

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 213

(Delegate Stein, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

Cownose Ray Fishery Management Plan and Moratorium on Contests

This bill extends the deadline by which the Department of Natural Resources (DNR) must prepare a fishery management plan for the cownose ray by two years (from December 31, 2018, to December 31, 2020), subject to funding made available to DNR for that purpose. The bill also continues the prohibition against a person sponsoring, conducting, or participating in a cownose ray fishing contest in State waters until DNR prepares the required fishery management plan. **The bill takes effect June 1, 2019.**

Fiscal Summary

State Effect: The bill can be implemented with existing resources. The continuation of the applicability of an existing penalty provision is not expected to materially affect State finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law/Background: Chapters 398 and 399 of 2017 required DNR to prepare a cownose ray fishery management plan by December 31, 2018. The Acts also prohibited a person from sponsoring, conducting, or participating in a cownose ray fishing contest. This prohibition terminates July 1, 2019. A person who violates the prohibition is guilty of a misdemeanor and is subject to penalties applicable to violations of Title 4 (Fish and Fisheries) of the Natural Resources Article. “Cownose ray fishing contest” is any

competition, tournament, or derby with the objective of catching or killing cownose rays for (1) prizes or other inducements or (2) entertainment purposes.

In response to Chapters 398 and 399, DNR convened a cownose ray workgroup, which met once in February 2018. DNR indicates that staff is working on drafting biological information on cownose rays based on current scientific studies.

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 that Apply to Violations of the Prohibition Continued by 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.

Cownose Rays

According to a 2015 report by the Chesapeake Bay Program, cownose rays are a species of cartilaginous fish that are characterized by late maturity, long gestation, and low fecundity (ability to produce an abundance of offspring). In addition to humans, cownose ray predators include cobia and nearshore shark species, such as sandbar and dusky sharks.

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.

Additional Information

Prior Introductions: None.

Cross File: SB 143 (Senator Young, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Chesapeake Bay Program; Department of Natural Resources; Department of Legislative Services

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