



Maryland Charter Boat Association, Inc.

March 11, 2024

Captains / members:

Last Thursday (March 7) the Maryland Charter Boat Association filed a lawsuit in Federal Court against the Atlantic States Marine Fisheries Commission (ASMFC). The number one point is the change from two fish down to one without any prior notice or consideration. This was done in violation of many procedural rules and laws. No Economic Impact Study was done to determine the effects on charter boats and surrounding businesses that rely on this seasonal influx of visitors. ASMFC is supposed to manage by reduction of fishery. In past years they said every State needed a specific reduction and then each State files a management plan explaining how they will get to that reduction, and what their season will be. We have satisfied that reduction even with charter boats having two fish.

This year at the ASMFC meeting the northern States (NY, MA) had a 20 minute open dialogue about how they thought it was unfair that the MD charter boats have two fish and recreational boaters have one, and this was before any presentation MD was allowed to have. They clearly had an agenda with nothing to do with fishery reduction. As I explained to DNR, you cannot compare a business to a hobby. We have business expenses laid out before the season starts.

Our lawsuit was filed under the US Constitution Amendments 5 and 14, Civil Rights Act of 1871, and Maryland Constitution Article 19. The summary of these is it is unconstitutional to take away from a person's ability to earn a living without due process of law or be deprived of life, liberty or property without due process of law. We were deprived of our rights to property and livelihood secured and guaranteed under the Fifth and Fourteenth Amendments of the US Constitution. The Plaintiff's members (MCBA) have been adversely affected and manifest injustice has resulted from defendant's (ASMFC) arbitrary, capricious and unconstitutional actions. There is more but you get the point. The Delmarva Fisheries Association (DFA) joined the suit on behalf of the commercial watermen. We share the same two law firms working on this case with a team of lawyers.

MD DNR will need to choose a side real soon. Either they are on our side and will help fight this decision (MD DNR voted against it at the ASMFC meeting) or they will side with ASMFC and fight us AND the MD small businesses. I plan on having a MCBA meeting in a few weeks, holding off until I get some news on the direction this is taking.

Thanks, Brian Hardman Leaddog@rockfishing.com

President, MCBA
910 B Kentmorr Rd., Stevensville, MD 21666

410-643-8001-office, 301-704-4246-cell

Email: president@marylandcharterboats.com

www.marylandcharterboats.com