



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Atlantic Striped Bass Management Board

FROM: Atlantic Striped Bass Advisory Panel

DATE: April 19, 2021

SUBJECT: Advisory Panel Recommendations on Issues for Consideration in Draft Amendment 7

AP Members in Attendance: Louis Bassano (Chair, NJ – recreational), Dave Pecci (ME – for-hire/recreational), Bob Humphrey (ME – comm. rod and 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), Bob Danielson (NY – recreational), Nathaniel Miller (NY – commercial), Kelly Place (VA – commercial), Dennis Fleming (PRFC – fishing guide/seafood processor/dealer), Jon Worthington (NC nominee – recreational)

ASMFC Staff: Emilie Franke, Toni Kerns

The Atlantic Striped Bass Advisory Panel (AP) met via webinar on April 13, 2021 to discuss AP recommendations on which issues from the Amendment 7 Public Information Document (PID) to include in Draft Amendment 7. Staff presented an overview of each issue and a general summary of comments heard during the eleven public hearings conducted on the PID. The following is a summary of the AP recommendations and discussion for each issue.

Issue 1: Fishery Goals and Objectives

- **The AP recommends Issue 1 be included in Draft Amendment 7** for the following reasons:
 - The managers and the public should have the opportunity to evaluate and reconsider the objectives if necessary through the Amendment 7 process.
 - A stricter objective to address declining stock trends could be considered since the stock has been declining to its current state under the existing objectives.
 - The existing objective that addresses state flexibility may need to be modified or addressed in some way given the public's concerns about conservation equivalency.
- One AP member noted that when considering changes to the objectives, the language should be general enough so it does not prevent management from pursuing new or different management measures in the future.

Issue 2: Biological Reference Points

- **The AP recommends Issue 2 be removed from consideration for Draft Amendment 7** for the following reasons:
 - The comments from the public hearings were very clear in support of maintaining the current reference points based on the 1995 estimate of spawning stock biomass (SSB).
- The AP noted the importance of communicating to the public the recognition that the SSB target may be difficult to attain but it is target we want to strive for in rebuilding the stock.

Issue 3-4: Management Triggers and Stock Rebuilding Target and Schedule

- **The AP recommends the female SSB and fishing mortality (*F*) triggers and rebuilding schedules be removed from consideration for Draft Amendment 7 and recommends the recruitment-based trigger using the juvenile abundance indices be included in Draft Amendment 7** for the following reasons:
 - Commenters at the public hearings expressed support for the current SSB and *F* triggers and rebuilding timelines and called for a stricter adherence to those.
 - The fact that the current recruitment trigger has not been tripped given the recent periods of low recruitment is concerning.
 - Recruitment is an important factor contributing to stock abundance and this importance needs to be more apparent in the management triggers.
 - Young-the-year (YOY) may not be the best or only proxy for a recruitment trigger; environmental conditions (e.g., instream flow) affect survivability of YOY fish and the potential contribution to the stock. There could be consideration for how account for environmental conditions and survivability in conjunction with the YOY indices.
- The AP recognized commenters at public hearings expressed concerns that the Board did not respond quickly enough to the management triggers that initiate a rebuilding plan; the AP recommends better communication from the Board about their response to management triggers and the process of taking action when a trigger is tripped.

Issue 5: Regional Management

- **The AP recommends Issue 5 be removed from consideration for Draft Amendment 7** for the following reasons:
 - There is enough flexibility in current management to implement different measures (e.g., size limits, gear restrictions, effort control) in different states.
 - The two-stock assessment model is not yet ready for management use.

Issue 6: Conservation Equivalency (CE)

- **The AP recommends Issue 6 be included in Draft Amendment 7** for the following reasons:
 - Concerns about the reliability of MRIP data and its application to CE should be addressed, particularly when MRIP PSE is above 50%.

- Stronger accountability measures for CE need to be put in place.
- There should be discussion about required data/ data standards to implement CE accountability measures; CE plans in states with more available data tend to be better than those without data supporting them.
- Comments heard at the public hearings expressed clear concern about the current use of CE.
- CE can be an effective tool but concerns about it being a loophole need to be addressed.

Issue 7: Recreational Release Mortality

- **The AP recommends Issue 7 be included in Draft Amendment 7** for the following reasons:
 - A wide variety of options to address release mortality should be considered including options for effort control measures (e.g. seasonal closures) and gear restrictions. One AP member commented that a moratorium should be included in the analysis as one of a range of effort control options.
 - The most effective measures to address release mortality may differ among states and the unique conditions in certain regions (e.g. warm water temperatures) should be recognized in analysis of this issue.
 - Comments heard at the public hearings expressed support for continuing to pursue this issue.
- The AP noted the importance of continued angler outreach and education on this issue.
- One AP member noted that as a predominantly recreational fishery, recreational release mortality needs to be accepted as part of the fishery.

Issue 8: Recreational Accountability

- **The AP could not come to consensus on whether or not Issue 8 should be included in Draft Amendment 7.**
- AP members who support including Issue 8 in Draft Amendment 7 made the following comments:
 - There is a successful accountability system in place for the commercial sector and there needs to be discussion about what accountability could look like for the recreational sector, especially since the majority of striped bass removals are from the recreational sector.
 - There needs to be an opportunity to explore options for recreational accountability.
 - Recreational accountability at a sector level is in place for other recreational fisheries.
- AP members who support removing Issue 8 from consideration for Draft Amendment 7 made the following comments:
 - There is already recreational accountability through existing measures like effort control, size limits, and gear restrictions.

- Accountability measures used for commercial fisheries, such as quotas, are not as applicable to the predominantly recreational striped bass fishery.
- It may be appropriate to consider sector-wide recreational accountability in the future but not in Amendment 7.
- This issue could be discussed by the ISFMP Policy Board as a Commission-wide policy for recreational fisheries, not in Amendment 7.
- There is concern about how this issue is presented and there has been some confusion about what recreational accountability is referring to.

Issue 9: Coastal Commercial Quota Allocation

- **The majority of the AP recommend Issue 9 be removed from consideration for Draft Amendment 7 with one objection.**
- AP members who support removing Issue 9 from consideration for Draft Amendment 7 made the following comments:
 - There are not better data available to use for commercial allocation because this allocation system based on the 1972-1979 period has been in place since 1995.
 - Concern that changing the allocation may penalize states who have implemented conservative risk-averse measures for the commercial fishery; some states may not be achieving their quota due to stringent regulations and not because they couldn't catch their quota.
 - Have not heard the commercial sector asking for the quota allocation to be updated.
 - This could be addressed in the future but should not be addressed in Amendment 7.
- One AP member¹ supports including Issue 9 in Draft Amendment 7 for the following reason:
 - States that currently receive a commercial allocation but do not have a commercial fishery should be able to transfer unused quota to other states.
- There was some AP discussion about states that currently receive a commercial allocation but do not have a commercial fishery.
 - One AP member noted concern that some states use their commercial quota to support recreational bonus program. Two AP members commented that states have the authority to decide how they use their commercial quotas.
 - One AP member commented they would be opposed to states being able to transfer unused quota to other states. Another AP member commented in support of states being able to transfer unused quota to other states, as noted above.

Issue 10: Other Issues

- **AP members identified the following other issues as relatively high priority for potential inclusion in Draft Amendment 7:**

¹ AP member had to step away from the meeting before this issue was discussed and provided this comment to staff after the meeting.

- Measures to protect the 2015 year class: This is critically important to rebuild the stock. The 2015 year class is coming into the slot and the slot needs to be changed or move to a minimum size limit to protect this year class. There should be discussion about measures to protect this year class. Regarding slot limits, one AP member noted there needs to be discussion about potential increased discard mortality associated with using a slot limit to protect a year class.
- Protect spawning and pre-spawn fish: Size limits and area closures should be considered to protect spawning and pre-spawn staging fish. One example was presented related to pre-spawn staging areas in Raritan Bay/NY Bight. Pre-spawn fish are caught in this area before they move up the Hudson River to spawn. States should coordinate to consider potential closed areas or other measures to protect spawn and pre-spawn fish. Although these may be state or region-specific issues, this topic should still be part of the Amendment 7 discussion.
- Increased and stronger enforcement: Support for increased enforcement. Staff noted that the Commission does not have control over the amount of funding allocated for enforcement but the Commission could potentially address fines in a management document.
- Predation and Shifting Stock Distribution²: The impacts of predation (e.g., seal predation) and the shifting distribution of the stock should be considered.

² AP member had to step away from the meeting before this issue was discussed and provided this comment to staff after the meeting.