

As part of the Department's rule making process, public hearings were held in two locations. Testimony covered, among other things, the economic effects of the regulations and a notice of final adoption was published in the Maryland Register on January 31, 1984 which advanced the date of certain spawning area closures and altered the proposed net mesh size. The regulations did not change the delayed November 1, 1984 effective date of the mesh size restriction. Consequently, the effective date of the regulations changing gear requirements was a full 11 months after the date of final notice. In my view, this demonstrates that the regulatory process works well without the arbitrary delay provision contained in House Bill 998.

The Department of Natural Resources' actions were both reasonable and sensitive in light of the serious decline of the striped bass. Furthermore, the flexibility of the Department to adjust the timing of regulations to protect finfish and shellfish is important to Maryland's ability to effectively complement overall efforts to begin in January, 1985, proposed by the Atlantic States Marine Fisheries Commission.

Moreover, I believe that the Department is sensitive to the need to advise the public of proposed regulatory changes in a timely fashion. An example of the Department's effort to provide adequate notice is the letter of February 27, 1984 from Secretary Brown to legislators, watermen, and persons interested in the Department's plans for conservation actions to be implemented for the 1984-85 season. The letter contains a detailed explanation of Maryland's strategy to protect the striped bass, a listing of estimated striped bass percent reductions in sport and commercial harvest due to present and suggested conservation actions, a listing of conservation actions that could be used to reduce striped bass harvest by 55%, a summary of Virginia's emergency regulation estimated reduction, a description of the Atlantic States Marine Fisheries Commission and the Mid-Atlantic Fishery Management Council, a summary of plans for the development of a striped bass fishing management plan, a summary of Maryland actions other than harvest restrictions to increase striped bass populations, an explanation of concepts relating to an intercept hatchery; and all designed to provide the public with as much information as early as possible and to enable the Department to obtain comment to be used in the development of future regulations and to advise the public of restrictions under consideration.

In conclusion, the area of fisheries management requires an ability to develop in a timely manner flexible strategies that are responsive to the needs of our important fishery resources. Simply put, this bill provides for inflexibility in an area where the most sensitive management is required. Our experience does not justify the approach set forth in this legislation.

For these reasons, I have decided to veto House Bill 998.