

Department of Legislative Services
 Maryland General Assembly
 2003 Session

FISCAL AND POLICY NOTE
Revised

House Bill 65 (Delegate Schisler)

Environmental Matters

Education, Health, and Environmental Affairs

Fishery Management Plans - Goals, Elements, and Scientific Peer Review

This bill establishes additional goals of the conservation and management measures adopted by the Department of Natural Resources (DNR) under fishery management plans and adds to the list of required elements of those plans. The bill also establishes scientific peer review requirements and provides that DNR's annual report regarding fishery management plans must include information relating to the peer review process.

The provisions of the bill relating to the scientific peer review process take effect January 1, 2005.

Fiscal Summary

State Effect: General fund expenditures would increase by \$54,800 in FY 2005 to implement the required peer review process. Future year estimates are annualized, adjusted for inflation, and reflect ongoing operating expenses. No effect on revenues.

(in dollars)	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	54,800	112,500	119,200	126,600
Net Effect	\$0	(\$54,800)	(\$112,500)	(\$119,200)	(\$126,600)

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

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The bill provides that the conservation and management measures adopted under a fishery management plan, to the extent possible, shall achieve sustainable use of the fishery; rebuild depressed stocks to the highest sustainable yields that are consistent with the available habitat, known multispecies interactions, and the general ecosystem; be based on the best available scientific information, as supplemented by any other relevant and reliable information, including socioeconomic information; and promote the protection and restoration of fish habitat.

The bill adds the following to the list of required elements within a plan: (1) performance measures for the evaluation of management actions taken under a plan; (2) a description of monitoring activities necessary to evaluate the effectiveness of management actions; and (3) in the description of the fishery required under current law, the type and quantity of fishing gear used recreationally.

With respect to the scientific review process, the bill:

- requires DNR to submit the proposed fishery management plan, and the stock assessment and technical and scientific information that support the proposed plan, to at least three independent experts before a plan may be adopted;
- requires the Secretary of Natural Resources to designate the experts performing the peer review, subject to specified conditions; and
- establishes requirements for DNR upon completion of the scientific peer review, including responding to the peer review comments and recommendations and, as appropriate, modifying the fishery management plan.

Current Law: 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. Conservation and management measures adopted under a fishery management plan, to the extent possible (1) shall prevent overfishing while attempting to achieve the best and most efficient utilization of the State's fishery resources; (2) be based on the best information available; (3) may not discriminate unfairly among groups of fishermen or have economic allocation as its sole purpose; (4) shall take into account and allow for variations among and contingencies in fisheries, fishery resources, and catches; and (5) shall avoid duplication of regulatory efforts and unnecessary costs to the State and to any other person.

DNR must present fishery management plans in the form of an annual report to the Legislative Policy Committee, the Senate Education, Health, and Environmental Affairs Committee, and the House Environmental Matters Committee. The Secretary is required to adopt the proposed management plans and any proposed conservation and management measure by regulation. 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 is required to prepare a fishery management plan for 24 species of fish. According to DNR, fishery management plans have been completed for 20 of those species.

State Expenditures: The bill's provisions that take effect October 1, 2003 (additional goals and required elements of a fishery management plan) could be handled with existing budgeted resources. General fund expenditures could increase by an estimated \$54,800 in fiscal 2005, which accounts for the January 1, 2005 effective date of the bill's scientific peer review provisions. This estimate reflects the cost of hiring two natural resource planners to compile data, forward data and instructions to peer reviewers, organize meeting facilities, and generally administer the peer review process. It includes salaries, fringe benefits, and ongoing operating expenses including travel. The estimate, which is based largely on information from the Atlantic States Marine Fisheries Commission on its costs related to peer review, is based on the following information and assumptions:

- two fishery management plans would be reviewed each year;
- preparation for each scientific peer review would be significant;
- DNR would consult three reviewers and pay them each a stipend for their services; and
- each peer review would require a three-day meeting.

Salaries and Fringe Benefits	\$50,300
Stipends for Peer Reviewers	3,050
Other Operating Expenses	<u>1,450</u>
Total FY 2005 State Expenditures	\$54,800

Future year expenditures reflect: (1) full salaries with 4.5% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

Small Business Effect: To the extent the bill's changes have a significant impact on the management measures adopted for various fisheries, commercial watermen could be positively or negatively affected. Because management decisions that would be made in the absence of the bill cannot be predicted, however, the bill's impact on watermen cannot be reliably estimated at this time.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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Analysis by: Lesley Frymier

Direct Inquiries to:
(410) 946-5510
(301) 970-5510