

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 478 (Delegate Jacobs, *et al.*)
Environmental Matters

Natural Resources - Removal of Abandoned Fishing Nets

This bill requires the Department of Natural Resources (DNR) to remove and dispose of any abandoned fishing net in State waters within one day of the net being found or reported.

The bill takes effect June 1, 2012.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances, but could affect State operations as discussed below.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: The Secretary of Natural Resources is responsible for conservation management of the fish, fisheries, fish resources, and aquatic life within the State. 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.

DNR's Natural Resources Police (NRP) serves as a public safety agency with statewide authority to enforce all natural resources and conservation laws and regulations relating to seafood harvesting and sport fishing, boating, wildlife conservation, and enforcement activities in State parks, forests, and other public lands. Each NRP officer has full law enforcement powers statewide.

Last year, there were several egregious commercial fishing violations in the Chesapeake Bay. On January 31, 2011, NRP officers confiscated more than 10 tons of illegally caught striped bass from four illegally anchored gill nets near Bloody Point Light, south of Kent Island in the Chesapeake Bay. This event forced DNR to shut down the striped bass gill net season. On February 7, 2011, NRP confiscated more than 1,100 pounds of illegally caught striped bass from 1,200 yards of illegally anchored gill net at the mouth of Eastern Bay, a mile south of the previously located Bloody Point gill nets. On February 11, 2011, two 900-yard strings of illegal anchored gill nets were located in Eastern Bay that contained a total of 3,879 pounds of striped bass. In May 2011, NRP found 1,400 yards of illegal anchored gill net containing more than three tons of dead rockfish near Tilghman Island. These incidents heightened public concern about illegal fishing in Maryland waters.

State Fiscal Effect: Because the bill does not define "abandoned fishing net," the circumstances under which a net should be considered abandoned are unclear. An abandoned net could include fishing nets that are being used illegally in State waters. Currently, when an illegal gill net is located, NRP officers determine whether to conduct surveillance on the nets. When making this decision, NRP considers several factors, including weather, location, and staffing. To the extent the bill requires the removal of fishing nets prior to NRP completing surveillance, the investigation of potential criminal violations of fisheries laws may be hindered.

The bill does not impact DNR's workload since NRP officers currently handle the removal of unauthorized fishing nets.

Additional Information

Prior Introductions: None.

Cross File: SB 385 (Senator Pipkin) - Education, Health, and Environmental Affairs.

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

Fiscal Note History: First Reader - February 14, 2012
ncs/lgc

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