

SB 799 LOS Final.pdf

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Position: FAV

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CECIL COUNTY GOVERNMENT
Cecil County Administration Building
200 Chesapeake Boulevard, Elkton, MD 21921

February 16, 2021

The Hon. Paul G. Pinsky, Chair
Senate Education, Health, and Environmental Affairs Committee
2 West Miller Senate Office Building,
Annapolis, MD 21401

RE: SB 799 Cecil County – Fishing – Restrictions
Letter of Support

Dear Senator Pinsky and members of the Education, Health and Environmental Affairs Committee:

The County Executive and County Council of Cecil County unanimously support SB 799 Cecil County – Fishing- Restrictions, which was scheduled for hearing on February 10, 2021. We apologize for our delay in sending our letter of support.

It is our understanding of this legislation will removed Cecil County from the restrictions regarding the rights of refusal to set commercial fishing nets in front of property of the riparian owner.

Cecil County has many rivers and streams that are currently restricted from commercial fishing because of this law. We would prefer to leave permission to set commercial fishing nets to the property owners, which is the same as Baltimore, Caroline, Charles, Dorchester, Prince George's, St. Mary's, and Talbot counties. This bill also removes obsolete language specific to Elk River, Sassafras River, North East River, and Bohemia River.

The County Executive and Cecil County Council respectfully request that the Education, Health and Environmental Affairs Committee to consider a favorable report on SB 799.

Danielle Hornberger
Cecil County Executive

Robert Meffley
Council President

Copy: Cecil County Delegation

SB799_CCAMD.pdf

Uploaded by: Sikorski, David

Position: UNF

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**RECREATIONAL ANGLERS
WORKING TO CONSERVE, PROMOTE, AND ENHANCE MARYLAND'S
MARINE RESOURCES**

March 10, 2021

To: Honorable Paul G. Pinsky, Chair
Honorable Cheryl C. Kagan, Vice-Chair
Honorable Members of the Education, Health & Environmental Affairs
Committee

Re: Senate Bill 799 - Cecil County – Fishing - Restrictions

CCA Maryland Position: OPPOSE

Senate Bill 799 alters the notice and permission requirements for the setting of nets in certain Cecil County waters.

As Maryland's only state-wide recreational angling based conservation organization, CCA Maryland has major concerns with the known and unknown impacts of the expanded use of nets in Cecil County's rivers and tributaries to the Chesapeake Bay.

For more than two decades, CCA Maryland has worked with Maryland's Department of Natural Resources(DNR) to guide and shape policies that effect our state's many and valuable public natural resources.

Ideally, this important work is always guided by scientific information that helps answer questions about the impacts on the species in question and the trade-offs associated with any proposed change in natural resource policy.

An analysis of the sustainable use of a species and the many questions introduced by harvest or use of such species are often addressed in the development and use of fisheries management plan. Once written, these plans are commonly vetted by numerous advisory commissions to DNR in a public and transparent fashion.

Unfortunately, no such process has been initiated prior to the introduction of SB 799 to address the many questions related this wholesale change in the allowance of nets in Cecil County and the adjacent waterways and how to understand the potential impacts.

Species Impacts

Striped bass, river herring, American and hickory shad are some of the most important species that may be impacted by this action.

All of these species are anadromous in nature, meaning they return to spawn in the rivers from which they were born, and do so in the spring of the year. The tributaries of the upper Chesapeake Bay all include important spawning habitat for these species and more.

Striped bass, or rockfish, are currently listed as overfished meaning their adult spawning population is below levels which determine the sustainability of these important fish.

In 2020, Maryland DNR initiated a full closure of targeting of striped bass state-wide by recreational anglers in April to mitigate our impact on these fish when they are in certain areas and heading to spawn. Additional protections already exist in specific areas which prohibit impacting these fish while spawning, and have been in place since the early 1990's.

Striped bass may not be harvested commercially in Maryland when over 36", a noteworthy protection of the spawning stock. Unfortunately, these fish may still be caught by nets on their way to the spawning reaches and may undergo stressful handling that may exist when being handled and removed from nets.

River herring and both shad species are also protected from recreational and commercial harvest at this time, but have no protections from being caught by pound nets beyond required release when caught.

How will DNR ensure that additional nets in Cecil County will not impact these species in a meaningful way as they congregate to spawn?

How does the use of pound net gear impact endangered species? This image shows an endangered species, the Atlantic Sturgeon lifted by the tail by a Maryland pound net fisherman. **Do suitable regulations exist to ensure the safe release of species like this sturgeon?** Photo Credit: Hooper's Island Store Facebook.



Latent Effort:

CCA Maryland has long expressed concerns about the volume of permitted pound net sites which exist in the Chesapeake Bay.

While it is known that the majority of pound net sites are not currently fished and pound nets are notably expensive to install and manage, we believe that a full review of pound nets sites should be initiated by Maryland DNR, and use or lose provisions should be considered for future pound net permits.

A map of permitted sites and those which are active and inactive can be found here:

<https://dnr.maryland.gov/fisheries/Pages/poundnets/index.aspx>

Additional Concerns:

Whenever a long standing prohibition is considered, numerous questions exist related to the prohibition.

- **Why and when was this gear prohibited?**
- **What are the potential ecological impacts of a reversal of this prohibition?**
- **How will the use of this gear impact targeted and non-targeted species?**
- **Is there a specific desire to use this gear in a specific way, at a specific location, or at a specific time?**
- **Are there assumptions made previously about this gears impacts that may not be relevant to current conditions?**

Beyond these ecological questions, CCA Maryland has additional concerns related to the many user impacts that are likely to occur should this prohibition of netting be reversed.

Moving forward, CCA Maryland stands committed to participating in an inclusive and transparent process to define the trade-offs associated with the expanded use of nets in Cecil County and where other conflicts may exist or could exist due to such changes in fisheries policy.

For these reasons, we respectfully request a un-favorable vote on SB 799.

For more information, please contact David Sikorski, Executive Director @ david@ccamd.org or (443)621-9186

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Uploaded by: McKittrick, James

Position: INFO



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary

March 10, 2021

The Honorable Paul G. Pinsky
Chair, Education, Health and Environmental Affairs Committee
2 West Miller Senate Office Building
Annapolis, MD 21401

The Honorable Cheryl C. Kagan
Vice Chair, Education, Health and Environmental Affairs Committee
2 West Miller Senate Office Building
Annapolis, MD 21401

Re: Letter of Information – Senate Bill 799 – Cecil County – Fishing – Restrictions

Dear Chair, Vice Chair and Committee Members,

The Maryland Department of Natural Resources offers the following information on Senate Bill 799. This bill removes restrictions on the use of pound nets in Cecil County, including the Susquehanna River, allows for the setting of nets without the permission of the shore owner, and removes fishing prohibitions during the regular duck season.

Allowing pound nets in the Susquehanna River may have negative effects on the spawning activities of striped bass, herring, and shad. While it is difficult to quantify the extent to which those species spawning activities would be impacted due to many factors such as the number of nets, the exact location of the nets, and the time the nets were set, it is likely that if pound nets were allowed to be set in the Susquehanna River striped bass, herring, and shad could be negatively impacted. While the striped bass season is not open during the spawning period, it is expected that spawning fish would be caught in pound nets where handling stress can occur. Handling stress on spawning fish leads to a failure to spawn, even if the fish are eventually released.

Coast-wide, herring and shad stocks are currently depleted. The Atlantic States Marine Fisheries Commission is preparing to move forward with efforts to identify paths to improve those stocks. These efforts will include reducing bycatch of herring and shad throughout the Chesapeake Bay. There is currently no open season for these fish and they would likely be caught in any pound nets set in the Susquehanna.

HB 693 may also create additional resource conflicts by allowing nets to be set within 200 yards of the beach at Elk Neck State Park, or by allowing fishing from a vessel during the duck season in tributaries of the Chesapeake Bay where that activity has historically been restricted.

Thank you for allowing the department to submit this information on SB 799 for the committee's careful consideration.

Respectfully submitted,

James W. McKittrick

Contact: James McKittrick, Director, Legislative and Constituent Services
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