

**Department of Legislative Services**  
Maryland General Assembly  
2010 Session

## FISCAL AND POLICY NOTE

House Bill 1158 (Delegate Costa)  
Environmental Matters

## Natural Resources - Commercial Finfish - Bycatch

This bill prohibits a tidal fish licensee from catching or possessing any tidal finfish in violation of any size limit established in Fish and Fisheries provisions of the Natural Resources Article or regulations; however, a tidal fish licensee may possess a bycatch of an individual species of tidal finfish if the bycatch does not exceed 5% of the total number of that species of tidal finfish possessed.

## Fiscal Summary

**State Effect:** The bill does not materially affect State finances. However, to the extent Department of Natural Resources (DNR) Natural Resources Police (NRP) officers are required to count finfish to determine whether the bycatch exceeds the 5% threshold, DNR's workload increases.

**Local Effect:** None.

### **Small Business Effect:** Potential meaningful.

## Analysis

**Current Law:** DNR is required to prepare fishery management plans for a number of specified species, including blue crabs, yellow perch, herring, and oysters. A “fishery management plan” is a document or report that contains a systematic description of a given fishery and the objectives and conservation and management measures for the fishery. Conservation and management measures adopted under a fishery management plan seek to prevent overfishing, while attempting to achieve the best and most efficient utilization of the State’s resources; must be based on the best information available; may

not discriminate unfairly among groups of fishermen or have economic allocation as their sole purpose; must account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches; and must avoid duplication of regulatory efforts and unnecessary costs to the State and to any other person.

The Secretary of Natural Resources adopts fishery management plans and associated conservation and management measures by regulation. The State's fisheries resources must be harvested in accordance with the conservation and management measures in the fishery management plan and any regulations implementing or amending the plan.

Various statutory and regulatory provisions establish size limits for various species of fish.

**Background:** DNR's Fisheries Service is responsible for managing commercial and recreational fishing in the State. The Fisheries Service seeks to develop a management framework for the conservation and equitable use of fishery resources; manage fisheries in balance with the ecosystem for present and future generations; monitor and assess the status and trends of fishery resources; and provide high quality, diverse, and accessible fishing opportunities.

Watermen may have hundreds or thousands of fish on board their vessel while harvesting. Therefore, bycatch, or fish caught unintentionally while intending to catch other fish, is a common outcome. Watermen may retain and sell or discard bycatch. Bycatch of certain species is prohibited or specifically limited in statute and regulations. For example, current regulations require that any black bass caught in a net, seine, or other device while engaged in other fishing be immediately returned unharmed to the water. Some fisheries require a permit to harvest, but allow a small bycatch allowance to those fishing commercially without a permit. To reduce unintentional harvest, bycatch reduction devices are required on some types of fishing equipment.

**Small Business Effect:** To the extent fishermen are able to catch and sell additional fish, small fishing businesses benefit. However, to the extent they must submit to lengthy inspections by NRP officers to determine bycatch levels, the bill has a negative impact on small fishing businesses. Also, if establishing a 5% bycatch allowance prompts the Atlantic States Marine Fisheries Commission to reduce the State's allowable harvest, the bill has a negative impact on small fishing businesses.

---

## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 4, 2010  
mlm/lgc

---

Analysis by: Amanda Mock

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