Testimony Jacobs HB1238.pdfUploaded by: Jay Jacobs Position: FAV

JAY A. JACOBS

Legislative District 36 Caroline, Cecil, Kent, and Queen Anne's Counties

Environment and Transportation Committee

Subcommittees Motor Vehicles and Transportation

Natural Resources, Agriculture, and Open Space

Joint Committee on Administrative, Executive, and Legislative Review



The Maryland House of Delegates 6 Bladen Street, Room 321 Annapolis, Maryland 21401 410-841-3449 · 301-858-3449 800-492-7122 Ext. 3449 Fax 410-841-3093 · 301-858-3093 Jay.Jacobs@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES Annapolis, Maryland 21401

HB 1238-Fisheries-Striped Bass-Closed Season

Chair Korman, Vice Chair Boyce and members of the Environment and Transportation Committee:

Today I am presenting HB1238 which adds an additional 1 month to the no target time for striped bass in conjunction with the recent emergency regulation23-312E.

In November 2023 the Department of Natural Resources submitted a plan that repeals the 2024 recreational and charter boat spring trophy season for striped bass and also repealed early summer and fall season for striped bass in the Susquehanna Flats, Susquehanna River, and the Northeast River from May 16, 2024, through May 31, inclusive; and extends the period during which a person is prohibited from targeting striped bass hybrids in the Chesapeake Bay and its tributaries during the 2024 season.

The reason for this action is to reduce the mortality on the spawning striped bass stock biomass. Maryland typically has its greatest access to the striped bass spawning stock during the spring spawning season.

This is an especially sensitive period for spawning striped bass, which are dependent on several environmental conditions to have a successful spawn. Due to declines in the spawning stock biomass and poor recruitment of juvenile fish over the last 5 years, actions have been taken both at the state level and at the coast wide level to reduce mortality on those fish.

With the winters becoming warmer the last several years which causes the water temperature to be warmer, the spawning females are heading to the spawning areas earlier than past migrations. Since spawning activity is temperature driven, there is evidence that these spawning females are headed to the spawning areas sooner than normal.

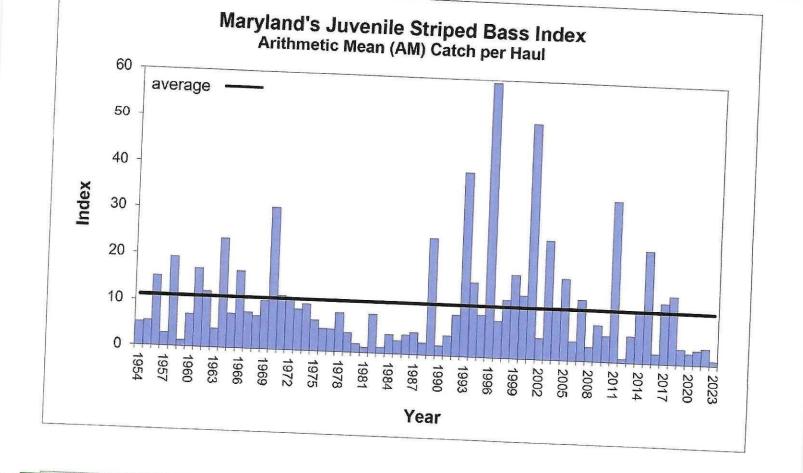
The Chesapeake Bay and its tributaries are the primary spawning and nursery area for 70 to 90% of the Atlantic Coast stocks.

According to DNR's fishery goals, as far as recruitment goes, the goal is to protect spawning females and avoid increased interference with spawning behavior and mortality.

With the closure of Trophy season and the Susquehanna areas, who knows how many anglers will turn their attention to the catch and release season which is open prior to the April 1st no target closure? There are pictures virtually everyday on social media with people holding up a 30,40, 50-inch striped bass for a photo as if it were a trophy. Virtually all these size fish are spawning females. They are in many cases brought out of the water and handled improperly and ultimately become sick or die.

All this being said, my ask is simple, for the good of the spawning females. That the no target date be moved from April 1st to March 1st if there is no trophy season to give these fish a clear path to the spawning areas to hopefully have a very successful spawn and ultimately improve the juvenile stock in Maryland to ensure a more robust fishery in the future.

I ask for a favorable vote for HB1238.



House Bill 1238.pdf Uploaded by: Patrick Mahoney Position: FAV



Good Afternoon Honorable Delegates,

HB1238 - Favorable

I am Chesapeake Beach Mayor Pat Mahoney testifying on behalf of the residents and Town Council of Chesapeake Beach, Maryland to express our support for HB1238.

Chesapeake Beach boasts of the largest Charter Boat Fleet on the Chesapeake Bay. Striped bass fishing is an economic driver for the Town. Hundreds of thousands of Marylanders visit our Town Center annually (for fishing, restaurants, gaming, Water Park). Chesapeake Beach needs a healthy, vibrant Charter Boat Fleet business to thrive and continue to offer recreational activities to all Marylanders. The goals of HB1238 work to ensure the health of the Chesapeake Bay Charter Fleet industry for many decades to come.

For these reasons we support HB1238 and encourage you to support it as well.

Sincerely,

Patrick J. Mahoney

Mayor, Chesapeake Beach

HB 1238 - CBF - FWA.pdf Uploaded by: Allison Colden Position: FWA



CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

House Bill 1238

Fisheries - Striped Bass - Closed Season

Date: March 6, 2024 Position: **Favorable with Amendment**

To: Environment & Transportation Committee From: Allison Colden

MD Executive Director

Chesapeake Bay Foundation (CBF) **SUPPORTS** HB 1238 **WITH AMENDMENTS**. HB 1238 would prohibit the targeting of striped bass for either catch-and-release fishing or harvest from March 1 through May 15 in any year that the Department of Natural Resources (DNR) does not allow a spring trophy season for striped bass.

Striped bass are an iconic species in the Chesapeake Bay region and the state fish of Maryland, a designation that reflects the cultural foundation it provides to Maryland fisheries and its important biological connection to Maryland waters. Chesapeake Bay striped bass spawning areas and nursery habitat produce more than 70 percent of the coastal migratory striped bass population.

Unfortunately, the latest stock assessment for striped bass indicates the stock is overfished and mortality rates are too high. Excessive mortality rates of adult fish have coincided with five consecutive years of below-average recruitment in Maryland, as measured by the State's juvenile index. Reducing fishing mortality and improving survival in Chesapeake Bay will be critical to the long-term viability of the population coastwide. Maryland must get this right.

HB 1238 would close catch-and-release fishing in March in years when the trophy season is closed. While well-intentioned, this bill will likely do little to reduce recreational fishing mortality. **The Committee should instead consider limiting targeting of striped bass during the summer months when water quality conditions and warm water temperatures lead to increased mortality.**

Catch-and-release mortality of striped bass in the spring when temperatures range from 57-59° F is estimated at 1.6%, which is further reduced to <1% with the use of circle hooks. In summer, when temperatures exceed 95° F, mortality increases to more than 17%.² Increased water temperatures, combined with seasonal low oxygen and poor water quality causes physiological stress which leads to increased mortality.

Climate change is likely to exacerbate the impact of catch-and-release fishing in the summer. Average Bay water temperatures have already increased more than 2°F, impacting many facets of the Bay ecosystem,

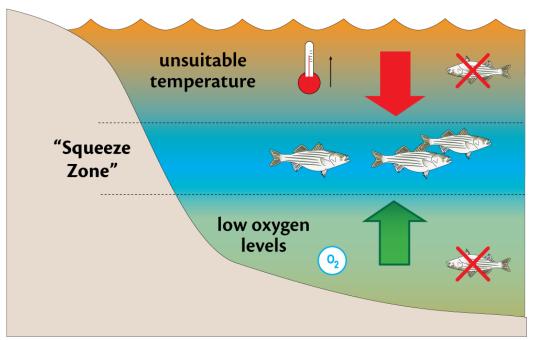
¹ https://www.cbf.org/news-media/newsroom/2023/all/chesapeake-striped-bass-survey-results-show-recruitment-failure.html

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

² https://dnr.maryland.gov/fisheries/documents/crsb.pdf

including striped bass.³ For example, warmer water holds less oxygen than cooler water, making hypoxic conditions worse and "squeezing" striped bass into stressful conditions where they are more susceptible to mortality and disease. This has resulted in a significant decrease in the availability of summer habitat for juvenile and young (age 1-4) striped bass between 1996 and 2019.⁴

Squeeze Zone for Striped Bass



Conceptual diagram illustrating the compressed habitat of the striped bass from the low oxygen levels from the bottom, and the unsuitable unsuitiable tempatures on the top waters.

Diagram courtesy of the Integration and Application Network (ian.umces.edu), University of Maryland Center for Environmental Science. Source: Boesch, D.F. (editor). 2008. Global Warming and the Free State: Comprehensive Assessment of Climate Change Impacts in Maryland. Report of the Scientific and Technical Working Group of the Maryland Commission on Climate Change. University of Maryland Center for Environmental Science, Cambridge, Maryland. This report is a component of the Plan of Action of the Maryland Commission on Climate Change, submitted to the Governor and General Assembly pursuant to Executive Order 01.0.2007.07.

Given the environmental challenges and mortality risk to striped bass are far greater during the summer than in the period proposed by HB 1238, we recommend amendments to the bill that would prohibit the targeting of striped bass from July 5 to Labor Day annually. This closure would help address the significant increase in mortality in the summer months while preserving fishing opportunities during the four summer federal holidays (Memorial Day, Juneteenth, Independence Day, Labor Day).

CBF urges the Committee's FAVORABLE report WITH AMENDMENTS on HB 1238.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

³ https://www.sciencedirect.com/science/article/abs/pii/S0272771409004582?via%3Dihub

⁴ https://d18lev1ok5leia.cloudfront.net/chesapeakebay/documents/c_sb_habitat_assessment_sfgit_july_2022.pdf

Rec Fish and Boat HB1238.pdf Uploaded by: David Sikorski Position: UNF







2/27/2024

To: Honorable Members of the House Environment & Transportation Committee

Re: House Bill 1238 - Fisheries - Striped Bass - Closed Seasons

Position: Unfavorable

We the leaders of the undersigned organizations representing Maryland's angling and boating community oppose, and respectfully request an **unfavorable report for HB1238**.

This bill prohibits a person from catching or attempting to catch striped bass (i.e., a catch and release closure) in the Chesapeake Bay and its tidal tributaries from March 1st – May 15th, unless a "trophy season" is established by the Maryland Department of Natural Resources (MD DNR) in the same year.

We collectively oppose HB1238 because this proposed action:

- Sidesteps the public and long standing science-based regulatory process for managing striped bass
- Lacks scientifically justified conservation benefits
- Inflicts significant seasonal economic impacts on small recreational fishing and boating businesses in Maryland
- Undermines longstanding efforts by the recreational fishing and boating community to educate anglers on best fish-handling practices for responsible catch-and-release fishing.

At this time, Maryland's existing science-based closures already adequately address fishing mortality, including catch and release, during the rockfish spawning season. The existing closures align with the known timing of the complete spawning season. For example, all fishing (including catch and release) has been prohibited since 1990 in known spawning areas from March 1st to June 1st, ensuring the protection of fish spawning in tributaries.

In other words, the existing closures already provide necessary spawning protection focused specifically on when and where spawning occurs. Recent scientific studies show that existing closures are already protecting the entire spawning run. Giuliano (2023) examined Maryland spawning data from 1985 to 2020, concluding that while spawning was not occurring earlier, it was ending earlier over time because of climate shifts. Hence, the current closures effectively maximize the protection of actively spawning fish because the spawning season is shortening while spawning closures have been expanding via the closure of the spring trophy fishery and associated catch and release closures implemented by DNR in 2024.¹

For example, the catch and release closures proposed in HB1238 would save few fish because March is not a popular fishing month because of cold weather, and the survival of released fish is good because the water temperature is also cold and holds lots of dissolved oxygen. Even if these March savings were necessary, there are

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less impactful ways to achieve them. For example, MD DNR's own estimates demonstrate that a 3-day closure in July or August would save more fish than HB1238. In other words, a three-day closure in July or August would save more fish than closing the entire month of March to catch and release fishing.² Evaluating these types of trade-offs is the entire reason the DNR rulemaking process exists.

America's anglers and boaters have consistently played an integral role in the science-based conservation of our shared natural resources especially for striped bass. The recreational fishing and boating industry continues to work collaboratively to develop materials that educate anglers on best handling techniques for successful catch-and release-fishing.³ Additionally, anglers and boaters have directly contributed millions of dollars through licensing fees and excise taxes established by the Sport Fish Restoration and Boating Trust Fund on fishing equipment and boat fuel. In 2023 alone, \$424 million was apportioned to the states to fund fishery conservation programs. This resulted in \$4.24 million in funds for conservation programs specifically in Maryland, funded solely by anglers and boaters.⁴

Therefore, we urge you to reject HB1238 and uphold science-based management practices for Maryland striped bass. Establishing sound, science-based management solutions that are properly vetted through impacted stakeholders is imperative for supporting the valuable livelihoods of small fishing and boating businesses in Maryland.

Sincerely,

Glenn Hughes Annapolis, Maryland President American Sportfishing Association.

David Sikorski
Baltimore, Maryland
Executive Director
Coastal Conservation Association Maryland

David Dickerson
Annapolis, Maryland
VP- State Government Affairs
National Marine Manufacturers Association

Chad Tokowicz
Baltimore, Maryland
Government Relations Manager
Marine Retailers Association of the Americas

² See pdf page 161. Maryland DNR Atlantic Striped Bass Addendum VI Implementation Plan

³ https://www.fishtalkmag.com/blog/trophy-spring-rockfish-catch-and-release

⁴ https://www.fws.gov/media/fy-23-sfr-final-apportionment-table

RECREATIONAL **BOATING**

Impact in Maryland



\$4.2 BILLION

(Includes direct, indirect and induced spending)

16,871
Jobs supported'

Businesses supported'

172,091 Registered \$495.8 M Annual new boat, engine, trailer, and accessory sales²

RECREATIONAL BOATING IN AMERICA



of boats sold in the U.S. are MADE IN THE U.S.²



of boat owners have an annual household income of \$75,000 OR LESS³

93% of U.S. boat manufacturers are SMALL BUSINESSES¹



95% of boats are towable boats SMALLER THAN 26 FT.²





Economic Contributions of Recreational Fishing — Maryland —

749,600 anglers spent \$514.3 Million while fishing in Maryland.

Statewide Contributions by Anglers in Maryland



\$803.7 Million
Economic Output



5,160Jobs Supported

National Contributions by U.S. Anglers



\$148 Billion
Economic Output

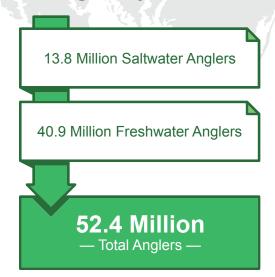


945,500 Jobs Supported

Annual U.S. Angler Contributions to Conservation



U.S. Anglers by the Numbers





Shute_UNF_Written_Testimony_HB _1238 Uploaded by: Greg Shute

Position: UNF



Sport Fishing Charters

02/24/2024

Honorable Members of the Senate Education, Energy & Environment Committee

Re: Senate Bill 1053/House Bill 1238 - Fisheries - Striped Bass - Closed Seasons

Position: **Unfavorable**

Dear Committee Members,

I am a charter captain and sales representative for Judge Yachts, a boat builder located on the Eastern Shore of Maryland. My business relies heavily on access to fishing for striped bass, which is our state fish. Access to fishing is far more important than the number or size of fish my party can harvest. I ask that you **oppose the bill** that would prevent catch and release fishing for 2.5 months given the following reasons:

- There are no measurable mortality savings with the proposed season closure
- The closure does not speed up the striped bass stock recovery
- We have already lost 53 days of economic opportunity since 2020 with no shown benefit
- Spawning areas are already closed to targeting striped bass and have been since 1990

Regulations such as this belong with our Department of Natural Resources, who already has a process for managing the species that involves public input with the best science available. DNR is then able to ensure compliance with the Atlantic States Marine Fisheries Commission, who is tasked with managing the species up and down the coast. This is not an issue for the legislature to manage and it only stands to make the management more political than science-based.

Again, I ask you to give this bill an **UNFAVORABLE** rating and allow the Department of Natural Resources to manage through their appropriate processes.

Thank you for your consideration.

Sincerely,

Capt Greg Shute, Guide license: FGR202 1114 River Bay Road Annapolis, Maryland, 21409

HB1238_DNR_OPP_ENT_3-6-24.pdf Uploaded by: Kristen Fidler

Position: UNF



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 Susquenanna 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

Contact: Dylan Behler, Director, Legislative and Constituent Services dylan.behler@maryland.gov ♦ 410-260-8113 (office) ♦ 443-924-0891 (cell)

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.

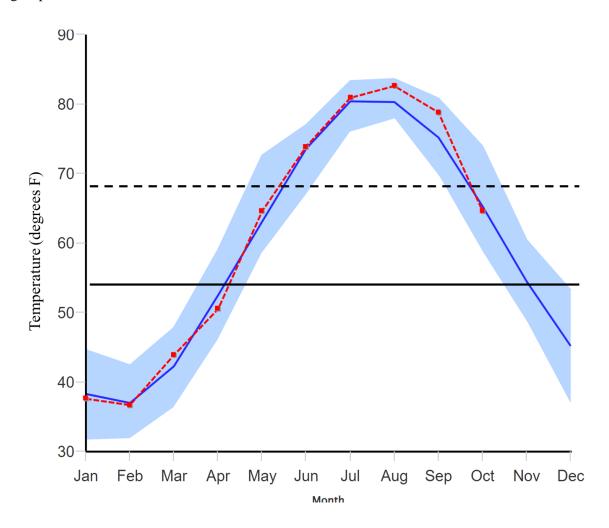


Figure 2: Optimal spawning period based on the **minimum and maximum range of water temperature data** collected at Kent Point from 1986 to 2021 (yellow rectangle). During most of this period from mid-March until early June, harvest and catch-and-release fishing is currently prohibited.

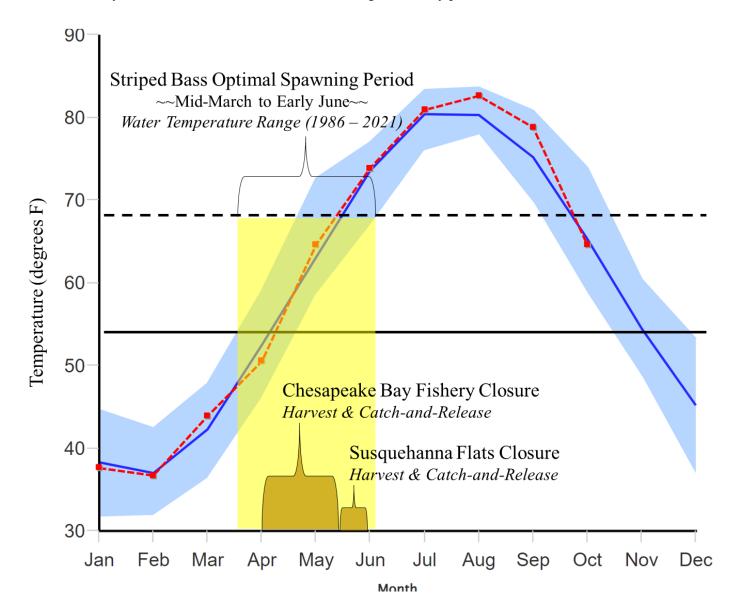
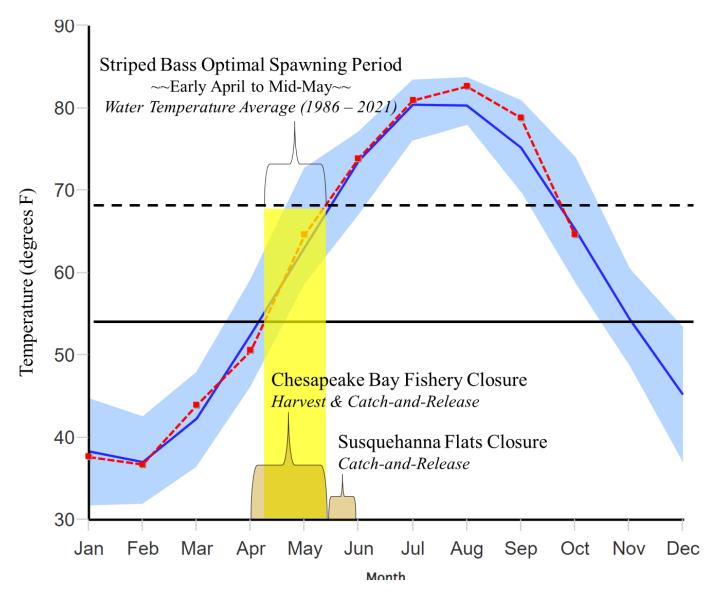


Figure 3: Optimal spawning period based on the **average water temperature data** collected at Kent Point from 1986 to 2021 (yellow rectangle). During this entire period from early April until mid-May June, harvest and catch-and-release fishing is currently prohibited.



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.

 $\frac{\textbf{BILL EXPLANATION}}{\text{The bill would close catch and release striped bass fishing March 1} - \textbf{May 15}.$

HB1238_FishBoatSignOn_24.pdf Uploaded by: Tom Weaver

Position: UNF

To: Members of the House Environment & Transportation Committee

Re: House Bill 1238 - Fisheries - Striped Bass - Closed Seasons

Position: Unfavorable

Dear Committee Members,

We the undersigned charter captains, guides, and boating and fishing business owners respectfully request a **unfavorable report on House Bill 1238** - which would require the Maryland Department of Natural Resources(DNR) to close fishing for striped bass from March 1- May 15th each year if DNR does not allow a "trophy season".

As an industry, our businesses rely on access to fishery resources and opportunities on the water for recreational fishing and boating activities, connecting the public to their fishery public resources. These activities drive important seasonal economic activity throughout the state in many different ways, and for many different people. Our state fish, the striped bass or "rockfish", supports a major component of the more than 5000 jobs and over 800 Million in economic contributions that the participation of more than 700k anglers going fishing provides to our state. The benefits of fishing are further compounded when including the over 1000 businesses, and more than 16,000 jobs which support an economic impact of 4.2 Billion in Maryland.

The economic and cultural benefits derived across our state from fishing and boating in the Chesapeake Bay, cannot be understated, which is why current science based and stakeholder driven processes exist to manage our public fishery resources; **DNR should remain the lead authority for striped bass management in these changing times.**

While we collectively recognize that striped bass populations continue to struggle with meeting coast wide population goals, and that prevailing environmental conditions in the Chesapeake Bay in recent years have led to concerning failures in reproduction for our state fish, we do not support the proposed changes put forth in SB 1053.

Thankfully, studies show that access and necessary conservation can be balanced thanks to the following reasons:

- Current regulations, implemented in 1990, prohibit targeting of striped bass in spawning areas and tributaries where they spawn (*see attached DNR spawning closure map*)
- DNR already uses a dynamic approach to closing and opening areas based on multiple factors. (see attached map example & link for full season information)
- Catch and release fishing is only allowed in areas where fish are migrating, not staging to prepare to spawn.

- DNR has the authority to regulate gear and other practices should they be necessary, without removing access from fishing.
- DNR has gear restrictions in place in the pre-season to limit mortality.
- DNR studies show that catch and release fishing under prevailing spring conditions and using widely popular gear leads to less than 3% mortality of fish after release.
- DNR's newly implemented closures exceed measures required by the Atlantic States Marine Fisheries Commission coastwide management plan, and will limit further harvest of spawning stock fish.

In conclusion, winter and early spring catch and release fishing provides an important economic boost to businesses throughout their slowest periods of the year, without impacting necessary conservation. The economic and cultural benefits from this fishery are persistent throughout the state and in many different ways, serving many people. For these reasons, striped bass management should remain under DNR's science-based and stakeholder driven management systems without adding closures that would stifle economic opportunity but not provide measurable ecological benefits to the striped bass resource.

Please contact any of us directly should you wish to further discuss our perspectives on policies which can provide important balance for business and public access, while protecting our most cherished fishery resources for the future.

Respectfully submitted,

Capt. Chris Baughman Persistent Sea Charters (410)916-0513

David & Jason Baumgartner Owners Riverside Marine 600 Riverside Drive Essex, MD 21221

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President on behalf of:
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Lenny Rudow Fishtalk Magazine Co-owner

Capt. Brian Sabo Old Line Charters FGR 3510 4405 Fox Chaser Lane White Hall, MD 21161 bsabo100@me.com (443)527-7117

Capt. Greg Shute iFishMD Charters FGR#202 1114 River Bay Road Annapolis MD, 21409 District 33c 410-533-1435 Ifishmd@gmail.com

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Capt. Ethan Sommer Sommertime Outdoors Fallston, MD Ethansommer2332@gmail.com

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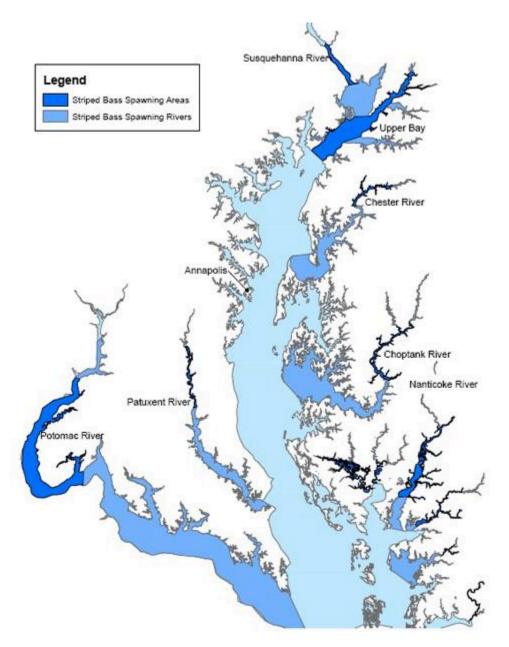
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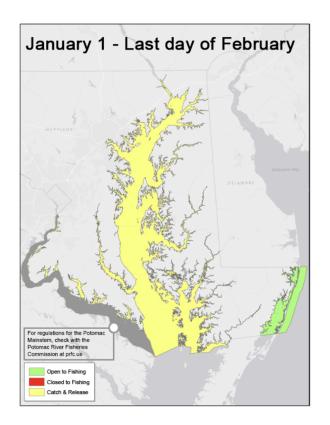
Striped Bass Spawning Areas:

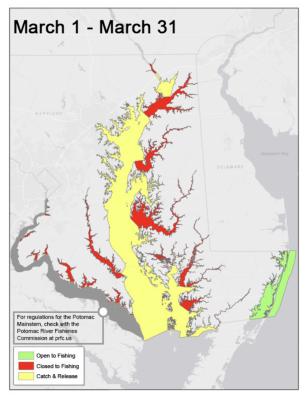
https://dnr.maryland.gov/fisheries/PublishingImages/striped-bass-spawning-map.jpg



Additional spawning survey info:

https://dnr.maryland.gov/fisheries/pages/striped-bass/studies.aspx





 $Source: \underline{https://dnr.maryland.gov/fisheries/Pages/sb_reg_maps.aspx}$