

**Department of Legislative Services**  
Maryland General Assembly  
2003 Session

**FISCAL AND POLICY NOTE**

Senate Bill 535 (Senator Dyson)  
Education, Health, and Environmental Affairs

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**Natural Resources - Fishery Management Plans - Sport Fishing**

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This bill provides that a fishery management plan adopted by the Department of Natural Resources (DNR) may not prohibit a holder of a Chesapeake Bay Sport Fishing License from fishing in the Chesapeake Bay or its tidal tributaries, except under specified conditions.

The bill takes effect June 1, 2003.

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**Fiscal Summary**

**State Effect:** The bill would not change DNR's costs to develop fishery management plans.

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

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** A fishery management plan may prohibit a Chesapeake Bay Sport Fishing License holder from fishing for finfish if DNR finds clear evidence that sport fishing is the cause of a specific conservation or management problem and that other conservation or management measures (including gear restrictions, quotas, or season closures, as provided by the bill) are not adequate to address the problem.

**Current Law:** 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:** DNR is required to prepare a fishery management plan for 24 species of fish. According to DNR, fishery management plans have been completed for 20 of those species. DNR's current guidelines for developing fishery management plans are consistent with regional and national standards.

Some states have proposed the establishment of marine protected areas (MPAs) where sport 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.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Natural Resources, U.S. Department of Commerce, Department of Legislative Services

**Fiscal Note History:** First Reader - March 5, 2003  
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