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

October 30, 2020

Via email to: fisheriespubliccomment.dnr@maryland.gov

RE: Proposed striped bass fishery closure dates & targeting definition

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 members work hard to promote 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.

CCA Maryland appreciates the opportunity to provide the following comments to the Maryland Department of Natural Resources (department) on options for the closure of the summer season and definition of targeting, as well as general management measures for our state fish, the striped bass.

CCA Maryland always strives to support management actions that are best for the health and sustainability of the striped bass resource in Maryland, while supporting access and opportunity to maintain the largest recreational fishery on the Atlantic Coast. To achieve this balance, managers must always strive to make science-based decisions that guide what is the most likely action to sustain the striped bass resource.

The continued trend of a decrease in striped bass population and poor recruitment over the last many years is of the utmost concern to anglers in Maryland and beyond. While the start of Amendment 7 to the striped bass management plan will work to address a number of management measures believed to cause this decline, Maryland should not wait for ASMFC action to enact meaningful and sound conservation measures for the 2021 fishing season and beyond.

During the public comment process for setting regulations to implement Addendum VI of Amendment 6 to the striped bass management plan per ASMFC guidance, CCA and numerous partners sent [this letter](#) calling for the implementation of a 1 fish at 18" size limit for the

recreational fishery. The recreational fishery includes private anglers (shore, private boat, pier, etc.) and those that fish on for-hire or charter vessels.

We believe the department's choice to divide the recreational fishing sector into two groups, and place the majority of the conservation burden on the private recreational fishery undermines the likely success of actions taken to reduce fishing mortality and disregards intent of Maryland natural resource law.

§ NR- 4-215 states:*

(c) (1) Conservation and management measures adopted under a fishery management plan, to the extent possible:

(i) Shall prevent overfishing while attempting to achieve the best and most efficient utilization of the State's fishery resources;

(ii) Shall be based on the best information available;

(iii) May not discriminate unfairly among groups of fishermen or have economic allocation as its sole purpose;

(2) If it becomes necessary to allocate or assign fishing privileges among various groups of individuals under paragraph (1)(iii) of this subsection, or under any fishery management plan, that allocation shall be:

(i) Fair and equitable to all individuals;

(ii) Reasonably calculated to promote conservation; and

(iii) Carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

Existing & Proposed Season Closures

Summary: CCA Maryland continues to support a one-fish @ 18" limit for the full recreational fishery with no seasonal changes. Based on the 2017 season and guidance from the Technical Committee and Law Enforcement Committee of ASMFC. Based on anecdotal evidence from the 2020 closure and air temperature and water temperature data, the proposed closure of July 16-31 is the most likely to achieve any conservation gains or reductions in striped bass mortality.

*Maryland NR 4-215 : <https://law.justia.com/codes/maryland/2005/gnr/4-215.html>

Scientific Guidance & Data Deficiencies

CCA Maryland fully recognizes the impacts that warm water with low oxygen densities and low salinity have on the post release survival of striped bass in both recreational and commercial fishing activities.

DNR studies have shown that high air temperatures are another important metric that drives this post release mortality. The physiological stress caused by hot air is due to the cold-blooded nature of fish, and the shock it causes to an already stressed animal when undergoing an immediate increase in ambient temperatures when leaving the water and entering hot air.

The department's existing "stoplight" guidance is based on this understood impact of high air temperatures, and helps anglers understand the unintended impact that their activities may have.

Managers frequently state that the Marine Recreational Information Program (MRIP) survey data was not designed to be used at a day-by-day resolution. Rather, it was designed to understand recreational catch-and-effort at a coastwide and year-long level.

MRIP data becomes less accurate and less precise when used at a higher level of resolution, and therefore undermines the certainty of on-the-water success and predictability for such management actions. The ASMFC Striped Bass Technical Committee shared these concerns in their Addendum VI memo stating:

"The TC supports the use of closed seasons to reduce effort and dead discards, but stresses that the predicted savings, particularly from a "no targeting" provision, are highly uncertain due to current data limitations and predicting changes in angler behavior."

Given the known impacts of hot air and water and the current deficiencies in the resolution of catch-and-effort data, the department should develop tools that will allow regional and temporal management actions to balance the conservation needs of the striped bass resource and access for the public. As the spawning grounds for a majority of striped bass on the Atlantic Coast, any investment in improved data collection and more accurate management by the department will greatly benefit the striped bass fishery and resource into the future. This investment should be the highest priority of the department at this time.

While the ASMFC striped bass management board ultimately approved Maryland's current plan, management measures based on imprecise and inaccurate data with highly uncertain outcomes should not be implemented or considered reasonably calculated to promote conservation as mandated by NR 4-215.

Enforcement Concerns & Targeting:

CCA Maryland has concerns over the enforceability of the current summer closure provision. Anecdotal accounts from the 2020 closed period directly reflect the concerns shared by the Law Enforcement Committee(LEC) of the ASMFC.

The following language is copied from the LEC memo to the Striped Bass Management Board during the addendum VI implementation process:

“In general, voluntary compliance for the casual or infrequent angler (the most common type) is tied to regulatory simplicity; more complex regulations become more difficult to enforce and increases the likelihood of violations.

Absent a definition of “targeting,” including provisions for gear type, tackle and bait) it is impossible to enforce this measure. This may be particularly difficult to define when anglers use the same (or similar) fishing methods to target species other than striped bass (e.g., bluefish). Officers may not prioritize enforcement of certain FMP regulations if they know it is not enforceable and will not stand in court.

When there are multiple closures within a fishing year, fishermen are often caught off guard which can lead to unintentional violations. When establishing season closures, have them in place for several years. If closures change year-to-year, the likelihood of unintentional violations increases. Education takes time to set in.

Enforcement is not an issue, but compliance in closely adjoining states would be greatly enhanced if the regulations are consistent. Different regulations between two neighboring states (e.g., NY and CT) presents special enforcement challenges, and are often confusing to anglers. Inconsistent seasons poses a problem between neighboring states (e.g. NY and NJ), especially when fishermen unintentionally pass into another states waters. Consistency of regulations for shared water bodies is important for enforcement, e.g. consistency within the Chesapeake Bay among the jurisdictions of MD, VA, PRFC and DC would greatly enhance enforceability and compliance.”

For the reasons noted by the LEC, CCA Maryland supports the current proposal to better define targeting, but has concerns that a simple change in definition will have any measurable conservation benefits or support meaningful changes in angler behavior. Without broad communications done in partnership with fishing and boating industry stakeholders and partners, and in multiple languages, future regulatory closures may continue to fail to meet the on-water conservation goals and continue to create enforcement challenges for Maryland’s Natural Resources Police.

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