures


Chairman Philip Mendelson
at the request of the Mayor

A BILL

THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following bill, which was referred to the Committee on _____.

To protect the aquatic and environmental assets of the District of Columbia, to designate an official fish of the District of Columbia, to designate an official amphipod of the District of Columbia, to establish an Aquatic Resources Education Program, to prescribe the administration of the Aquatic Resources Education Program, to provide wildlife management authority, to allow certain invasive wildlife control techniques, to allow the donation of captured species consistent with health restrictions, to assent to certain related federal laws, to authorize the use of certain gear types, to authorize a fish consumption advisory, to provide authority for the promulgation of rules to implement the title, to provide inspection authority and right of entry to the Mayor, to make each day of violation of the title a separate violation, to provide for civil administrative enforcement of the title and the programs established under the title, to provide for criminal enforcement of the title, to provide for criminal enforcement when a person knowingly makes a false statement, to provide for other sanctions under the title, to allow for administrative orders under the title, to describe the process for administrative appeals under the title, to authorize watersport licensure, to authorize watersport licensure endorsements for additional unique activities, to authorize properly delegated private entities to sell watersport licenses and watersport licensure endorsements, to provide for the denial, revocation, or suspension of a private entity's authority to sell watersport licenses, to authorize emergency revocation of a private entity's authority to sell watersport licenses, to provide procedures for the voluntary surrender of a private entity's authority to sell watersport licenses, to prohibit abandonment of watercraft, to provide for the seizure, removal, and transfer of custody of an abandoned watercraft, to provide for the removal of abandoned watercraft from marinas, to provide for the acquisition of title of an abandoned watercraft, to authorize the establishment of commercial marinas, to require licensure of commercial marinas, to prohibit operation of a marina without a license, to provide authority for the promulgation of rules to implement the title, to provide inspection authority and right of entry to the Mayor, to require the disclosure and provisioning of certain water quality-related information, to provide for civil, criminal, and administrative enforcement of the title and the programs established under the title, to authorize the Mayor to issue cease and desist orders and compliance orders, to provide for administrative appeal rights, to prohibit the sale of products containing plastic microbeads, to provide authority for the promulgation of rules

45 to implement the title, to provide inspection authority and right of entry to the Mayor, to
46 require the disclosure and provisioning of certain water quality-related information, to
47 provide for civil, criminal, and administrative enforcement of the title and the programs
48 established under the title, to authorize the Mayor to issue cease and desist orders and
49 compliance orders, to provide for administrative appeal rights, to establish a Fishing
50 License Fund, to establish a Boating and Marina Fund, to repeal provisions of An Act to
51 Modernize the fish and game laws of the District of Columbia, and for other purposes, to
52 amend the Water Pollution Control Act of 1984, and to amend An act making an
53 appropriation to provide transportation to their homes for veterans of the World War
54 temporarily quartered in the District of Columbia.

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56
57 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
58 act may be cited as the “Fisheries and Wildlife Omnibus Amendment Act of 2015”.

59 **TITLE I. NATURAL RESOURCES EDUCATION.**

60 **SUBTITLE A. DESIGNATING AN OFFICIAL FISH OF THE DISTRICT OF**
61 **COLUMBIA.**

62 Sec. 101. American shad background.

63 (a) The American shad (*Alosa sapidissima*) is an anadromous species of game fish native
64 to the eastern United States and Canada. Spending much of their lives at sea, American shad
65 leave the ocean to find river systems, and swim or “run” upstream into freshwater environments
66 to spawn in their birthplace, including the Potomac River.

67 (b) Once abundant in the Potomac River watershed, and considered the most important
68 commercial fish in the United States, for decades the American shad has experienced species-
69 threatening declines throughout the entirety of its native range. A combination of factors such as
70 overfishing, degraded water quality, the recovery of shad predator species, the closing of historic
71 shad spawning waters, and the building of dams for hydroelectric power have contributed to
72 these massive declines.

(c) Beginning in 2005, in response to shad population declines, the District and others undertook restoration activities including education, reopening fish passages, manual spawning, chemical marking, stocking, identification, and other efforts. Since beginning restoration efforts, more than 10 miles of closed spawning surface waters have been opened, and more than 10 million shad hatchlings have been manually spawned and released.

(d) In 2011, the Potomac River Fisheries Commission reported that American shad population targets for the Potomac River established by the Atlantic States Marine Fisheries Commission have been met, deeming the American shad population for the Potomac River recovered. In furtherance of this accomplishment, the District will continue its restoration efforts to ensure the future of the species by increasing annual shad production.

Sec. 102. State fish designation.

The American shad (*Alosa sapidissima*) is hereby designated as the official fish of the District of Columbia.

SUBTITLE B. DESIGNATING AN OFFICIAL AMPHIPOD OF THE DISTRICT OF COLUMBIA.

Sec. 111. Hay's Spring amphipod background.

(a) The Hay's Spring amphipod (*Stygobromus hayi*) is a rare species of crustacean that is native to the District and occurs in only a few springs within the Rock Creek watershed.

(b) Spending most of its life underground, the Hay's Spring amphipod lives in groundwater seeps.

(c) The amphipod measures 5-10 millimeters in length and is colorless and blind because it lives underground.

(d) The species is highly sensitive to groundwater contaminants and is therefore a strong indicator of the health of the District’s natural ecosystems, especially Rock Creek and Rock Creek Park.

Sec. 112. The Hay’s Spring amphipod (*Stygobromus hayi*) is hereby designated as the official amphipod of the District of Columbia.

SUBTITLE C. AQUATIC RESOURCES EDUCATION PROGRAM.

Sec. 121. Aquatic Resources Education Program establishment.

The District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Code § 8-151.06) is amended by inserting a new section 6a to read as follows:

“Sec. 106a. Aquatic Resources Education Program.

“(a) The Director may establish within the Department the Aquatic Resources Education Program, to provide outreach and experiential learning activities to District residents regarding the conservation and understanding of aquatic life.

“(b) The Department may charge District residents a fee for their participation in any educational activities carried out pursuant to this section.

“(c) Subject to the availability of funds, the Department may subsidize the participation of children and youth, as defined in regulations, in any educational activities carried out pursuant to this section.”

TITLE II. NATURAL RESOURCES CONSERVATION.

SUBTITLE A. DEFINITIONS.

Sec. 201. Definitions.

For the purposes of this title, the term:

- (1) "Director" means the Director of the Department.
- (2) "District" means the District of Columbia.
- (3) "Department" means the Department of Energy and Environment.
- (4) "Ecosystem" means the complex of a community of organisms and its environment.
- (5) "Exotic" means not native to the mid-Atlantic ecosystem.
- (6) "Free-roaming" means living independently of human ownership or stewardship.
- (7) "Introduction" means the intentional or unintentional escape, release, dissemination, or placement of a species into an ecosystem as a result of human activity.
- (8) "Invasive" means a species:
- (a) That is exotic; and
 - (b) Whose introduction causes or is likely to cause harm to the economy or the environment, such as by crowding out or otherwise harming native species.
- (9) "Mid-Atlantic" means the states of New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, and the District.
- (10) "Native" means a species that occurs naturally within the mid-Atlantic ecosystem, either evolving there or arriving and becoming established without human assistance.
- (11) "Species" means a group of organisms that have a high degree of physical and genetic similarity, generally interbreed only among themselves, and show persistent differences from other groups of organisms.
- (12) "Wildlife" means a free-roaming mammal, bird, fish, amphibian, invertebrate, and reptile not ordinarily domesticated.

SUBTITLE B. WILDLIFE MANAGEMENT AND INVASIVE SPECIES

CONTROL AUTHORITY.

141 Sec. 211. General authority.

142 The Mayor is authorized through rulemaking to restrict, prohibit, regulate, and control the
143 sale, possession, exhibition, hunting, fishing, and the taking of wildlife in the District.

144 Sec. 212. Authorized control techniques.

145 (a) The Mayor may issue rules and develop programs related to the control of invasive
146 plant and animal species, including the selection of entities permitted to employ commercial
147 scale fishing techniques.

148 (b) Any rules issued pursuant to subsection (a) shall permit actions to control invasive
149 species consistent with the conservation of natural resources and the protection of public health
150 and safety.

151 Sec. 213. Disposition.

152 The Mayor is authorized to donate or sell the product of any control technique authorized
153 under section 212, consistent with any fish consumption limits promulgated under section 216.

154 Sec. 214. Assent provision.

155 The District assents to the provisions of the Dingell–Johnson Sport Fish Restoration Act,
156 approved August 9, 1950 (64 Stat. 430; 16 U.S.C. §§ 777–777n), the Pittman–Robertson
157 Wildlife Restoration Act, approved September 2, 1937 (50 Stat. 917; 16 U.S.C. §§ 669–669k),
158 and 18 U.S.C. § 701, including a prohibition against the diversion of fishing license fees paid by
159 sport fishermen for any purpose other than the administration of the District's fish and wildlife
160 agency.

161 Sec. 215. Allowable gear types.

162 (a) The Mayor through rulemaking may restrict the use of implements used for the
163 killing, ensnaring, trapping, or capture of any fish.

(b) The Mayor may issue licenses to use the items restricted according to the rules issued pursuant to subsection (a).

(c) A license issued pursuant to subsection (b) must be in the licensee's possession when carrying or using the restricted implement.

Sec. 216. Fish consumption advisory.

The Mayor may publish, based on scientific analysis of the composition of fish tissue and other scientific indicators, an advisory on the safest means of consuming fish captured in the District's waterways and any recommended consumption limits.

SUBTITLE C. RULES, FEES, FINES, ENFORCEMENT, AND APPEALS.

Sec. 221. Rules; fees.

(a) The Mayor, pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may promulgate regulations to implement the provisions of this title.

(b) The Mayor may, by regulation, establish civil penalties or fines to enforce the provisions of this act and the regulations issued pursuant to this title.

(c) The Mayor may, by regulation, establish fees applicable to this act and the regulations issued pursuant to this act, including fees for licenses and other fees necessary to support the purposes of this title.

(d) The Mayor may, by regulation, require reimbursement of costs for services including, inspections, sample collection, document review, or other reasonable costs or fees.

Sec. 222. Inspection; right of entry.

(a) Upon the presentation of appropriate credentials to the owner, agent in charge, or tenant, the Mayor may, subject to subsection (c) of this section, enter any property or inspect an

activity reasonably believed to be subject to this act to determine compliance with this act or a regulation promulgated pursuant to this act. The right of entry shall be for the following purposes:

(1) Inspection, including the right to inspect and copy records related to compliance with this act and regulations promulgated pursuant to this act;

(2) Observation;

(3) Measurement;

(4) Sampling;

(5) Testing; and

(6) Evidence collection.

(b) If the Mayor has reason to believe that there has been a violation of this title or of the rules issued pursuant to this title, the Mayor may:

(1) Investigate and take testimony under oath regarding any report of noncompliance with a federal or District law or regulation applicable to water quality or natural resources conservation;

(2) Require a person or entity subject to this title or a regulation promulgated pursuant to this title, or who the Mayor reasonably believes may have information necessary to carry out the purposes of this title, on a one-time, periodic, or continuous basis to:

(A) Establish, maintain, and submit records and reports;

(B) Install, use, and maintain monitoring equipment, and use audit procedures, or methods;

(C) Collect samples in accordance with such procedures or methods, at such locations, at such intervals, during such periods and in such manner as the Mayor shall prescribe;

(D) Keep records as appropriate;

(E) Submit compliance certifications; and

(F) Provide other information as the Mayor may require.

(c) If the Mayor is denied access to enter or inspect in accordance with this section, any inspection or search shall be conducted consistent with the requirements of the Fourth Amendment to the United States Constitution.

Sec. 223. Violations.

Each day of a violation of, or failure to comply with, this title, or a regulation promulgated pursuant to this title, shall constitute a separate offense, and the penalties set forth in sections 224, 225, 226, and 227 shall be applicable to each separate offense.

Sec. 224. Civil penalties.

(a) A person who violates this title or a regulation promulgated pursuant to this title shall be civilly liable and shall be subject to a civil penalty of not more than \$37,500 per day per offense. The Mayor may adjust this civil penalty by rulemaking to account for inflation.

(b) The Mayor may impose civil infraction penalties, fines, and fees as alternative sanctions for any violation of this title or a regulation promulgated pursuant to this title, pursuant to the procedures of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 et seq.).

Sec. 225. Criminal penalties.

A person who willfully or recklessly violates a regulation promulgated pursuant to section 211 shall be guilty of a criminal misdemeanor and, upon conviction, shall be subject to a fine not to exceed \$25,000 per offense per day, imprisonment not to exceed one year, or both. The fines set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, approved June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01).

Sec. 226. False statements.

A person who knowingly makes a false statement in an application, record, report, plan, or other document submitted or maintained under this title shall be guilty of a misdemeanor, and subject to a fine not to exceed \$10,000, imprisonment not to exceed 6 months, or both. The fines set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2011, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01).

Sec. 227. Other sanctions.

In addition to, or in lieu of, a civil or criminal penalty or fee:

(a) The Mayor may modify, suspend, revoke, or deny a permit or license issued under this Title for failure to comply with this title or a regulation promulgated pursuant to this title, after notice and opportunity for a hearing pursuant to section 229;

(b) The Attorney General for the District of Columbia may commence appropriate civil action in the Superior Court of the District of Columbia or any other court of competent jurisdiction for damages, cost recovery, reasonable attorney and expert witness fees, and injunctive or other appropriate relief to enforce compliance with this title or the regulations adopted pursuant to this title.

253 Sec. 228. Orders.

254 (a) If the Mayor determines that a hazardous condition exists that may endanger the
255 health or safety of the residents or property, or the environment in the District due to a person's
256 noncompliance with this title or a regulation promulgated pursuant to this title, the Mayor may
257 issue a cease and desist order requiring the person to cease operations immediately or to
258 otherwise cease noncompliance with this title or a regulation promulgated pursuant to this title.

259 (b) If the Mayor has reason to believe that there has been a violation of this title or a
260 regulation promulgated pursuant to this title, the Mayor may issue a compliance order requiring a
261 violator to take action to come into compliance with this title or a regulation promulgated
262 pursuant to this title and to take such measures as may be necessary to remedy a hazardous
263 condition.

264 Sec. 229. Administrative appeals.

265 (a) A person aggrieved by an action of the Mayor taken pursuant to this title or the
266 regulations promulgated pursuant to this title, may appeal the action of the Mayor to the Office
267 of Administrative Hearings, pursuant to section 6(a) of the Office of Administrative Hearings
268 Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-
269 1831.03(a)). The Office of Administrative Hearings shall provide a de novo hearing and shall
270 determine whether the Mayor's action was legally proper.

271 (b) A person may object to an order by requesting a hearing within fifteen (15) calendar
272 days of service, or twenty (20) calendar days if service is made by United States mail.

273 (c) A person subject to an order issued pursuant to section 228 shall comply with the
274 order pending appeal.

275 **TITLE III. WATERSPORT PROMOTION.**

SUBTITLE A. DEFINITIONS.

Sec. 301. Definitions.

For the purposes of this title, the term:

(1) “Abandoned vessel” means:

(A) A vessel left illegally or that remains without permission for more than 30 days on public property, including public marinas, docks, or boatyards;

(B) A vessel left at the following locations for more than 90 days without the consent of the owner or person in control of the property:

(i) A private marina or property operated by a private marina; or

(ii) A private boatyard or property operated by a private boatyard;

(C) A vessel left at the following locations for more than 30 days without the consent of the owner or person in control of the property:

(i) A private dock; or

(ii) At or near water’s edge on private property;

(D) A vessel left a on private property other than the private property described in subparagraphs (B) and (C) of this paragraph for more than 180 days without the consent of the owner or person in control of the property; or

(E) A vessel that is adrift or unattended in or upon the waters of the District and is in a condition of disrepair as to constitute a hazard or obstruction to the use of the waters of the District or presents a potential health or environmental hazard.

(2) “Covered establishment” means a business, nonprofit enterprise or nonprofit institution that does not have as its primary business the sale of licenses for recreational fishing in the waterways of the District.

(3) "District" means the District of Columbia.

(4) "Recreational fishing" means the non-commercial taking or attempted taking of finfish for personal or family use, sport, or pleasure, and which are not sold, traded, or bartered.

(5) "Substantial change in ownership" means a transfer of 10% or more in the equity of or financial interest in an establishment.

(6) "Vessel" means a craft of any size used for traveling on water.

SUBTITLE B. WATERSPORT LICENSURE.

Sec. 311. Watersport licensure authorization.

(a) The Mayor shall issue licenses for recreational fishing in the waterways of the District.

(b) The Mayor may prescribe the methods, times, and locations covered by a license for recreational fishing in the waterways of the District.

(c) The Mayor may authorize a covered establishment to issue licenses for recreational fishing in the waterways of the District, subject to the requirements in section 313.

(d) No person shall hunt, fish, capture, intentionally harm or attempt to hunt, fish, capture, or intentionally harm fish except while in physical possession of a license issued by the Mayor or by a covered establishment authorized to issue licenses under section 313.

(e) Any person bearing a license issued under this subtitle shall present such license upon a lawful demand from duly authorized enforcement personnel.

Sec. 312. License endorsement authorization.

(a) The Mayor may issue license endorsements for unique recreational fishing activities and events.

(b) An endorsement does not confer any right on the recipient and any permission granted thereunder and may be revoked to the extent necessary to protect aquatic life or public safety.

Sec. 313. Watersport licensure by private entities.

(a) The Mayor may authorize a covered establishment that meets the requirements of this section to sell recreational fishing licenses and licensure endorsements in the waterways of the District; provided that the covered establishment:

(1) Operates a lawful establishment in the District that is open to the public and maintains regular business hours;

(2) Demonstrates the ability to efficiently maintain an operation to sell of licenses for recreational fishing in the waterways of the District;

(3) Demonstrates financial stability and responsibility;

(4) Provides a physically secure and readily accessible location in an area where the public may obtain a license; and

(5) Employs sufficient personnel to accommodate license purchasers efficiently.

(b) In determining whether the applicant meets the requirements set forth in section 313(a), the Mayor may consider business performance records, business practices, financial resources, record of indebtedness, and other factors relating to financial reliability of the applicant including:

(1) The location at which the applicant intends to sell licenses;

(2) The number of customers who frequent the location;

(3) The volume of sales at the location;

(4) The days and hours of operation;

(5) The accessibility of the location;

344 (6) The proximity to other agents; and

345 (7) Other relevant factors as established by the Mayor.

346 (c) Any covered establishment authorized under section 313(a) shall:

347 (1) Accurately and promptly report transactions and sales as required by the

348 Mayor;

349 (2) Make all financial settlements and payments promptly; and

350 (3) Hold in trust all monies received from the sale of fishing licenses, less the

351 amount of compensation to the covered establishment, until such monies are transferred to the

352 Mayor.

353 (d) Each applicant for an original authorization to sell licenses shall:

354 (1) File a completed application on a form provided by the Mayor;

355 (2) Be an owner, partner, director, or officer authorized to bind the applicant; and

356 (3) In the application, state each location at which the applicant proposes to sell

357 licenses.

358 (e) Each applicant for a renewal authorization to sell licenses shall:

359 (1) Provide the information required under subsection (d) of this section;

360 (2) Remain qualified to receive an authorization at the time of renewal;

361 (3) File a renewal application no later than 45 days before the expiration date of

362 the authorization; and

363 (4) Upon expiration of the authorization, the covered establishment shall cease

364 selling licenses until the covered establishment's license is renewed.

(f) The Mayor shall consider all relevant information in evaluating an application in accordance with the criteria specified in subsection (b) of this section and may deny authorization to any entity that does not meet the criteria promulgated by the Mayor.

(g) Authorizations to sell licenses issued by the Mayor:

(1) Shall be issued in the name of the applicant;

(2) Shall be valid for a period determined by the Mayor and shall expire at midnight of the last day of the designated period; and

(3) May be issued for varied or staggered periods of authorization in order to promote the orderly administration of the authorization process.

(h) The Mayor may require an applicant for a new or renewal authorization to pay an application fee or other fees or costs and may prorate such fees or costs according to the period of the authorization.

(i) Neither an initial nor a renewal authorization to sell licenses shall be construed as a vested right that shall limit the Mayor's authority to deny an application or decrease the number of authorized covered establishments.

Sec. 314. Denial, revocation, or suspension of original or renewal license.

(a) The Mayor may deny, suspend, or revoke an authorization to sell licenses for reasons including the following:

(1) If an owner, partner, director, or officer of the covered establishment, including an individual or person named on the application, has been convicted of, or pled guilty to, a felony, for which the individual or person either has not received a pardon or has not been released from parole or probation, within 5 years of the date of the original application or renewal application or at any time during the license period, and the conviction or plea could

reasonably be expected to impact the ability of the covered establishment to carry out its obligations as established under this Title;

(2) If the applicant includes false or misleading information on the application;

(3) If employees of the applicant or covered establishment refuse or fail to provide relevant testimony or produce relevant records and documents pursuant to a properly issued subpoena or other written request of the Mayor;

(4) If a covered establishment is not authorized or licensed to operate or conduct business in the District;

(5) If a covered establishment fails to notify the Mayor within 45 days in advance of a substantial change in information, including a change in ownership, change of location or address, change of the establishment, or a change of the type of operations;

(6) If a covered establishment commits any act which impairs the covered establishment's reputation for honesty and integrity;

(7) If a covered establishment fails to take reasonable security precautions regarding the handling of any licenses or licensure equipment;

(8) If a covered establishment fails to comply with any other laws or regulations applicable to the conduct of the person's operations; or

(9) If a covered establishment becomes insolvent or dissolves.

(b) The Mayor shall provide the following notice in the event of a denial, revocation, or suspension of an original or renewal authorization:

(1) The reason for the denial, revocation, or suspension;

(2) The right to contest the denial, revocation, or suspension at a hearing before the Office of Administrative Hearings; and

(3) The right to be represented by counsel or any other person as a representative.

(c) Upon notification of the denial, revocation, or suspension the covered establishment shall:

(1) Cease the sale of licenses;

(2) Render a final accounting by the date on the order;

(3) Surrender the authorization, licensure, any licensure equipment, and any other District property to the District by the date specified on the order.

Sec. 315. Emergency suspension of an authorization.

(a) The Mayor may order a covered establishment to cease the sale of licenses without a prior hearing, for a period not to exceed 30 days, if a covered establishment violates any of the provisions of this subtitle, and the Mayor determines that the public health, safety, or welfare requires emergency action.

(b) The Mayor's written order to cease the sale of licenses shall state the following:

(1) The reason for the order;

(2) The right to contest the order; and

(3) The right to be represented by counsel or any other person as a representative.

(c) The Mayor's order shall be served by personal service on the covered establishment or his or her authorized agent in the same manner as a summons in a civil action in D.C. Superior Court.

Sec. 316. Voluntary surrender of authorization.

(a) An authorized covered establishment shall notify the Mayor at least 30 days in advance, in writing, of the establishment's intent to surrender the authorization.

(b) The covered establishment shall return all District property provided in connection with the establishment's authorization to issue licenses or allow the Mayor or the Mayor's representative access to the location to remove the property.

SUBTITLE C. WATERCRAFT STEWARDSHIP.

Sec. 321. Prohibition against abandonment.

(a) No person shall abandon, or cause to be abandoned, a boat or vessel upon any waters of the District.

(b) The last known registered owner shown on the certificate of title issued under section 9 of the Uniform Certificate of Title for Vessels Act of 2014, effective March 11, 2015 (D.C. Law 20-215; D.C. Code § 50-1541.08), is presumed to be the owner of a vessel at the time the vessel was abandoned and the person who abandoned the vessel. These presumptions may be rebutted upon a showing of, among other things, that the vessel was stolen.

(c)(1) A person who violates a provision of this section may be liable to the District for the cost of towing or removal, and storage fees of the abandoned vessel, as established in regulations issued by the Mayor.

(2) This section shall not apply to a vessel wrecked through an act of God or the negligence of a third party.

Sec. 322. Seizure, removal, or custody of abandoned vessels.

(a) The Mayor, or a person or entity acting at the direction of the Mayor, may seize, remove, and take into custody any abandoned boat or vessel. The District shall not be held liable for any damage to an abandoned vessel that may occur during removal, storage, or custody of the vessel.

(b)(1) At least 15 days before an abandoned vessel is seized, removed, or taken into custody under subsection (a) of this section, the Mayor shall send a notice, by first class mail, bearing a postmark from the United States Postal Service to the last known registered owner of the vessel, as shown on the records of the Harbor Master collected pursuant to section 9 of the Uniform Certificate of Title for Vessels Act of 2014, effective March 11, 2015 (D.C. Law 20-215; D.C. Code § 50-1541.08) or on the records of the appropriate agency of the jurisdiction where the vessel is registered.

(2) As soon as reasonably possible but not later than 15 days after the Mayor takes an abandoned vessel into custody, the Mayor shall send a notice, by first class mail, bearing a postmark from the United States United States Postal Service to the last known registered owner of the vessel, as shown on the records of the Harbor Master collected pursuant to section 9 of the Uniform Certificate of Title for Vessels Act of 2014, effective March 11, 2015 (D.C. Law 20-215; D.C. Code § 50-1541.08) or on the records of the appropriate agency of the jurisdiction where the vessel is registered.

(c) The notices required by subsection (b) of this section shall:

(1) Describe the vessel;

(2) Give the location where the vessel is being held;

(3) Inform the owner and secured party of a right to reclaim the vessel within 21 calendar days of receipt of the notice required in subsection (b)(2) of this section upon payment to the District of any expenses incurred by the District for removal and storage of the vessel; and

(4) State that failure to claim the vessel will constitute:

(i) A waiver of all right, title, and interest in the vessel; and

(ii) Consent to the Mayor's disposition of the vessel.

(d) If the Mayor is unable to determine the last registered owner or the identity of any secured party of the abandoned vessel, or if the first class mail notice required under subsection (b) of this section is returned as undeliverable, the Mayor shall give the required notice by publication in the District of Columbia Register and in a newspaper of general circulation in the District. The notice by publication shall contain the information required under subsection (c) of this section and shall be published within 30 days of the seizure of the abandoned vessel, or within 15 days of the return of the first class mail notice as undeliverable.

Sec. 323. Removal of vessels from marinas.

(a) The owner or operator of a marina or the owner's or operator's agent may have a vessel removed from the marina by a private person if the vessel has remained on the marina premises without permission for more than 48 hours, the owner, operator, or agent has posted on the vessel notice that the vessel is subject to removal and the location to which the vessel will be removed, and the owner, operator, or agent has placed in conspicuous locations signs that:

(1) State that vessels left at the marina without permission for more than 48 hours are subject to removal at the vessel owner's expense;

(2) State the location to which the vessel will be removed;

(3) State that the vessel owner will be responsible for all costs associated with the removal and storage of the vessel; and

(4) Provide the telephone number of a person who can be contacted to arrange for the reclaiming of the vessel by its owner or the owner's agent.

(b) The owner or operator of a marina, or the agent of the owner or operator, on finding a vessel left at the marina without permission, shall make a reasonable attempt as established in

regulations issued by the Mayor, to notify the vessel owner or the vessel owner's agent of the intended removal of the vessel before the vessel may be removed under this section.

(c) A person who removes a vessel from a marina must be authorized by the marina owner to do so. The person removing a vessel:

(1) Shall notify the vessel owner or the vessel owner's agent at the earliest possible time after removing the vessel from the marina, and shall provide the following information:

(A) A description of the vessel including the vessel's certificate of boat number or certification of the hull identification number;

(B) The date and time at which the 48 hour period described in section 323(a) began;

(B) The date and time the vessel was removed;

(C) The reason the vessel was removed; and

(D) The locations from which and to which the vessel was moved; and

(2) May not compensate the owner of the marina in exchange for being selected to remove the vessel.

(d)(1) The person who removes a vessel from a marina shall immediately deliver the vessel directly to the location identified on the sign, as specified in subsection 323(a)(2).

(2) The person who exercises control over the vessel at the location to which the vessel is delivered after removal from a marina shall provide the vessel owner or the vessel owner's agent opportunity to retake possession of the vessel during regular business hours.

(e) Any person who removes a vessel from a marina in violation of any provision of this section:

(1) Shall be liable for actual damages sustained by the vessel owner or the vessel owner's agent as a result of the violation; and

(2) Shall be liable to the vessel owner or the vessel owner's agent for up to three times the amount paid by the owner or the owner's agent to retake possession of the vessel, as determined by a court of competent jurisdiction.

Sec. 324. Acquisition of title to abandoned vessels.

(a) This section applies only to abandoned vessels as defined in section 301.

(b) Subject to the provisions of this section, a landowner, a landowner's lessee, or a landowner's agent may acquire title to any abandoned vessel on the landowner's land or the water immediately adjacent to the landowner's land. Acquisition of title divests any other person of any interest in the vessel subject to the protections afforded in section 24 of the Uniform Certificate of Title for Vessels Act of 2014, effective March 11, 2015 (D.C. Law 20-215; D.C. Code § 50-1541.23.).

(c)(1) If a vessel has a boat number or there is some other means of identifying the vessel's owner, the person desiring to acquire title, take steps reasonably calculated to obtain the owner's last known address, and the lienholders, if any, from the records of the Mayor, or any other jurisdiction, or otherwise as required by the Mayor. The person seeking to obtain title shall notify this owner and the lienholders by registered letter to the last known address that, if ownership is not claimed and the vessel removed within 30 days from the date of receipt of the letter, the person will apply for title to the vessel in the person's name. If the address of any vessel's owner or lienholder cannot reasonably be identified from the Mayor's records, those of another jurisdiction, or any other method required by the Mayor, the person seeking to acquire title is not required to send the letter described in this subsection.

(2) The person desiring to acquire title also shall place a notice in a newspaper of general circulation in the District, describing the vessel, the vessel's location, and any identifying number. The person shall state in the notice that, if the vessel is not claimed and removed within 30 days after the publication date of the paper, the person will apply for title to the vessel in the person's name.

(3) The Mayor shall post or cause to be posted on a District agency website, a description of the vessel, the vessel's location, and any identifying number, and the copy of the notice published in the newspaper of general circulation in the District, and shall make a record of the date when such publication and the posting of the notices are made.

(4) At the end of the later of 30 days from the date of receipt of any letter sent pursuant to subsection (c)(1), the 30 day period after publication of the notice required by subsection (c)(2) and the 30-day period after notice is posted on the vessel as required by subsection (c)(2), the person seeking to obtain title may apply to the Mayor for title to the vessel in the person's name on forms the Mayor approves accompanied by the following:

(A) A statement that the vessel is an abandoned vessel as defined in section 301;

(B) Proof the registered letter was mailed at least 30 days before application or a detailed explanation of the unsuccessful steps taken to identify the owner or lienholder and secure the owner's or lienholder's address;

(C) Proof a notice was printed in a newspaper as required in paragraph (2) of this subsection;

(D) A minimum of three clear and accurate photographs of the vessel; and

(E) A tracing, vessel's certificate of boat number, or certification of the hull identification number.

(5) Upon receipt of the material required in paragraph (4) of this subsection and payment of any due vessel fees, taxes, and registration, the Mayor shall issue title to the vessel to the applicant.

(6) The applicant shall bear any cost incurred in receiving title to a vessel under this section.

(7) After receiving title, if the applicant destroys or otherwise disposes of the vessel, the applicant shall report this information to the Mayor within 15 days and provide a description of the method of destruction or disposal of the vessel.

(8) The Mayor may receive title to any abandoned vessel on the waters of the District or on any land owned by the District after providing notice as required in this section and establishing a file containing the material identified in subsection 4 of this section.

(d) A person may not obtain or attempt to obtain title to a vessel under the provisions of this section through any fraudulent means.

SUBTITLE D. MARINA SAFETY LICENSURE.

Sec. 331. Commercial marina establishment.

No person, except as authorized by the Mayor, shall construct:

(1) Any additional slips at an existing marina that would result in a total slip capacity of more than 10 slips;

(2) Any additional slips at an existing marina with more than 10 slips; or

(3) A new marina with more than 10 slips.

Sec. 332. Marina licensure.

(a) The Mayor shall develop and issue regulations or standards as appropriate governing the establishment and operation of a marina, to protect the public welfare, including safety and pollution control regulations or standards.

(b) No license to operate a marina may be issued unless the applicant establishes to the Mayor's satisfaction that the applicant shall comply with the requirements promulgated under paragraph (a) of this section.

Sec. 333. Unauthorized operations prohibited.

No person shall operate or establish a marina in the District without a license issued by the Mayor.

SUBTITLE E. RULES, FEES, FINES, ENFORCEMENT, AND APPEALS.

Sec. 341. Rules; fees.

(a) The Mayor, pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may promulgate regulations to implement the provisions of this title.

(b) The Mayor may, by regulation, establish civil penalties or fines to enforce the provisions of this title and the regulations issued pursuant to this title.

(c) The Mayor may, by regulation, establish fees applicable to this title and the regulations issued pursuant to this title, including fees for licenses and other fees necessary to support the purposes of this title.

(d) The Mayor may, by regulation, require reimbursement of costs for services including, inspections, sample collection, document review, or other reasonable costs or fees.

Sec. 342. Inspection; right of entry.

(a) Upon the presentation of appropriate credentials to the owner, agent in charge, or tenant, the Mayor shall have the right, subject to subsection (c) of this section, to enter property or inspect an activity reasonably believed to be subject to this title to determine compliance with this title or a regulation promulgated pursuant to this title. The right of entry shall be for the following purposes:

(1) Inspection, including the right to inspect and copy records related to compliance with this title and regulations promulgated pursuant to this title;

(2) Observation;

(3) Measurement;

(4) Sampling;

(5) Testing; and

(6) Evidence collection.

(b) If the Mayor has reason to believe that there has been a violation of this title or of the rules issued pursuant to this title, the Mayor may:

(1) Investigate and take testimony under oath regarding any report of noncompliance with a federal or District law or regulation applicable to water quality or natural resources conservation;

(2) Require a person or entity subject to this title or a regulation promulgated pursuant to this title, or who the Mayor reasonably believes may have information necessary to carry out the purposes of this title, on a one-time, periodic, or continuous basis to:

(A) Establish, maintain, and submit records and reports;

(B) Install, use, and maintain monitoring equipment, and use audit procedures, or methods;

(C) Collect samples in accordance with such procedures or methods, at such locations, at such intervals, during such periods and in such manner as the Mayor shall prescribe;

(D) Keep records as appropriate;

(E) Submit compliance certifications; and

(F) Provide other information as the Mayor may require.

(c) If the Mayor is denied access to enter or inspect property in accordance with this section, any inspection or search shall be conducted consistent with the requirements of the Fourth Amendment to the United States Constitution.

Sec. 343. Violations.

Each day of a violation of, or failure to comply with, this title, or a regulation promulgated pursuant to this title, shall constitute a separate offense, and the penalties set forth in sections 344, 345, and 346 shall be applicable to each separate offense.

Sec. 344. Civil penalties.

(a) A person who violates this title or a regulation promulgated pursuant to this title shall be civilly liable and shall be subject to a civil penalty of not more than \$37,500 per day per offense. The Mayor may adjust this civil penalty by rulemaking to account for inflation.

(b) The Mayor may impose civil infraction penalties, fines, and fees as alternative sanctions for any violation of this title or a regulation promulgated pursuant to this title, pursuant to the procedures of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 et seq.).

Sec. 345. False statements.

A person who knowingly makes a false statement in an application, record, report, plan, or other document submitted or maintained under this title shall be guilty of a misdemeanor, and subject to a fine not to exceed \$10,000, imprisonment not to exceed 6 months, or both. The fines set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2011, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01).

Sec. 346. Other sanctions.

In addition to, or in lieu of, a civil or criminal penalty or fee:

(a) The Mayor may modify, suspend, revoke, or deny a permit or certification issued by the District for failure to comply with this title or a regulation promulgated pursuant to this title, after notice and opportunity for a hearing pursuant to section 348;

(b) The Attorney General for the District of Columbia may commence appropriate civil action in the Superior Court of the District of Columbia or any other court of competent jurisdiction for damages, cost recovery, reasonable attorney and expert witness fees, and injunctive or other appropriate relief to enforce compliance with this title or the regulations adopted pursuant to this title.

Sec. 347. Orders.

(a) If the Mayor determines that a hazardous condition exists that may endanger the health or safety of the residents or property, or the environment in the District due to a person's noncompliance with this title or a regulation promulgated pursuant to this title, the Mayor may issue a cease and desist order requiring the person to cease operations immediately or to otherwise cease noncompliance with this title or a regulation promulgated pursuant to this title.

(b) If the Mayor has reason to believe that there has been a violation of this title or a regulation promulgated pursuant to this title, the Mayor may issue a compliance order requiring a violator to take action to come into compliance with this title or a regulation promulgated pursuant to this title and to take such measures as may be necessary to remedy a hazardous condition.

Sec. 348. Administrative appeals.

(a) A person aggrieved by an action of the Mayor taken pursuant to this title or the regulations promulgated pursuant to this title, may appeal the action of the Mayor to the Office of Administrative Hearings, pursuant to section 6(a) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(a)). The Office of Administrative Hearings shall provide a de novo hearing and shall determine whether the Mayor's action was legally proper.

(b) A person may object to an order by requesting a hearing within fifteen (15) calendar days of service, or twenty (20) calendar days if service is made by United States mail.

(c) A person subject to an order issued pursuant to section 347 shall comply with the order pending appeal.

TITLE IV. PRODUCT PROHIBITION

SUBTITLE A. MICROBEAD PRODUCT PROHIBITION

Section 401. Definitions

(1) "Over-the-counter drug" means a substance covered by the labeling rules set out in 21 C.F.R. § 201.66 ("Format and Content Requirements for Over-the-Counter (OTC) Drug Product Labeling").

(2) “Personal Care Product” means a manufactured good or a component of a manufactured good that is intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body for purposes of cleansing, beautifying, promoting attractiveness, or altering appearance, but shall not include a prescription drug or over-the-counter drug.

(3) “Plastic” means a synthetic material that is made from linking monomers through a chemical reaction to create an organic polymer chain that can be molded or extruded at high heat into various solid forms that retain a defined shape.

(4) “Plastic Microbead” means any intentionally added non-biodegradable solid plastic particles, measured less than 5 millimeters in size, used to exfoliate or cleanse in a rinse-off product.

Sec. 402. Microbead Prohibition.

(a) Effective January 1, 2018, no person in the District shall manufacture for sale a personal care product that contains plastic microbeads.

(b) Effective January 1, 2018, no person in the District shall knowingly sell or import for sale a personal care product that contains plastic microbeads.

Sec. 403. Rules; fees.

(a) The Mayor, pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may promulgate regulations to implement the provisions of this title.

(b) The Mayor may, by regulation, establish civil penalties or fines to enforce the provisions of this title and the regulations issued pursuant to this title.

(c) The Mayor may, by regulation, establish fees applicable to this title and the regulations issued pursuant to this title, including fees for licenses and other fees necessary to support the purposes of this title.

(d) The Mayor may, by regulation, require reimbursement of costs for services including, inspections, sample collection, document review, or other reasonable costs or fees.

Sec. 404. Inspection; right of entry.

(a) Upon the presentation of appropriate credentials to the owner, agent in charge, or tenant, the Mayor shall have the right, subject to subsection (c) of this section, to enter property or inspect an activity reasonably believed to be subject to this title to determine compliance with this title or a regulation promulgated pursuant to this title. The right of entry shall be for the following purposes:

(1) Inspection, including the right to inspect and copy records related to compliance with this title and regulations promulgated pursuant to this title;

(2) Observation;

(3) Measurement;

(4) Sampling;

(5) Testing; and

(6) Evidence collection.

(b) If the Mayor has reason to believe that there has been a violation of this title or of the rules issued pursuant to this title, the Mayor may:

(1) Investigate and take testimony under oath regarding any report of noncompliance with a federal or District law or regulation applicable to water quality or natural resources conservation;

(2) Require a person or entity subject to this title or a regulation promulgated pursuant to this title, or who the Mayor reasonably believes may have information necessary to carry out the purposes of this title, on a one-time, periodic, or continuous basis to:

(A) Establish, maintain, and submit records and reports;

(B) Install, use, and maintain monitoring equipment, and use audit procedures, or methods;

(C) Collect samples in accordance with such procedures or methods, at such locations, at such intervals, during such periods and in such manner as the Mayor shall prescribe;

(D) Keep records as appropriate;

(E) Submit compliance certifications; and

(F) Provide other information as the Mayor may require.

(c) If the Mayor is denied access to enter or inspect property in accordance with this section, any inspection or search shall be conducted consistent with the requirements of the Fourth Amendment to the United States Constitution.

Sec. 404. Violations.

Each day of a violation of, or failure to comply with, this title, or a regulation promulgated pursuant to this title, shall constitute a separate offense, and the penalties set forth in sections 405, 406, and 407 shall be applicable to each separate offense.

Sec. 405. Civil penalties.

(a) A person who violates this title or a regulation promulgated pursuant to this title shall be civilly liable and shall be subject to a civil penalty of not more than \$37,500 per day per offense. The Mayor may adjust this civil penalty by rulemaking to account for inflation.

(b) The Mayor may impose civil infraction penalties, fines, and fees as alternative sanctions for any violation of this title or a regulation promulgated pursuant to this title, pursuant to the procedures of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 et seq.).

Sec. 406. False statements.

A person who knowingly makes a false statement in an application, record, report, plan, or other document submitted or maintained under this title shall be guilty of a misdemeanor, and subject to a fine not to exceed \$10,000, imprisonment not to exceed 6 months, or both. The fines set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2011, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01).

Sec. 407. Other sanctions.

In addition to, or in lieu of, a civil or criminal penalty or fee:

(a) The Mayor may modify, suspend, revoke, or deny a permit or certification issued by the District for failure to comply with this title or a regulation promulgated pursuant to this title, after notice and opportunity for a hearing pursuant to section 409;

(b) The Attorney General for the District of Columbia may commence appropriate civil action in the Superior Court of the District of Columbia or any other court of competent jurisdiction for damages, cost recovery, reasonable attorney and expert witness fees, and injunctive or other appropriate relief to enforce compliance with this title or the regulations adopted pursuant to this title.

Sec. 408. Orders.

(a) If the Mayor determines that a hazardous condition exists that may endanger the health or safety of the residents or property, or the environment in the District due to a person's noncompliance with this title or a regulation promulgated pursuant to this title, the Mayor may issue a cease and desist order requiring the person to cease operations immediately or to otherwise cease noncompliance with this title or a regulation promulgated pursuant to this title.

(b) If the Mayor has reason to believe that there has been a violation of this title or a regulation promulgated pursuant to this title, the Mayor may issue a compliance order requiring a violator to take action to come into compliance with this title or a regulation promulgated pursuant to this title and to take such measures as may be necessary to remedy a hazardous condition.

Sec. 409. Administrative appeals.

(a) A person aggrieved by an action of the Mayor taken pursuant to this title or the regulations promulgated pursuant to this title, may appeal the action of the Mayor to the Office of Administrative Hearings, pursuant to section 6(a) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(a)). The Office of Administrative Hearings shall provide a de novo hearing and shall determine whether the Mayor's action was legally proper.

(b) A person may object to an order by requesting a hearing within fifteen (15) calendar days of service, or twenty (20) calendar days if service is made by United States mail.

(c) A person subject to an order issued pursuant to section 408 shall comply with the order pending appeal.

TITLE V. SPECIAL PURPOSE REVENUE FUNDS.

Sec. 501. Fishing License Fund.

(a) There is established as a special purpose fund, the Fishing License Fund ("Fund"), which shall be administered by the Mayor in accordance with subsection (c) of this section.

(b) Proceeds from the sale of licenses, or license endorsements, collected pursuant to Title II, Subtitle B, and Title III, Subtitle B shall be deposited into the Fund.

(c) Revenues from licensing regulatory schemes under this section shall not be used for purposes other than the administration and management of the District's fisheries and wildlife resources. License fees paid by anglers and other users of these resources shall not be used for purposes other than the administration of the District's Fisheries and Wildlife Division.

(d)(1) The money deposited into the Fund shall not revert to the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

(2) Subject to authorization in an approved budget and fiscal plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

Sec. 502. District Boating and Marina Fund.

(a) There is established as a special purpose fund the Boating and Marina Program Fund ("Fund"), which shall be administered by the Mayor in accordance with subsection (c) of this section.

(b) Penalties collected pursuant to Title III, Subtitle C and D shall be deposited in the Fund.

(c) Money in the Fund shall be used to implement this title and otherwise to support and improve the administration and practices of the District to support boat, marina, and waterway safety.

(d)(1) The money deposited into the Fund shall not revert to the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

(2) Subject to authorization in an approved budget and fiscal plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

TITLE VI. CONFORMING AMENDMENTS.

Sec. 601. Amendments to the Water Pollution Control Act.

Section 4 of the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code § 8-103.03), is amended as follows:

(a) Subsection (b)(2) is amended to read as follows:

“(2) The Mayor may establish through regulations criteria by which the Director may manage through declaration the seasons, methods, species, and allowable volume of take for fishing seasons and other seasons for hunting, sports, or industry which could take or destroy aquatic life or the aquatic habitat.”; and

(b) Subsection (b)(3) is repealed.

Sec. 602. Weapons and Possession of Weapons.

Section 14 of An act making an appropriation to provide transportation to their homes for veterans of the World War temporarily quartered in the District of Columbia, effective July 8, 1932 (47 Stat. 654; D.C. Code § 22-4514), is amended by adding a new subsection (e) to read as follows:

“(e) Any person in possession of an implement as defined by section 215 shall not transport or possess, with the intent to use unlawfully, an implement specifically licensed for fishing without maintaining physical custody of a fishing license or stamp that authorizes use of that implement.”.

Sec. 603 Amendment to Fish and Game Law.

(a) Section 1 of An Act to Modernize the fish and game laws of the District of Columbia, and for other purposes, approved August 23, 1958 (72 Stat. 814; D.C. Official Code § 22-4328) is amended by striking the word “Council” and inserting the word “Mayor” in its place where ever it appears, and deleting the phrase “provided, that the District assents to the provisions of the Dingell-Johnson Sport Fish Restoration Act, approved August 9, 1950 (64 Stat. 430; 16 U.S.C. §§ 777-777n), the Pittman-Robertson Wildlife Restoration Act, approved September 2, 1937 (50 Stat. 917; 16 U.S.C. §§ 669-669k), and 18 U.S.C. § 701, including a prohibition against the diversion of fishing license fees paid by sport fishermen for any purpose other than the administration of the District’s fish and wildlife agency.”.

(b) Section 2 of An Act to Modernize the fish and game laws of the District of Columbia, and for other purposes, approved August 23, 1958 (72 Stat. 814; D.C. Official Code § 22-4329) is amended by striking the word “Council” wherever it appears and inserting the word “Mayor” in its place, and by striking the phrase “No person shall refuse to permit any such inspection.”.

(c) Section 3 of An Act to Modernize the fish and game laws of the District of Columbia, and for other purposes, approved August 23, 1958 (72 Stat. 814; D.C. Official Code § 22-4330) is amended by striking the word “Council” wherever it appears and inserting the word “Mayor” in its place.

(d) Section 5 of An Act to Modernize the fish and game laws of the District of Columbia, and for other purposes, approved August 23, 1958 (72 Stat. 814; D.C. Official Code § 22-4332) is amended by striking the word “Council” wherever it appears and inserting the word “Mayor” in its place.

TITLE VII. SAVINGS CLAUSE.

Sec. 701. Savings clause.

883 Nothing in this act repeals or amends any regulation adopted pursuant to section 4 of the
884 Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official
885 Code § 8-103.03).

886 **TITLE VIII. FISCAL IMPACT STATEMENT**

887 Sec. 801. Fiscal impact statement.

888 The Council adopts the fiscal impact statement contained in the committee report as the
889 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule
890 Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

891 **TITLE IX. EFFECTIVE DATE**

892 Sec. 901. Effective date.

893 This act shall take effect after approval by the Mayor (or in the event of veto by the
894 Mayor, action by the Council to override the veto), a 60-day period of congressional review as
895 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
896 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(2), and publication in the District of
897 Columbia Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General

ATTORNEY GENERAL
KARL A. RACINE



Legal Counsel Division

MEMORANDUM

TO: Lolita S. Alston
Deputy Director
Office of Legislative Support

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: September 16, 2015

SUBJECT: Draft Bill, "Fisheries and Wildlife Omnibus Amendment Act of 2015"
(AL-15-573-C)

This is to Certify that this Office has reviewed the above-referenced draft bill and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.


Janet M. Robins