

Department of Legislative Services  
 Maryland General Assembly  
 2019 Session

FISCAL AND POLICY NOTE  
 First Reader

House Bill 384 (Delegate Gilchrist, *et al.*)  
 Environment and Transportation

Soft-Shell Clams and Razor Clams - Fishery Management Plans

This bill requires the Department of Natural Resources (DNR) to prepare fishery management plans for soft-shell clams and razor clams. Subject to funding made available to DNR to implement the bill, the department must prepare the soft-shell clam and razor clam fishery management plans by December 31, 2020. **The bill takes effect June 1, 2019.**

Fiscal Summary

**State Effect:** General fund expenditures increase by \$83,700 in FY 2020 and by \$20,120 in FY 2021. Revenues are not affected.

(in dollars)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	83,700	21,100	0	0	0
Net Effect	(\$83,700)	(\$21,100)	\$0	\$0	\$0

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** None.

**Small Business Effect:** Potential meaningful.

Analysis

**Current Law/Background:** DNR is required by statute to prepare fishery management plans for various listed species (not including soft-shell clams or razor clams) and has specified authority to prepare plans for additional species. The plans contain a systematic description of a given fishery and the objectives and conservation and management measures for the fishery. Various requirements apply to both the plans and the conservation

and management measures in the plans. Once a fishery management plan has been adopted by regulation, the fishery must be harvested in accordance with the conservation and management measures in the plan and any regulations implementing or amending that plan.

Required contents of a plan include, among other things (1) the best available estimates of sustainable harvest rates; (2) indicators that would trigger any tightening or loosening of harvest restrictions; and (3) a description of the fishery, including the history of the fishery and its current condition relative to historic populations, the numbers of potential commercial and recreational fishermen projected to participate in the fishery, and the type and quantity of fishing gear used commercially.

DNR indicates that soft-shell clams and razor clams (both considered “soft-shell” clams) do not currently have fishery management plans because it has managed the soft-shell clam fishery under other existing statutory authority, which includes authority to adopt rules and regulations relating to any aspect of the soft-shell clam fishery. “Soft-shell clams” are defined under those statutory provisions as mollusks of the species *Mya arenaria* and of the species *Genus Tagelus*.

**State Fiscal Effect:** General fund expenditures increase by \$83,711 in fiscal 2020, which accounts for a 30-day start-up delay. This estimate reflects the cost of hiring a contractual natural resources planner to assist with planning and implementing the work needed to develop a fishery management plan for soft-shell and razor clams and the costs of a survey of the soft-shell and razor clam populations conducted as part of that work. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses through the first half of fiscal 2021, until the plan is completed by December 31, 2020. While this fiscal and policy note assumes that the work can be completed by December 31, 2020, DNR indicates it will be difficult to complete a comprehensive fishery management plan for soft-shell and razor clams in that amount of time and work may have to continue past that date to complete a comprehensive plan.

Contractual Position	1
Salary and Fringe Benefits	\$42,196
Survey Work	36,000
Operating Expenses	<u>5,515</u>
<b>Total FY 2020 State Expenditures</b>	<b>\$83,711</b>

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State’s implementation of the federal Patient Protection and Affordable Care Act.

Future year expenditures reflect a salary with annual increases and employee turnover and ongoing operating expenses through the first half of fiscal 2021.

**Small Business Effect:** Soft-shell and razor clam harvesters may be meaningfully impacted by regulatory measures resulting from the development of the fishery management plan for soft-shell and razor clams, but the extent of any impact cannot be determined prior to the survey work and the development of the plan.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Natural Resources; Department of Legislative Services

**Fiscal Note History:** First Reader - February 12, 2019  
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