



Talbot Watermen Association, Inc.

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March 6, 2025

The Honorable Marc Korman
Chair, Environment and Transportation Committee
250 Taylor House Office Building
Annapolis, MD 21401

The Honorable Regina T. Boyce
Vice Chair, Environment and Transportation Committee
251 Taylor House Office Building
Annapolis, MD 21401

RE: House Bill 506 – Chesapeake Bay Legacy Act – Support with Amendments

Dear Chair Korman, Vice Chair Boyce, and Members of the Committee,

Thank you for the opportunity to testify on **House Bill 506 - Chesapeake Bay Legacy Act**.

Fishery Management Plans (FMPs) provide important frameworks for the conservation and wise use of our fishery resources. According to the Maryland Department of Natural Resources (DNR), Maryland's FMPs allow our state "to specifically address issues that are unique to Maryland resources" with a stated goal of "protecting the resource while allowing sustainable harvest." Similarly, the Atlantic States Marine Fisheries Commission (ASFMC) identifies the main objective of their FMPs as allowing "enough harvest to sustain and build the fishing and seafood industries while protecting the productivity and sustainability of the marine ecosystems."

Given the goal of balancing sustainable harvest with protection of our resources, it is important to have input from both industry and conservationists during the development of these plans. In its original form, HB506 removes all references to industry's participation in the process. It also removes references to participation by the Tidal Fish Advisory Commission (TFAC) and the Sport Fish Advisory Commission (SFAC). Since 1973, these commissions have advised DNR on various fisheries issues in consultation with one another. Their diverse membership includes aquaculturists, recreational anglers, and commercial watermen helping to ensure that a variety of stakeholder interests are represented. Removing these commissions from the process not only limits participation, it reduces collaboration and coordination between the two commissions.

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In its original form, HB506 makes it unclear how the regulatory process will be used for implementation of FMPs. Under current law, FMPs are incorporated by reference into the Code of Maryland Regulations (COMAR) after they have been adopted. If additional management actions are needed to implement the FMP, those management actions must go through the appropriate regulatory process, including scoping and public comment. This provides for transparency and public participation.

It also provides for legislative oversight and procedural due process through the Joint Committee on Administrative, Executive and Legislative Review (AELR). Under the proposed legislation, it appears that DNR will adopt by regulation the FMPs, supplemental actions, and additional management measures in omnibus form. They are also mandated to adopt ASMFC's FMPs and FMPs of any Federal Regional Fishery Management Council without deviation. This will limit, if not eliminate, Maryland's ability "to specifically address issues that are unique to Maryland resources" since these are multi-state compacts that often favor larger, northern states. Second, there are eight U.S. Regional Fishery Management Councils. Maryland is only part of the Mid-Atlantic Regional Fishery Management Council. It seems counterintuitive to adopt an FMP developed by a Regional Fishery Management Council that does not include Maryland – for example the Pacific Fishery Management Council comprised of the states of Washington, Oregon, and California.

Another concern is that HB506 removes the long list of species for which Maryland currently has FMPs. The bill instead directs DNR to adopt FMPs for species that fall under the purview of ASMFC. ASMFC applies only to migratory fishery resources. FMPs for non-migratory species are left to the discretion of "appropriate advisory bodies created under this title." Since "appropriate advisory bodies" are not clearly defined in the legislation, it is unclear and uncertain that important species such as oysters, clams, blue crabs, and catfish will continue to have FMPs.

We have discussed our concerns with DNR and with the Administration and have worked with them on amendments to the Senate crossfile. The proposed amendments would allow for industry's ongoing participation in the FMP process, clarify the regulatory process, and help ensure that Maryland maintains flexibility to balance sustainable harvest with protection of our natural resources. We respectfully ask the committee to conform HB506 to the Senate crossfile as amended.

Sincerely,

Herman Jeffrey Harrison
President

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