

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: March 31, 1998 Revised: 04-02-98 \_\_\_\_\_

Subject: Pilot Baitfish Tarpaulin Seine Program

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Gee</u>	<u>Voigt</u>	<u>NR</u>	<u>Fav/2 amendments</u>
2.	_____	_____	<u>WM</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

**I. Summary:**

This bill authorizes a 2-year study by the Department of Environmental Protection (DEP) to evaluate a pilot program for a baitfish tarpaulin seine fishery created by the 1997 Legislature. It provides an appropriation and requires reports.

This bill creates a yet unnumbered section of the Florida Statutes.

**II. Present Situation:**

Pursuant to s. 42 of 97-160, L.O.F., and s. 24 of ch. 97-164, L.O.F., the Legislature established a 3-year pilot program for the use of baitfish purse seines modified to employ solid tarpaulin material in conjunction with 500 square feet of traditional seine mesh netting. Limited to 600 yards in length, the “tarp” nets may only be used in Wakulla, Franklin, Gulf, Bay, Walton, and Okaloosa Counties by no more than 7 licensees. The tarp nets may only be used to harvest specified species, under annual harvest limits established by the Marine Fisheries Commission (MFC). No means of measuring the impact of the tarp net fishery were specified.

**III. Effect of Proposed Changes:**

The bill authorizes the DEP to conduct a 2-year study to evaluate the pilot program. The study will determine:

- The effect of the pilot program on the health and abundance of each baitfish species authorized for harvest with the tarpaulin seine;
- The potential for impacting non-targeted species with the gear and equipment; and

- Whether the durability and structural integrity of the tarpaulin seines is sufficient to minimize potential environmental damage and the need for cleanup activities.

The study must include, but not be limited to, fishery-dependent, onboard observations. The results of the study will be used to determine the future management of baitfish stocks in Northwest Florida. To defray the costs of the study, the DEP is authorized to levy a fee not exceeding 1 cent per pound of saltwater products landed by tarp nets. The fees will be deposited into the Marine Resources Conservation Trust Fund (MRCTF) and used to pay the costs of onboard observations. Any excess fees may be used by the DEP to further the study.

The DEP must provide the MFC with an interim status report by October 1, 1999, and provide the MFC and Legislature a final report by October 1, 2000.

The bill provides that, notwithstanding the provisions of section 120.54, F.S., the DEP must implement this section without the adoption of rules

This act shall take effect upon becoming a law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Economic Impact and Fiscal Note:**

##### **A. Tax/Fee Issues:**

The bill establishes a fee not exceeding 1 cent per pound on saltwater products landed by the use of tarp nets.

**B. Private Sector Impact:**

The licensees in the pilot program must pay a fee not exceeding 1 cent on all saltwater products landed in the fishery.

**C. Government Sector Impact:**

Any fees levied will be deposited into the MRCTF. During the period from July 1, 1997 to February 19, 1998, 461,550 pounds of baitfish were landed in the fishery. If the DEP levied the maximum fee, the total revenues would be \$4,615. The DEP estimates that a valid scientific study would cost \$180,000.

**VI. Technical Deficiencies:**

On page 2, line 6, the title of the trust fund should be the Marine Resources Conservation Trust Fund.

**VII. Related Issues:**

None.

**VIII. Amendments:**

#1 by Natural Resources:

The amendment requires that the effect of baitfish predators on the baitfish species authorized for harvest be included in the study.

#2 by Natural Resources:

The amendment restricts funding for the study to funds generated by the bill and, if available, funding from federal sources or the General Revenue fund.