

RECOMMENDATIONS OF  
THE MARYLAND YELLOW PERCH  
STAKEHOLDER COMMITTEE

ON THE

**MANAGEMENT OF TIDAL YELLOW  
PERCH IN MARYLAND**

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Prepared by

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## RECOMMENDATIONS OF THE MARYLAND YELLOW PERCH STAKEHOLDER COMMITTEE

### **BACKGROUND**

In June, 2006, Maryland Fisheries Director Howard King established the Maryland Yellow Perch Stakeholder Committee (Committee). The desired outcomes from this ad hoc Committee were:

- To provide participants up-to-date information on the status of yellow perch populations and a common understanding of yellow perch management.
- To provide participants an opportunity to identify issues of concern within the yellow perch management plan and highlight new issues.
- Using information gleaned through the process, to develop recommendations on the components of a yellow perch allocation strategy.

The Committee of eleven individuals (Appendix A) met eight times between July 25<sup>th</sup> and October 24, 2006. Meetings were open to the public and most were attended by members of the public, many of those individuals attending on a regular basis.

During the initial meetings, briefings were provided by the Maryland Department of Natural Resources (DNR) on various aspects of the management process that impacted yellow perch. Following this, members of the Committee were invited to make presentations. The Coastal Conservation Association and Maryland Watermen's Association each presented information. Several Committee members spoke about the industries associated with the commercial fishery. Mike Benjamin, non-member, spoke about the tackle industry associated with recreational fishing (see Appendix B).

Based on questions raised, and comments made, during these initial meetings, a survey of Committee members was conducted. The results of this survey provided a basis for subsequent discussion among the Committee members and, where possible, areas of agreement could be formed.

### **FINDINGS AND RECOMMENDATIONS**

#### **Committee Process and General Findings**

In general, Committee members felt that they developed a good understanding of the management process that DNR follows. Through presentations, background materials, and clarifying discussion, the DNR provided available information to aid the Committee in formulating recommendations.

Yellow perch provide fisheries that are important to both recreational anglers and commercial fishermen in Maryland, although landings are small compared to other fisheries in the

Chesapeake Bay. However, it must be recognized that in some areas, the current availability of yellow perch is likely reduced from historical conditions in stock size, geographic area, and temporal availability to fisheries. One contributing factor to this reduction appears to be degrading aquatic habitat conditions caused by increasing development (impervious surface) in the surrounding watersheds and the resulting increased runoff containing sediments and contaminants that may be detrimental to the survival of yellow perch at various life stages.

While there has been some discomfort with the status of yellow perch management, Committee members generally feel that the DNR is doing the best job *with the given resources*. The Committee believes additional resources are needed required to adequately manage yellow perch, yet the Committee does not recommend that the DNR shift resources from the management of other fisheries to bolster yellow perch management. Rather, the Committee advises that the DNR leadership, with the support of the Tidal and Sport Fisheries Advisory Commissions seek solutions to funding limitations affecting management of yellow perch and other fisheries.

## **Data Availability and Quality**

*Applying data from reference systems*- Due to the limited DNR resources available for yellow perch management, not all systems are monitored equally. The DNR currently uses the “best available information”. This includes using reference systems where another system may have limited data. The Committee has concerns about this practice. However, whether to apply this practice depends on the exact “data” being used, including factors such as data quality. The Committee recognizes that this practice might be necessary under certain circumstances and that some “data” (for example: commonly accepted measures for target spawning stock biomass-SSB) could be acceptable to use in this manner. Additionally comparisons to other healthy systems (i.e. Great Lakes) may be pertinent. Still, the Committee has concerns about this and urges caution (i.e. stricter limits such as reduced fishing mortality - F) in the future use of this practice.

*Establishing a reference system* – The closure of the Nanticoke River since 1987 provides an opportunity to evaluate a relatively unexploited stock of yellow perch. The behavior of the Nanticoke population could provide a wealth of data if the system is studied, both as an unexploited population and the response of the fish population when harvest resumes (if a fishery is reopened in the Nanticoke). The opportunity for such evaluation is especially important at this time as development in the Nanticoke watershed is relatively low.

*Abundance data* – Yellow perch stocks in open systems are currently evaluated primarily by the level of fishing mortality of each stock as mandated by the FMP. While some efforts have been made to develop indices of abundance (e.g., young-of-the-year) these indices have not been conclusively linked to adult abundance (as they have been for striped bass). The Committee recommends that the DNR evaluate means to collect credible abundance data for yellow perch (juvenile, adult, etc.) now so that there will be reference abundance information to compare to data collected in the future.

*Improve Recreational Data Collection* - The Yellow Perch FMP included Action 15, which was to “evaluate the utility of a web-based volunteer angler survey.” While a field-based collection form was attempted in cooperation with CCA, and was unsuccessful, the Committee believes

that there may still be opportunities to collect better recreational data that are not as costly as an intensive creel survey. The Committee recommends that DNR reconsider developing a web-based voluntary angler survey, in cooperation with angler groups (MSSA, CCA), similar to that which is being utilized for striped bass and summer flounder. Additionally, the Committee recommends that DNR explore means to improve the overall recreational angler data collection wherever possible.

## **Fishery Management Plan**

During the course of Committee discussions with the DNR about the Yellow Perch Fishery Management Plan, it became clear that certain revisions are appropriate.

*Expand Triggers* - The Committee recommends that DNR evaluate triggers for yellow perch based on stock biomass or age structure, in addition to the current triggers based only on fishing mortality. These triggers will identify stock conditions when fishing should be further restricted, as well as conditions when harvest can be increased. The Committee recognizes that acquiring the data to calculate these additional triggers may be more expensive and require staff/financial resources not currently available for yellow perch, but this evaluation needs to occur.

*Emphasize Habitat* - The Committee recommends that DNR evaluate and suggest habitat benchmarks to include in the management plan. However, habitat benchmarks should not be used as a trigger to open/close harvest, but rather to provide guidance on management of yellow perch and the ecosystem in which they occur, including potential habitat restoration actions needed within the watershed.

*Defining Fisheries* - The Committee could not provide definitive guidance on whether harvest should or should not be allowed in spawning areas during spawning season. This question is not easily answered in generic terms, and the Committee concluded that the solution will depend on management goals for the fisheries that are not defined in the current FMP. There was consensus that fishing on the spawning grounds should only allowed if, at the same time, the goals of the FMP can be achieved. Therefore, the FMP needs to be revised to:

- Define each fishery, including the goals for each fishery;
- Define the spawning grounds;
- Define the spawning season.

## **Habitat**

The Committee was unanimous in its opinion that habitat issues are vitally important to yellow perch management and the long-term health of yellow perch in the Chesapeake Bay. The Committee feels that the DNR has made significant progress in developing habitat information for inclusion into fishery management but the Committee requests that DNR:

- Increase communication on the progress toward applying habitat information.
- Prepare a plan for integrating habitat criteria into the planning process for yellow perch *and other species*.

- Develop a process to prioritize streams/watersheds essential for yellow perch populations so that they can be better protected and/or rehabilitated.
- Integrate fisheries management concerns directly into other processes such as Tributary Teams and provide information directly to county and municipal governments making development decisions.

The Committee strongly recommends that the DNR Secretary seek more authority for the Department to influence land use decisions as they impact aquatic habitat. Constituent groups and the Sport and Tidal Fisheries Advisory Commissions need to support such increased authority to the legislature, governor, and other elected officials as appropriate.

## **Access**

*Expand Access* – The availability of physical access points for anglers to areas with the potential for recreational yellow perch fisheries is important. Riparian land in Maryland is increasingly being developed, sometimes blocking once-available access points. Businesses that once provided access (such as boat rentals) are also diminishing. The DNR needs to be vigilant in securing or developing access to the fishing grounds whenever opportunities arise. However, the Committee recognizes that improved access is meaningless unless fish stocks are protected or restored to levels that can sustain fisheries.

## **System-Specific Recommendations**

The Committee discussed the current management measures in place for various systems:

*Systems that currently cannot support self-sustaining yellow perch populations* – The Committee recommends that systems that currently cannot support self-sustaining yellow perch populations due to habitat constraints be kept closed. In addition, the Committee strongly recommends that no new species be introduced into these systems with the purpose of providing a “substitute” fishery for yellow perch. Systems that fail to support yellow perch reproduction should be identified.

*Systems that can support self-sustaining yellow perch populations* – At present, there are three types of systems that sustain yellow perch populations:

- Systems that are currently closed but could sustain some harvest under current FMP guidelines (e.g., Nanticoke);
- Systems that are open only to recreational harvest and can sustain additional harvest under current FMP guidelines (e.g., Choptank);
- Systems where yellow perch harvest is predominately from the commercial sector, but which also has recreational fisheries, and where additional harvest is not currently recommended under current FMP guidelines (e.g., Upper Bay).

No consensus recommendations are made for the Upper Bay, Choptank and Nanticoke Rivers. Limited discussion of current management for the Chester River, systems from the Patapsco south to the West/Rhode Rivers, Patuxent River, and Potomac tributaries did not result in recommendations that differ from those presently in place for those systems..

## Allocation Strategies

The Committee held intensive discussions about allocation strategies. Unfortunately, no clear agreement evolved from these discussions, although some potential strategies were suggested by individual participants. Proposals discussed are listed below *in no particular order*:

- Moratorium – A moratorium on all yellow perch harvest (commercial and recreational) was discussed, which would continue until yellow perch stock levels are attained that result in a quality recreational fishery (the parameters of a “quality recreational fishery” were not defined). This suggestion is based on perception that successful recreational fisheries generally require a higher stock level than commercial fisheries and both fisheries would likely benefit from higher sustained stock levels.
- Establish “test systems” - Leave the Choptank River as a recreational only area and open the Nanticoke as commercial only. That would give the opportunity to study the effects of recreational and commercial fisheries on abundance, stock structure, etc. It was noted that the level of recruitment to each of those areas is unknown which would make it difficult to assess impacts.
- Do not allow any commercial fyke nets in river systems from January 1 to March 31.
- Equal division of commercial and recreational harvest - Commercial harvest would be established at the same baywide level as the recreational fishing level. However, it is recognized that the current data that measure recreational harvest is very weak, so presumably the level of harvest would need to be extrapolated from current commercial landings and based on the best historical ratio of commercial to recreational landings. Generally, this would result in a net decrease in commercial harvest from the current levels and *potential* increased recreational harvest. Harvest estimates would be based on bay-wide harvest, not system-by-system. There would be no retention/no sale from January 1-March 20 and a directed recreational survey would be implemented to accurately determine harvest.
- Gamefish status – A “no commercial harvest/no sale” provision in Maryland law would be enacted. Currently this is not allowed by Maryland law regarding allocation. The proposal as presented would provide a three year phase out of the commercial fishery. For those 3 years each commercial waterman would have an Individual Transferable Quota (ITQ) based on the previous three years reported harvest. The DNR would be required to offer quota buy-outs with funds from Fisheries Service budget. Under the current FMP law, the DNR could not implement this, so it would require changes in the state statutes.

- Restore commercial harvest to the Choptank River either with 5000 pound cap or harvest only from September 1-December 31, and maintain status quo in Upper Bay systems. The fall season would address the concern about harvesting yellow perch in the spawning areas during spawning season (late winter/early spring).
- Adjust harvest split to 65% commercial and 35% recreational. This would require some method to reduce commercial harvest and monitor both sectors.
- Adjust harvest to an equal allocation to recreational and commercial (50:50) with DNR determining conservation allocation to provide additional stock growth.
- No change from the present system.

The concept of keeping the Nanticoke closed because it is as near to a “virgin system” as found in Maryland, was presented. Some Committee members recommended using the opportunity to study the abundance and stock structure of an un-fished system. It was pointed out that there are no funds for additional research at this time. The point was reiterated that DNR leadership and citizen groups should be lobbying for more funds to get the kinds of data that are needed.

## **Law Enforcement**

There was agreement that regardless of any changes in allocation policy, adequate law enforcement that focused on natural resources was vital. Law enforcement must be adequately trained in natural resources and natural resources policy and provide sufficient coverage so as to be effective in enforcing natural resources laws.

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APPENDIX A

**MEMBERS OF THE MARYLAND YELLOW PERCH STAKEHOLDER  
COMMITTEE**

***JULY-NOVEMBER, 2006***

Jamie Baxter, Maryland DNR Tributary Strategies Team  
Steve Early, Maryland DNR Fisheries Service  
Jim Gilford, Maryland Sport Fisheries Advisory Commission  
Bill Goldsborough, Chesapeake Bay Foundation  
Ken Hastings, Maryland Coastal Conservation Association  
Tony Prochaska , River Keeper, Chester River Association  
Bill Sieling, Chesapeake Bay Seafood Industries Association  
Larry Simns, Maryland Watermens Association  
Howard Townsend, National Oceanographic & Atmospheric Administration –  
National Marine Fisheries Service  
Clint Waters, Maryland Saltwater Sportfishermen's Association  
Bill Woodfield, Maryland Tidal Fisheries Advisory Commission

**APPENDIX B**  
**BRIEFINGS PROVIDED TO THE YELLOW PERCH STAKEHOLDER**  
**COMMITTEE**

**JULY-OCTOBER, 2006**

**BACKGROUND BRIEFINGS**

Legislation & regulation - Sarah Widman/Harley Speir, Maryland DNR

Discuss legislative authority (Annotated Code of Maryland, Natural Resources Article §4-215 and Subtitle 7) for DNR to manage yellow perch upon adoption of an FMP. Review current statewide and river specific regulations (Code of Maryland Regulations 08.02.05.07) for yellow perch. Understand factors leading to those regulations.

Life history & fisheries - Butch Webb, Maryland DNR

Review of general species and population biology with reference to tidal tributary stocks around the Chesapeake Bay, including size, age, maturity, fecundity, mortality, and tributary specificity. Discuss directed commercial and recreational fisheries.

Yellow perch management plan - Nancy Butowski, Maryland DNR

Explain fisheries management plan process: authority, development, goals & objectives, review, adoption, revision, specific action items, accomplishments, and review process.

Stock assessment, general - Linda Barker, Maryland DNR

A basic discussion of fisheries stock assessment concepts and applications including data and resource requirements with specific background to DNR assessments (abundance, mortality, growth, predicting yield, risk).

Monitoring & assessment of yellow perch - Paul Piavis, Maryland DNR

Review current recreational/commercial monitoring and data collection studies. Explain actual stock assessments used to develop recommendations for fishing mortality and size limits. Discuss results of hatchery augmentation studies.

Habitat & management - Jim Uphoff, Maryland DNR

Yellow perch habitat requirements and discussion of river specific conditions. Connect habitat degradation with impacts of land planning and development to fish stocks and provide overview of management jurisdiction for critical land based issues. Discuss potential management scenarios for varying impact levels.

Economics, general - Andy Loftus, Loftus Consulting

A brief review of economic valuations with respect to commercial and recreational fisheries (willingness to pay, out of pocket expenditures, ex-vessel catch value, capital investment) and qualitative values not captured.

Allocation Policy - Steve Early, Maryland DNR Fisheries

Overview of fisheries allocation. Discuss 1997 draft MDNR allocation plan and review development by stakeholder Committee with attention to criteria and differential valuation between fisheries.

## **STAKEHOLDER BRIEFINGS**

- Yellow perch management from MD CCA's perspective - Ken Hastings, Maryland Coastal Conservation Association
- Yellow perch management from a waterman's perspective – Danny Beck, Commercial Waterman
- Yellow perch management from a tackle store owner's perspective – Mike Benjamin, Herbs Tackle Shop, Northeast, Maryland
- The yellow perch commercial market: more than simply harvest – Bill Sieling, Larry Simms, Bill Woodfield