

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 993 (Delegate Kipke, *et al.*)
Environmental Matters

Natural Resources - Public Waters - Public Right to Use and Enjoy

This bill requires the Department of Natural Resources (DNR) to protect and enhance the public's right to use recreationally and to enjoy the Chesapeake Bay and other public waters.

Fiscal Summary

State Effect: None. The bill essentially codifies the public trust doctrine with respect to public waters.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: DNR is responsible for planning, development, management, and conservation of the Chesapeake Bay and any other tidal waters, including their shoreline and bottom, and any resources associated with these waters. DNR may (1) plan and develop public recreational facilities in or on the bay and other tidal waters; (2) assist other State units to plan public recreational facilities for the bay and other tidal waters; (3) cooperate with other units to carry out measures to protect the State's tidal waterfronts and waterways against erosion and deposit; and (4) develop further navigation aids and improvement of waterways in the bay and other tidal water areas.

The public trust doctrine is a legal principle that essentially protects the public's access to public waters and other natural resources.

Background: DNR's mission is to lead the State in securing a sustainable future for the environment, society, and economy by preserving, protecting, restoring, and enhancing the State's natural resources. Several DNR programs seek to protect and enhance the public's right to use recreationally and to enjoy State waters. For example, the Fisheries Service develops management frameworks for the conservation and equitable use of fishery resources; manages fisheries in balance with the ecosystem for present and future generations; monitors and assesses the status and trends of fishery resources; and provides high-quality, diverse, and accessible fishing opportunities. Also, DNR's Boating Services Unit seeks to foster the sustainable development, use, and enjoyment of all State waterways in cooperation with federal, State, and local government entities for the benefit of the general boating public. Among other things, the unit coordinates the Clean Marina Program, oversees two State-owned marinas, funds boating access facilities and navigation channel dredging, and places regulatory markers and navigation aids.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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mlm/lgc

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