



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

**TO:** Atlantic Striped Bass Management Board

**FROM:** Atlantic Striped Bass Advisory Panel

**DATE:** April 25, 2022

**SUBJECT:** Advisory Panel Recommendations on Draft Amendment 7 Options

The Atlantic Striped Bass Advisory Panel (AP) met via webinar on April 11 and April 20, 2022 to discuss AP recommendations on the options proposed in Striped Bass Draft Amendment 7. During the first webinar on April 11, AP members discussed preferred options for management triggers, recreational release mortality, and the rebuilding plan. During the second webinar on April 20, AP members discussed preferred options for conservation equivalency.

The following is a summary of AP members' recommended options and discussion from both webinars. There were differing recommendations among AP members for many issues.

### April 11: AP Members in Attendance

Louis Bassano (Chair, NJ recreational)  
Dave Pecci (ME for-hire/recreational)  
Bob Humphrey (ME comm. rod-reel/for-hire)  
Peter Whelan (NH recreational)  
Patrick Paquette (MA rec/for-hire/comm)  
Andy Dangelo (RI for-hire)  
Michael Plaia (RI comm/rec/for-hire)  
Kyle Douton (CT recreational)  
Bob Danielson (NY recreational)  
Eleanor Bochenek (NJ fisheries scientist)  
Chris Dollar (MD fishing guide)  
Dennis Fleming (PRFC guide/processor/dealer)  
Bill Hall (VA recreational)  
Kelly Place (VA commercial)

### April 20: AP Members in Attendance

Louis Bassano (Chair, NJ recreational)  
Bob Humphrey (ME comm. rod-reel/for-hire)  
Patrick Paquette (MA rec/for-hire/comm)  
Andy Dangelo (RI for-hire)  
Eleanor Bochenek (NJ fisheries scientist)  
Chris Dollar (MD fishing guide)  
Charles (Eddie) Green (MD for-hire)  
Dennis Fleming (PRFC guide/processor/dealer)  
Bill Hall (VA recreational)  
Kelly Place (VA commercial)

*AP Nominee in attendance:* Jamie Lane (NC commercial)

*ASMFC Staff:* Emilie Franke, Katie Drew

*Jon Worthington (NC) provided preferred options via email, which are included in the summary.*

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## **Management Triggers (Section 4.1)**

### **Tier 1: F Triggers**

10 AP members support option A1 status quo: reduce F to target within 1 year

- The public is clearly indicating they want conservative management and do not want to extend timelines for taking action

5 AP members support option A2: reduce F to target within 2 years

- F is based on MRIP data so having more time to make adjustments makes sense considering the MRIP uncertainty and fluctuation of F from year-to-year
- There is a difference between taking action to get to the target vs. getting below the threshold; flexibility to allow more time to reach the target is acceptable
- It is difficult to implement regulations in one year for some states due to constraining timelines of regulatory processes
- Management stability is important and allowing two years would avoid the ‘knee jerk’ reaction the Board has been criticized for in the past

10 AP members support option B1 status quo: trigger trips if F exceeds threshold

- As soon as the overfishing threshold is crossed, the Board needs to take action
- The public is clearly indicating they want conservative management and do not want to extend timelines for taking action

5 AP members support option B2: trigger trips if 2-year average F exceeds threshold

- F is based on MRIP data so evaluating multiple years of data would help address concerns about MRIP uncertainty and fluctuation of F from year-to-year

Unanimous (14 AP members on the call) support option C1 status quo: trigger trips if F exceeds target for two years and SSB is below target for one of those years.

### **Tier 2: SSB Triggers**

Unanimous (14 AP members on the call) support option A2: 2-year deadline to implement rebuild plan

- Need to take action as quickly as possible to rebuild the stock
- The current management situation is due to the Board not implementing a rebuilding plan right away when the stock was first declared overfished

Unanimous (14 AP members on the call) support option B1 status quo: trigger trips if SSB is below threshold (overfished):

- As soon as the overfished threshold is crossed, need to act to bring SSB above threshold
- The public is clearly indicating they want conservative management

14 AP members support option C1 status quo: trigger trips if SSB is below target for two years and F is above target for one of those years.

1 AP member on the call supports option C3: no trigger for SSB target

- F is the only thing we can directly control, so the focus should be on the F target trigger and getting F to the target, not the SSB target trigger

### **General Target Trigger Recommendation**

13 AP members on the call recommend maintaining both target triggers (i.e., do not eliminate either the F or SSB target trigger):

- Although there may be a small numerical difference between target and threshold values at this point, the Board should keep both reference point triggers because the gap between the target and threshold may increase in the future; we should manage to the F target, which is below the threshold, to avoid unintended consequences resulting from variations in MRIP
- Having an F target trigger without an SSB target trigger is not enough since SSB could decline below the target due to factors besides fishing mortality (e.g., environmental conditions and recruitment)

*1 AP member supports removing the SSB target trigger (see Tier 2 option C3 above).*

### **Tier 3: Recruitment Trigger**

5 AP members support option A1 status quo: low sensitivity recruitment trigger:

- The status quo recruitment trigger has worked effectively as designed to trip when there is recruitment failure

7 AP members on the call support option A2: moderate sensitivity recruitment trigger

- Heard public support for the moderate sensitivity trigger that is more sensitive than the status quo but would not trip too often
- The current trigger is not sensitive enough considering recent observed low recruitment

3 AP members on the call support option A3: high sensitivity recruitment trigger

- There needs to be focus on recruitment and accounting for periods of low recruitment
- The YOY data are the most reliable predictor for the stock

6 AP members support option B1 status quo: Board determines management response if recruitment trigger trips (most flexible response):

- The Board should have flexibility to determine the course of action, especially considering the weak stock-recruit relationship for striped bass
- Caution about reacting to YOY data alone; it is more important to consider SSB data and mortality of the spawning stock to inform management action

9 AP members on the call support option B2: if recruitment trigger trips and F exceeds an interim F target calculated using the low recruitment assumption, reduce F to the target within one year (most conservative response):

- If we don't react and take action in response to low recruitment, we will end up in the same poor stock status situation in the future

#### **Tier 4: Deferred Management Action**

11 AP members on the call support option A status quo: no deferred management action:

- Heard from the public they want immediate action and no delays
- Even if SSB is above the target, there should still be no delay in taking action

3 AP members support options C and D: defer management action until the next assessment if the F target is tripped and SSB is above target (C) or SSB is projected to increase or remain stable over the next five years:

- These options would provide more stability for management and action would only be deferred if SSB is on a good trajectory

### ***Recreational Release Mortality (Section 4.2.2)***

#### **Option B. Seasonal Closures**

No support for option B1: state-specific two-week no-targeting closures:

- The benefits of seasonal closures are unclear and management issues (like different closures in different states) arising from closures may outweigh the benefits
- Some AP members recognize seasonal closures may be a tool for the future, but the options in Draft Amendment 7 are not developed enough and require more time for discussion and analysis
- Some AP members noted the benefit of closures for areas with warm water conditions

3 AP members on the call support option B2-a: no harvest in spawning areas from Jan-April:

- Closing spawning areas to harvest will decrease effort and provide protection to spawning fish
- One AP member noted concern about fishing pressure on pre-spawn fish in Raritan Bay

3 AP members on the call support option B2-b: no targeting on spawning grounds for two weeks in Mar-Apr or May-June:

- No one should be targeting spawning fish on spawning grounds

1 AP member commented specifically against option B2-b:

- Difficulty of identifying locations of all spawning grounds and the ineffectiveness of no-targeting closures

#### **Option C. Gear Restrictions**

8 AP members on the call support option C1: prohibit any device other than a non-lethal device to remove a striped bass from the water or assist in releasing:

4 AP members on the call support option C2: striped bass caught on any unapproved method of take must be returned to the water immediately without unnecessary injury:

- This is a common sense provision that aligns with existing gear restrictions

2 AP members commented specifically against option C2:

- Concern about the impacts of such a provision, such as requiring children and young anglers to release striped bass if incidentally caught
- Striped bass fisheries are very diverse with many different gear types and it would be difficult to implement such a provision since each state has different approved/unapproved methods of take

#### **Option D. Outreach and Education**

Unanimous (14 AP members on the call) recommendation from the AP to reconsider requiring outreach and education at a later date when the Board can clearly define what the required elements of state outreach will be in order to track state compliance:

- The AP recognizes the critical importance of outreach and education and supports state and organization outreach efforts, particularly to inform about the circle hook requirement and to educate the growing number of catch-and-release anglers
- The AP does support requiring states to conduct outreach and education, but Draft Amendment 7 does not provide enough information on those requirements
- The AP recommends the Board implement required outreach at a later time after specific outreach standards and required elements have been determined

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#### ***Rebuilding Plan (Section 4.4)***

##### **Recruitment Assumption for the 2022 Assessment**

3 AP members support both options A and B: use both the standard recruitment method (A) and the low recruitment assumption (B) for the 2022 assessment:

- Both recruitment methods should be used and the results of the different scenarios should be compared to inform management decision

6 AP members on the call support option B: use the low recruitment assumption for the 2022 assessment:

- Low recruitment assumption is the best approach considering the observed low recruitment in recent years

*Regarding recruitment, some AP members recommend additional studies to quantify the predation impacts on YOY striped bass in the Chesapeake Bay due to non-native blue catfish.*

##### **Process for Responding to the 2022 Assessment**

8 AP members on the call support option B: Board action (Board vote) to change management measures to achieve rebuilding, if needed:

- The Board should have the ability to take quicker action to rebuild the stock if necessary
  - AP members emphasized the importance of opportunities for public comment and AP input during this faster process
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### ***Conservation Equivalency (Section 4.6.2)***

#### **Option A: Status Quo Board Discretion**

8 AP members support option A Status Quo: Board discretion on the use of CE:

- Maintaining flexibility for states to tailor management based on unique conditions in their area is an important part of striped bass management; conditions and fisheries in each state are very different and CE is essential for management to be feasible.
- CE in the Chesapeake Bay has been successful in providing increased protection for striped bass through summer closures when striped bass habitat is extremely limited due to temperature and water quality conditions, and without CE this increased protection would not have been possible.
- Some CE programs reduce the number of recreational releases by allowing for different size limits, which can decrease the number of fish that need to be released to meet the size limit.

#### **Option B: CE Stock Status Restrictions**

3 AP members on the call support option B1-a: CE not allowed if the stock is overfished, and

2 AP members on the call additionally support option B1-c: CE not allowed if overfishing:

- Considering the uncertainty associated with CE programs and the difficulty of evaluating their effectiveness after implementation, the risk of CE should not be taken when the stock is in poor condition.

1 AP member commented specifically against option B1-c:

- The overfishing threshold should not be used as a basis to restrict CE due to the uncertainty associated with MRIP data, and therefore the uncertainty of determining whether overfishing is actually occurring (i.e., the point estimate of fishing mortality may be within a confidence interval).

2 AP members on the call support option B2-a: stock status restrictions for CE would also apply to the Hudson River, Delaware River, and Delaware Bay recreational fisheries.

#### **Option C: Precision Standard for MRIP PSE**

2 AP members on the call support option C2: PSE for MRIP data used in CE proposals cannot exceed 40:

- Although MRIP data have some level of imprecision, they are the only data available to use, so a 30 PSE limit would be too low; a 40 PSE limit would be more appropriate.

3 AP members on the call support option C3: PSE for MRIP data used in CE proposals cannot exceed 30:

- Uncertainty should be minimized and this aligns with NOAA’s warning about MRIP PSE levels.

#### **Option D: CE Uncertainty Buffer**

3 AP members on the call support option D2: uncertainty buffer of 25% for CE proposals for non-quota managed fisheries:

- The 25% buffer option is the right amount to manage risk; a 50% buffer is not needed but 10% would not be adequate.

2 AP members on the call support option D1: uncertainty buffer of 10% for CE proposals for non-quota managed fisheries:

- Ideally, the buffer would be between 10% and 25%, but 25% is too large so 10% is supported.

#### **Option E: Define Equivalency**

2 AP members on the call support option E2: CE proposals for non-quota-managed fisheries should demonstrate equivalency to the state-specific projection:

- There must be accountability for CE programs and states should be responsible for achieving their state-specific projected reduction.

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#### ***General Comments on Draft Amendment 7 Public Hearings***

AP members discussed the circumstances of virtual webinar hearings and the ability for people to provide comments/vote in polls at multiple hearings.

- One AP member noted concern about the bias of the virtual polling counts if some people submit votes multiple times, and these caveats should be clearly presented in the comment summary.
- One AP member noted some people may fish in multiple states and so may want to provide comments at multiple hearings.

#### ***Additional Comments***

The AP provided the following comments after receiving a summary of additional common topics raised during the public hearings:

- Some AP members noted support for conducting new recreational release mortality studies to inform management, ideally with estimates for different areas and/or seasons. One AP member noted the forthcoming results from the Massachusetts study on circle hooks and release mortality.
- One AP member supports additional studies on striped bass caught as bycatch.

- AP members recognized the concern about MRIP data and also recognized the challenges with improving data collection on such a large scale. One AP member recommended using revenue from fishing licenses to fund additional recreational sampling to supplement MRIP data.
- One AP member noted the striped bass fishery will always be a large fishery with a lot of effort, and although environmental factors do contribute to fishery declines, there must be management in place to ensure a healthy stock.