

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 1160 (Delegate Redmer, *et al.*)
Environmental Matters

Maryland Freedom to Fish Act

This bill prohibits the Department of Natural Resources (DNR) from closing tidal waters to hook and line fishing except under specified conditions.

Fiscal Summary

State Effect: The bill would not materially affect State finances.

Local Effect: The bill would not materially affect local operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: DNR may close tidal waters to hook and line fishing if: (1) there is a clear indication that such fishing is the cause of a specific conservation problem and less severe conservation measures will not adequately provide for the conservation and management of the affected stocks of fish; (2) the closed area regulation includes specific measurable criteria to determine the conservation benefit of closing the area and provides a timetable for review at least once every three years of the continued need for the closed area; (3) the closed area is no larger than that which is necessary; and (4) a plan is developed and implemented to reopen the closed area to recreational fishing whenever the condition that was the basis for the closure no longer exists.

Current Law: DNR is required to prepare a fishery management plan for 24 species of fish. A fishery management plan is required to include the best available estimates of sustainable harvest rates, indicators that would trigger any tightening or loosening of

harvest restrictions, a description of the fishery, and other pertinent data to assist the Secretary of Natural Resources in determining conservation and management measures reasonably necessary to ensure that the fishery resources will be sustained. Conservation and management measures adopted under a fishery management plan, to the extent possible: (1) shall prevent overfishing while attempting to achieve the best and most efficient utilization of the State's fishery resources; (2) be based on the best information available; (3) may not discriminate unfairly among groups of fishermen or have economic allocation as its sole purpose; (4) shall take into account and allow for variations among and contingencies in fisheries, fishery resources, and catches; and (5) shall avoid duplication of regulatory efforts and unnecessary costs.

Background: Some states have proposed the establishment of marine protected areas (MPAs) where certain types of fishing would be prohibited. Executive Order 13158, signed by President Clinton in May 2000 and endorsed by President Bush in June 2001, directed federal agencies to enhance or expand protection of existing MPAs and establish or recommend new MPAs. The designation and management of MPAs remains with existing federal, state, and local authorities.

Hooks and lines are used both recreationally and commercially.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources, Department of Legislative Services

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