

**ASMFC Atlantic Striped Bass Advisory Panel
July 20, 2007**

**Striped Bass Advisory Panel Comments on the Rhode Island
Conservation Equivalency Proposal for the Commercial Trap Fishery**

The Striped Bass Advisory Panel (AP) convened by means of a conference call on July 18th, 2007 to comment on the conservation equivalency proposal from Rhode Island for a lower minimum size limit in the commercial trap fishery. AP members who were not able to participate in the conference call were invited to forward their comments to the Fishery Management Plan Coordinator for inclusion in the AP report to the Management Board. AP members received copies of the proposal in advance of the conference call and Doug Grout, chair of the Striped Bass Technical Committee (TC), was available during the conference call to answer questions and provide additional information on the Technical Committee's comments on the proposal.

In addition to the TC Chair, the FMP Coordinator, and the AP Chair, seven of the 20 AP members were able to participate in the conference call. Four AP members who were unable to take part in the call submitted questions prior to the conference call and comments following it. At the conclusion of the conference call, eight AP members recommended against approving the proposal, two recommended approval, and one did not make a recommendation.

The primary concerns underlying the majority recommendation not to approve the proposal are: (1) departures from a uniform minimum size limit make it more difficult to predict effects on the coastal population, (2) approval of the proposal will encourage other states to propose similar minimum size limit changes based on special interests, and (3) there is no compelling reason to change the minimum size limit as proposed by Rhode Island.

The FMP Coordinator's notes taken during the conference call and the emails of those AP members who were unable to join the call are included below to provide the Management Board with comments from individual AP members relative to their concerns regarding the Rhode Island proposal and the majority recommendation to the Management Board not to approve the proposal.

**Atlantic Striped Bass Advisory Panel Comments
on Rhode Island's Proposal for the Commercial Trap Fishery**

Recorded July 2007 via Conference Call and Email Correspondence

Conference Call Comments

Louis Bassano (New Jersey)

- Other states' commercial fisheries, as well as recreational fisheries, may want a similar change; if approved, the Board should be prepared for other states to submit similar proposals
- Lots of state changes to regulations create a problem for the Technical Committee in assessments
- *Vote against proposal*

Chuck Casella (Massachusetts)

- Approval of the proposal will set a bad precedent for all the states to fine tune their regulations and will create regulatory microcosms along the coast
- States should by trying to adhere to the 28 inch coastwide minimum
- Foresee problems with other states' recreational fisheries asking for the same change
- Suggest that if there is a desire for a 26" minimum size limit, the way to get it is through a management plan addendum, in which case it can be a coastwide change
- Can't support a state making a change that has the potential to have such a large effect (in terms of other states following suit and the effect on the TC's analyses) for such a small fishery change
- *Vote against proposal*

Ed Cook (Rhode Island)

- The trap fishery has plenty of opportunity to catch 28" fish and larger; not fulfilling a quota in recent years is not a valid reason for changing the minimum size limit
- Approval of the proposal will set a bad precedent that will be misunderstood by other groups of fishermen to mean they can ask for the same thing
- *Vote against proposal*

Joe Fletcher (Virginia)

- The proposal will set a bad standard
- Proposal approval has the potential to cause conflict between commercial and recreational sectors
- Concern about stock status
- *Vote against proposal*

Fred Frillici (Connecticut)

- While the change that Rhode Island is proposing is very small, it will set a bad precedent resulting in other states wanting a similar regulatory change
- The current program (2 fish, 28") is working well, so it shouldn't be changed
- The proposal is for a specialized group, but striped bass should be for the general fishing public
- *Vote against proposal*

Arnold Leo (New York)

- Once set, traps are largely fixed gears and are subject to certain placement restrictions. If they aren't catching 28" fish in those areas, there's not much the trap fishermen can do which is why they need this change to have equitable management. The proposal is a factor of the size availability of striped bass for the gear, which has been the reason for other fisheries' alternative regulations
- This proposal will not set a bad precedent for other states' recreational fisheries, as that is an entirely different subject from the conservation equivalency proposal being considered here

- *Vote in favor of proposal*

Al Ristori (New Jersey)

- Neither for or against the proposal
- If the proposal is approved, other states should also be allowed to make similar changes to their management regime
- *Abstain from vote (cut off the call before the vote was taken)*

Emailed Comments (comments attached below)

Bob Fjelstad (Virginia)

- Concerned about a lack of conformity along the coast, which makes it harder for the Technical Committee to assess the population
- Concern that approval of the proposal will influence other states to also desire a lower size limit
- *Vote against proposal*

John McMurray (New York)

- Exceptions to the general coastwide 28" minimum should only be made for compelling reasons; Rhode Island's proposal does not convey any compelling reasons
- Granting exceptions without a good reason will open the door to destruction of the coastwide standard, which was not determined arbitrarily but on the biology of striped bass
- A return to individual state limits will make it more difficult for the Technical Committee to accurately assess the population
- Concern that other states' fisheries, including recreational, will want to follow suit
- *Vote against proposal*

Dave Pecci (Maine)

- Some support for proposal because the Technical Committee agreed that the methods and results are valid, because flexibility is permitted in Amendment 6, and because Maine has used Amendment 6's flexibility to implement an alternative slot limit
- Lack of a specific size of fish within the coastal stock over a particular timeline is not a compelling reason to change existing Rhode Island regulations
- Allowing the proposal will set a bad precedent and could lead to a constant changing of recreational and commercial length limits based solely on the abundance of specific year classes
- *Vote against proposal*

Kelly Place (Virginia)

- No problem with proposal as long as the Technical Committee thinks the alternative measures are conservationally equivalent
- See potential for additional resource conservation benefits and fishery efficiency benefits
- *Vote in favor of proposal*

Vote Tally

For: 2

Against: 8

Abstain: 1

Emailed Comments from the Advisory Panel

From "Bob and Marti Fjelstad" <bobfje@msn.com>

07/22/2007 09:19 AM

I vote against the proposal

Bob F

From "Bob and Marti Fjelstad" <bobfje@msn.com>

07/16/2007 02:51 PM

I will not be able to take part in the conference call as I will be enroute to a family gathering.

The one item that concerns me the most on this issue is that of conformity. The more exceptions to size limit --the more difficult the T.C. has with analysis of the health of the stock, in my estimation.

Will the passing of this proposal influence other states to also desire a lower size limit? I realize that this proposal will have almost no negative impact on the stock and in fact may reduce by-catch and save some of the larger fish, but I am uncomfortable to give a blanket approval without hearing that R.I. will follow each and every requirement of the T.C., monitoring etc.

Bob F.

From "John McMurray" <johnmcmurray@optonline.net>

07/18/2007 05:01 PM

Thank you Nicola... I would like to vote in opposition to the proposal...

From "John McMurray" <johnmcmurray@optonline.net>

07/18/2007 12:55 PM

Hi Nicola... Looks like a prior work engagement which I have not been able to reschedule will prevent me from participating in this conference call. Not sure how this works, but I would still like to comment on the RI trap net proposal. My comments are below:

First, it's not clear why the reduction is warranted. There is no suggestion that the trap nets aren't able to harvest their quota (in fact, the "some adjustments" language suggests that they may, at times, go over???). Exceptions to the general 28" coastal commercial minimum should only be made for compelling reasons (e.g. New York, where the smaller fish is permitted to minimize the impact of PCBs from the Hudson, which tend to be found in higher concentrations in larger fish).

Granting exceptions to the 28" standard purely because someone would prefer it opens the door to the possible destruction of the coastwide standard, and a return to individual state limits allegedly based on conservation equivalency, which will make it more difficult to calculate the effect of the overall commercial harvest, as the technical committee will be faced with a series of calculations based on each state's regulations, with the possibility of error creeping into the calculation of each one. There is also the risk that this will not be restricted to the commercial sector, but will creep into the recreational side, with

states seeking conservation equivalency for liberalized state regulations. Some states would almost certainly seek a 24" fish if there was any chance that the request would be granted.

In addition, I am concerned about the calculation of required reduction. We're only dealing with a 3.8% cut for a 2" reduction in size limit. Are the figures the biologists are working with accurate enough that such reduction can be calculated with precision? Or are we dealing with overlapping confidence intervals, where the predicted error boundaries overlap and there is little if any statistical difference between the current harvest at 28" and the calculated reduced harvest at 26"? The 28" coastwide minimum was not determined arbitrarily. Instead, it was the size at which 50% of the females were believed to be mature. That is a good, if hardly conservative, basis for establishing the minimum size, and one that should not be carelessly discarded.

**From "Dave Pecci" <dpecci@suscom-maine.net>
07/18/2007 10:41 PM**

Nichola,

Thanks for the follow up on my concerns and questions.

Based on the info you have provided I vote to oppose the proposal. I agree that a lack of a specific size of fish within the coastal stock over a particular timeline is not a compelling reason to change the existing RI regulation. I agree with the AP members that state this rationale for regulation change will set a poor precedent and could lead to a constant changing of rec and commercial length limits based solely on the abundance of specific year classes.

DP

**From "Dave Pecci" <dpecci@suscom-maine.net>
07/18/2007 09:08 AM**

Nichola, Jim,

First thanks for having a conference call on this proposal rather than an e-mail discussion. I'm very disappointed that my schedule will not allow me to participate.

My comments:

1. I will have to defer to the TC for validation of the RI proposal. Assuming that the methodology and results are valid, I can not argue against RI's proposal when taking into account flexibility that is allowed in Amendment 6. The same flexibility that Maine has used to establish its recreational slot limit.
2. I would like to know how the change to 26" would effect discards (aka dead fish thrown back) within the RI commercial fishery. Would it lower or raise the amount of discards?
3. I would also like to know what effect this and similar changes to state regulations have on the much overlooked Amendment 6 goal of restoring the older, larger sector of the striped bass population. This restoration is (in my opinion) not taking place very quickly, and here in Maine for the most part not at all.

So, unless the TC finds errors in its review of RI proposal I reluctantly support it based on the flexibility established in Amendment 6.

dp

From KELLTRON@aol.com
07/18/2007 01:26 PM

Hi Nicola and Striped Bass Advisory Panel,

I regret that I may be unable to participate in the conference call today.

As Virginia's commercial representative on the panel, I have no problem with the Rhode Island proposal assuming the STB Technical Committee concurs with their analysis regarding the achievement of conservation equivalency.

My initial impression of the proposal is that it does achieve conservation equivalency. I can also see additional conservation benefits and efficiency benefits that may accrue to the resource and to the fishermen, respectively.

Sincerely,

Kelly Place