

This General Assembly, perhaps more than any other in recent memory, is fully cognizant of the complexities of developing and implementing management strategies to protect and improve the Chesapeake Bay and its tributaries. Last Session's Chesapeake Bay initiatives addressed many different, yet interrelated, problems associated with the continued health of that important estuary.

At the same time, concern over the dwindling stocks of the striped bass, Maryland's State fish, has increased the awareness of many elected officials and the general public to the fact that certain restrictions on fishing gear and other requirements are necessary to have a significant effect on improving the reproductive success of striped bass. Clearly, regulation of fishing gear can be an effective management tool to protect our natural resources.

House Bill 998 provides that when the Department of Natural Resources adopts a non-emergency rule or regulation that is "more restrictive and varies any equipment that a commercial waterman is required to use" then the rule or regulation may not take legal effect until 12 months after notice of final adoption is published in the Maryland Register. The bill broadly applies to certain laws applicable to all species of finfish, oysters, clams and crabs.

Aside from the interpretive questions as to what constitutes a "more restrictive" regulation and what, if any, equipment commercial watermen are "required to use", my primary objection to this bill is that the arbitrary 12 month delay undermines the effectiveness of related management strategies. The concern over economic impact to commercial watermen is one that I share but I believe that those factors should be assessed during the rule making process in conjunction with consideration of the problems of the fishery resource that the Department is mandated by law to protect. Indeed a review of the Department's efforts in the area of striped bass protection, demonstrates the lack of need for and the undesirability of this bill.

Last fall, in response to the decline of striped bass stocks coastwide, the Department of Natural Resources initiated a State strategy to implement the Atlantic States Marine Fisheries Commission recommendations. Regulations (COMAR 08.02.05.02) were proposed in early November 1983 containing a number of interrelated conservation measures for Chesapeake Bay striped bass such as creel limits, certain pound net releases, spawning and area closures, and a prohibition on the use of certain types of nets in specified areas. Many of these regulations were discussed publicly as early as 1979, as future measures that might be needed to protect the striped bass. Provision was made in the new regulation that the change in net size be delayed until November 1, 1984 to allow watermen ample time to implement the change.