

Department of Legislative Services
 Maryland General Assembly
 2004 Session

FISCAL AND POLICY NOTE
Revised

House Bill 90 (Chairman, Environmental Matters Committee)
 (By Request – Departmental – Natural Resources)

Environmental Matters Education, Health, and Environmental Affairs

Natural Resources - Public Notice - Natural Oyster Bars and Harvest Reserve Areas

This departmental bill authorizes the Department of Natural Resources (DNR) to adopt regulations that designate an area as a “harvest reserve area” for oysters. By publishing public notice, including notice to the Joint Committee on Administrative, Executive, and Legislative Review (AELR), DNR may establish the opening or closing of an area; the harvest limit; the seasons, days, and times when oysters may be harvested; a minimum size limit of not less than three inches; and a maximum size limit. The bill establishes criteria DNR must follow when opening and closing an area as well as public notice requirements. The bill also modifies existing public notice requirements relating to natural oyster bars by requiring notice to AELR. For both harvest reserve areas and natural oyster bars, DNR is to post notice on its web site; DNR is no longer required to publish notice in all counties, but rather just the counties in which the affected waters are located.

The bill defines “harvest reserve area” as an area designated by DNR for the restoration and harvesting of oysters on a rotational basis.

The bill takes effect June 1, 2004.

Fiscal Summary

State Effect: General fund expenditures would decrease by \$31,700 annually beginning in FY 2005 due to the changes to the public notice requirements. No effect on revenues.

(in dollars)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	(31,700)	(31,700)	(31,700)	(31,700)	(31,700)
Net Effect	\$31,700	\$31,700	\$31,700	\$31,700	\$31,700

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

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

Small Business Effect: DNR has determined that this bill has a meaningful impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law: DNR is required to prepare a fishery management plan for oysters. As such, DNR has the authority to adopt conservation and management measures for the fishery. Currently, DNR has the authority to open a natural oyster bar for harvesting with 48 hours public notice; close a bar with 30 days notice; change a catch limit in regulation; modify the times for catching oysters; and modify the minimum size in regulation. Public notice relating to closing a natural oyster bar and changing a catch limit must be published in one or more newspapers of general circulation in each county of the State.

Background: According to DNR, this bill would provide the agency with the authority to manage oyster harvest reserve areas with greater flexibility and timeliness. A short, controlled fishery in an oyster harvest reserve area requires the ability to manage given unpredictable disease, growth, and mortality conditions. DNR advises that it needs the authority to modify harvest reserve restrictions with 48 hours of public notice. In addition, DNR seeks the authority to open the harvest reserve areas to fishing outside of the normal oyster season under specified conditions.

The changes to the public notice requirements are intended to ensure that all affected parties have a reasonable opportunity to be advised of the change; DNR advises that a large group of individuals accesses the agency's web site for information. In addition, the bill's changes are intended to save money, as publishing a notice in counties not affected by the change is costly.

State Expenditures: According to DNR, the average price of publishing a public notice in a county paper is \$115 per notice. Over the past three years, DNR has published on average, 12 oyster notices annually. By repealing the requirement that DNR publish oyster notices in all counties, general fund expenditures will decrease by an estimated \$31,740 annually beginning in fiscal 2005.

Expenditures would not be materially affected by the bill's other provisions.

Additional Information

Prior Introductions: SB 698/HB 1159 of 2003 would have required DNR to establish by regulation zones in which power dredging for oysters would be permitted. SB 698 passed the Senate with amendments. The House Environmental Matters Committee reported both bills unfavorably.

Cross File: None.

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

Fiscal Note History: First Reader - January 23, 2004
ncs/ljm Revised - House Third Reader - March 22, 2004
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