

Fisheries Regulatory Scoping October 2014

Please review the following possible regulatory changes. DNR is looking for your advice on how to proceed with scoping (i.e. open houses, web feedback only, etc.).

American Eel

PROBLEM:

The 2012 American Eel Benchmark Stock Assessment indicating the American eel population in U.S. waters is depleted. Causes of decline are likely due to a combination of historical overfishing, habitat loss, food web alterations, predation, turbine mortality, environmental changes, toxins and contaminants, and disease. The stock has declined in recent decades and is currently under consideration by the U.S. Fish and Wildlife Service for listing as threatened under the Endangered Species Act.

RECOMMENDED SOLUTION:

The Commission's American Eel Management Board met to consider final approval of Draft Addendum IV to the Interstate Fishery Management Plan (FMP) for American Eel. Draft Addendum IV proposes a suite of options to address the commercial glass, yellow, and silver eel fisheries along the Atlantic coast. Management options under consideration include glass and yellow eel quotas, a catch cap for the yellow eel fishery, and a seasonal closure and license cap for the silver eel fishery in the Delaware River in New York. The Draft Addendum also includes glass eel harvest allowances for aquaculture purposes and as credit for habitat restoration programs.

The Board reviewed public comment from state public hearings conducted along the coast and written comment submitted to the Commission. After lengthy deliberations of the extensive proposed management options and in recognition of the states' varying interests and needs, the Board decided to postpone final action on the Draft Addendum IV. In the interim, Board will convene a subcommittee of its members to identify preferred management measures to be considered by the Board for final action at the Commission's Annual Meeting in Mystic, Connecticut the week of October 27, 2014.

SCOPING RECOMMENDATION:

An informational meeting was held by ASMFC in June. Measures that will be decided at the annual meeting will be scoped on the Department's website.

Black Bass

PROBLEM:

The Department has received numerous reports of extended periods of poor fishing during the 2013 and 2014 seasons in our most popular tidal bass fishery, the Potomac River.

RECOMMENDED SOLUTION:

Possible size or creel changes. The actual changes are undetermined at this point. More information will follow.

During the summer of 2014 MD DNR Fisheries Service surveyed anglers using an on-line poll to better understand attitudes and opinions regarding tidal water bass fishing regulations. This poll was conducted in response to numerous reports of extended periods of poor fishing during the 2013 and 2014 seasons in our most popular tidal bass fishery, the Potomac River.

Approximately 51% of anglers who responded are willing to have increased regulation of their fishery. We believe this result is largely due to dissatisfaction with recent fishing success and an underlying assumption that additional regulations will result in better fishing for all anglers. While our fall population surveys (2010 – 2013) have suggested decreases in bass abundance, analyses by MD DNR biologists have not indicated a clear link with angling effort. In an effort to provide a high quality fishery for as many anglers as possible, we will look at the potential benefits of additional regulatory options as well as the impact on the 49% of anglers who did not favor more restrictive regulations. Later this fall, with new population data in hand, we will discuss the choices to be

considered for 2015 with our management partners for the Potomac River, including the Virginia Department of Game and Inland Fish, the D.C. District of the Environment, and the Potomac River Fisheries Commission.

SCOPING RECOMMENDATION:

Scope on the Department's website.

Blue Crab — Raise peeler size for 2015

PROBLEM:

The abundance of spawning females measured in the population was just below the minimum safe threshold in the 2013-2014 winter dredge survey. Maryland, Virginia and the Potomac River Fisheries Commission are working together to maximize protection for spawning-age female crabs in the fall of 2015 and spring of 2015.

RECOMMENDED SOLUTION:

Raising the peeler size limit to 3 ½ inches from April 1 - July 14 for recreational and commercial fisheries will allow more females to molt into maturity and successfully spawn during the 2015 spawning season. The peeler fishery has a high female percentage, so the size limit increase will allow more females to potentially enter the spawning population. This provision will be for 2015 only.

SCOPING RECOMMENDATION:

Scope on the Department's website.

Fishery Management Areas

PROBLEM:

Fishery management areas (state owned property) and activities that are prohibited on those areas are not detailed in regulation. This makes it difficult for the public to know the boundaries and permissible activities.

RECOMMENDED SOLUTION:

Describe all areas and prohibited activities in regulation. The Department owns 1,141 acres of fishery management areas (FMA). FMAs are maintained to support fishery resources, operate fish culture facilities, or provide access for fishing or other outdoor recreational activities. The areas may also provide protection from development or deforestation for sensitive or high quality watersheds. Fishery Management Propagation Areas are reserved for the fish production and management activities required to meet Fisheries Service fish management objectives. Fishery Management Public Fishing Areas provide angling access and other outdoor recreation opportunities such as boating, hiking and picnicking. Permissible activities are specific to each area.

SCOPING RECOMMENDATION:

Please see the attachment (Fishery Management Areas) for additional information.

Scope on the Department's website.

Oyster Committees

PROBLEM:

The current regulation requires county-specific in-person elections that require a significant amount of time and travel with very specific scheduling requirements and time limits for voting members and Department staff. Voting members must travel, sometimes long distances, in order to cast their ballots. The Department is required to be in attendance from 6pm - 9pm in each county to administer the election. Most of the county elections are very poorly attended and do not justify the amount of resources when a simpler procedure could result in an unbiased election that is more convenient for all voting members. The current regulation also has some inconsistent wording regarding the representation of gear types by members.

RECOMMENDED SOLUTION:

Provide for county elections by mail and/or by another appropriate method (e.g., online). Create a similar procedure for how to handle a situation when a vacancy cannot be filled due to individuals receiving equal number of votes. Remove the committee election requirement for tongers and dredgers only and rely on the committee election requirement for each gear type provided in law (NRA 4-1106).

SCOPING RECOMMENDATION:

Scope on the Department's website; Outreach to current county committee chairs or oyster surcharge holders

Regulations for SFAC and TFAC

PROBLEM:

The regulations refer to “Tidewater Administration” rather than Fisheries Service. The regulations were adopted in 1993 and need to be in line with current practice. COMAR 08.01.01.06 and 08.02.01.01.07

RECOMMENDED SOLUTION:

Update the regulation. A draft of the regulation will be sent to all commissioners for input in December/January.

SCOPING RECOMMENDATION:

Scope on the Department's website after discussions at the next meetings of the commissions.

Snapper Grouper

PROBLEM:

Our partner management agencies have increased the landing limits for some species within the snapper-grouper complex and are specific whether the commercial landings limits are for whole or gutted weights.

RECOMMENDED SOLUTION:

We should increase the our landing limits and specify the commercial limits in whole or gutted weights to be consistent with our partners in management for these species (NMFS, VA, SAFMC).

SCOPING RECOMMENDATION:

Scope on the Department's website

Striped Bass

PROBLEM:

Striped bass spawning stock biomass (SSB) is approaching its overfished threshold and stock projections show SSB will likely fall below the threshold in the coming years unless appropriate management measures are taken. In addition, a similar decline has been observed in total harvest.

RECOMMENDED SOLUTION:

In October 2013, the Atlantic Striped Bass Management Board initiated Addendum IV to Amendment 6 to the Interstate Fishery Management Plan for Atlantic Striped Bass to consider new biological reference points and management options to reduce fishing mortality to a level that is at or below the new target reference point. Draft Addendum IV presents background information on the Atlantic States Marine Fisheries Commission’s management of striped bass, the addendum process and timeline, a statement of the problem, and proposed management options.

The Draft Addendum proposes new fishing mortality (F) reference points, as recommended by the 2013 benchmark stock assessment, and associated management measures to reduce F to a level at or below the proposed target within one or three years. It responds to results of the 2013 Atlantic striped bass benchmark assessment indicating F in 2012 was above the proposed F target, and female spawning stock biomass (SSB) has been steadily declining below the target since 2006. This means even though the stock is not overfished and overfishing is not occurring, SSB is approaching its overfished threshold and stock projections show SSB will likely fall below the threshold in the

coming years. In addition, a similar decline has been observed in total harvest. In response to these factors, Draft Addendum IV proposes management options to reduce fishing mortality to the target level.

Draft Addendum IV includes a suite of management options to reduce recreational and commercial harvest along the coast and in the Chesapeake Bay under three reduction timeframes. The timeframes include (1) reducing F to its target in one year with a 25% reduction in 2013 harvest in 2015 (2) reducing F to its target within three years with a 17% reduction in 2013 harvest in 2015, and (3) reducing F to its target within three years with a 7% sequential reduction in harvest for three consecutive years starting in 2015. Specific options to be considered include bag, size, slot and trophy size limits for the recreational fishery and quota reductions for the commercial fishery.

Given the Albemarle Sound/Roanoke River (A/R) stock of striped bass contributes minimally to the coastwide complex when compared to the Chesapeake Bay, Delaware, and Hudson stocks, Draft Addendum IV proposes it be managed by the State of North Carolina using stock-specific biological reference points. These stock-specific reference points, which have been approved by the Board, would result in a separate quota that is set to maintain F for the A/R stock at its target level. The Board tasked the Technical Committee with the continued development of Chesapeake Bay-specific reference points for future use.

SCOPING RECOMMENDATION:

Informational meetings were held in September 2014. ASMFC held a meeting on 9/11/14 and the Department held one on 9/18/14. Commissioners will discuss the Addendum at ASMFC's annual meeting being held in Mystic, Connecticut the week of October 27, 2014. Management measures decided at the annual meeting will be scoped on the Department's website.

Regulations Being Developed — Ideas Previously Scoped

Restitution

License Free Fishing Areas

Blue Crab — gear labeling