

**Testimony in Opposition to Senate Bill 346 – Department of Natural Resources - Public
Notices and Hearings**

January 14, 2021

Dear Chairman Pinsky and Members the Senate Education, Health, and Environmental Affairs Committee:

The undersigned individuals and organizations thank you for the opportunity to submit testimony in **opposition** to Senate Bill 346, which will remove a number of important public notice and participation requirements related to the Department of Natural Resource's (DNR) regulatory oversight procedures. It is necessary that all Maryland residents, especially watermen and fishermen, have varying forms of notice related to DNR's regulatory decisions in order to ensure full compliance with these important decisions to protect the state's fisheries and waterways.

Under Senate Bill 346, the DNR would no longer be required to post notice of closures of fishing and harvesting areas, among other regulatory changes, in printed newspapers; it also removes the requirement to post notice of public hearings for certain regulatory changes in printed newspapers.¹ While we support the bill's measure to include additional notice on DNR's website and "other media," printed newspapers still serve as an important means of notice for certain Maryland watermen, fishermen, and residents -- like those who may not have access to or be able to afford the internet, for instance.

Public participation and transparency is absolutely critical to a functioning democracy. We should be seeking to expand ways to reach and include members of the public that have historically not been included in decision-making. The very same populations that disproportionately bear the burden of pollution are often those without financial resources to afford computers or high speed internet. Ending public notices in newspapers would only further this divide and further marginalize individuals from participating in public process that could and should protect them from negative environmental impacts.

Not only does this raise certain equity concerns, but interested and concerned Marylanders have also come to expect this form of notice in the newspaper, given that DNR has historically posted it there.

¹ See 4-215.1, 4-742, 4-1039 (related to clamming), 4-11A-09 (relating to aquaculture leases), 8-721 (relating to sunken/abandoned vessels).

Likewise, “other media” is very broadly written and should be further defined to specify a certain place for public posting in each county of a physical notice (i.e. a courthouse or county office building).

Senate Bill 346 also removes public hearing requirements for certain regulatory decisions without replacing them with any other means of public notice and input; it also removes notification requirements to the Joint Committee on Administrative, Executive and Legislative Review.² Public engagement in regulatory decision-making is the predominant form of democracy during the period between legislative sessions. Public hearings serve as one of the primary ways regulatory agencies can engage with, consider, and incorporate public feedback. We believe that DNR should continue to hold public hearings as it has in the past, or at least provide the public the opportunity to request a public hearing if there is interest in a specific regulatory change.

Meaningful public participation significantly improves the quality of decision-making by providing decision-makers with additional, unique information on local conditions. Improved decisions cannot be achieved if the right people are not “in the room” or decision makers do not actually take that information into account.

Thank you for your time and consideration.

Sincerely,

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² See 4-803 (relating to blue crab harvest); 4-1009 (relating to oyster daily catch limits), 4-1103 (oyster seed areas), 8-704 (relating to vessel excise taxes).

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