



CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration
Environmental Education*

Senate Bill 86

Natural Resources - Fishing and Hunting Rights

DATE: JANUARY 23, 2020

POSITION: SUPPORT WITH AMENDMENTS

POSITION

The Chesapeake Bay Foundation (CBF) recommends a **FAVORABLE WITH AMENDMENTS** report on SB 86 from the Education, Health, and Environmental Affairs Committee. This legislation sets forth findings and intent of the General Assembly regarding fishing and hunting rights in Maryland.

COMMENTS

The creation and maintenance of sustainable fisheries in the Chesapeake Bay is a goal of the Chesapeake Bay Foundation (CBF). CBF has concerns that one clause in the bill language may be interpreted as conflicting with State's authority to implement fishery management measures. In the past, short-term fishing moratoria have been used as a tool to recover imperiled fish species. These measures may be required again in the future to ensure long-term sustainability of the Bay's fishery resources.

SB 86 includes two statements regarding the right to fish in Maryland. The legislation states: "It is the intent of the General Assembly that residents of the State have a right to fish subject to regulation and restriction under the laws that the General Assembly enacts." (4-103(b)). However, the legislation would also add the following phrase to existing law: "The General Assembly finds that . . . The State should forever preserve residents' right to fish" (4-103(a)(3)). It is unclear how the requirement to "forever preserve" fishing rights would be interpreted with regard to fisheries management.

To clarify the right to fish exists only subject to the laws enacted by the General Assembly and fisheries management regulations established and enforced by the Department of Natural Resources, the Chesapeake Bay Foundation recommends striking the finding regarding forever preserving residents' right to fish, while maintaining the intent statement that references the right as subject to laws and regulations.

CONCLUSION

For these reasons, the Chesapeake Bay Foundation recommends a favorable with amendments report on SB 86 from the Education, Health, and Environmental Affairs Committee. Please contact Robin Clark Eilenberg, REilenberg@cbf.org, 443.995.8753 for more information.

AMENDMENT

On Page 2, line 7, strike "(3) THE STATE SHOULD FOREVER PRESERVE RESIDENTS' RIGHT TO FISH."

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403
Phone (410) 268-8816 • Fax (410) 280-3513