

Department of Legislative Services  
 Maryland General Assembly  
 2000 Session

FISCAL NOTE  
 Revised

House Bill 1142 (Delegates Bozman and Cane)

Environmental Matters

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Natural Resources - Fishery Management Plans - Chesapeake Bay and Coastal Bays

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This bill authorizes the Department of Natural Resources (DNR) to apply fishery management plans, separately or jointly, to the waters of the Chesapeake Bay and its tidal tributaries, the coastal bays and their tributaries, and the Maryland waters of the Atlantic Ocean. The Secretary may not prohibit the use of pound net sites in the coastal bays that are registered with DNR as of January 1, 2000. The bill also provides that the regulations to implement a fisheries' management plan for the coastal bays may not become effective until DNR holds public hearings in Worcester County. The bill also requires DNR to develop a fishery management plan for hard shell clams.

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Fiscal Summary

**State Effect:** Special fund expenditure increase of \$57,000 in FY 2001 to develop new plans and hold hearings. Future year estimates are annualized, adjusted for inflation, and reflect increasing costs to assess and monitor stocks.

(in dollars)	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
SF Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditures	57,000	76,700	150,000	151,500	153,000
Net Effect	(\$57,000)	(\$76,700)	(\$150,000)	(\$151,500)	(\$153,000)

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

**Local Effect:** None.

**Small Business Effect:** Potential meaningful.

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## Analysis

**Current Law:** DNR is required to prepare a fishery management plan for the following species: (1) striped bass or rockfish; (2) white perch; (3) yellow perch; (4) American shad; (5) hickory shad; (6) oysters; (7) blue crabs; (8) bluefish; (9) herring; (10) weakfish; (11) croaker; (12) spot; (13) summer flounder; (14) American eel; (15) red drum; (16) black drum; (17) spotted sea trout; (18) horseshoe crabs; (19) menhaden; (20) tautog; (21) black sea bass; and (22) scup. Fishery management plans do not apply to aquaculture activities in nontidal ponds, lakes, or impoundments in the State. Public hearings are not required.

**Background:** A fishery management plan is required to include the best available estimates of sustainable harvest rates, indicators that would trigger any tightening or loosening of harvest restrictions, a description of the fishery, and other pertinent data to assist the Secretary of Natural Resources in determining conservation and management measures reasonably necessary to ensure that the fishery resources will be sustained. The Secretary is required to adopt the proposed management plans and any proposed conservation and management measure by regulation. Under current law, once a fishery management plan is adopted, the State's fishery resources are required to be harvested in accordance with the conservation and management measures in the fishery management plan and any regulations implementing or amending that plan.

DNR has already developed 15 fishery management plans governing approximately 20 species. Those plans generally apply to the waters of the Chesapeake Bay and its tidal tributaries and are consistent with the Atlantic States Marine Fisheries Commission recommendations for species found along the Atlantic coast.

Maryland's coastal bays, which encompass approximately 175 square miles of Maryland's coastal plain, have been recognized as a complex and unique ecosystem in need of comprehensive management strategies. Coastal bays support commercial fisheries for hard clams, blue crabs, seatrout, summer flounder and other species of fish and provide spawning habitat and nursery areas for more than 100 species of fish. Many species are managed at the regional level through cooperative efforts among the states because most species migrate out of the coastal bays and along the Atlantic coast at some point during their lives. In 1999, Maryland's Coastal Bays Watershed Conservation and Management Plan identified four areas of general concern for the coastal bays including fish and wildlife, water quality, recreation and navigation, and community and economic development. According to DNR, the fish and wildlife section of the plan specifically identified concerns regarding fish and shellfish population levels, biological stressors, and harvest levels. In order to address those concerns, the plan recommended the development of fishery management plans specific to coastal bays.

**State Expenditures:** Special fund expenditures could increase by an estimated \$57,000 in fiscal 2001, which accounts for the bill's October 1, 2000, effective date. This estimate

includes contractual services to develop fishery management plans for coastal bays. It also includes ongoing operating expenses to hold hearings for those plans. The information and assumptions used in calculating the estimate are stated below:

- DNR will hold approximately three public hearings pursuant to the bill; and
- the cost per hearing is \$300.

Contractual Services	\$56,300
Operating Expenses	<u>700</u>
<b>Total FY 2001 State Expenditures</b>	<b>\$57,000</b>

It is assumed that DNR could prepare a fishery management plan for hard shell clams using existing budgeted resources.

Future year expenditures are annualized, adjusted for inflation, and reflect (1) increasing costs of contractual services in fiscal 2003 to assess fish stocks and to monitor recreational and commercial fisheries; and (2) no hearing costs after fiscal 2002. It is assumed that by 2003, all coastal bay plans would be implemented.

**Small Business Effect:** Most commercial fishing businesses are small businesses. To the extent that the implementation of fishery management plans for coastal bays limits the ability of a commercial fishing businesses to catch species in those areas, the bill will result in a loss of revenue for those entities upon implementation.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 313 (Senator Stoltzfus) - Economic and Environmental Affairs.

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

**Fiscal Note History:** First Reader - February 29, 2000  
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