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**RECREATIONAL ANGLERS
WORKING TO CONSERVE, PROMOTE, AND ENHANCE MARYLAND'S
MARINE RESOURCES**

3/4/2020

To: Honorable Kumar P. Barve, Chairman
Honorable Dana Stein, Vice Chairman
Honorable Members of the House Environment and Transportation Committee

Re: **House Bill 1399 – Natural Resources – Commercial Fishing – Use of Haul Seines**

CCA Maryland Position: Oppose

This legislation aims to provide flexibility to haul seine operators, by effectively redefining what a haul seine is and how it may be fished, likely increasing the incidental bycatch of non-targeted species, and potential user conflicts which already exist with this fishery.

As explained in Senate testimony last week, this bill is needed because an NRP officer in Baltimore County, on Back River, gave a citation to a waterman because he had chosen to set the haul seine on Friday and come back to take the fish out of the net on Saturday. Anecdotally, this was because the 50-foot tractor trailer hauling the catch was filled and a second tractor trailer came Sunday to finish emptying the net. This gives you an idea of the high volume of low price per pound fish harvested by this gear.

As explained in the Senate hearing, there's always been an agreement between the NRP and watermen that this was allowed despite the code in **COMAR §4-713 “(i) (1) Except as provided in paragraph (2) of this subsection, a person may not fish with a haul seine during the period from Friday midnight until sunrise on Monday in the tidal waters of the State.**

Unfortunately, the very definition of a haul seine is complicated, but they are clearly meant to be actively fished so that non-targeted fish can be released, not left staked to retrieve catch at a later date. Therefore, allowing the gear to be “staked-out” effectively redefines a haul seine, and increases concerns with by-catch and user conflicts.

A different kind of seine in use is a pound net. These are set up in permitted locations, and are required to have stakes 3' above high tide for visibility, and comply with regulations which require obvious reflective or lit markers to ensure the safety of boaters and other users.

As a mobile gear, haul seines do not have these same stakes, and would rely on low profile floats w/ without stakes closely spaced over the roughly ¼ mile of net are a

navigational hazard, particularly on weekends when recreational boaters are out on the water.

Some haul seine regulations require removing non-targeted species, but this legislation may allow increased mortality of such species if harvesters do not have to immediately tend the large nets.

Further concerns exist over the final use of some species which are commonly consumed during religious holidays. One example of this is the sale of carp from Back River, where Maryland Department of the Environment consumption advisories state that carp are not fit for human consumption due to high levels of PCB's.

DNR's Mission Statement requires consideration for maintaining a sustainable harvest of all harvested species, but there is no Fisheries Management Plan (FMP) for gizzard shad or carp, the prime targets of haul seines. It has been made clear that DNR lacks the resources to effectively manage gizzard shad or carp under an FMP, but regulations should still exist to limit the obvious impacts that removing certain species have on a local ecosystem.

In Back River, citizens have been plagued with midges, a short-lived bug that hatches from the water and covers homes and businesses in the area. The state has already invested in measures to treat midge problem with larvacide, but has run out of funding to continue this practice. Diet studies for carp and gizzard shad have shown that these fish consume midge larvae, showing that an increased biomass of these fish in Back River, may help address the midge problem. Unfortunately, citizens in the area have had very limited success in addressing the harvest of these fish, and are continually told that DNR can't manage harvest levels.

While the benefit of gizzard shad and carp on local river ecosystems is largely unknown, we believe the DNR must seek to manage their harvest, and work with local citizens to revamp and develop proper regulations to address the specific ecosystem questions, issues with the by-catch of non-targeted species, and the many user conflicts related to the use of haul seines before allowing the flexibility in their current use.

For these reasons, we respectfully request an unfavorable vote on HB 1399.

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DNR Data of harvest per species (lbs)			
Species	2017	2018	2019
Carp	265,205	207,076	93,057
Crappie	2,768	1,618	3,621
Gizzard Shad	2,110,071	3,171,458	1,929,978
Sunfish	2,205	1,249	2,637



