

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

House Bill 202

(Delegate Owings, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

Department of Natural Resources - Finfishing - Closure of State Waters

This bill authorizes the Department of Natural Resources (DNR) to close an area of State waters to all finfishing under specified conditions.

The bill takes effect June 1, 2004.

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 completely close an area to finfishing if it, in a written report made available to the general public: (1) makes a finding that the closure is necessary after consideration of several items specified in the bill; and (2) develops protocols and a reporting timeline to monitor the closure. DNR also must hold at least one public hearing, as provided by the bill. Following a closure, DNR must, in another written report and in accordance with the reporting timeline, evaluate the effectiveness of the closure and determine what, if any, management changes are appropriate.

The bill's provisions do not apply if: (1) the Maryland Department of the Environment determines that it is necessary to close an area for the protection of the public health and

safety; (2) an abatement or a summary abatement of a state of nuisance is necessary; or (3) DNR closes an area of State waters for trout stocking or hatchery operations.

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 their 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: According to DNR, recreational fishing produces an estimated annual total economic output of \$1.06 billion from more than 700,000 anglers; commercial fishing contributes an additional estimated annual output of \$100.4 million from 7,600 licensed harvesters and 225 dealers.

In keeping with a national trend, "right-to-fish" legislation was introduced during the 2003 session. SB 535 and HB 1160 would have established various conditions for the closure of a fishery. Unable to accommodate the interests of all user groups involved, the bills failed. A coalition of State and national fishing and environmental organizations worked with DNR during the 2003 interim to develop legislation to protect the beneficial uses and outputs of fishing in Maryland waters. This bill is a direct result of that effort.

Additional Information

Prior Introductions: SB 535 of 2003 would have provided that a fishery management plan adopted by DNR may not prohibit a Chesapeake Bay Sport Fishing License holder from fishing for finfish except under specified conditions. The Senate Education, Health, and Environmental Affairs Committee held a hearing on the bill, but no further action was taken. HB 1160 of 2003 would have prohibited DNR from closing tidal waters to hook and line fishing except under specified conditions. The bill received an unfavorable report from the House Environmental Matters Committee.

Cross File: SB 13 (Senator Dyson, *et al.*) – Education, Health, and Environmental Affairs.

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

Fiscal Note History: First Reader - January 26, 2004
ncs/ljm Revised - House Third Reader - March 25, 2004
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