

## **MONETARY VALUES OF FISH – Updates**

### **What is being considered?**

The Department would like to update the monetary values of fish in the Code of Maryland Regulations. The Department would like to remove outdated fish values and replace them with the most up-to-date values as determined by the American Fisheries Society (AFS). The original AFS document was the basis for the 1975 regulations, so this change is in line with the original regulation. The Department would incorporate the document by reference and make the document available on the Fishing and Boating Service's website. Additionally, the Department would clarify that the regulations will only apply to fish kill incidents. The AFS document does not cover all species so the Department would consider other available resources and information such as dockside value, stocking costs, and inflation in determining replacement costs for species that are not listed.

### **Why is this change necessary?**

This change is necessary so that the Department is able to assess a reasonable monetary value for aquatic resources in the event of man-caused fish mortality. The values currently in the Code of Maryland Regulations (COMAR 08.02.01.09) were put in place in 1975, have not been changed, and are not in line with the current value of fish species. Having the correct valuations for aquatic animals would allow courts to adequately impose restitution in pollution/destruction cases and managers to adequately suggest restitution fees when permitting a project that could harm aquatic resources.

### **Who will this affect?**

Any person that causes a fish kill and is required to compensate the State for their actions.

### **When would this be effective?**

The Department projects that this change could be effective in the summer of 2025. However, the exact date cannot be determined. The Department will follow our normal [procedures](#) if this concept moves forward.

### **Has this change been discussed with advisory bodies?**

This idea was scoped with the Sport Fisheries Advisory Commission and the Tidal Fisheries Advisory Commission at their meetings in October 2024.

### **Definitions**

“Fish” means, except as provided in § 4–2A–01 of this title, finfish, crustaceans, mollusks, and amphibians and reptiles which spend the majority of their life cycle in water and any part, egg, offspring, or dead body of any of these species.

“Incorporation by Reference (IBR)” is a legal device by which one document is made a part of another simply by referring to it. The text of the referenced document, once incorporated by reference, becomes fully and legally a part of the document into which it is incorporated. Incorporation by reference must take place within a regulation. A regulation proposing to incorporate a document by reference is no different than any other proposed regulation. All the standard regulation-making procedures apply.

“Person” includes the State, any county, municipal corporation, or other political subdivision of the State, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any other entity.