

Department of Legislative Services

Maryland General Assembly

2002 Session

FISCAL NOTE

House Bill 1276

(Eastern Shore Delegation)

Environmental Matters

Natural Resources - Crabs - Minimum Catch and Possession Size Limits

This bill relates to the ability of the Department of Natural Resources (DNR) to adopt regulations regarding minimum size limits for hard crabs, soft crabs, and peeler crabs.

The bill generally takes effect June 1, 2002; some provisions take effect July 1, 2002.

Fiscal Summary

State Effect: The bill's changes could be handled with existing budgeted resources.

Local Effect: The bill would not directly affect local operations or finances.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: This bill prohibits DNR from adopting regulations to establish minimum size limits for the possession of hard crabs, soft crabs, or peeler crabs that are caught out-of-state. The prohibition is effective only if Virginia and the Potomac River Fisheries Commission (PRFC) adopt regulations by June 1, 2002 that establish minimum size limits of 5 ¼ inches for hard crabs, 4 ¼ inches for soft crabs, and 3 ½ inches for peeler crabs.

If Virginia and PRFC do not adopt regulations that meet those conditions, DNR would be prohibited from adopting regulations to: (1) establish minimum size limits measured across the shell from tip to tip of spike that are greater than 5 inches for catching or

possessing hard crabs, 3 ½ inches for catching or possessing soft crabs, or 3 inches for catching or possessing peeler crabs; or (2) establish minimum size limits for the possession of hard crabs, soft crabs, or peeler crabs that are caught out-of-state.

The bill requires DNR to monitor regulations related to minimum size limits for catching crabs adopted by Virginia and PRFC and to certify, by June 15, 2002, to the Department of Legislative Services in writing whether or not those entities have adopted regulations establishing minimum size limits of 5 ¼ inches for hard crabs, 4 ¼ inches for soft crabs, and 3 ½ inches for peeler crabs by June 1, 2002. If Virginia and PRFC do not adopt regulations by June 1, 2002 establishing those minimum size limits, DNR must adopt emergency regulations that are effective by July 1, 2002 establishing minimum size limits for catching and possessing hard crabs, soft crabs, and peeler crabs that are the same as the regulations in effect on January 1, 2002 that governed the minimum sizes for catching or possessing hard crabs, soft crabs, and peeler crabs.

Current Law: DNR may adopt rules and regulations to: (1) restrict catching and possessing any blue crab; (2) provide for the methods by which crabs are taken; (3) close or open any specified area to catch crabs; (4) prohibit or restrict devices used to catch crabs; (5) establish seasons to catch crabs; and (6) establish minimum size limits for hard, soft, and peeler crabs. The regulations may not become effective until DNR first holds public hearings.

A person may not catch or possess more than 10 hard crabs per bushel or 25 hard crabs per barrel which measure less than 5 inches across the shell from tip to tip of spoke. That prohibition does not apply to crabs imported into the State during the closed season for catching crabs if the person possessing the imported crabs has a certificate of origin. A person may not catch or possess soft crabs measuring less than 3 ½ inches across the shell from tip to tip of spike. The minimum size of crabs does not apply to mature female crabs. Except for a specified exception, a person may not catch or possess peeler crabs measuring less than 3 inches across the shell from tip to tip of spike.

Background: The blue crab, one of the most important species harvested in the bay, generates approximately \$90 million in economic benefit to the State. In the past several years, the blue crab harvest has decreased substantially. In 1999 the Chesapeake Bay Commission's Bi-State Blue Crab Advisory Committee began a two-year study to determine the status of the blue crab fishery in the Chesapeake Bay. In January 2001 the committee published its final report and recommended a three-year, 15% reduction in fishing effort, stating that blue crabs were being fished almost to the point of collapse. Maryland and Virginia agreed to reduce their harvests.

During the 2001 session, the Maryland General Assembly approved a two-year tightening of regulations on recreational crabbers, capping their daily catch at about a bushel per person. Commercial crabbing regulations effective July 23, 2001 reduced the workday from 14 hours to 8 hours, strengthened a mandatory day off provision, and closed the fishery a month early. Virginia and PRFC implemented new regulations in time for the beginning of the 2001 crabbing season. Pursuant to those regulations, commercial crabbers in Virginia can no longer work Wednesdays in June, July, and August. In addition, the daily landing limit in the crab dredge fishery was decreased from 20 to 17 barrels per day. PRFC also shortened the Potomac crabbing season by one month and reduced the crab pot limits by 10%.

In an effort to meet the 15% reduction goal in Maryland, DNR proposed regulations that, among other things, would have increased the minimum size of male hard crabs, peeler crabs, and soft crabs that may be caught by commercial or recreational means in Maryland or possessed in the State during the crabbing season. Modified from the original proposed regulations as a result of concerns raised during the public hearing process, the final regulations, which were announced by DNR on March 12, 2002, will increase the minimum size of male hard crabs from 5 to 5 ¼ inches, soft crabs from 3 ½ to 4 inches, and peeler crabs from 3 to 3 ½ inches. While the original proposal also would have banned possession of male crabs under 5 ¼ inches, the final regulations will allow the importation from other states of crabs 5 inches and larger for use in wholesale and retail markets. In addition, the Coastal Bays will retain their 5-inch minimum size for male crabs. Among other things, the final regulations will also implement a possession ban on peeler and soft crabs smaller than Maryland's limits (except for those harvested from the Potomac River).

According to the Chesapeake Bay Commission, the minimum size of hard crabs in Virginia is currently 5 inches and the minimum size of soft crabs is 3 ½ inches. Virginia recently approved the establishment of a minimum size of peeler crabs of 3 inches. It is unlikely that Virginia and PRFC will increase the minimum sizes above those levels by June 1, 2002.

Small Business Effect: Assuming that Virginia and PRFC do not increase the minimum size limits by June 1, 2002 as specified in the bill, this bill would prohibit DNR from fully implementing the final regulations that are scheduled to take effect for the 2002 crab season. Instead, DNR would be required to adopt emergency regulations that are effective by July 1, 2002 establishing minimum size limits for catching and possessing hard crabs, soft crabs, and peeler crabs that are the same as the regulations in effect on January 1, 2002 that governed the minimum sizes for catching or possessing hard crabs, soft crabs, and peeler crabs. Because an estimate of the costs and benefits of the final regulations is not available, the impact of this bill on the commercial crab industry cannot

be reliably estimated at this time. Legislative Services advises, however, that it could be significant.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources, Chesapeake Bay Commission, Department of Legislative Services

Fiscal Note History: First Reader - March 18, 2002
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