



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

February 27, 2024

BILL NUMBER: Senate Bill 711 – First Reader

SHORT TITLE: Fisheries – Striped Bass or Rockfish – Juvenile Survey

DEPARTMENT’S POSITION: SUPPORT WITH AMENDMENT

EXPLANATION OF DEPARTMENT’S POSITION

The Department supports Senate Bill 711 with the proposed amendment.

The existing Striped Bass Young-of-Year (YOY) Survey results have been proven scientifically valid and are mirrored by similar surveys in Maryland and other states along the Atlantic Coast. Although the Department opposes this bill in its current posture, because current surveys are established in accurately detecting the year class strength of striped bass, the Department is committed to ensuring that current surveys are adequate for detecting emerging population trends in the face of changing climate conditions. To that end, the Department is working with partners, including ASMFC to conduct a thorough review of currently conducted Bay surveys for striped bass, of which there are many. It is critical that any changes to survey design (scope, location, time of year) be thoroughly discussed with academic partners to ensure continuity, integrity of findings, and rigor in the collected data. The Department is concerned that specifically legislating how scientific surveys are conducted could remove any flexibility the Department would have to further modify, enhance or extend surveys based on emerging scientific recommendations. The Department offers the proposed amendment to require DNR to study the Survey and report back on any necessary changes to incorporate the changing climate seen in the Bay.

For further background and context on the Department’s position, there seems to be a misconception that the relative abundance of older striped bass is assessed by the Juvenile Index survey. The juvenile survey does *not* study fish “approximately 18 inches in length” as stated in SB 711. A fish measuring at this size would be approximately 4 years old; and not considered a juvenile relative to the Juvenile Index Survey. Instead, this annual analysis focuses on striped bass that measure approximately 2 inches long in July, having hatched from eggs from the recently passed spring spawning season in April – May. They are referred to as the young-of-year (YOY) or age-0 striped bass.

The JI study, which specifically targets and gathers data on YOY striped bass, has been conducted since 1954 and is accepted by the Atlantic States Marine Fisheries Commission (ASMFC) as a reliable index of future striped bass abundance. Survey results have been reviewed and validated several times by such institutions as the University of Maryland and the Virginia Institute of Marine Sciences (VIMS) and the ASMFC. This survey has been determined to be a reliable indicator of annual spawning success.

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Striped bass spawning locations were first delineated in the 1950s by documenting the presence of striped bass eggs. Eleven spawning areas were identified: Upper Bay, Potomac River, Choptank River, Nanticoke River, Patuxent River, Wicomico River, Blackwater River, Pocomoke River, Transquaking River, Chester River, Manokin River. Rivers sampled that did not produce striped bass eggs at that time were the Big Annemessex, Bush, Gunpowder, Miles, Severn, and Wye East Rivers.

The current survey includes 22 sites, which are located in the four largest spawning areas: Upper Bay, Potomac River, Choptank River, Nanticoke River. Eleven auxiliary survey sites are located in the Upper Bay (5 auxiliary sites) and Patuxent River (6 auxiliary sites). The 7 other spawning areas each compose less than 1% of the total spawning area in Maryland's Chesapeake Bay.

The strength of the survey data is the consistent methods over a long time period. The survey results are a qualitative measure of striped bass spawning success. Results indicate if annual reproduction was average, above-average, or below-average. This is important to fisheries managers because striped bass populations are historically dependent on occasional years of above-average reproduction. Consistent methods allow year-to-year comparisons. Adding new survey areas will not allow valid comparisons to previous years.

Limited survey data already exists from the rivers listed in Senate Bill SB 711. Survey methods were similar to those of the Striped Bass YOY survey. Results from Chester and Patapsco Rivers offer the most complete time-series and closely resemble trends documented by the Striped Bass YOY Survey. Data from the South, West, and Miles rivers is much more limited but appears to show strong reproduction in 2003 and poor reproduction in 2022-2023 just as the Striped Bass YOY survey does. YOY surveys in the Hudson River, Delaware River and Virginia's Chesapeake Bay show trends similar to those documented in Maryland.

BACKGROUND INFORMATION

No similar bills have been proposed previously.

BILL EXPLANATION

The bill requires the Department to add up to 20 additional survey sampling sites for the young-of-the-year juvenile striped bass survey in certain state waters.

BY:

(To be offered in the Education, Energy, and the Environment Committee)

AMENDMENTS TO SENATE BILL 711
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “**Survey**” insert “**Study**”; strike beginning with “expanding” in line 3 down through “sites” in line 8 and substitute “requiring the Department of Natural Resources to study the sampling program for the annual young-of-the-year juvenile survey of striped bass or rockfish; requiring the Department to consult with certain entities; authorizing the Department to consult with certain entities; requiring the Department to report its findings to the General Assembly on or before a certain date”; and strike in their entirety lines 10 through 14, inclusive.

AMENDMENT NO. 2

On pages 1 through 2, strike in their entirety the lines beginning with line 15 on page 1 through line 15 on page 2, inclusive, and substitute:

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) The Department of Natural Resources shall study the sampling program for the annual young-of-the-year juvenile survey of striped bass or rockfish, including sampling sites, river systems, and the timing of the survey.

(b) In conducting the study, the Department:

(1) Shall consult with the Sport Fisheries Advisory Commission and the Tidal Fisheries Advisory Commission; and

(2) May consult with other regional partners including the National Oceanic and Atmospheric Administration’s Chesapeake Bay Office, the Atlantic

States Marine Fisheries Commission, and the Virginia Marine Resources Commission.

(c) On or before December 31, 2024, the Department shall report to the Senate Education, Energy, and the Environment Committee and the House Environment and Transportation Committee, in accordance with § 2-1257 of the State Government Article.”