



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

March 6, 2024

BILL NUMBER: House Bill 1238 – First Reader

SHORT TITLE: Fisheries – Striped Bass – Closed Season

DEPARTMENT’S POSITION: OPPOSE

EXPLANATION OF DEPARTMENT’S POSITION

The Department opposes House Bill 1238.

The Department is committed to implementing science-based management in order to best protect the spawning population of striped bass that return each year to reproduce in Maryland’s waters. DNR opposes this bill because management of this fishery should remain within the regulatory process, not statute, and include thorough analysis by the Department as well as rigorous public debate. There are stakeholders who rely on March for their business leading guide trips and other stakeholders who value access to the fishery during the late winter and early spring. In addition, significant fishing restrictions are already in place beginning March 1 to protect incoming spawning striped bass. Lastly, if it is demonstrated that further reductions are necessary, beyond what will occur in 2024, then the Department would suggest that a closure in March be part of a proposal to the Atlantic States Marine Fisheries Commission for which we could receive credit toward a reduction in fishing mortality projections.

Current fishing restrictions for striped bass beginning March 1:

- **From March 1 - May 31, it is illegal to fish for striped bass by any means or practice catch-and-release of striped bass in designated spawning areas.**
- In 2010 DNR implemented **additional protective measures beginning March 1** in all Maryland waters of Chesapeake Bay including the prohibition of stinger hooks and the use of bait. DNR limited the number of lines that can be deployed to 6 per boat and requires the use of barbless hooks. These measures ensure that striped bass that are staging outside of the spawning areas are subject to less damaging gears in the event that they are encountered by catch and release anglers.
- In 2020, Based on growing concern about the status of the coastal stock of striped bass and to comply with ASMFC conservation requirements, DNR closed April to catch and release fishing of striped bass throughout Maryland waters of Chesapeake Bay.
- In 2024, DNR closed the trophy fishery and extended for two weeks the month-long April prohibition of catch and release fishing through May 15 in the majority of Maryland’s waters and through May 31 in the Susqueanna flats. This latest regulation provides protection for the 20 to 30% of striped bass that have yet to spawn by early May and provides safe passage for exhausted post-spawn females to return to the ocean and join the spawning stock, which is currently overfished.

What is currently known about the potential conservation impact of closing March to catch and release:

1) Current science indicates that striped bass spawning activity is temperature dependent and spawning will not begin until water temperatures are at least 54 deg F. In addition, spawning tends to cease when temperatures

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near 68 °F (Setzler-Hamilton et al. 1979; Secor and Houde 1995). Since 1990, water temperatures in the spawning areas of the Upper Bay and the Potomac River have hit 54 deg F only once prior to April 1. The earliest DNR has ever seen striped bass eggs in the water was March 22, 2022 in the Choptank River. Striped bass eggs have been found in the Nanticoke and Choptank during the last week of March only seven times since 1960, with 4 of those events being in the Choptank in the last decade. **Striped bass in the spawning reaches are already protected in March.**

2) The science is clear that cool temperatures and salty water mitigate the harm of catch and release fishing. Striped bass in the less salty spawning reaches are already protected in March. Those striped bass staging outside the spawning areas have the benefit of saltier water and temperatures that are, on average, 15 - 20 degrees cooler than they are during the month of May.

Figure 1: Water temperatures at Kent Point. The blue solid line is the average water temperature between 1986 and 2021, with the blue shaded area showing the range between the minimum and maximum values in the time series. The red line represents temperatures for 2022. Horizontal lines on the graph are shown at 54 °F (solid black line) which is the minimum temperature required for spawning activity and 68 °F (dashed black line) when spawning stops.

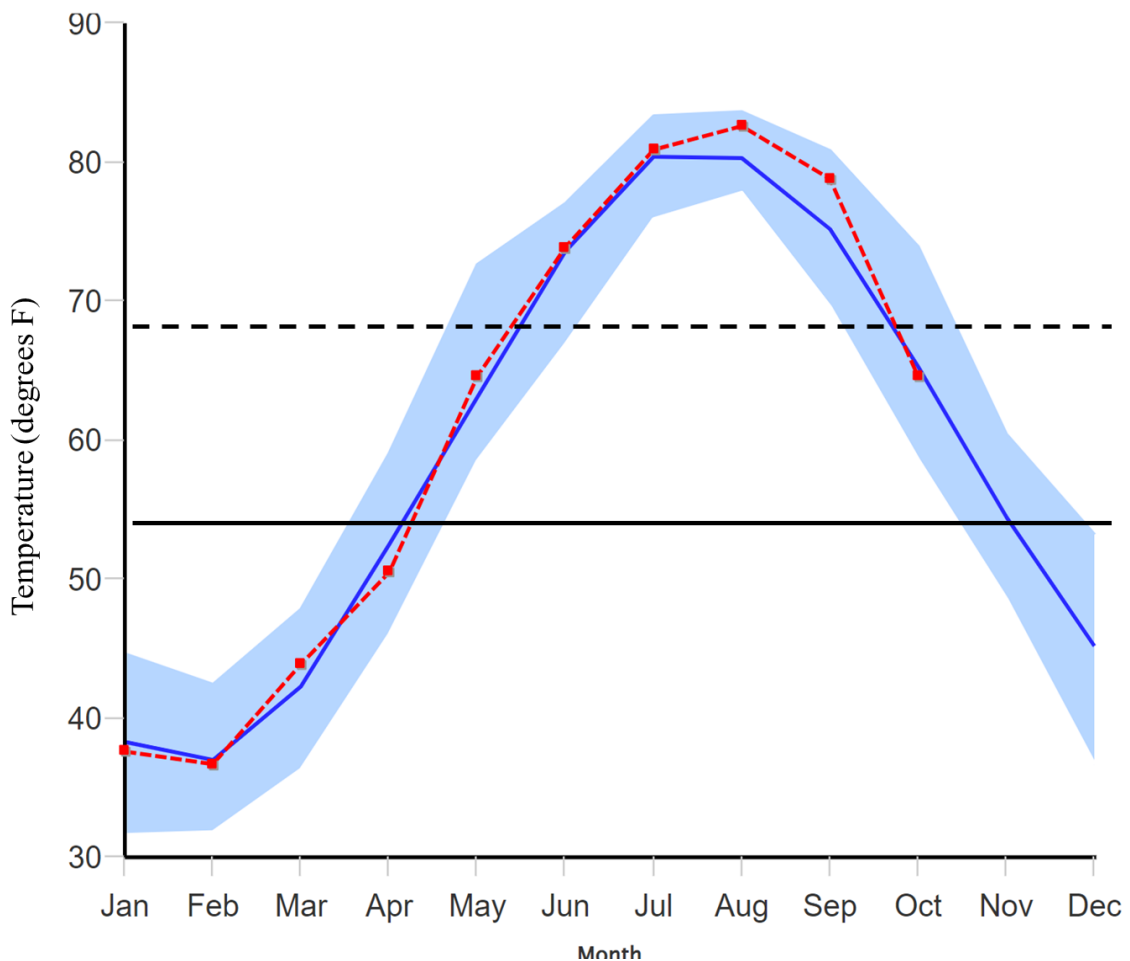


Figure 2: Optimal spawning period based on the **minimum and maximum range of water temperature data** collected at Kent Point from 1986 to 2021 (yellow rectangle). During most of this period from mid-March until early June, harvest and catch-and-release fishing is currently prohibited.

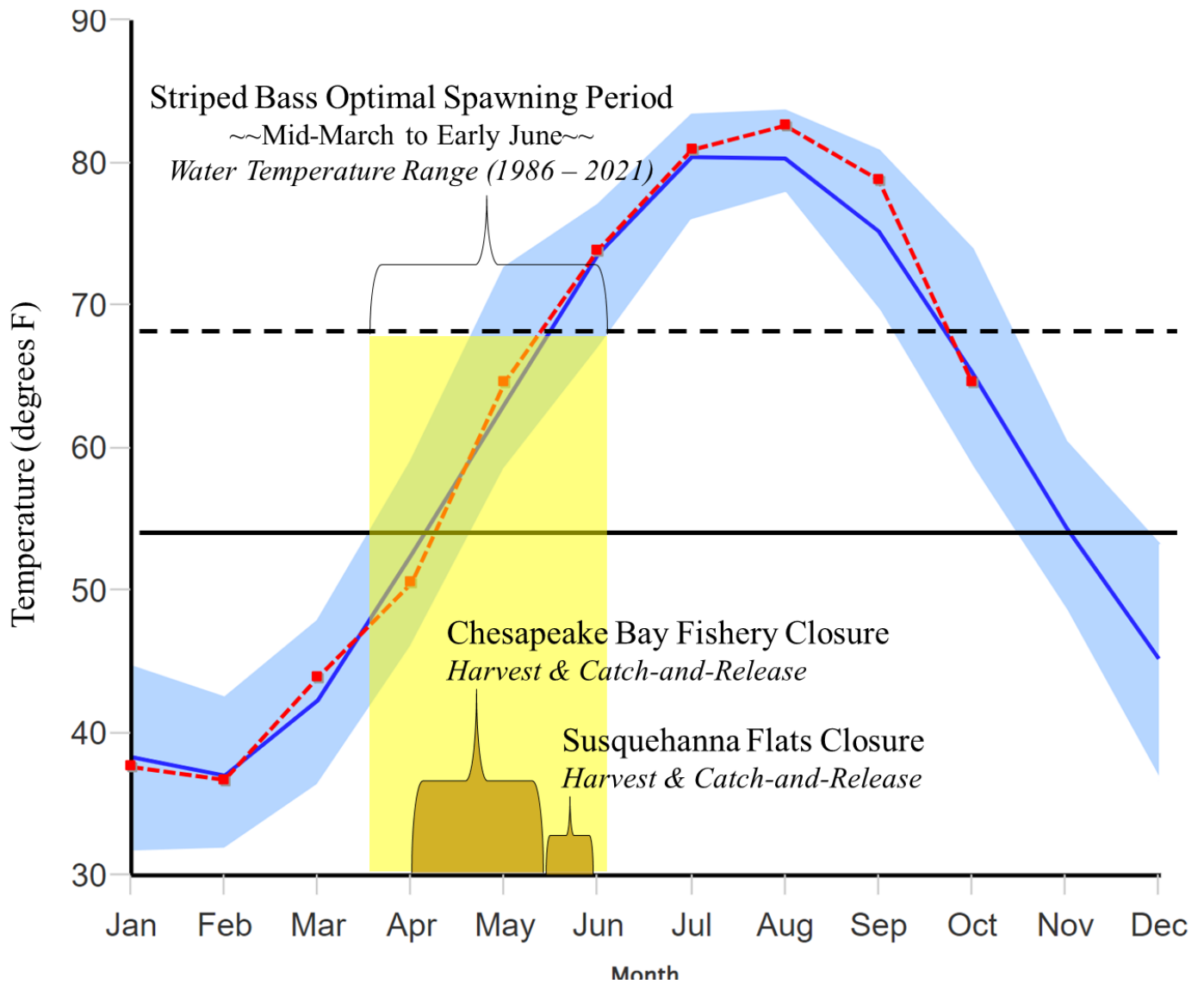
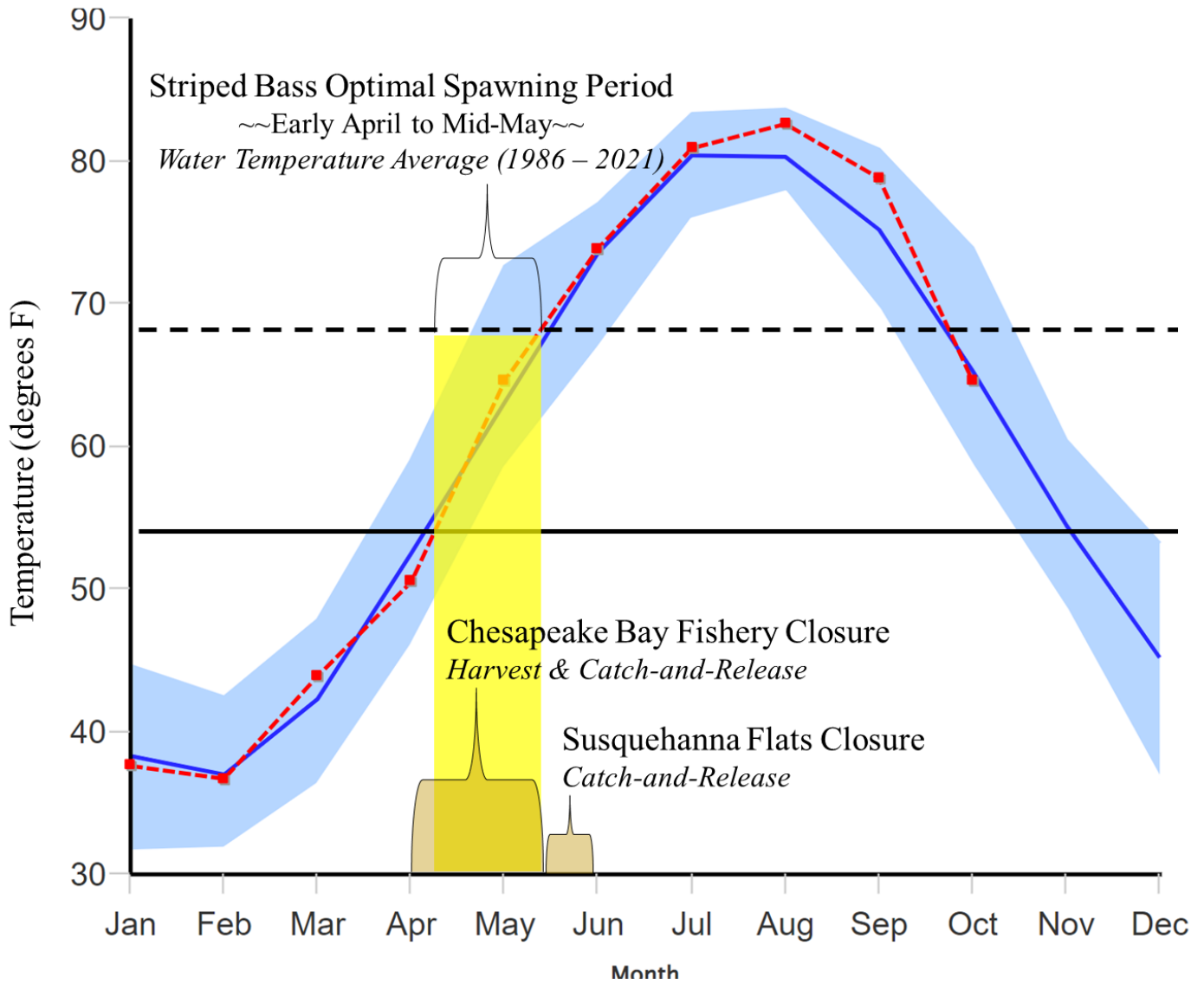


Figure 3: Optimal spawning period based on the **average water temperature data** collected at Kent Point from 1986 to 2021 (yellow rectangle). During this entire period from early April until mid-May June, harvest and catch-and-release fishing is currently prohibited.



3) Given the facts presented above, the conservation impact of closing catch and release in March must be carefully balanced with the potential socio-economic impacts to stakeholders who are accessing the resource at this time. NOAA’s Marine Recreational Information Program (MRIP) provides estimates of the number of trips and the number of striped bass caught and released by 2 month waves, beginning in March (currently, MRIP is not conducting samples during Wave 1 - January/February). Some estimate of conservation impact could be developed by looking at these estimates for March and April over time, although the data may be difficult to interpret since April is already closed to catch and release. In conclusion, a more thorough and comprehensive analysis is warranted in advance of closing the month of March to catch and release, especially given the precautionary measures already in place during this time.

BACKGROUND INFORMATION

No similar bills have been proposed previously.

BILL EXPLANATION

The bill would close catch and release striped bass fishing March 1 – May 15.