

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 211

(Delegate Robinson, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

Cownose Ray Fishery Management Plan and Moratorium on Contests

This emergency bill requires the Department of Natural Resources (DNR) to prepare a fishery management plan for the cownose ray by December 31, 2018, subject to funding made available to DNR for that purpose. The bill prohibits a person from sponsoring, conducting, or participating in a cownose ray fishing contest in State waters until July 1, 2019. “Cownose ray fishing contest” means any competition, tournament, or derby with the objective of catching or killing cownose rays for (1) prizes or other inducements or (2) entertainment purposes. A person who violates the bill’s prohibition is guilty of a misdemeanor and subject to existing penalties for violations of Title 4 (Fish and Fisheries) of the Natural Resources Article.

Fiscal Summary

State Effect: The bill can be implemented with existing resources, as discussed below. The bill’s penalty provision is not expected to materially affect State finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law/Background:

Cownose Rays

State statute and DNR regulations do not specifically regulate the cownose ray fishery, though DNR is considering adopting regulations. The regulatory actions currently under consideration would prohibit the use of specified projectile gear, such as archery equipment, for taking cownose rays during the period from July 1 through December 31. DNR is authorized in statute to, after consultation with the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission, adopt regulations to define and govern the use of recreational fishing gear and certain types of commercial fishing gear, including bowfishing gear.

DNR indicates that cownose rays are a migratory species and use the Chesapeake Bay as a nursery habitat between May and October, with male cownose rays leaving the bay in late June through early July. After July 1, the cownose rays in the bay are predominantly pregnant females and young-of-the-year pups.

An October 2016 DNR summary of potential actions that could be taken to regulate the cownose ray fishery included an option of requiring cownose ray tournament and charter operators to obtain a permit from, and report to, DNR in order for the department to gather data to better understand the impact of tournaments and charters on the fishery. That option is not included in the current actions being considered, however.

Fishery Management Plans

DNR is required by statute to prepare fishery management plans for various listed species and has specified authority to prepare plans for additional species. The plans contain a systematic description of a given fishery and the objectives and conservation and management measures for the fishery. Various requirements apply to both the plans and the conservation and management measures in the plans. Once a fishery management plan has been adopted by regulation, the fishery must be harvested in accordance with the conservation and management measures in the plan and any regulations implementing or amending that plan.

Required contents of a plan include, among other things (1) the best available estimates of sustainable harvest rates; (2) indicators that would trigger any tightening or loosening of harvest restrictions; and (3) a description of the fishery, including the history of the fishery and its current condition relative to historic populations, the numbers of potential

commercial and recreational fishermen projected to participate in the fishery, and the type and quantity of fishing gear used commercially.

Existing Penalties Referenced in the Bill

Except as otherwise specifically provided under Title 4 (Fish and Fisheries) of the Natural Resources Article, a person who violates any provision of the title is guilty of a misdemeanor and subject to a fine of up to \$1,000, with costs imposed in the discretion of the court. Unless another penalty is specifically provided for, a second or subsequent violation (one which has occurred within two years of any prior violation) is subject to a fine of up to \$2,000 and/or imprisonment for up to one year, with costs imposed in the discretion of the court.

State Expenditures: The bill is expected to be implemented by DNR with existing resources; however, due to the December 31, 2018 deadline for the preparation of the fishery management plan, the limited timeframe for the development of the plan may (1) result in a plan that does not fully meet the statutory requirements for a fishery management plan and (2) limit the extent of conservation and management measures that are put in place under the plan.

DNR indicates that while there is existing information on the cownose ray, there is not sufficient population information available on the cownose rays that are in the Chesapeake Bay each year, which is important for (1) developing required plan contents such as best available estimates of sustainable harvest rates and indicators that would trigger any tightening or loosening of harvest restrictions and (2) establishing conservation and management measures to ensure the fishery is sustained. According to DNR, gathering such information requires at least five years of annual aerial surveys (expected to be the most effective and efficient method to gather population data on schools of cownose rays in the bay), at a cost of at least \$25,000 per year for aircraft rental and associated costs.

Absent time to complete the aerial survey work, DNR expects to prepare the fishery management plan required by the bill (by December 31, 2018) with existing resources, using available information.

Additional Information

Prior Introductions: None.

Cross File: Although SB 268 (Senator Young, *et al.* - Education, Health, and Environmental Affairs) is designated as a cross file, it is not identical.

Information Source(s): Department of Natural Resources; Maryland Charter Boat Association; Department of Legislative Services

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