

ADVANCING A RECREATIONAL FISHING STRATEGY FOR THE 21<sup>ST</sup> CENTURY

“Wildlife cannot speak for itself...so we must and we will.”

President Theodore Roosevelt

When lawmakers convene on January 12, 2011 to begin the 428<sup>th</sup> Session of the Maryland General Assembly, they will face a full menu of issues ranging from projected structural budgetary deficits and unfunded pension liabilities to transportation infrastructure needs. And, they only have 90 days to resolve the most challenging, controversial and costly issues of the day. Demanding and daunting, the General Assembly will deliberate and render policy decisions deemed to be in the public’s best interest.

The sportsmen of Maryland – one million conservationists who contribute in excess of \$1 billion annually to the State and local economy – will be among the constituency groups who (1) will also advance issues for legislative consideration viewed, by some, to be controversial; and (2) will articulate their measurable contributions to Maryland’s economy that few recognize. Most importantly, sportsmen will make clear they stand united in the principals embodied in the Public Trust Doctrine dating back to the Magna Carta of 1215... **that government has an affirmative duty to protect, manage, and conserve fish and wildlife for the public good.**

To illustrate such commitment, the sportsmen of Maryland – with unwavering Leadership from the Senate Co-Chair of the bi-partisan Maryland Legislative Sportsmen’s Caucus, Senator John Astle – advanced the ***Conservation Law Enforcement Act of 2010*** (Senate Bill 987). Enacted as Chapter 367 of the Acts of 2010, the Act – intended to bolster conservation law enforcement in Maryland – sets forth the following Preamble which makes clear that sportsmen hold sacrosanct the importance of safeguarding our coveted and finite natural resources consistent with the intent of the Public Trust Doctrine:

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**WHEREAS, Maryland envisions a 21st century Chesapeake Bay, where indigenous fish and wildlife flourish because of a healthy watershed realized through citizen support; and**

**WHEREAS, The Public Trust Doctrine recognizes that government has an affirmative duty to protect, manage, and conserve fish and wildlife; and**

**WHEREAS, Prevailing budget constraints resulting from a lingering economic recession have compromised Maryland’s ability to, among other things, offset the costs of the enforcement of State conservation laws consistent with the State’s 21st century vision and the Public Trust Doctrine; and**

**WHEREAS, The intent of this Act is to recognize Maryland’s commitment to the sustainability of its finite natural resources, with due regard to the dictates of fiscal practicality, by making conservation law enforcement more effective and efficient through the provision of additional investigative and funding tools, including strengthened deterrence of natural resources-related violations; now, therefore,**

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Our argument for convincing the 2010 General Assembly to pass Senate Bill 987 was as follows: *Why spend billions of taxpayer dollars to promote Chesapeake Bay restoration only to witness the indiscriminate*

*depletion of our fisheries and wildlife by a seemingly insular few?* Stronger conservation law enforcement is needed and this Act sets the stage to bolster the ranks of the Natural Resources Police.

Even with more conservation officers and today's tighter fisheries regulations, commercial striped bass fisheries are capable of severely abusing the resource. Recent events in Maryland make this fact painfully clear. This year Maryland's conservation law enforcement officers along with the FBI completed a five year undercover sting operation that stopped an enormous underground flow of illegal striped bass. Several commercial fishermen, a process plant and a large seafood market were involved. It involved millions of dollars worth of striped bass. The magnitude of this activity was so great that U.S. Attorney Rod J. Rosenstein stated that if commercial fishermen didn't obey the rules, the striped bass population could be wiped out very quickly.

This backdrop leads to the intent of this message.

Maryland sportsmen want Maryland lawmakers to better recognize, understand and support recreational fishing which denotes all types of fishing, including catch-and-release fishing that involves people pursuing fish as a recreational activity. This includes fishing guides, charter boats and party boats that exist for the purpose of taking people fishing as a recreational activity. Conversely, commercial fishing includes all harvesting methods used for the primary purpose of selling fish as a means of income. In 2003 the Southwick Associated Group released a study entitled "The Economics of Recreational and Commercial Striped Bass Fishing" with defensible conclusions that show recreational striped bass fishing creates about 12 times more economic activity than commercial striped bass...we're talking millions of dollars!

**NOTE: The Maryland Saltwater Sportsfishermen's Association (MSSA) is the voice of 7,000 plus recreational anglers which works to provide a unified voice to preserve and protect the rights, traditions and future of recreational fishing. At the start of the 2011 Session, MSSA will distribute to Maryland lawmakers an analytical perspective (*White Paper*) that sets forth socio-economic arguments in favor of increased recreational fishing opportunities for striped bass. Interestingly, Chapter 513, Acts of 1965, declared the striped bass or rockfish (*Roccus saxatilis* 2) as the "Official Fish" of the State of Maryland.**

The significance of recreational fishing in Maryland – estimated annual economic impact of \$645 million compared to \$52.2 million in commercial-related economic impact -- is partially evidenced by the following:

- Chesapeake Bay is the nursery for approximately 75% of the striped bass found along the Atlantic Coast – we hold the future of a finite resource in our hands.
- *Maryland Fishing Challenge Featuring Diamond Jim* – a joint public/private partnership promoting the catching of certain fish in Maryland with honors and cash prizes.
- "Catch a Fish" is one of the *Maryland Children's Outdoor Bill of Rights*, which was established by part of Governor O'Malley's Partnership for Children in Nature to ensure that all young people in Maryland have the opportunity to experience the great outdoors, especially fishing on Maryland waterways.
- *Recreational Outreach Project for Veterans* is a new Gubernatorial initiative intended to honor our veterans by helping to reconnect them to Maryland's great outdoors.
- *Maryland Artificial Reef Initiative (MARI)* supports the creation and monitoring of artificial reefs for fish habitat throughout Maryland's waters. At the 2007 Session, the General Assembly passed a \$500,000 bond bill to aid in the purchase of remnants of the old Woodrow Wilson Bridge for reef material given the arguments advanced by Maryland's recreational fishing community.

- Maryland's \$11 billion hospitality industry counts on the spending of the 1.5 million recreational anglers who come from all over the world to fish in Maryland's portion of the Chesapeake Bay.
- Aquaculture holds great promise for striped bass production on fish farms. U.S. striped bass production on farms already exceeds wild production, 11.447 million pounds in 2003 versus 7.085 million pounds. Annual aquaculture production would need to increase 38% to fully accommodate the additional 7.085 million pounds of wild striped bass harvested in 2003. In the past 3 years alone, annual production of striped bass by fish farms has grown 21.9%, and has grown 222% over the last 10 years, indicating the ability to expand production certainly exists.

In the final analysis, it is important for lawmakers to understand what recreational anglers already know. The threats to our State Fish are many: (1) the principal food source for rockfish are menhaden – the chart below shows that Atlantic Coast menhaden population is the lowest its been in 54 years; (2) mycobacteriosis is threatening to disseminate the populations of striped bass in the Chesapeake Bay – a mysterious illness believed to be caused by malnutrition and pollution that destroys organs from within and manifests as exterior lesions; and (3) Maryland's commercial fisheries harvest more pounds of striped bass than any other state on the eastern seaboard, equivalent to an estimated 31% of the Atlantic coasts striped bass harvest.

### ATLANTIC COAST MENHADEN POPULATION AT LOWEST POINT IN 54 YEARS



Source: Chesapeake Bay Foundation

For these reasons and more, many states have either prohibited commercial harvesting of striped bass or severely curtailed such harvesting in favor of increased recreational fishing. Indeed, President Bush in 2007 issued an Executive directing the National Marine Fisheries Service to prohibit the commercial harvesting of striped bass and red drum in federal waters and called on states to look into making striped bass a game fish only – a decision, if made, that would end the buying and selling of locally caught striped bass.

Maryland's recreational fishing community is not looking to terminate commercial harvesting of striped bass in our portion of the Chesapeake Bay. But the current state-of-affairs for our State Fish coupled with the State's designated allocation of striped bass harvesting @ 56% recreation and 44% commercial -- under the auspices of the Atlantic States Marine Fisheries Commission (ASMFC), a federally mandated group that establishes guidelines for the coastal striped bass fishery whereby each state subsequently sets its own regulations within those guidelines – warrant serious consideration, if not by our regulatory agency

(Department of Natural Resources), then by Maryland lawmakers who establish State policy for the Executive Branch to administer...decision-making consistent with the Public Trust Doctrine that promotes sustainable conservation management of a finite resource for the enjoyment of future generations.

**William R. Miles on behalf of the Maryland Saltwater Sportsfishermen's Association**