

Department of Legislative Services
 Maryland General Assembly
 2006 Session

FISCAL AND POLICY NOTE
Revised

House Bill 980

(Delegate V. Clagett, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

Natural Resources - Terrapin

This bill requires the Department of Natural Resources (DNR) to adopt a fishery management plan for diamondback terrapin. It also modifies provisions regarding the adoption of regulations governing terrapin and requires that such regulations be consistent with the recommendations of the Maryland Diamondback Terrapin Task Force issued in 2001.

Fiscal Summary

State Effect: General fund expenditure increase of \$43,000 in FY 2007 for DNR to hire a biologist to prepare and update the required plan. Future year expenditures are annualized, adjusted for inflation, and reflect ongoing operating costs. Revenues would not be materially affected.

(in dollars)	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	43,000	58,800	62,200	65,900	69,900
Net Effect	(\$43,000)	(\$58,800)	(\$62,200)	(\$65,900)	(\$69,900)

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: Minimal.

Analysis

Current Law: DNR is required to adopt regulations regarding the catching of terrapin and conservation of terrapin resources, especially taking into consideration the establishment of a season and legal size.

DNR is currently required to prepare a fishery management plan for 24 species of fish; diamondback terrapin is not currently on the list of species for which such a plan is required. 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, the cost likely to be incurred in managing 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. Once a fishery management plan has been adopted by regulation, the State's fishery resources must be harvested in accordance with the conservation and management measures in the plan and any regulations implementing or amending that plan.

Background: Diamondback terrapins live in coastal salt marshes, estuaries, and tidal creeks along the U.S. Atlantic and Gulf coasts from Cape Cod, Massachusetts, to western Texas and the Florida Keys. The diamondback terrapin is the only species of turtle in North America that spends its life in brackish water (salty but less so than sea water). Diamondback terrapins are well adapted for eating hard-shelled prey including aquatic snails, crabs, and blue mussels. They also eat fish, marine worms, and plant material.

Diamondback terrapins produce about 40 eggs per year and do not reach maturity until a minimum of eight years of age. Survival rates during the first year are estimated as low as 20%. The low reproductive potential of terrapins indicates that females must reproduce for many years in order for the population to grow or remain stable. The diamondback terrapins can live beyond 50 years.

Current Threats to Diamondback Terrapins

DNR is currently studying the number of diamondback terrapins living in the Chesapeake Bay. In some areas, the diamondback terrapins appear to be in decline due to many factors including destruction of nesting beaches, excessive predation by raccoons, and large-scale commercial harvesting whereby the diamondback terrapins are killed and sold for food. In addition, many diamondback terrapins drown in eel and crab pots. These deaths are preventable by equipping pots with specified devices as required by Maryland law. Moderate trapping effort on or near a nesting beach can destroy 95% of a nesting population within one or two years. Finally, the demand for turtles and

terrapins as a food source in Asia has significantly increased the commercial harvest of these species.

Maryland Diamondback Terrapin Task Force

A task force was established by former Governor Glendening in 2001 for the purpose of evaluating the diamondback terrapins current population and developing strategies to protect and preserve the species. Members of the task force prepared a report and submitted it to the Secretary of Natural Resources on September 20, 2001. The task force made 18 recommendations including (1) establishing an immediate moratorium on the commercial harvest of the diamondback terrapins in Maryland; (2) funding a population assessment of the diamondback terrapin; (3) identifying and protecting terrapin nesting beaches throughout the tidewater regions of Maryland; (4) enacting shoreline management policies that take into consideration critical habitat for terrapin nesting; and (5) establishing May 13 as Diamondback Terrapin Day.

State Expenditures: General fund expenditures could increase by an estimated \$42,976 in fiscal 2007, which accounts for the bill's October 1, 2006 effective date. This estimate reflects the cost of hiring one natural resources biologist to develop and update the fishery management plan for terrapin. It includes a salary, fringe benefits, and ongoing operating expenses. DNR advises that existing staff would not be able to handle any increase in workload because staff is already overwhelmed trying to keep up with the plans currently required.

Positions	1
Salary and Fringe Benefits	\$42,646
Operating Expenses	<u>330</u>
FY 2007 State Expenditures	\$42,976

Future year expenditures reflect: (1) a full salary with 4.6% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

This estimate does not include costs to conduct a stock assessment; DNR advises that it has applied for approximately \$60,000 in federal funding for this purpose.

Small Business Effect: According to DNR, from 2002 through 2005, an average of eight commercial licensees reported the harvest of terrapin. During that time period, an average of 1,100 pounds was landed each year, with an average annual dockside value of \$2,000. DNR advises that regulations adopted pursuant to the bill would likely reduce

the length of the commercial season, increase the minimum size limit, and establish a limited entry permit system for terrapin.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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