

HB693_CCAMD.pdf

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Position: UNF

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

March 3, 2021

To: Honorable Kumar P. Barve, Chairman
Honorable Dana Stein, Vice Chairman
Honorable Members of the House Environment and Transportation Committee

Re: House Bill 693 - Cecil County – Fishing - Restrictions

CCA Maryland Position: OPPOSE

House Bill 693 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 HB 693 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 House Bill 693.

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

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Uploaded by: B. Hornberger, Delegate Kevin

Position: INFO

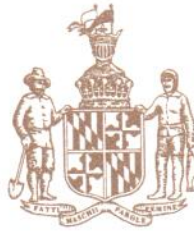
KEVIN B. HORNBERGER
Legislative District 35A
Cecil County

Ways and Means Committee

Finance Resources Subcommittee
Local Revenues Subcommittee

Joint Committee on Gaming Oversight

Chair, Cecil County House Delegation



The Maryland House of Delegates
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March 17th, 2021

The Honorable Kumar P. Barve
Chair, Environment & Transportation Committee
House of Delegates Office Building, Rm. 251
Annapolis, MD 21401

RE: HB-693 Amendments HB0693/613220/1 & HB0693/773526/1
Support

Dear Chair Barve & Members of the Committee,

Please accept this letter of support on behalf of the Cecil County Delegation regarding the two sponsor amendments, HB0693/613220/1 & HB0693/773526/1 to HB-693. These amendments do the following:

- provides that people may not fish in the Susquehanna flats during waterfowl season, in addition to prohibiting other disruptive activity such as boating that would interfere with waterfowl hunting in the flats (during the season).
- prohibits commercial netting in the Susquehanna River

The Delegation support is unanimous. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be 'Kevin B. Hornberger', written over a horizontal line.

Delegate Kevin B. Hornberger

Delegate Steven J. Arentz

Delegate Mike Griffith

Delegate Jefferson L. Ghrist

Delegate Jay A. Jacobs

Delegate Teresa E. Reilly

HB0693-613220-01 (1)

Uploaded by: Hornberger, Delegate Kevin

Position: INFO



HB0693/613220/1

<p>AMENDMENTS PREPARED BY THE DEPT. OF LEGISLATIVE SERVICES</p> <p>02 MAR 21 14:03:45</p>

BY: Delegate Hornberger
(To be offered in the Environment and Transportation Committee)

AMENDMENTS TO HOUSE BILL 693
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “**County**” insert “**and Harford County**”; in the same line, after “**Fishing**” insert “**and Boating**”; in line 7, after “County;” insert “prohibiting a person from catching fish during a certain season in the Susquehanna Flats; prohibiting a person from operating a boat or engaging in certain activity during a certain season in the Susquehanna Flats, except under certain circumstances;”; in line 8, after “fishing” insert “and boating”; in the same line, after “County” insert “and Harford County”; in line 11, after “4-712” insert “and 4-720”; and after line 18, insert:

“BY adding to
Article – Natural Resources
Section 8-745
Annotated Code of Maryland
(2012 Replacement Volume and 2020 Supplement)”.

AMENDMENT NO. 2

On page 3, after line 3, insert:

“4-720.

(A) A person may not use a haul seine in the water area west of a line from Locust Point to the pumping station at Perry Point. This section does not prohibit catching fish for conservation or scientific purposes under the supervision of the Department, or prohibit catching carp. If 25 or more rockfish are found in a seine or net, there is a violation of this section, and the exception stated does not apply. Any person who violates the provisions of this section is guilty of a misdemeanor and upon

(Over)

conviction is subject to a fine of at least \$100 and not more than \$1,000 with costs imposed in the discretion of the court.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON MAY NOT CATCH FISH DURING WILD WATERFOWL HUNTING SEASON IN THE SUSQUEHANNA FLATS.

8-745.

EXCEPT TO HUNT WILD WATERFOWL IN ACCORDANCE WITH TITLE 10, SUBTITLE 10 OF THIS ARTICLE, A PERSON MAY NOT OPERATE A BOAT OR ENGAGE IN ANY OTHER ACTIVITY THAT MAY DISRUPT WATERFOWL HUNTING DURING WILD WATERFOWL HUNTING SEASON IN THE SUSQUEHANNA FLATS.”.

HB0693_DNR_LOI 3-3-21 ENT.pdf

Uploaded by: McKittrick, James

Position: INFO



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

March 3, 2021

The Honorable Kumar P. Barve
Chair, Environment and Transportation Committee
Room 251, House Office Building
Annapolis, MD 21401

The Honorable Dana Stein
Vice Chair, Environment and Transportation Committee
Room 251, House Office Building
Annapolis, MD 21401

Re: Letter of Information – House Bill 693 – Cecil County – Fishing – Restrictions

Dear Chair, Vice Chair and Committee Members,

The Maryland Department of Natural Resources offers the following information on House Bill 693. 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 HB 693 for the committee's careful consideration.

Respectfully submitted,

James W. McKitrick
Director, Legislative and Constituent Services