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

November 8th, 2019

Via email only to: fisheriespubliccomment.dnr@maryland.gov

**RE: Amendment to Subtitle 02 Fisheries Service regarding the Department's Regulations for Striped Bass
DNR-FS-2019-04**

Coastal Conservation Association Maryland (CCA Maryland), is a state chapter of Coastal Conservation Association (CCA), a nationwide non-profit, and the largest saltwater recreational fishing organization in the country. As anglers, and avid users of our natural resources, CCA Maryland's more than 1400 members work hard to promote responsible angling activities, and sensible science-based management measures to support sustainable fisheries for the benefit of the general public, and the long-term health of the Chesapeake Bay.

As active participants in fisheries management throughout the country, CCA leadership knows the importance of working with state level resource managers to develop cooperative measures to capture data on angling activities and recreational harvest, and the value of accurate information in properly assessing fish stocks, and the impact our activities causes on the fish.

CCA Maryland appreciates the opportunity to provide input on this proposed regulation and offer the following comments and information related to the success of such measures to meet the goals of the current requirement to reduce removals of striped bass in Maryland per ASMFC agreement for 2020 and beyond.

Background

As a state whose waters spawn and grow more than 70% of the entire Atlantic striped bass population from their juvenile stage into maturity, what happens in the Chesapeake Bay directly impacts the future of striped bass populations and fisheries. As a migrator species, striped bass are managed collectively through the Atlantic States Marine Fisheries Commission(ASMFC), an interstate fisheries management body in which Maryland participates.

The current stock assessment lumps together the recreational and commercial impacts as one coast wide fishing mortality target, a number which current regulations are exceeding. The recreational fishery is defined as that which is executed by private anglers and licensed charters and guides.

Unfortunately, Maryland DNR is reliant on the Marine Recreational Information Program(MRIP) to estimate the level of effort and harvest occurring in state waters for the recreational fishery. MRIP is a statistical survey program designed to understand coast-wide and year-long fishing activities. When MRIP data is used to calculate the impact of fishing on a timeline shorter than the full year, and on a

state by state basis, the imprecise nature of this data increases, fueling the complexity of management actions, and uncertainty of the in-water benefit or impacts of any such regulation.

This reliance on MRIP is a direct failure of Maryland DNR to properly fund, develop, and execute other efforts to supplement MRIP estimates by either increasing the number of surveys completed, or to develop a parallel understanding of recreational catch and effort. Having such data is key in crafting regulations which recognize the diverse nature of recreational fisheries. Without accurate data, managers are less likely to succeed in enacting proper measures to ensure the conservation and management of our fisheries resources.

General Comments on the Current Regulatory Proposal

This proposed regulatory action is predicated by the ASMFC Striped Bass Management Boards approval of Addendum VI to the current Striped Bass Management Plan. A portion of this Addendum VI directs states to reduce total removals in the commercial and recreational sector by 18% based on the estimated or reported landings in 2017, or to submit Conservation Equivalency plans to meet the same level of reduction using a different methodology.

Conservation Equivalency(CE) is defined by ASMFC’s Charter as:

“Actions taken by a state which differ from the specific requirements of the FMP, but which achieve the same quantified level of conservation for the resource under management. One example can be, various combinations of size limits, gear restrictions, and season length can be demonstrated to achieve the same targeted level of fishing mortality. The appropriate Management Board/Section will determine conservation equivalency.” The application of conservation equivalency is described in the document Conservation Equivalency Policy and Technical Guidance Document”

It is understood by CCA Maryland that Maryland DNR has a stated position that they intend to use CE to enact a 20% reduction in estimated removals for the recreational fisheries based on levels of removals estimated in the 2017 fishing season to achieve the reductions required by ASMFC action.

It is also understood by CCA Maryland that this regulatory proposal presents only a portion of the CE methods that may be used to meet the decided upon reduction of removals on the recreational fishery.

Unfortunately, no economic impact study has been done to assess the impact that any proposed regulatory action may have on the recreational fishery participants, and it clearly estimated that many of the proposals being considered will have large impacts on the numerous small businesses which make up the recreational fishing sector and associated activities.

Specific Comments to Each Proposed Regulatory Action

CCA Maryland recognizes the complex nature of any changes in recreational fishery regulations, and that an endless combination of options may be available to meet the prescribed reductions. CCA Maryland respectfully offers the following specific comments to each regulatory action, and a determination of our support or opposition to each proposal at this time:

1. Extension of hook regulation: SUPPORT

- This action matches the ASMFC requirement to enact circle hook regulations in all states with striped bass fisheries by 2021.
- Circle hooks are an important tool that is known to limit deep hooking mortality when using live or cut bait.
- Maryland DNR has previously provided information that shows that hook and release mortality in the summer can be up to, or more than 27% when fish are deep hooked, and air and water temperatures are high. Circle hooks are a key point of reducing this hooking mortality number.
- To ensure the success of this action, it is vital that DNR focuses on the on-water enforcement of this regulation, and improves the level of cooperation with recreational fishery stakeholders and tackle companies to continue to build a knowledge of which circle hooks have the highest success rate in limiting impacts on fish that may not be legally kept, or that an angler chooses to release.
- DNR should consider what additional studies may support more knowledge of hook and release mortality related to fishing techniques and spatial and temporal impacts on striped bass.

2. May 1 Start for Trophy Season: SUPPORT

- This regulation removes 13 days from the season in 2020, by moving the start date from of the trophy season from the third Saturday in April, to May 1.
- The removal of these days is likely to have a large impact on Maryland's harvest of the spawning stock fish, and provide further opportunity for fish to spawn and leave the Chesapeake Bay after spawning.
- The trophy season showcases the major trade-offs which exist in fisheries management, a balance of economic benefit and access, with the necessary conservation of spawning stock fish.
- There is general agreement amongst many recreational fishery stakeholders who have been engaged in discussions surrounding the necessary reductions that the Trophy season has been less successful for anglers and businesses in recent years, and it generally acceptable to move the date back to help conserve the resource by keeping no fish in April.

3. Prohibiting catch and release or targeting of striped bass from March 1 through April 30. The overall benefit: OPPOSE

- The Sport Fisheries Advisory Commission did not advise Maryland DNR to utilize this regulatory option to meet the reductions required in striped bass removals.
- Closing a season with nearly 98% survivability of fish released is not a likely way to reduce overall removals in the striped bass fishery.

- Due to the highly imprecise and inaccurate estimates related to recreational angling impacts in the March and April timeframe, CCA Maryland believes this action is unlikely to provide actual savings of fish which can be accurately quantified
- MRIP estimates for 2017 which are being used to estimate the number of fish live released, within range of 110K-916K fish (95% Conf. Interval) This is reflected by the PSE, or Percent Standard Error number of 40.1. In reviewing MRIP data for other years before and after 2017, it is clear that this time of year represents a time when there is very little accuracy in understanding of recreational catch and effort. Noting this, Maryland DNR should work with recreational stakeholders to develop systems to better understand catch and effort, instead of closing this portion of the fishery.
- If using the median number of 513,044 live releases, this would mean that just over 8400 fish were released by anglers per day, over a 61-day period, when only 9 days were open for catch and keep fishing, and it is likely that many days were unfishable due to weather.
- Catch and keep fishing is widely known to be a much popular time of year, where effort increases, so the vast majority of effort in the March and April time period exists once trophy season is opened, a portion which regulation 2 proposes to remove for 2020 and beyond.
- On the opening weekend of April 22nd, 2017, nearly all charter boats reported catching no fish, and many anglers reported that the fish were in the rivers, and off limits to catch. This anecdotal experience further discredits the numbers being used by Maryland DNR to attempt to meet the conservation needs of our striped bass resources. **Has Maryland DNR done an analysis of Charter Boat log books, or discussed this experience with multiple captains?**
- The use of the year-long coast-wide 9% hook and release mortality to quantify the impacts of angling during the March-April timeline is inappropriate, and ignores studies done by Maryland DNR that shows that hook and release mortality is only an issue when bait is used, and gear which allows for deep hooking is permitted.
- Current regulations in March-April require that those fishing with bait, and that are more likely to deep hook fish, must use a non-offset circle hook, a gear shown to have a 3.4% deep hooking rate, and therefore a de-minimus, and below average impact on overall fish stocks. (<https://dnr.maryland.gov/fisheries/Documents/crsb.pdf>).
- In 1990, regulations were enacted to close all known spawning reaches and areas to the targeting of striped bass. This regulation is an important tool which is already in place to protect fish when preparing to spawn. COMAR .08.02.15.03
- CCA Maryland is unaware of any evidence that further regional protections are needed to protect fish which are in a pre-spawn state, nor is there any firm evidence as to the impact that shallow hooking and releasing of fish may have on spawning. CCA Maryland would be welcome participants in any future study in the Chesapeake to better understand the angling impacts on fish during Wave 2 where they are legally pursued at this time.
- The Susquehanna flats season, which would be closed by this action is an important economic contributor to multiple towns and businesses in the Upper Chesapeake Region.
- This flats season was only opened after cooperative studies were done with the recreational fishing community to ensure that an opening of this season would be a non-consumptive use of our shared fisheries resources
- No studies have been done to assess if any changes have occurred since the opening of the flats fishery, and therefore Maryland DNR cannot quantify the conservation savings which may occur by closing this valuable fishery. This is also true of other portions of the greater Chesapeake fishery that would be closed under this option.

Conclusion

All removals from the waters of the Chesapeake Bay should be reduced to ensure the health and sustainability of our striped bass resources. CCA Maryland recognizes that any strategy for a reduction in removals or shortening of seasons is not an easy measure to accept for the angling community.

Unfortunately, this action has been made more difficult by Maryland DNR's decision to place nearly the full burden of reduction on the recreational sector.

The recreational sector of the fishery is known to have less accurate and precise catch data due to a failure to Maryland DNR to be proactive, and create cooperative data systems to capture more accurate and precise data to supplement MRIP data.

It is of the utmost concern to CCA Maryland that DNR is focusing upon closing a pre-season period without sufficient scientific-data to justify such a closure. Angler effort has not been accurately quantified during this period, while at the same time other information has shown limited mortality given the predominant conditions at this time of year. CCA Maryland believes that enacting such measures which fly in the face of the known information may undermine the necessary conservation measures agreed to by the ASMFC states.

It is unclear to the vast majority of the public what other measures Maryland DNR is considering to meet the conservation needs of the fishery.

No regulation should be enacted or submitted to ASMFC for approval until a full and final Conservation Equivalency package is provided to leaders of the recreational fishery industry and the public. At least one public meeting with webinar access should be held to provide a full scope of intended actions to meet the 18% reduction in removals of striped bass at this time.

To discuss our position on these matters further please contact David Sikorski, Executive Director at davidsikorski@ccamd.org or 443-621-9186