



Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmf.org

MEMORANDUM

May 6, 2014

To: Atlantic Striped Bass Management Board
From: Atlantic Striped Bass Technical Committee
RE: Reference Points for the Chesapeake Bay

The Striped Bass Management Board tasked the Technical Committee (TC) with developing reference points for the Chesapeake Bay stock. The TC evaluated five different scenarios of reference points. However, after detailed discussions, the TC concluded:

1. The TC cannot develop Chesapeake Bay stock specific reference point that explicitly accounts for migratory movements at this time.
2. The TC considered a set of reference points based on SSB/R conservation equivalency, but this methodology does not adequately take into account coastal harvest or the skewed sex-ratio of the Chesapeake Bay harvest. In addition, there is no way to measure the current F of the Chesapeake Bay fishery that is consistent with the assumptions of this type of model.
3. The TC considered a set of reference points based on SCA coastwide model. We discussed that if those were adopted, they would be very conservative because they ignore the fact that resident striped bass population in Chesapeake Bay is dominated by male fish.
4. The TC considered a method of adjustment to the SCA based reference points but the TC was uncomfortable in accepting the proposed scale of adjustment without more detailed analysis.
5. The TC agreed that stock-specific reference points are the ultimate goal for management of this species, and work on developing a sex-specific model that incorporates stock structure should be continued.
6. In the meantime the TC recommends that the new coastwide reference points should be used for the Chesapeake Bay.
7. The new coastwide reference points already include the effects of the CB fleet's unique selectivity pattern on the coastwide SSB, and represent the best available scientific advice to manage total fishing mortality on the coastwide striped bass population at this time.

The coastwide target total F is designed to maintain the spawning stock biomass at its target level over the long term. The effects of the Bay's harvest of smaller fish on the total coastwide stock are already incorporated into the coastwide population reference points due to different selectivity patterns for the Bay and Coastal fleets. As a result, the reference points approved for

management use in the 2013 benchmark stock assessment represent the best available scientific advice at this time to manage fishing mortality on the entire striped bass population.

Biologically, the coastal migratory population of striped bass is comprised primarily of three stocks: the Chesapeake Bay stock, the Delaware River stock, and the Hudson River stock. Based on tagging data the Albemarle-Roanoke stock contributes insignificantly to the coastal migratory stock, and thus harvest and indices of abundance from the Albemarle Sound and Roanoke River Management Areas are not included in the coastal assessment. Sexually mature adults from the coastal migratory population return to their natal rivers to spawn on an annual basis. Currently, we lack critical data on the sex- and age-specific rates of migration between the natal Bay and rivers and the coastal population. Thus, the stock assessment model treats the coastal population as a single stock. As a result, the TC cannot develop meaningful reference points specifically for the Chesapeake Bay stock at this time.

As an alternative, the TC worked to develop F reference points that would assess the impact of the Chesapeake Bay fleet on the total coastwide stock, since that can be measured through the SCA model using F estimates for the Chesapeake Bay fleet. Such estimates were developed, but it was noted that they would be very conservative due to the dominance of smaller males in the Chesapeake Bay resident population. It is recognized that the Chesapeake Bay fleet harvests primarily small males, but that is not explicitly modeled in the current SCA because it is not a sex-specific model. Therefore, given limited amount of time and constraints in the available data, the TC could not come to a consensus on whether or how to calculate a Chesapeake Bay fleet reference point at this time.

In the meantime, the effects of Chesapeake Bay's different selectivity pattern (i.e., harvest on smaller fish) are incorporated into the target and threshold total F values developed for the entire coastwide population of striped bass. By maintaining total F at the target level, the impact of the Chesapeake Bay fleet on the total coastwide population should remain sustainable.

Atlantic States Marine Fisheries Commission

**DRAFT ADDENDUM IV TO AMENDMENT 6
TO THE ATLANTIC STRIPED BASS
INTERSTATE FISHERY MANAGEMENT PLAN
FOR PUBLIC COMMENT**



This draft document was developed for Management Board review and discussion. This document is not intended to solicit public comment as part of the Commission/State formal public input process. Comments on this draft document may be given at the appropriate time on the agenda during the scheduled meeting. If approved, a public comment period will be established to solicit input on the issues contained in this document.

*ASMFC Vision Statement:
Sustainably Managing Atlantic Coastal Fisheries*

Updated May 8, 2014

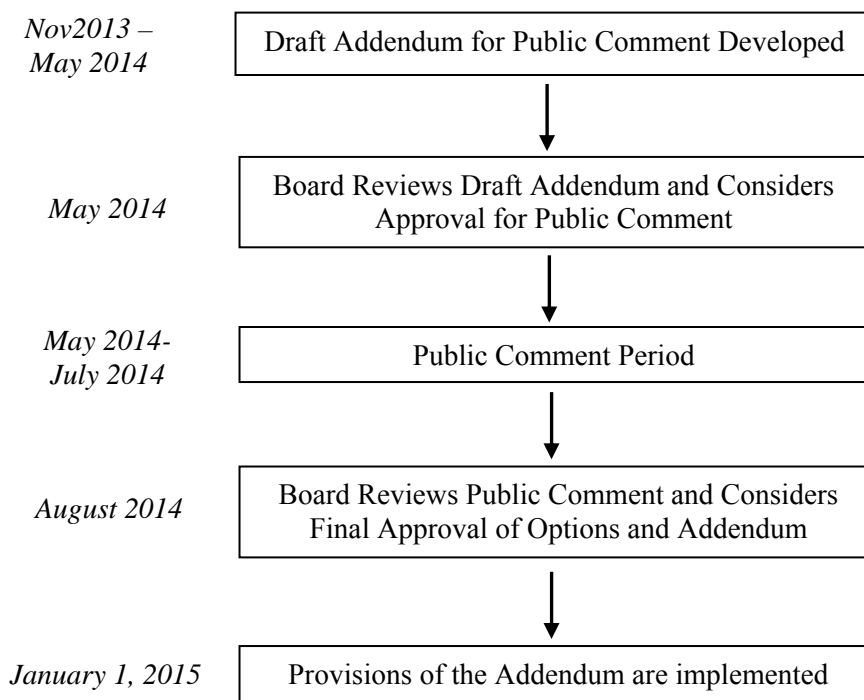
Public Comment Process and Proposed Timeline

In October 2013, the Atlantic Striped Bass Management Board initiated an addendum 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. This draft addendum presents background 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 public is encouraged to submit comments regarding this document at any time during the addendum process. The final date comments will be accepted is XXXXX. Comments may be submitted by mail, email, or fax. If you have any questions or would like to submit comment, please use the contact information below.

Mail: Mike Waine, Fishery Management Plan Coordinator
Atlantic States Marine Fisheries Commission
1050 North Highland Street Suite 200A-N
Arlington, VA 22201

Email: mwaine@asmfc.org
Phone: (703) 842-0740
Fax: (703) 842-0741



1.0 Introduction

Atlantic striped bass are managed through the Atlantic States Marine Fisheries Commission (ASMFC) in state waters (0-3 miles) and through NOAA Fisheries in federal waters (3-200 miles). The management unit includes the coastal migratory stock between Maine and North Carolina. Atlantic striped bass are currently managed under Amendment 6 (2003) to the Fishery Management Plan (FMP) and Addenda I–III.

At its October 2013 meeting, the Atlantic Striped Bass Management Board (Board) approved the following two motions:

Move to develop an addendum to adopt the new biological reference points for the coastal fishery as determined by the 2013 benchmark assessment, as well as biological reference points (fishing mortality) for the Chesapeake Bay and Albemarle/Roanoke stocks.

Move to initiate an addendum to develop a range of management measures that reduces fishing mortality to at least the fishing mortality target with implementation in January 2015.

At its February 2014 meeting, the Board decided to combine the two addenda into one document. As a result, Draft Addendum IV proposes changes to the biological reference points and management options to reduce fishing mortality to a level that is at or below the target with implementation in January 2015.

2.0 Overview

2.1 Statement of the Problem

The 2013 benchmark stock assessment approved by the Board for management use recommended changes to the fishing mortality (F) reference points to be consistent with the spawning stock biomass (SSB) reference points. An addendum to the FMP is required to implement new reference points for management use. Results of the benchmark stock assessment also showed that F in the terminal year (2012) was above the new F target, and SSB has been steadily declining below the target since 2006 (Figures 2 and 3). This indicates that 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 downtrend has been observed in total landings with a 32% decrease since 2008. Another concern is a management trigger in Amendment 6 that states if the “fishing mortality target is exceeded in two consecutive years and the female spawning stock biomass falls below the target within either of those years, the Management Board must adjust the striped bass management program to reduce the fishing mortality rate to a level that is at or below the target within one year”. In response to these concerns, this draft addendum proposes management options that reduce F to a level at or below the target to minimize the risk of overfishing while increasing SSB back to the target thus minimizing the risk of the stock being overfished.

2.2 Background

2.2.1 Biological Reference Points for Striped Bass

Biological reference points are used in fisheries management as a measure of stock status and as a reference to evaluate management plan effectiveness. There are two biological reference points for striped bass currently used for management. The first is based on fishing mortality (F), with a threshold value set at maximum sustainable yield (MSY). Managing a population at MSY allows the largest average catch to be taken from a stock without negatively impacting the ability of the stock to replace itself. The second reference point is based on spawning stock biomass (SSB), with a threshold value equal to the SSB value in 1995; the year that the striped bass stock was declared recovered. These threshold levels are used to determine when the stock is experiencing overfishing or is overfished, respectively. Target levels for F and SSB provide additional performance metrics. The current F target was selected to provide a higher long-term yield than F_{msy} , while the SSB target corresponds to 125% of the SSB threshold.

The 1995 SSB level has proven to be a useful reference point for striped bass; however, even though SSB_{1995} is a proxy for SSB_{msy} they are not the same. In other words, fishing at F_{msy} does not maintain SSB at the 1995 level. To address this issue, the 2013 benchmark stock assessment recommended new F reference points that would maintain SSB at or above its 1995 level. The new method resulted in a fishing mortality threshold of 0.22, corresponding to the SSB threshold of 127 million pounds (57,626 mt), as well as a fishing mortality target of 0.18, corresponding to the SSB target of 159 million pounds (72,032 mt). These SSB target and threshold levels are still based on the SSB value in 1995, as estimated by the 2013 benchmark stock assessment.

The benchmark stock assessment that contains the new F reference points was accepted by the Board for management use in October 2013. This draft addendum proposes to codify the reference points contained in the 2013 benchmark stock assessment (ASMFC 2013).

2.2.2 Chesapeake Bay and Albemarle Sound/Roanoke River Management Areas

Separate F reference points for the Chesapeake Bay and Albemarle Sound/Roanoke River were established through conservation equivalency in Amendment 6 to compensate for the smaller minimum size limit granted to both of these management areas. Since new reference points for the coastal migratory stock are being considered from the benchmark stock assessment, the Board requested options to consider adjusting the Chesapeake Bay and Albemarle Sound/Roanoke River management areas as well.

Striped bass stocks that occur in the Chesapeake Bay and Albemarle Sound/Roanoke River management areas are thought to contribute differently to the coastal migratory stock. More specifically, the Albemarle Sound/Roanoke River stock is not included in the coastwide assessment because it is thought to contribute insignificantly to the coastal migratory stock. Conversely, the Chesapeake Bay stock is a major contributor to the coastal migratory stock and is included in the coastwide assessment.

2.3 Description of the Fishery

Striped bass have formed the basis of one of the most important fisheries on the Atlantic coast for centuries. However, overfishing and poor environmental conditions led to the collapse of the fishery in the 1980s and a moratorium on harvest from 1985 – 1989. Through the hardship and

dedication of both commercial and recreational fishers, the stock was rebuilt and continues to support fishing opportunities along the Atlantic coast.

2.3.1. Commercial Fishery Status

Total and state-specific commercial harvests of striped bass have varied little from year to year, since the implementation of a quota management system through Amendment 6. Refer to Appendix 1 for jurisdiction specific regulations. The total coastal commercial harvest from 2003 to 2013 ranged between 2.48 and 3.15 million pounds (Table 1) and averaged 2.87 million pounds. Massachusetts and New York land on average 65% of the total coastal quota. The average commercial harvest since 2003 (2.87 million pounds) is approximately a 19% underage from the allocated coastal quota in Amendment 6 after accounting for conservation equivalency programs. The coastal quota underage is mainly attributed to low harvest from states that transfer commercial quota to support a recreational bonus fishing program (i.e., Connecticut, New Jersey). Additionally, in recent years migratory striped bass have not been available to the ocean fishery in North Carolina, resulting in minimal harvest.

The Chesapeake Bay commercial fishery harvest averaged 4.06 million pounds from 2003 to 2013 (Table 2), with Maryland landing, on average, 50% of the harvest, followed by Virginia (35%) and PRFC (15%). Within the Albemarle Sound/Roanoke River management areas, commercial harvest (Albemarle Sound only) averaged 165,504 pounds from 2003 to 2013 (Table 2). The Chesapeake Bay and Albemarle Sound/Roanoke River management areas have not exceeded their total quotas since the implementation of Amendment 6 in 2004.

In total, the commercial fishery harvested an estimated 5.77 million pounds in 2013, which is lower than harvest in 2012 (6.51 million pounds) and also lower than the 2003-2012 average harvest of 7.05 million pounds.

2.3.2 Recreational Fishery Status

The recreational fishery is currently managed with bag and size limits (refer to Appendix 1 for jurisdiction-specific regulations). From 2003 to 2013, total coastal recreational harvest has ranged from a high of 31 million pounds in 2006 to a low of 19.2 million pounds in 2012 with an average of 26.4 million pounds (Table 4). Landings from New York (25%), Massachusetts (19%), New Jersey (19%), and Maryland (11%) have comprised approximately 74% of annual recreational landings since 2003. The number of fish released alive increased annually after the passage of Amendment 6 to a high of 23.3 million fish in 2006. Since then, the number of fish released alive has decreased by 77% to a low of 5.2 million fish in 2012. Reasons for the decline may be attributed to a reduction in stock size from the peak in 2003, a decreased availability of fish staying in nearshore areas, and changes in angler behavior in response to socioeconomic factors.

Recreational harvest in the Chesapeake Bay, between 2003 and 2013, has ranged from a high of 5.5 million pounds in 2005 to a low of 2.4 million pounds in 2012 with an average of 3.90 million pounds. The Albemarle Sound/Roanoke River recreational quota is set at 275,000 pounds and is divided between the two management areas equally. The average harvest from the combined areas from 2003 through 2013 is 111,598 pounds, less than half the allowable quota (Table 3).

2.3.3 Management History

Since Amendment 4, the foundation of the striped bass management program has been to maintain harvest below a target fishing mortality rate (F). Amendment 6, implemented in 2004, modified the F targets and thresholds, and also introduced a new set of biological reference points based on female SSB. On a regular basis, SSB and F are estimated and compared to target and threshold levels. These reference points, as well as new management triggers, have enabled the Management Board to be more responsive to changes in the stock.

Amendment 6 also phased in new regulations for both the commercial and recreational fisheries. In 2003, the coastal commercial quotas for striped bass were restored to the states' historical average landings during the 1972-1979 base period, a 43 percent increase from the 2002 coastal commercial quotas. In the recreational fisheries, all states were required to implement a two fish bag limit with a minimum size limit of 28 inches, except for the Chesapeake Bay and Albemarle-Roanoke fisheries, and states with approved conservation equivalency proposals. Addendum III (August 2012) outlined measures to address illegal harvest of striped bass. States and jurisdictions are required to implement a tagging program for all commercially harvested striped bass within state or jurisdictional waters to better track harvest and minimize poaching.

The Exclusive Economic Zone (EEZ; 3-200 miles) has been closed to the harvest, possession and targeting of striped bass since 1990, with the exception of a defined route to and from Block Island in Rhode Island. A recommendation was made in Amendment 6 to re-open federal waters to commercial and recreational fisheries. However, NOAA Fisheries concluded opening the EEZ to striped bass fishing was not warranted at that time.

2.4 Status of the Stock

In 2012, the Atlantic striped bass stock was not overfished or experiencing overfishing relative to the new reference points defined in the 2013 benchmark assessment. Female spawning stock biomass (SSB) was estimated at 128 million pounds (58,200 mt) just above the SSB threshold of 127 million pounds (57,626 mt), and below the SSB target of 159 million pounds (72,032 mt; Figure 2). Total fishing mortality was estimated at 0.20, below the fishing mortality threshold of 0.22 but above the fishing mortality target of 0.18 (Figure 3).

Recruitment

Striped bass experienced several years of strong recruitment (age-1 fish) from 1993-2004, followed by a period of lower recruitment from 2005-2010 (although not as low as the early 1980s, when the stock was overfished). The 2011 year-class (age-1 fish in 2012) was strong (i.e., abundant; Figure 2); however, early observations from several states' juvenile indices indicate the 2012 year-class was very weak (i.e., low abundance).

2.5 Proposed Fishing Mortality Reference Points

Adopted options (other than status quo) would replace Amendment 6, Section 2.5.1.

Fishing mortality based reference points are designed to manage the rate at which individual striped bass die because of fishing. If the current F exceeds the F threshold, then overfishing is occurring. This means that the rate at which striped bass are dying because of fishing (i.e.,

harvest and dead discards) exceeds the stock’s ability to replenish itself. The value of the F target is set at a cautionary level intended to safeguard the fishery from reaching the overfishing threshold. The F target and threshold may change through updated stock assessments because these reference point values are estimated based on the best available data.

This section considers F reference points for the (1) coastwide population, (2) Chesapeake Bay Stock, and (3) Albemarle Sound/Roanoke River Stock. Separate reference points for the Chesapeake Bay and Albemarle Sound/Roanoke River were established through conservation equivalency in Amendment 6 to compensate for the smaller minimum size limit granted to both of these management areas.

ISSUE 1: Coastwide Population

This section proposes to adjust the F target and threshold, based on reference points developed in the 2013 benchmark stock assessment that was approved through the 57th Northeast Regional Stock Assessment Review Committee (SARC 57) and accepted by the Board for management use.

Option A: Status Quo

The fishing mortality reference points will not change, but remain based on maximum sustainable yield from the 2008 benchmark stock assessment:

Reference Point	Definition	Value (as estimated in 2008 benchmark stock assessment)
Fthreshold	Fmsy	0.34
Ftarget	TC recommended value more conservative than Fmsy	0.30

Option B: Measures Consistent with the 2013 Benchmark Stock Assessment

The fishing mortality reference points will be adjusted to be internally consistent with the SSB target and threshold:

Reference Point	Definition	Value (as estimated in 2013 benchmark stock assessment)
Fthreshold	F associated with achieving the SSB threshold	0.22
Ftarget	F associated with achieving the SSB target	0.18

ISSUE 2: Chesapeake Bay Stock

This section proposes to adjust reference points for the Chesapeake Bay management area.

Option A: Status Quo

F target is 0.27 as established in Amendment 6.

Option B: Use coastwide population reference points

Due to data and model limitations, the Technical Committee cannot calculate separate reference points for the Chesapeake Bay management area at this time. Previously, the intent of

establishing a lower F target in the Chesapeake Bay was to account for the impacts of harvesting a smaller sized fish (i.e., 18 inch minimum) in the Chesapeake Bay. However, the new coastwide reference points coming from the 2013 benchmark stock assessment include the effects of the Chesapeake Bay's harvest of smaller fish on the coastwide SSB. Therefore, the coastwide population reference points represent the best available scientific advice to manage total fishing mortality on both the coastal migratory and the Chesapeake Bay stocks.

ISSUE 3: Albemarle Sound/Roanoke River Stock

This section proposes to adjust reference points for the Albemarle Sound/Roanoke River management areas.

Option A: Status Quo

F target is 0.27 as established in Amendment 6.

Option B: The state of North Carolina will manage the Albemarle Sound/Roanoke River stock using reference points from the latest North Carolina stock assessment that are accepted by the Striped Bass Technical Committee and approved for management use by the Board. If this option is selected, the recreational and commercial fisheries in the Albemarle Sound/Roanoke River management areas would be regulated by the state of North Carolina.

F Reference Point Evaluation

The Board will evaluate the current estimates of F with respect to its reference points before proposing any additional management measures. If the current F exceeds the threshold level, overfishing is occurring and the Board will take steps to reduce F to a level that is at or below the target within one year; if current F exceeds the target, but is below the threshold, the Board should consider steps to reduce F to a level that is at or below the target. If current F is below the target F, then no action would be necessary to reduce F.

Section 4.1 of Amendment 6 contains management triggers to prevent overfishing the Atlantic striped bass resource and ensure the objectives of Amendment 6 are achieved. The management triggers will be evaluated upon completion of an updated or benchmark stock assessment.

3.0 Proposed Management Program

The coastal area can be defined as the entire management unit (i.e., all coastal and estuarine areas of all states and jurisdictions from Maine through North Carolina) excluding the Chesapeake Bay and Albemarle Sound/Roanoke River management areas. It should be noted that the current management regime permits the implementation of Board approved, alternative regulations that are conservation equivalents to any regulatory standard approved in this document (see Section 4.6 of Amendment 6 for process). Additionally, states may voluntarily implement management programs that are more conservative than those required herein.

3.1 Stock Projections

F is currently above the proposed target and SSB is trending towards its overfished threshold, therefore the Board is proposing management options to reduce F to the target and restore SSB to the target. Stock projections are a useful management tool because they can provide estimates of harvest needed to reduce F to the target level over a specified timeframe. After estimating the

level of harvest that equals the F target, the Board can then consider management options to limit the fishery to that level of harvest.

The Technical Committee used a forward projecting methodology to identify the percent reduction from 2013 harvest levels that is necessary to achieve F target. Projection results indicate:

- If total harvest is reduced by 36% starting in the 2015 fishing year, there is a 50% probability¹ F will be at or below its target level within one year.
- If total harvest is reduced by 32% starting in the 2015 fishing year, there is a 50% probability F will be at or below its target level within a two year timeframe.
- To contrast these options, if total harvest remains unchanged (status quo), there is less than a 1% probability that F will be at or below its target in 2015 or 2016.

It is important to note in all of the harvest scenarios, the probability of the stock being overfished (SSB less than the SSB threshold) is high and increases until 2015-2016. This means despite any reduction in harvest through these scenarios, SSB will continue to decline reaching a low point in 2015 before it begins a trajectory towards its target. This trend is driven by the lack of strong year classes currently in the fishery, and the emergence of the strong 2011 year class that matures into the spawning stock in 2016-2017.

Based on the above projection results, the Plan Development Team (PDT) focused on management options estimated to achieve a 32-36% reduction from total harvest levels in 2013. The desired reduction would be achieved by approximately equal relative reductions to both the commercial and recreational fisheries.

3.2 Proposed Recreational Fisheries Management Options

In order to achieve a 32-36% reduction in recreational harvest, the PDT identified two separate management approaches to achieve the desired reductions: changes to the bag limit or size limit. *Adopted options (other than status quo) would replace Amendment 6, Section 4.2.*

To help evaluate each proposed management option, the Technical Committee produced an associated estimate of the spawning potential ratio (SPR). SPR represents the percent of juvenile striped bass that survive to become part of the spawning stock biomass. The percent SPR ranges from 0 to 100 with higher SPR associated with greater reproductive capacity. For example, a 100% SPR would be equal to an unfished population, meaning every striped bass born that did not die from natural causes would become part of the spawning stock biomass because they are not experiencing fishing mortality.

Considering each management option represents approximately the same reduction in recreational harvest (i.e., 32-36%), the intent of the SPR analysis was to provide a biological metric to compare the reproductive benefit of the different management strategies. Results of the SPR analysis for the Chesapeake Bay indicated both bag and size limit options yielded very similar SPR. Therefore, the SPR estimates presented below are more informative for the coastal fishery.

¹ A 50% probability was a minimum recommendation by the TC - a higher probability of being at or below the target would require more restrictive management measures.

3.2.1 ISSUE 4: Recreational Bag Limits

The management options in this section consider changes to the recreational bag limit only.

Option A: Status Quo

All jurisdictions will be constrained by a two fish bag limit and 28 inch minimum size limit, except for the Chesapeake Bay and Albemarle Sound/Roanoke River management areas that are constrained by an 18 inch minimum size limit and a bag limit that maintains target fishing mortality of 0.27. This option is estimated to achieve a 0% reduction from 2013 recreational harvest, and its SPR is less than 26%.

Option B: All jurisdictions would implement a one fish bag limit and 28 inch minimum size limit for the coastal fishery (ocean). The Chesapeake Bay management area would implement a one fish bag limit and 18 inch minimum size limit. This option is estimated to achieve a 31% reduction from 2013 recreational harvest, and its SPR is less than 29%.

Under Option B, the state of North Carolina will manage the recreational striped bass fisheries in the Albemarle Sound and Roanoke River based on reference points from the latest North Carolina stock assessment that are accepted by the Striped Bass Technical Committee and approved for management use by the Board.

3.2.2 ISSUE 5: Recreational Size Limits

The management options in this section consider changes to the recreational size limit only, maintaining the two fish bag limit.

Option A: Status Quo

All jurisdictions will be constrained by a two fish bag limit and 28 inches minimum size limit, except for the Chesapeake Bay and Albemarle Sound/Roanoke River management areas that are constrained by a two fish bag limit and 18 inch minimum size limit. This option is estimated to achieve a 0% reduction from 2013 recreational harvest, and its SPR is less than 26%.

Option B: All jurisdictions would implement a two fish bag limit and 33 inch minimum size limit for the coastal fishery (ocean). The Chesapeake Bay management area would implement a two fish bag limit and 24 inch minimum size limit. This option is estimated to achieve a 31% reduction from 2013 recreational harvest, and its SPR is less than 35%.

Option C: All jurisdictions would implement a two fish bag limit and a slot limit with a 28 inch minimum size and a 34 inch maximum size. The Chesapeake Bay management area would implement a two fish bag limit and a slot limit with a 18 inch minimum size and a 21 inch maximum size. This option is estimated to achieve a 30% reduction from 2013 recreational harvest, and its SPR is less than 48%.

Under either Option B or C, the state of North Carolina will manage the recreational striped bass fisheries in the Albemarle Sound and Roanoke River based on reference points from the latest North Carolina stock assessment that are accepted by the Striped Bass Technical Committee and approved for management use by the Board.

3.3 Proposed Commercial Fishery Management Options

In order to achieve a 32-36% reduction in commercial harvest, the following options are proposed. *Adopted options (other than status quo) would replace Amendment 6, Section 4.3.*

3.3.1 ISSUE 6: Commercial Quota Allocation

Commercial quotas are allocated on a fishing year basis. In the event that a jurisdiction exceeds its allocation, the amount in excess of its annual quota will be deducted from the state's allowable quota in the following year.

States with approved conservation equivalency would need to update their proposals if a new quota allocation is chosen. The requirements of Addendum III to Amendment 6 would remain unchanged if the quota allocations are adjusted.

Commercial quota allocation options are explained below and shown in the table on the next page.

Option A: Status Quo

Each state will be allocated 100% of the base period (1972-1979) average coastal commercial landings (Section 4.3.2 of Amendment 6). This option is estimated to achieve a 0% reduction from the total 2013 commercial harvest.

Option B: Each state's quota will be set at 69% of the Amendment 6 quota allocations. Each state's quota from the Amendment 6 quota allocations will be reduced by 31%. This option would achieve a 0% reduction from the total 2013 commercial harvest if all states harvested their new commercial quota in full; however, based on more realistic harvest expectations for 2015 (e.g., only those states that have recently harvested their full commercial quota will continue to do so), this option could achieve upwards of a 23% reduction from the total 2013 commercial harvest.

Option C: Each state's quota will be set at 69% of that state's 2013 commercial harvest. Each state's quota represents a 31% reduction from its 2013 commercial harvest. This option results in a revision to the percentage of the total quota allocated to each state in Amendment 6 because of the magnitude of each state's 2013 harvest levels. This option is estimated to achieve a 31% reduction from the total 2013 commercial harvest.

Option D: Each state's quota will be set at 45% of the Amendment 6 quota allocations. Each state's quota from the Amendment 6 quota allocations will be reduced by 55%. This quota option was calculated by taking 69% of the total 2013 commercial harvest (1,711,148 lbs) and then allocating that amount to the individual states based on the percentage of the total quota allocated to each state in Amendment 6. This option is estimated to achieve a 31% reduction from the total 2013 commercial harvest if all states harvested their new quota in full; however, based on more realistic harvest expectations for 2015 (e.g., only those states that have recently harvested their full commercial quota will continue to do so), this option may achieve upwards of a 45% reduction from the total 2013 commercial harvest.

	OPTION A	OPTION B	OPTION C	OPTION D	FOR REFERENCE
State	Am6 Quota (lbs)	69% of Am6 Quota (lbs)	69% of 2013 Harvest (lbs)	45% of Am6 Quota (lbs)	2013 Harvest (lbs)
Maine	250*	173	0	112	0
New Hampshire	5,750*	3,968	0	2,585	0
Massachusetts	1,159,750	800,228	691,738	521,377	1,002,519
Rhode Island	243,625†	168,101	159,583	109,524	231,280
Connecticut	23,750**	16,388	1,021	10,677	1,479
New York	1,061,060†	732,131	529,451	477,010	767,321
New Jersey	321,750**	222,008	6,219	144,646	9,013
Delaware	193,447	133,478	132,083	86,966	191,424
Maryland	131,560†	90,776	64,537	59,144	93,532
Virginia	184,853	127,549	126,516	83,102	183,356
North Carolina	480,480	331,531	0	216,004	0
Coastal Total	3,806,275	2,626,330	1,711,148	1,711,148	2,479,924

* Commercial harvest/sale prohibited, with no re-allocation of quota.

** Commercial harvest/sale prohibited, with re-allocation of quota to the recreational fishery.

†Quota reduced through management program equivalency; NY (828,293 pounds) and MD (126,396 pounds) beginning in 2004, RI (239,963 pounds) beginning in 2007.

3.3.1.2 Commercial Quota Transfers

Transfers between states may occur upon agreement of two states at any time in the fishing season up to 45 days after the last day of the fishing season. All transfers require a donor state (state giving quota) and a receiving state (state accepting additional quota). There is no limit on the amount of quota that can be transferred by this mechanism, and the terms and conditions of the transfer are to be identified solely by the parties involved in the transfer. In order to affect a within-year transaction, the Administrative Commissioner of the agency involved must submit a signed letter to the Commission identifying the involved states, species, and pounds of quota to be transferred between the parties. A transfer becomes effective upon receipt by Commission staff of the signed letters from the donor and receiving states, and does not require the approval of the Commission staff or Board. All transfers are final upon receipt of the signed letters at the Commission. In the event that the donor or receiving member of a transaction subsequently wishes to change the amount or details of the transaction, both parties have to agree to the change, and submit to the Commission signed letters from the Administrative Commissioner of the agencies involved. These transfers do not permanently affect the state-specific shares of the quota (i.e., the state-specific quotas remain fixed).

Once quota has been transferred to a state, the state receiving quota becomes responsible for any overages of transferred quota. That is, the amount over the final quota (that state's quota plus any quota transferred to that state) for a state will be deducted from the corresponding state's quota the following fishing season.

3.3.1.3 Chesapeake Bay

Option A: Status Quo

The Chesapeake Bay jurisdictions would manage striped bass fisheries so as not to exceed a target fishing mortality rate of $F=0.27$ with an 18 inch size limit. The area to be managed under a target fishing mortality rate of 0.27 is described in Section 2.4.2 in Amendment 6. This option is estimated to achieve a 0% reduction from 2013 commercial harvest.

Option B: The commercial fishery quota for the Chesapeake Bay will be set at its 2013 quota level. This option is estimated to achieve a 0% reduction from 2013 commercial harvest.

Option C: The commercial fishery quota for the Chesapeake Bay will be set at 69% of its 2013 quota level. This option is estimated to achieve a 26% reduction from 2013 commercial harvest.

Option D: The commercial fishery quota for the Chesapeake Bay will be set at 69% of 2013 commercial harvest. This option is estimated to achieve a 31% reduction from 2013 commercial harvest.

	OPTION A	OPTION B	OPTION C	OPTION D	FOR REFERENCE
Chesapeake Bay	Status Quo	2013 Commercial Quota	69% of 2013 Commercial Quota	69% of 2013 Harvest (lbs)	2013 Harvest (lbs)
	F=0.27	3,554,699	2,452,742	2,272,403	3,293,337

The Chesapeake Bay quota has historically been split among the three Bay jurisdictions based on their percent contribution to the 1994 catch as follows,
 Maryland = 52.359%, PRFC = 15.226%, and VA = 32.414%.

3.3.1.4 Albemarle Sound/Roanoke River

Option A: Status Quo

The state of North Carolina will manage the commercial striped bass fishery in the Albemarle Sound so as not to exceed a target fishing mortality of $F=0.27$. The striped bass regulations outlined in Amendment 6 for the Albemarle-Roanoke stock will cover the area described in Section 2.4.1.

Option B: The state of North Carolina will manage the commercial striped bass fishery in the Albemarle Sound based on reference points from the latest North Carolina stock assessment that are accepted by the Striped Bass Technical Committee and approved for management use by the Board.

3.3.2 ISSUE 7: Commercial Size Limits

Option A: Status Quo with Amendment 6

In each jurisdiction, the commercial fishery is constrained by the same size limit regime established for the jurisdiction’s recreational fishery. This means if the Board selects a different

minimum size for the recreational fishery, the commercial fishery would be constrained to the same size limit.

Option B: Status Quo with existing size limits

All areas will maintain a 28 inch minimum size limit for the commercial fishery, except the Chesapeake Bay (18 inch minimum), Albemarle Sound (18 inch minimum) and the Delaware Bay shad gillnet fishery (20 inch minimum). This option only applies if the Board selects to change the size limits for the recreational fishery.

4.0 Compliance Schedule

If approved, states must implement Addendum IV according to the following schedule to be in compliance with the Atlantic Striped Bass ISFMP:

XXXXXX: States submit proposals to meet requirements of Addendum IV.

XXXXXX: Management Board reviews and takes action on state proposals.

XXXXXX: States implement regulations.

5.0 ISSUE 8: Recommendation for Federal Waters

If options in section 2.5 or 3.0 are adopted through the addendum process, the Board would consider which options, if any should be recommended to NOAA Fisheries for implementation in the exclusive economic zone.

6.0 Literature Cited

ASMFC. 2003. Amendment 6 to the Interstate Fishery Management Plan for Atlantic Striped Bass. Washington (DC): ASMFC. Fisheries Management Report No. 41. 63 p.

ASMFC. 2013. Update of the Striped Bass Stock Assessment using Final 2012 Data. A report prepared by the Atlantic Striped Bass Technical Committee. 74 p.

7.0 Tables

Table 1. Coastal commercial harvest of Atlantic striped bass by state in pounds (2003-2013).

Year	MA	RI	CT*	NY	NJ*	DE	MD+	VA+	NC**	Total Harvest ***
2003	1,055,439	246,312		753,261	121,410	188,419	98,149	159,786	434,369	3,057,145
2004	1,206,305	245,204		741,668	81,870	181,974	115,453	160,301	421,645	3,154,420
2005	1,104,737	242,303		689,821	29,866	173,815	46,871	184,734	454,521	2,926,668
2006	1,312,168	238,797		688,446	23,656	185,987	91,093	194,934	352,036	3,087,117
2007	1,040,328	240,627		729,743	13,615	188,668	96,301	165,587	424,723	2,899,592
2008	1,160,122	245,988		653,100	7,345	188,719	118,005	164,400	299,162	2,836,841
2009	1,138,291	234,368		789,891	10,330	192,311	127,327	140,420	189,995	2,822,933
2010	1,224,356	249,520		782,402	12,833	185,410	44,802	116,338	272,632	2,888,293
2011	1,163,865	228,163		854,731	16,332	188,620	21,401	158,811	242,600	2,874,523
2012	1,219,665	239,913	1,062	681,399	6,285	194,324	77,551	170,788	6,226	2,597,213
2013	1,002,519	231,280	1,021	767,321	9,013	191,424	93,532	183,356	-	2,479,466

* NJ and CT values reflect striped bass harvested recreationally via the Bonus Fish Program

** NC values represent harvest during the December 1-November 30 fishing year

***Total harvest counted toward quota. NJ's quota is not counted toward the coastal quota.

+MD, VA and NC harvest from ocean only. Does not include Chesapeake Bay or Albemarle Sound/ Roanoke River.

Table 2. Total (commercial and recreational) Chesapeake Bay harvest in pounds (2003-2013).

Year	Commercial	Recreational	Total Harvest	Quota
2003	4,169,585	5,335,278	9,504,863	10,500,000
2004	4,156,977	4,277,549	8,434,526	8,417,000
2005	4,102,804	5,484,312	9,587,116	9,285,588
2006	4,008,349	4,859,593	8,867,942	9,590,238
2007	4,206,503	4,228,977	8,435,480	9,590,238
2008	4,369,971	3,539,541	7,909,512	10,132,844
2009	4,403,215	4,065,721	8,468,936	10,132,844
2010	4,092,654	3,173,290	7,265,944	9,489,794
2011	3,925,048	2,914,653	6,839,701	8,825,510
2012	3,924,372	2,402,699	6,327,071	8,825,510
2013	3,293,337	2,667,886	5,961,223	7,589,937

Table 3. Albemarle Sound / Roanoke River annual quota* and harvest in pounds (2003 – 2013).

Year	Commercial		Recreational	
	Quota	Harvest	Quota	Harvest
2003	275,000	266,555	275,000	90,964
2004	275,000	273,636	275,000	187,288
2005	275,000	232,693	275,000	171,007
2006	275,000	186,399	275,000	120,518
2007	275,000	171,683	275,000	89,125
2008	275,000	74,921	275,000	64,353
2009	275,000	96,134	275,000	106,894
2010	275,000	199,829	275,000	83,507
2011	275,000	134,538	275,000	114,097
2012	275,000	115,940	275,000	159,727
2013	275,000	68,214	275,000	40,094

* Quota is allocated 25% for the Roanoke River recreational fishery, 25% for the Albemarle Sound recreational fishery, and 50% for the Albemarle Sound commercial fishery

Table 4. Total coastal recreational harvest of Atlantic striped bass by state in pounds (2003-2013).

Year	ME	NH	MA	RI	CT	NY	NJ	DE	MD	VA	NC	Total
2003	253,910	281,549	5,120,554	1,502,455	1,537,899	4,687,685	4,545,515	303,909	2,975,437	2,789,745	772,981	24,771,639
2004	226,200	98,995	6,112,746	1,386,138	1,617,561	3,727,105	5,548,167	330,623	2,347,752	2,956,310	4,833,112	29,184,709
2005	381,058	281,114	5,097,821	1,732,581	2,173,638	5,537,432	5,958,454	286,777	4,612,417	1,996,840	2,164,859	30,222,991
2006	323,355	179,181	4,832,355	999,300	2,030,878	6,028,409	7,067,533	260,134	3,868,944	3,694,529	1,759,796	31,044,414
2007	232,328	68,142	5,136,580	1,584,354	1,468,499	7,913,817	3,718,451	99,800	3,504,041	2,392,258	876,707	26,994,977
2008	271,768	73,807	5,763,763	751,507	1,868,335	10,925,408	4,696,090	333,149	2,728,048	2,657,976	525,891	30,595,742
2009	329,064	113,705	4,786,895	1,123,434	835,970	5,004,604	4,238,319	275,410	4,278,145	1,791,058	160,922	22,937,526
2010	104,117	67,409	4,270,401	1,096,369	1,259,008	6,997,089	5,382,743	251,853	2,630,802	481,147	453,844	22,994,782
2011	91,705	370,798	3,504,522	1,257,302	758,216	8,969,762	6,197,026	241,149	2,640,309	1,160,914	2,042,981	27,234,684
2012	57,509	163,804	5,489,928	851,460	814,310	6,540,024	2,376,866	360,106	1,260,490	1,353,351	-	19,267,848
2013	103,106	227,447	4,828,109	3,076,814	2,129,160	6,749,587	4,643,220	248,183	2,377,734	478,750	70,798	24,932,908

Notes: The 2003 to 2006 values for Virginia do not include Technical Committee estimates of wave 1 harvest. The 2013 values do not include Technical Committee estimates of wave 1 harvest and are preliminary.

8.0 Figures

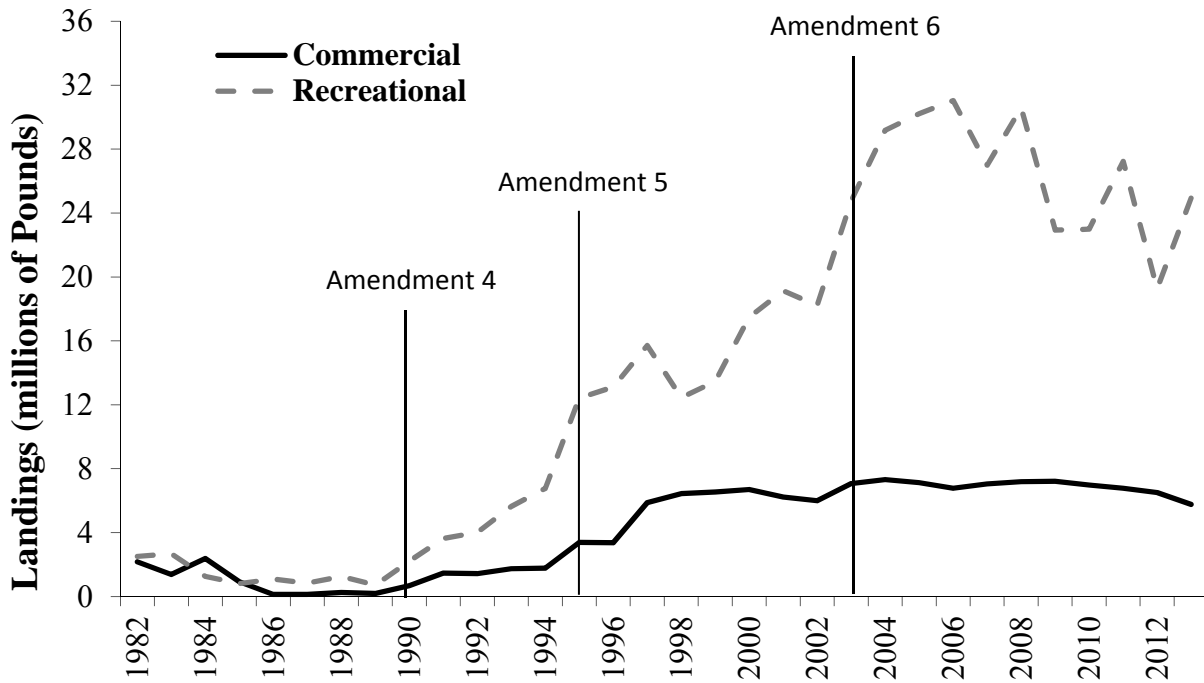


Figure 1. Annual migratory striped bass landings (in pounds) from coastal and Chesapeake Bay fisheries, 1982 – 2013.

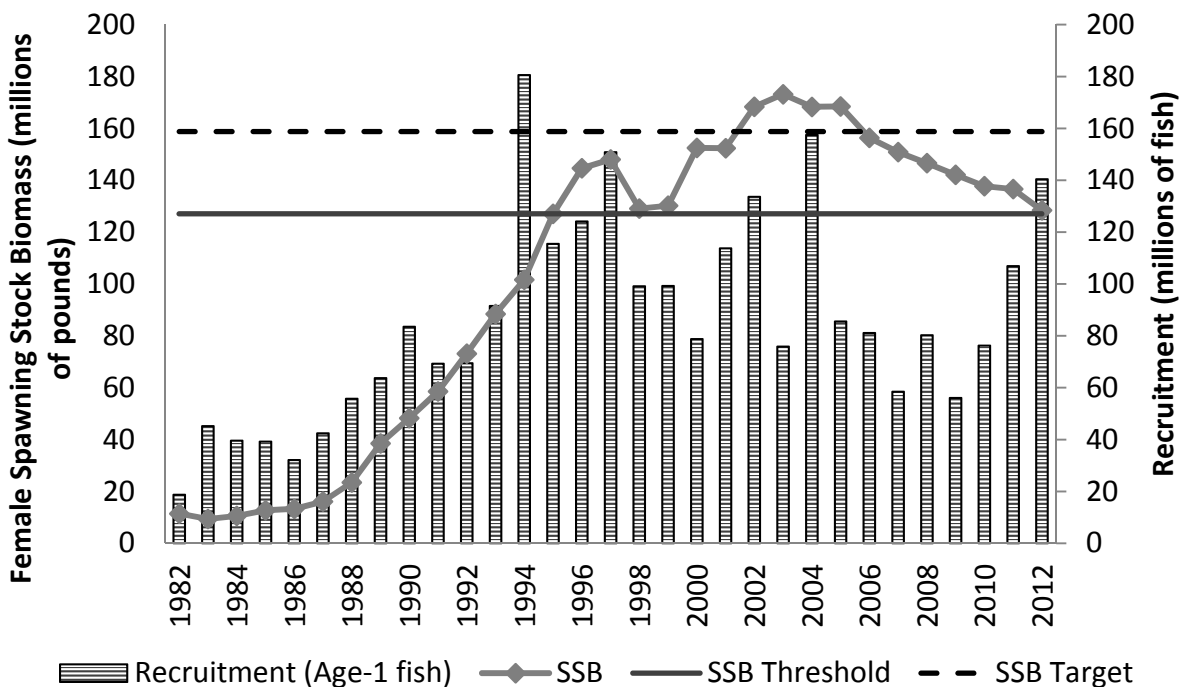


Figure 2. Atlantic striped bass female spawning stock biomass and recruitment (age-1) from 1982 to 2012.

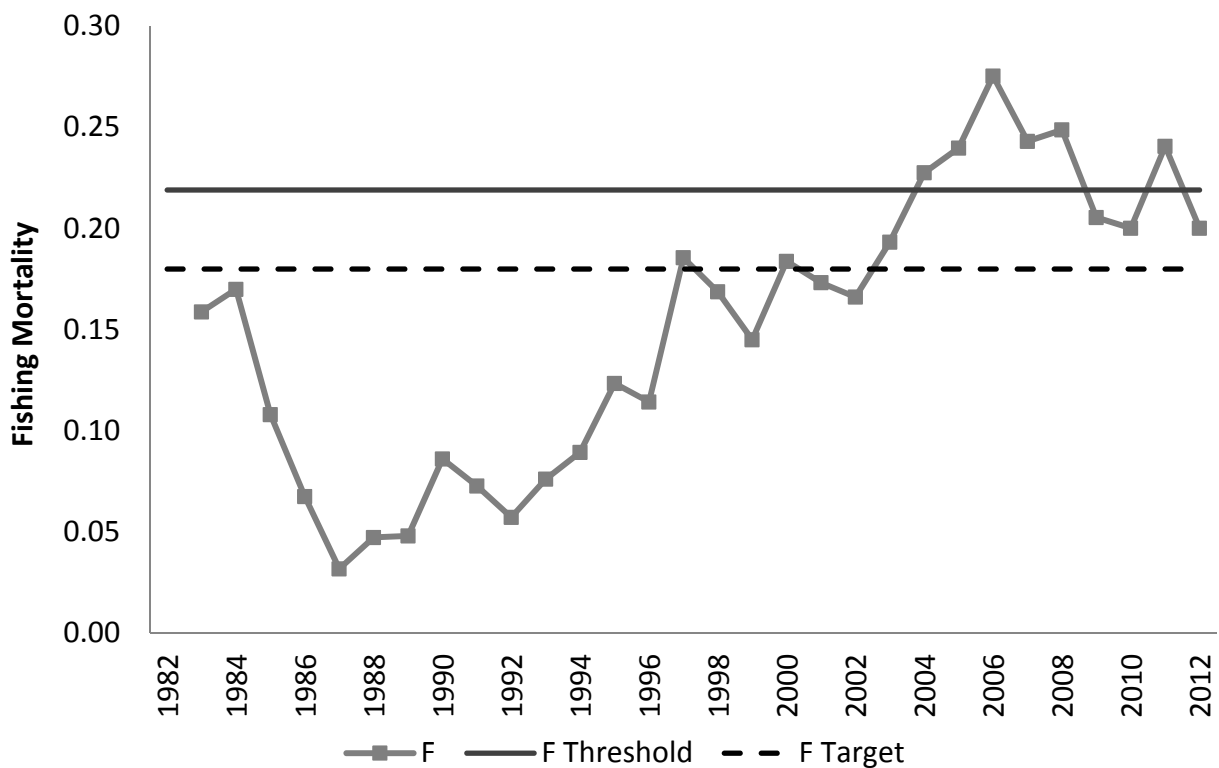


Figure 3. Atlantic striped bass fishing mortality rates relative to the proposed Fthreshold and Ftarget from 1982 to 2012.

Appendix 1

Summary of Atlantic Striped Bass Commercial Regulations

STATE	SIZE LIMITS	SEASONAL QUOTA	OPEN SEASON
ME	Commercial fishing prohibited		
NH	Commercial fishing prohibited		
MA	34" min.	1,159,750 lb. (minus any overage from previous year) Hook & line only	7.12 until quota reached; 5 fish/day on Sun; 30 fish/day Tues-Thurs
RI	Floating fish trap: 26" min. General category (mostly rod & reel): 34" min.	Total: 239,963 lb. (minus any overage from previous year) Split 39:61 between trap and general category. Gill netting prohibited.	Trap: 1.1 until quota reached; if 80% quota harvested before 8.26, a 500 lb/trap/day limit is imposed; from 8.27–12.31, 10,000 lb. quota set-aside available. General Category: 6.1-8.31 or 75% quota; 9.13-12.31 or 100% quota; 5 fish/day Sun-Thu.
CT	Commercial fishing prohibited		
NY	24–36" Ocean only (Hudson River closed to commercial harvest)	828,293 lb. (minus any overage from previous year). Pound nets, gill nets (6-8" stretched mesh), hook & line.	7.1 – 12.15 Gill nets <6 or >8", 7 fish/trip; trawls 21 fish/trip. Gill nets prohibited in Great South, South Oyster, and Hempstead Bays.
NJ	Commercial fishing prohibited		
PA	Commercial fishing prohibited		
DE	28" minimum except 20" spring gillnet in DE Bay/River & Nanticoke River (5.5" max mesh & 0.28mm max twine)	193,447 lb. (minus any overage from previous year)	Gillnet: 2.15-5.31 (3.1-31 for Nanticoke) & 11.15-12.31; drift nets only 2.15-28 & 5.1-31; no fixed nets in DE River Hook and Line: 4.1–12.31 Except 4.1-5.31 closed spawning areas
MD	Bay and Rivers: 18–36" Ocean: 24"	Bay and River: 1,963,873 lbs (part of Baywide quota) Gear specific quotas and landing limits Ocean: 126,396 lb. (minus any overage from previous year)	Bay Pound Net: 6.1-11.30, Mon-Sat Bay Haul Seine: 6.7-11.30, Mon-Fri Bay Hook & Line: 6.7-11.30, Mon-Thu Bay Drift Gill Net: 1.1-2.28, 12.1-12.31, Mon-Fri Ocean Drift Gill Net & Trawl: 1.1-4.30, 11.1-12.31, Mon-Fri

(Continued – Summary of commercial regulations)

STATE	SIZE LIMITS	SEASONAL QUOTA	OPEN SEASON
PRFC	18” min all year 36” max 2.15–3.25	739,097 lbs (part of Baywide quota)	Hook & line: 2.15-3.25, 6.1-12.31 Pound Net & Other: 2.15-3.25, 6.1-12.15 Gill Net: 1.1-3.25
DC	Commercial fishing prohibited		
VA	Bay and Rivers: 18” min, 28” max & complimentary gill net mesh size limit 3.26–6.15 Ocean: 28” minimum	Bay and Rivers: 1,430,361 lbs in 2012 (part of Baywide quota) Ocean: 184,853 lb. (minus any overage from previous year)	Bay and Rivers: 2.1-12.31 Ocean: 2.1-12.31
NC	Albemarle Sound: 18” Ocean: 28”	Albemarle Sound: 275,000 lb Ocean: 480,480 lb. (minus any overage from previous year) split 160,160 lbs each to beach seine, gill net & trawl	Albemarle Sound: 1.1-4.30, 10.1-12.31; daily trip limit ranging from 5 to 15 fish; striped bass cannot exceed 50% by weight of total finfish harvest; season and daily trip limits set by proclamation. Ocean: gear requirements; open days and trip limits for beach seine, gill net, and trawl set via proclamation

Summary of Atlantic Striped Bass Recreational Regulations

STATE	SIZE LIMITS	BAG LIMIT	OTHER	OPEN SEASON
ME	20 – 26” OR ≥ 40 ”	1 fish	Hook & line only	All year, except spawning areas are closed 12.1 – 4.30 and catch and release only 5.1 – 6.30
NH	1 fish 28–40” & 1 fish >28”	2 fish	No netting; no gaffing; must be landed with head and tail intact; no culling	All year
MA	28” min	2 fish	Hook & line only	All year
RI	28” min	2 fish		All year
CT	28” min, except Connecticut River Bonus Program: 22-28”	2 fish, except CR Bonus: 1 fish	CR Bonus Quota: 4,025 fish	All year, except CR Bonus 5.4-6.30 (limited to I-95 bridge to MA border)
NY	Ocean Private: 1 fish 28-40” & 1 fish > 40” Ocean Charter: 28” min Hudson River: 18” min DE River: 28” min	Ocean: 2 fish Hudson R.: 1 fish DE River: 2 fish	Angling or spearing only	Ocean: 4.15 – 12.15 Hudson River: 3.16 – 11.30 Delaware River: All year
NJ	28” min	2 fish, plus 1 additional through Bonus Program	Bonus program quota: 321,750 lb. No netting. Non-offset circle hooks required 4.1-5.31 in DE River if using natural bait.	All year except 1.1-2.28 in intra-coastal waters plus 4.1-5.31 in lower DE River
PA	Non-tidal DE River: 28” min; Delaware Estuary: 28” min. except 20-26” from 4.1-5.31	2 fish		Year round
DE	28” min. except 20-26” from 7.1-8.31 in Del. River, Bay & tributaries	2 fish	Hook & line, spear (for divers) only. Circle hooks required in spawning season.	All year except 4.1-5.31 in spawning grounds (catch & release allowed)

(Continued – Summary of recreational regulations)

STATE	SIZE LIMITS	BAG LIMIT	OTHER	OPEN SEASON
MD	Susquehanna Flats (SF): 18-26" Chesapeake Bay Trophy: 28" min Chesapeake Bay Regular: 18" min with 1 fish > 28" Ocean: 28" min	SF: 1 fish Chesapeake Bay Trophy: 1 fish Chesapeake Bay Regular: 2 fish Ocean: 2 fish	SF: non-off set circle hook if baited hooks & gap>0.5" Chesapeake Bay Quota: 2,657,102 lbs (part of Baywide quota; includes Susquehanna Flats harvest, excludes trophy harvest)	SF: 3.1-5.31; catch & release only 3.1-5.3 Chesapeake Bay Trophy: 4.18-5.15 (most tribs closed) Chesapeake Bay Regular: 5.16-12.15 (most tribs closed until 6.1) Ocean: All year
PRFC	Trophy: 28" Regular: 18" min with 1 fish > 28"	Trophy: 1 fish Regular: 2 fish	Quota: 604,716 lbs. (part of Baywide quota; excludes trophy harvest)	Trophy: 4.18 -5.15 Regular: 5.16-12.31
DC	18" min with 1 fish > 28"	2 fish	Hook & line only	5.16-12.31
VA	Bay/Coastal Trophy: 32" min (28" Potomac tribs) CB Spring: 18-28"; 1 fish >32" CB Fall: 18-28"; 1 fish >34" Potomac Tribs: 18-28"; 1 fish >28" Ocean: 28"	Bay/Coastal Trophy: 1 fish CB Spring: 2 fish CB Fall: 2 fish Potomac Tribs: 2 fish Ocean: 2 fish	Hook & line, rod & reel, hand line only Chesapeake Bay Quota: 1,430,361lbs in 2012 (part of Baywide quota; excludes trophy harvest)	Bay Trophy: 5.1-6.15 (open 4.18 Potomac tribs) Coastal Trophy: 5.1-5.15 CB Spring: 5.16-6.15 (no fish >32" in spawning areas) CB Fall: 10.4-12.31 Potomac Tribs: 5.16-12.31 Ocean: 1.1-3.31, 5.16-12.31
NC	Roanoke River: 2 fish 18- 22" OR 1 fish 18-22" and 1 fish >27" Albemarle Sound: 18" min. Ocean: 28" min	Roanoke River: 2 fish Albemarle Sound: 3 fish Ocean: 2 fish	Roanoke River quota: 137,500 lb. Albemarle Sound quota: 137,500 lb.	Roanoke River: 3.1 – 4.30 (single barbless hook required 3.1-6.30 from Roanoke Rapids dam downstream to US 258 bridge) Albemarle Sound: Spring 1.1 – 4.30; Fall 10.1-12.31 Ocean: All year



Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmf.org

MEMORANDUM

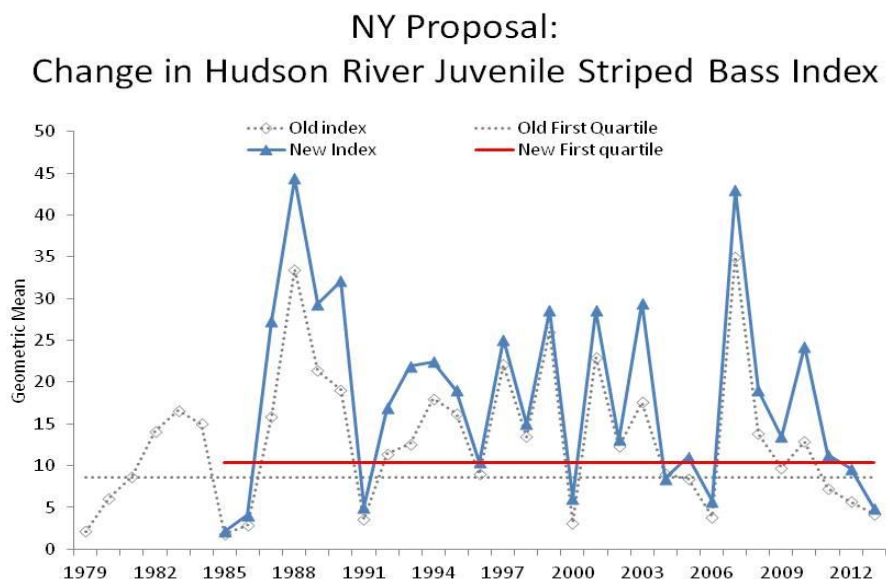
May 6, 2014

To: Atlantic Striped Bass Management Board
From: Atlantic Striped Bass Technical Committee
RE: New York Proposal to revise the Hudson Juvenile Abundance Index

The NYSDEC submitted a proposal to the ASMFC Striped Bass Technical Committee to revise their existing juvenile abundance index for Hudson River striped bass. NY’s proposal included a two-step process to re-examine the Hudson survey. Objectives were: 1) Given present, and most likely future, staffing constraints, to adopt a more efficient sampling design for the Hudson River juvenile striped bass survey without compromising the integrity of the index, and, 2) Determine the index that best measures the abundance of juvenile striped bass, and adopt it as a measure for production in the Hudson.

The “old” index was based on a 6 week survey initiated in 1979; sampling was conducted in August through November. In 1985, three additional weeks of sampling were added, moving back the start of sampling to mid July. An in-river trawl survey indicated that juvenile striped bass were present in the nursery area and not being sampled by the late start of the original sample design. Given present staffing constraints, NY needs to develop a more efficient sample design to collect annual data for juvenile abundance. They used their existing 35 year time series to reduce the number of collection sites used to calculate the annual index. Sites eliminated were those that compromised the safety of the crew, sampled redundant habitat or presented recurring sampling issues. The resulting “new” index encompasses the mid July through November seasonal component, retains the broad geographical reach of the nursery area, and most importantly does not compromise the integrity of the abundance index; R^2 of “new” index to the “old” index is 0.98.

The TC reviewed New York’s proposal and accepted the methodology and results presented. The TC recommends to the Board that New York’s proposal be approved.



M14-046

Annotated Chronology of Atlantic Migratory Striped Bass and EEZ Regulations and Related Actions by ASMFC and Partner Agencies

-- May 6, 2014 --

[Prepared by R. Wilson Laney, U.S. Fish and Wildlife Service (USFWS); Steve Meyers, National Marine Fisheries Service (NMFS); Gary Shepherd, NMFS; Deke Tompkins, Atlantic States Marine Fisheries Commission (ASMFC); Michael Waine, ASMFC; and Bennie M. Williams, USFWS]

(Published documents in possession of RWL are cited in brackets following entries and are included on the attached list of references.)

- 1984 April 12 **H.R. 5492 introduced by Representative Studds of Massachusetts**
The bill contained no provisions for addressing striped bass management in the Exclusive Economic Zone (EEZ).
- 1984 October 31 **Atlantic Striped Bass Conservation Act (PL 98-613) signed by President**
The Secretaries of Commerce and Interior were mandated to conduct a comprehensive annual survey of the Atlantic striped bass fisheries, as well as reviewing the Atlantic States Marine Fisheries Commission's (ASMFC) existing striped bass plan and report to the Commission and appropriate House and Senate Committees within six months regarding its adequacy, making recommendations for additional needed measures to ensure the future conservation and protection of the striped bass. There was no mention of the EEZ.
- 1985 September 18 **H.R. 3358 introduced by Representative Studds of Massachusetts**
The bill proposed amending the Atlantic Striped Bass Conservation Act to include the District of Columbia and Potomac River Fisheries Commission, and dealt with funding and period. There was no mention of the EEZ.
- 1985 October 30 **S. 1813 introduced by Senator Chafee of Rhode Island**
The bill contained similar measures as H.R. 3358, but also gave the Secretary of Interior equal authority with the Secretary of Commerce to declare a moratorium, and provided for the Secretaries of Commerce and Interior, rather than ASMFC, to determine when to lift a moratorium. It also deleted the sunset provision of the Atlantic Striped Bass Conservation Act. There was no mention of the EEZ.

- 1986 October 1 **Atlantic Striped Bass Conservation Act reauthorization signed by President Reagan**
 This reauthorization provided the ASMFC with the authority to make compliance determinations and notify the Secretaries of Commerce and Interior, who would jointly determine whether a moratorium should be imposed. The two Secretaries were also charged with jointly conducting a comprehensive annual survey of the Atlantic striped bass fisheries, including assessment of the commercial and recreational landings of that species in the coastal states during the period considered in the survey. The results of the annual survey were to be published in the Federal Register. There was no mention of the EEZ.
- 1988 November 3 **Atlantic Striped Bass Conservation Act (PL 100-589) reauthorized**
 This reauthorization extended or amended all sections of the previous acts. Section 4 was amended to all ASMFC to determine at any time whether states had adopted all regulatory measures needed to implement the plan in their waters. Two new sections were added to the Act. The first provided for the North Carolina Striped Bass Study. The second required that the NMFS promulgate striped bass regulations for the EEZ.
- 1989 August 16 **Advance Notice of Proposed Rulemaking**
 The NMFS developed and published a series of options for consideration, including: 1) a moratorium on harvest in the EEZ (no harvest, no possession); 2) prohibition on EEZ harvest (no harvest, possession allowed); 3) application of state regulations to adjacent EEZ; 4) imposition of federal regulations in EEZ; and 5) status quo (take no action).
- 1989 **Notification of Final Rule published by NMFS???**
 The NMFS, after extensive discussion and input from all parties, including ASMFC and the federal Fishery Management Councils, proposed a regulation which would prohibit the harvest and possession of striped bass in the EEZ. The regulations were to be promulgated in 1990.
- 1989 October **Supplement to the Striped Bass FMP-Amendment #4 adopted**
 Amendment 4 contains no mention of management measures in the EEZ. [Richkus 1989; Striped Bass Scientific and Statistical Committee, FWS members Dr. Paul Rago, Dr. Bob Dorazio; Striped Bass Management Board, FWS member Dr. Jim Weaver; and Interstate Fisheries Management Program Policy Board, FWS member Dr. Jim Weaver]
- 1990 March **Source Document for the Supplement to the Striped Bass FMP - Amendment #4 published**
 The Amendment 4 Source Document documents the origin of the initial closure of the EEZ for striped bass (see especially page 6-28). [Richkus 1990]

- 1995 March **Amendment #5 to the Interstate Fishery Management Plan for Atlantic Striped Bass adopted**
The amendment referenced the EEZ only to note that it was managed separately by NMFS (page 17). No recommendations regarding regulations in the EEZ were contained in Amendment 5. [Atlantic Striped Bass Plan Development Team 1995]
- 1995 September 27 **Atlantic Striped Bass Fishery; Change in Regulations for Exclusive Economic Zone; Proposed Rule; request for comments**
Via this notice, NMFS requested public comments on a proposed rule which would remove a federal moratorium on the harvest or possession of Atlantic striped bass in the EEZ offshore from ME to FL, and impose a minimum size limit of 28 inches for Atlantic striped bass possessed in or harvested from the EEZ. State regulations would apply to any striped bass being transported into a state's jurisdiction from the EEZ. [Beasley 1995]
- 1995 September 29 **Atlantic Striped Bass Fisheries; Public Hearings**
The NMFS announced it would hold public hearings to receive comments from fishery participants and members of the public regarding proposed regulations on the harvest and possession of striped bass in the EEZ of the Atlantic Ocean from ME through NC. Written comments were also solicited. [Surdi 1995a]
- 1995 October 16 **Atlantic Striped Bass Fisheries; Public Hearings**
The NMFS announced that it planned to hold an additional public hearing regarding proposed regulations on the harvest and possession of striped bass in the EEZ of the Atlantic Ocean from ME through NC. [Schaefer 1995]
- 1995 October 18 **Atlantic Striped Bass Fisheries; Public Hearings**
The NMFS announced that it had scheduled an additional public hearing, due to requests from the public, and also was extending the comment deadline. [Surdi 1995b]
- 1995 October 25 **Atlantic Striped Bass Fisheries; Public Hearings**
The NMFS announced that it had scheduled an additional public hearing, due to requests from the public, and also was extending the comment deadline. [Surdi 1995c]
- 1996 March 28 **Atlantic Striped Bass Fishery; Atlantic Coastal Fisheries Cooperative Management; Consolidation and Revision of Regulations**
The NMFS proposed to consolidate regulations pertaining to the Atlantic striped bass and weakfish fisheries, at the time contained in two CFR parts, into a single part. The consolidated regulations would be revised to be more concise, better organized and easier for the public to use. [Matlock 1996]

- 1996 June 10 **Atlantic Striped Bass Fishery; Atlantic Coastal Fisheries Cooperative Management; Consolidation and Revision of Regulations**
The NMFS published the Final Rule consolidating regulations pertaining to the Atlantic Striped Bass and weakfish fisheries. Effective date of the consolidated regulations was July 1, 1996. [Matlock 1996c]
- 1996 December 5 **Withdrawal of Proposed Rule to Remove a Federal Moratorium on Harvest or Possession of Striped Bass in the EEZ**
By this notice, the NMFS withdrew the rule which had been proposed to remove the federal moratorium on harvest or possession of striped bass in the EEZ. The rule was withdrawn because of specific recommendations not considered at the time of rulemaking. Comments received from the public during the proposed rule comment period indicated substantial public concern on the following: 1) the stock was not fully recovered and the Secretary of Commerce should wait until the two-year transitional period is completed (January 1, 1997) before reopening the EEZ; reopening the EEZ would create law enforcement loopholes; and 3) a large percentage of the public objected to any commercial fishing in the EEZ. The NMFS also received specific recommendations from the ASMFC and Mid-Atlantic Fishery Management Council (MAFMC) to delay removal of the moratorium until the ASMFC moved from the transitional fishery mortality rate F target of 0.33, to the “fully restored” fishery (F=0.40). In addition, the President had signed into law the Sustainable Fisheries Act (SFA) of 1996 on October 11, 1996. The SFA added three new national standards to the Magnuson-Stevens Fishery Conservation and Management Act and these three standards were not considered at the time of proposed rulemaking. Regulations under the Striped Bass Act must be consistent with the national standards. Therefore the Secretary withdrew the Proposed Rule because: there was uncertainty about the interim fishing mortality rate target (F=0.33) being achieved; the ASMFC had postponed going to full F (F=0.40) until January 1, 1998; the ongoing work to identify and correct some potential enforcement loopholes; the ASMFC decision to prepare an addendum to Amendment 5 to address the 1997 fishery; and the addition of three new national standards to the MSA which were not considered at the time of proposed rulemaking. [Matlock 1996]
- 1998 January **Source Document to Amendment 5 to the Interstate Fishery Management Plan for Atlantic Striped Bass published**
The Amendment 5 Source Document indicates that fishing in the EEZ was closed in 1989 and remained closed to all recreational and commercial striped bass fishing (page 6). [Shepherd and Lazar 1998]
- 2002 November 19 **Proceedings of the Atlantic States Marine Fisheries Commission Atlantic Striped Bass Management Board, Williamsburg, VA**
The minutes of the Board meeting document discussions regarding the public comments received on Amendment 6 (pages 3-4), and general

discussion about the schedule for implementation of Amendment 6 (pages 18-23). There was no discussion of the EEZ management options. Ms. Anne Lange was the sitting Board member for NMFS, and Mr. Bill Cole for the FWS. [Atlantic Striped Bass Management Board 2002a]

2002 December 19 **Proceedings of the Atlantic States Marine Fisheries Commission
Atlantic Striped Bass Management Board, Providence, RI**

The minutes of the Board meeting document extensive debate on the issue of what management option(s) to include in Amendment 6 for recommendation to the Secretary of Commerce regarding the EEZ. No representative from the FWS was present at the meeting. During the debate, Ms. Anne Lange of NMFS advised the Board (pp. 46-47) that she would have to abstain from any vote on the EEZ issue. She advised the Board that before taking any action on a recommendation regarding the EEZ, it would be desirable for ASMFC to provide the Secretary of Commerce with a detailed analysis of the impact of any proposed regulation. Ms. Lange further advised (p. 50) that the NMFS had “six or seven years ago tried to open the EEZ and received quite a bit of negative response....” She further indicated that the NMFS response to a request last year [2001] from the Board and North Carolina wasn’t simply NMFS saying “no,” but rather asking what type of measures would be implemented in the EEZ that would ensure the sustaining of the stock. She noted the concerns were purportedly that there were larger fish in the EEZ than in state waters and that there may be an impact on the size and age distribution based on that distribution of fish. She noted again that evaluations could be conducted and analyses made. Ms. Lange abstained on the several motions made regarding recommended regulations in the EEZ, and the issue was subsequently tabled until the next Board meeting. [Atlantic Striped Bass Management Board 2002b; see pages 44-64]

2003 February 24 **Proceedings of the Atlantic States Marine Fisheries Commission
Atlantic Striped Bass Management Board, Arlington, VA**

The minutes document the extensive deliberations of the Board regarding the final provisions for inclusion in Amendment 6. The discussions regarding the EEZ management options are extensive. Ms. Anne Lange was the sitting Board member for NMFS, and Dr. Jaime Geiger for the USFWS, although his name does not appear in the list of Board members present. Comments were made by Ms. Lange, and Dr. Geiger, articulating reasons opening the EEZ would benefit data collection, and both voted in favor of the motions to recommend to the Secretary of Commerce that the EEZ be opened. The two affirmative votes by the federal agencies enabled the motion recommending the EEZ be opened to pass (six votes in favor; five against; one abstention; and three null votes). Commissioner Freeman (NJ) raised the issue of the two federal services having voted, noting that they usually abstained from voting when issues were going to the Secretary for action, and stating he was sure this issue

would be raised. Ms. Lange and Dr. Geiger both responded (page 41), indicating that votes on their part did not in any way prejudice the position of the Secretary, and also that before any measures were implemented in the EEZ, a lengthy process of analysis would take place. [Atlantic Striped Bass Management Board 2003; see pages 22-43]

2003 February 24 **Amendment 6 to the Interstate Fishery Management Plan for Atlantic Striped Bass adopted**

In Amendment 6, the ASMFC recommended that "... the federal government promulgate all necessary regulations to implement complementary measures to those contained in *Section 4.2* and *4.3* in order to allow the harvest of striped bass in the EEZ [page 39]." The Amendment further stipulated that "On an annual basis the fishery impacts on the resource will be evaluated by the Technical Committee and reported to the Management Board so that it may make appropriate EEZ management recommendations to the Secretary of Commerce at the end of each FMP planning horizon. Under this option, a management program would need to be established for the EEZ to compliment the state management programs and to ensure that the Goals and Objectives of this Amendment will be met." [Atlantic Striped Bass Plan Development Team 2003]

2003 April 24 **Letter from ASMFC to Secretary of Commerce**

The AMSFC recommended to the Secretary the implementation of regulations in the EEZ consistent with those included in Amendment 6. As justification for the request, the ASMFC provided reasons: 1) The Atlantic migratory striped bass was declared restored in 1995; the purpose of closing the EEZ had been to protect strong year classes entering the population and to promote rebuilding of the overfished population. 2) The commercial harvest is controlled by hard quotas; when they are reached the fishery is closed; and overages are taken out of next year's quotas. The commercial quota will be landed regardless of whether or not the EEZ is opened. 3) Currently, recreational and commercial catches are occurring in the EEZ and these fish are required to be discarded. Opening the EEZ will convert discarded bycatch of striped bass to landings. 4) Because of management measures implemented since 1990, the striped bass population has recovered to a point where further examination of whether this fishery should occur in the EEZ is appropriate. There are expectations among a number of fishing industry stakeholders that their past sacrifices would result in future opportunities to harvest striped bass, and therefore, there are potential credibility issues associated with keeping the EEZ closed, especially in light of the current status of the Atlantic striped bass stock. 5) The recommendation to open the EEZ is part of Amendment 6 which incorporates new management standards to ensure stock conservation including targets and thresholds for both mortality and spawning stock biomass. Fishing mortality is

currently below the target level, and spawning stock biomass is 1.5 times the target level. 6) Amendment 6 includes monitoring requirements and triggers that will allow the Commission to respond quickly to increased mortality. 7) The bulk of the public comment (greater than 75 percent) received in opposition cited expansion of the commercial fishery as rationale not to open the EEZ. The Commission believes the rationale is incorrect because the commercial fishery is controlled by a hard quota. The Commission stated that the striped bass population would be monitored annually, and that it may recommend further management measures for the EEZ, if a determination is made that the stock is overfished or that overfishing is occurring. [Signed by V. O'Shea, or John Nelson?]

2003 July 21

Advance Notice of Proposed Rulemaking (ANPR); request for comments

The NMFS noted it had received the letter from the ASMFC, and that it was considering potential revisions to the Federal Atlantic striped bass regulations for the U.S. EEZ in response. The Commission had recommended that NMFS: remove the moratorium on the harvest of Atlantic striped bass in the EEZ after a 13-year closure; implement a 28-inch (71.1 cm) minimum size limit for the recreational and commercial striped bass fisheries in the EEZ; and allow states the ability to adopt more restrictive rules for fishermen and vessels licensed in their jurisdiction. [Lent 2003]

2003 August 26

Advance Notice of Proposed Rulemaking (ANPR); reopening of comment period

The NMFS indicated it was reopening the comment period on proposed EEZ regulations from August 26, 2003, through September 25, 2003. [Morehead 2003a]

2003 October 20

Notice of Intent to prepare an Environmental Impact Statement (EIS) and notice of scoping process; request for comments

The NMFS indicated it would prepare an EIS to analyze the impacts on the human environment of potential revisions to Federal Atlantic striped regulations for the EEZ. The public was invited to comment on potential management measures, including a no action alternative as well as those proposed by the ASMFC. The NMFS summarized the comments received in support of opening the EEZ: 1) harvest pressure would not increase, but rather effort would be dispersed over a larger area and reduce congestion in state waters; 2) enforcement of the EEZ closure is difficult, but state controls at the point of landing work. Comments in opposition were: 1) opening the EEZ could create conflicts between state and federal jurisdictions, such as in those states with game fish status; 2) bycatch concerns may be more difficult to address if fishing for striped bass is allowed in the EEZ; 3) fishing for striped bass in the EEZ may result in a

directed fishery for the larger, older, more successful breeders assumed to concentrate offshore; 4) fishing for striped bass in the EEZ may result in an increase in mortality because overall harvest may increase; 5) allowing fishing in the EEZ may result in landings in excess of target mortality rates set forth in Amendment 6; and 6) opening the EEZ to fishing may have impacts on both human and fish health (such concerns relate to PCB consumption and bacterial infections in striped bass). The NMFS indicated that the potential management measures being considered included: 1) no action - maintain moratorium in EEZ; 2) open the entire EEZ, implement a 28-inch (71.1 cm) minimum size limit, and allow states to adopt more restrictive regulations for fishermen and vessels licensed in their state. NMFS indicated it would also consider additional management measures received during the scoping process. Public hearings were scheduled for November and December, 2003. [Morehead 2003b]

- 2003 October 21 **U.S Department of the Interior, Office of the Secretary, Office of Environmental Policy and Compliance, Electronic Mail Memo to Director, Fish and Wildlife Service**
 This memorandum advised of the NMFS Notice of Intent to Prepare an EIS for the Atlantic Striped Bass Fishery EEZ regulations. Comments were to be provided to the person listed in the notice by December 22, 2003, with a copy of any comments to OEPC. [Signed by Terence N. Martin, Team Leader, Natural Resources Management, Office of Environmental Policy and Compliance]
- 2003 October 21 **U.S. Fish and Wildlife Service, Branch of Advanced Planning and Habitat Conservation, Electronic Mail Memorandum to Northeast and Southeast Region National Environmental Policy Act Coordinators**
 The memorandum transmitted the OEPC October 21 memo and the October 20 Notice of Intent from NMFS. [Signed by Stephanie M. Nash, Environmental Review Technician]
- 2003 October 24 **U.S. Fish and Wildlife Service, Southeast Region, Division of Ecological Services, Electronic Memorandum from National Environmental Policy Act Coordinator to Regional and Field Office personnel with Atlantic Coast work areas**
 The memorandum transmitted the memoranda from FWS headquarters and DOI-OEPC, with the original NMFS Federal Register notice. [Signed by Kevin Moody, NEPA Coordinator]
- 2004 August 27 **Letter to President George W. Bush, from fourteen signatories, protesting that FWS and NMFS “encouraged” the ASMFC to begin the process of opening the EEZ**
 Letter was provided to Director, FWS, by White House personnel for input from FWS staff. [Signed by G. Rassam, American Fisheries Society;

G.C. Robertson, American Sportfishing Association; N. Clough, BASS/ESPN Outdoors; B. Hayes, Coastal Conservation Association; R.P. Van Gytenbeek, Federation of Fly Fishers; S. Sloan, Fisheries Defense Fund Inc.; T. Sadler, Izaak Walton League of America; T. Fote, Jersey Coast Anglers Association; M. W. Fontaine, National Marine Manufacturers Association; L. Hamilton, Northwest Sportfishing Industry Association; T. Bedell, Pure Fishing; B. Burns, Stripers Forever; E. Washburn, Sporting Goods Manufacturers Association; and E. Washburn, Theodore Roosevelt Conservation Partnership]

2006 April 24

Atlantic Striped Bass Conservation Act; Atlantic Striped Bass Fishery; Notice of Scoping Process; request for comments

The NMFS, based on recommendations contained in Amendment 6 to the ASMFC Interstate Fishery Management Plan for Atlantic Striped Bass, and on comments received from an advance notice of proposed rulemaking (during nine public hearings held November-December, 2003), announced that it was seeking additional scoping on its preliminary draft analyses of federal management options to open the EEZ to the harvest of Atlantic Striped bass, due to the significant time that had passed since those initial scoping hearings. The public was alerted to the opportunity for further scoping. [Burgess 2006a]

2006 May 26

Atlantic Striped Bass Conservation Act; Atlantic Striped Bass Fishery; Notice of Scoping Process; extension of comment period

The NMFS announced that the public comment period for scoping on its preliminary draft analyses of federal management options to open the EEZ to the harvest of Atlantic Striped Bass was being extended from May 26, 2006, to June 26, 2006. [Burgess 2006b]

2006 September 14

Atlantic Striped Bass Conservation Act; Atlantic Striped Bass Fishery; Withdrawal of a notice of intent to prepare an Environmental Act Statement (EIS)

The NMFS announced the decision to withdraw the intent to prepare an EIS due to the increase in the fishing mortality rate since the time of the original notice. The public response to the proposed rulemaking was overwhelmingly in favor of maintaining EEZ closure. There was also a public perception that large trophy fish congregate in the EEZ, which to NMFS suggested that fishing effort in an opened EEZ might markedly increase striped bass mortality above the already elevated rates. Therefore, NMFS decided that further processing of an EIS was no longer warranted. The notice of intent to prepare an EIS was withdrawn and the NEPA process was hereby terminated. [Risenhoover 2006]

- 2007 October 20 **Presidential Executive Order 13449, Protection of Striped Bass and Red Drum Fish Populations**
 This EO specified that “It shall be the policy of the United States to conserve striped bass and red drum for the recreational, economic, and environmental benefit of the present and future generations of Americans, based on sound science and in cooperation with State, territorial, local, and tribal governments, the private sector, and others, as appropriate.” The EO directed the Secretary of Commerce to 1) encourage, as appropriate, management under Federal, State, territorial, tribal, and local laws that supports the policy of conserving striped bass and red drum, including State designation as gamefish where the State determines appropriate under applicable law; 2) revise current regulations, as appropriate, to include prohibiting the sale of striped bass and red drum caught within the Exclusive Economic Zone of the United States off the Atlantic Ocean and the Gulf of Mexico; and 3) periodically review the status of the striped bass and red drum populations within waters subject to the jurisdiction of the United States. The EO specified further that the Secretary of Commerce shall: A) take such actions within the authority of the Secretary of Commerce as may be appropriate to carry out the policy set forth in Section 1 of the order and B) recommend to the President such actions as the Secretary may deem appropriate to advance the policy set forth in Section 1 that are not within the authority of the Secretary. The Secretary of Commerce was also directed to implement specified subsections of the EO jointly with the Secretary of Interior, as they relate to Atlantic striped bass. [Bush 2007]
- 2008 October 17 **Atlantic Striped Bass Conservation Act; Atlantic Coastal Fisheries Cooperative Management Act; Magnuson-Stevens Fishery Conservation and Management Act; Executive Order 13449; Protection of Striped Bass and Red Drum Populations**
 The notice announced that the NMFS determined that the regulatory requirements of the E.O. are fulfilled. The NMFS determined, after review of existing regulations, that current prohibitions on the possession and sale of striped bass and red drum caught in the EEZ achieve the intent of the E.O., thus no further action was warranted at the time of the notice.
- 2008 November 7 **New York State Department of Environmental Conservation, Division of Law Enforcement, Southern District Monthly Report October – 2008**
 The report documents numerous cases in which striped bass regulations were violated, including NMFS announcing penalties handed down by the NMFS Office of General Counsel against the party/charter vessel Viking Starship, stemming from a November, 2006 undercover operation. The agents documented catching striped bass in the EEZ in the vicinity of the BIS buoy. The penalty assessed by NMFS agents was \$35,000. [Duffy 2008]

- 2010 December 22 **Coast Guard to cast net for striped bass poachers**
The U.S. Coast Guard issued a news release advising the public that they were intensifying efforts to stop the illegal poaching of striped bass off the Atlantic coast during the winter. Striped bass populations were noted to be moving offshore into warmer waters. Fishermen were noted to be pursuing the fish beyond the authorized state waters. The release noted that Atlantic striped bass may not be caught, harvested or possessed in the EEZ, and that a person caught fishing for striped bass outside of three nautical miles and into the EEZ was subject to fines starting at \$100 per fish. An Atlantic Striped Bass Reporting Hotline was established at 757-398-6598. The public was encouraged to report any suspected poaching activity. [USCG 2010]
- 2012 November 8 **Virginia Charter Fishing Boat Captains Indicted for Lacey Act Violations and Other Crimes**
The U.S. Department of Justice, Environment and Natural Resources Division, and the U.S. Attorney for the Eastern District of Virginia published a news release providing the details regarding five charter fishing boat captains operating out of Rudee Inlet in Virginia Beach, VA, who were indicted for violating the Lacey Act by selling illegally harvested striped bass. The captains were also facing charges of making false statements to law enforcement officers and destroying property to prevent its seizure by law enforcement. The five captains were alleged to have sold charter fishing trips and harvested striped bass from the EEZ. The case was investigated by the NOAA, Fisheries, Office for Law Enforcement and the Virginia Marine Police with assistance from the Federal Communications Commission Crimes Section. It was noted that an indictment was a formal accusation and was not proof of guilt. Defendants are presumed innocent until and unless they are found guilty. [US Department of Justice 2012]
- 2013 April 25 **Virginia Charter Boat Captains Sentenced for Felony Illegal Harvest of Striped Bass**
The NMFS Office of Law Enforcement issued a news release providing the details of convictions of charter boat captains and associated corporations for violating the Lacey Act by trafficking in illegally-harvested striped bass. Those convicted received varying fines and periods of probation, and some involved were required to acquire and maintain Vessel Monitoring Systems (VMS) on vessels they owned or operated. Some of those convicted had been routinely harvesting striped bass from the EEZ from 2007 to 2013. [NOAA Fisheries, NMFS 2013]

- 2013 October 28 **Five Virginia Charter Fishing Boat Captains Sentenced for Lacey Act Violations**
 The Justice Department announced that five Virginia Beach charter fishing boat captains convicted of poaching Atlantic striped bass were sentenced for violating the Lacey Act by selling illegally-harvested striped bass. Robert G. Dreher, Acting Assistant Attorney General for the Justice Department's Environment and Natural Resources Division noted that illegal poaching of striped bass gave the captains an unfair economic advantage over law abiding fishermen and irresponsibly posed a threat to the food supply. Each of the captains was charged separately on November 8, 2012, with violating the Lacey Act by selling charter fishing trips to harvest striped bass illegally from the EEZ, among other charges. [U.S. Department of Justice 2013]
- 2013 November 29 **Coast Guard to intensify efforts to stop offshore poaching of Atlantic Striped Bass**
 The U.S. Coast Guard advised the public of their intention to intensify efforts to stop offshore poaching of Atlantic Striped Bass during winter. The agency was increasing efforts to raise awareness of the federal regulations stating Atlantic Striped Bass may not be caught, harvested or possessed in the EEZ. An Atlantic Striped Bass Reporting Hotline was established at 757-398-6399. The public was encouraged to report any suspected poaching activity. [USCG 2013]
- 2014 January 15 **Coast Guard reminds anglers of Atlantic Striped Bass restrictions**
 The U.S. Coast Guard reminded the public, especially recreational, charter and commercial fishermen of the ongoing moratorium for Atlantic Striped Bass in the EEZ of the U.S. The USCG noted that it would be on patrol for those who choose to illegally poach striped bass. A number was provided (910-772-2200) to report illegal poaching of striped bass off North Carolina. [USCG 2014]
- 2014 February 4 **Draft Proceedings of the Atlantic States Marine Fisheries Commission Atlantic Striped Bass Management Board**
 The Atlantic Striped Bass Management Board initiated discussion of the potential for catch-and-release fishing in the EEZ (see pages 9-12 of the draft proceedings). A concern was brought forward to the Management Board from the Oregon Inlet, NC, charter fleet that there were some inconsistencies in enforcement of catch-and-release fishing for striped bass in the EEZ. Some folks may be using the opportunity to catch and release striped bass in the EEZ as a business opportunity. After discussion, the Board decided to refer questions regarding enforcement inconsistency to the Law Enforcement Committee; to refer questions regarding the potential impact of a catch-release fishery on the striped bass stock to the Striped Bass Technical Committee; and to refer questions

regarding the potential for effort shift, to the Striped Bass Advisory Panel. [Atlantic Striped Bass Management Board 2014]

2014 March 3

Memorandum to Atlantic Striped Bass Management Board from ASMFC Law Enforcement Committee (LEC)

The memorandum responded to a Board request that the LEC provide input on how enforcement is working in the EEZ. The context was that the Board was considering making a recommendation to NOAA-Fisheries to allow catch and release fishing in the EEZ. Before doing so, the Board wanted to understand how the current prohibition on targeting/harvest/possession is working in the EEZ. The LEC met February 26, 2014, via conference call. The LEC reported the following in their memorandum: 1) LEC members reported that varying levels of illegal harvest have occurred in New Hampshire, Massachusetts, Rhode Island, New York, New Jersey, Maryland and Virginia; 2) LEC members reported successful enforcement efforts to address illegal take and possession in the EEZ; 3) The consensus of the LEC was that enforcing targeting prohibitions in the EEZ is extremely difficult, and in fact is not occurring to any degree (successful cases citing targeting generally require a level of surveillance that is not feasible); 4) the consensus of the LEC was that allowing catch and release fishing in the EEZ would only exacerbate enforcement of illegal harvest and possession. [ASMFC Law Enforcement Committee 2014]

2014 March 19

Memorandum to Atlantic Striped Bass Management Board from ASMFC Striped Bass Technical Committee (SBTC)

The SBTC met via conference call to discuss the biological implications of allowing catch and release fishing for striped bass in the EEZ. The SBTC concluded that opening a fishery for striped bass in the EEZ would not decrease fishing mortality at a time when current F estimates are above the target level. Additionally, tagging data suggested that larger females aggregate in the EEZ and allowing a fishery for these individuals may jeopardize the reproductive output of the spawning stock. The SBTC indicated that it is impossible for them to predict whether opening the EEZ will result in a shift or an increase in fishing effort, but any fishing that occurs in the EEZ will result in a source of mortality that is currently minimized by the existing prohibition. [ASMFC Striped Bass Technical Committee 2014]

2014 March 24

Memorandum to Atlantic Striped Bass Advisory Panel (SBAP) from M. Waine, Striped Bass Fishery Management Plan Coordinator

The memorandum advised the SBAP with evaluating a potential recommendation to NOAA-Fisheries to open the EEZ to catch and release fishing for striped bass. The memorandum clarified that the Board was gathering information regarding the potential impacts of a catch/release fishery, and this would not include allowing harvest of striped bass in the

EEZ, just catch and release fishing. The recent memoranda from the LEC and SBTC regarding this issue were provided to the SBAP. The memorandum also indicated that the addendum process and potential contents of the striped bass addendum in preparation would be discussed as well. [Waine 2014]

2014 April 15

Memorandum to Atlantic Striped Bass Management Board from Atlantic Striped Bass Advisory Panel

The Atlantic Striped Bass Advisory Panel (AP) met on April 14, 2014, via conference call to consider how the striped bass fishery would change if catch and release fishing was allowed in the EEZ. The AP unanimously agreed that they are not in favor of considering an opening of the EEZ to catch and release fishing for striped bass. They made this recommendation because they are concerned about the continued decline in striped bass spawning stock biomass. They believe that opening the EEZ to catch/release fishing at this time could add an additional source of fishing mortality on the stock. They also echoed law enforcement concerns that opening the EEZ would further invite unlawful harvest of the species in the EEZ. Additionally, they noted that any catch and release fishery in the EEZ would target large striped bass that aggregate off the Chesapeake Bay in the winter. They believe that the methods of capture, tackle used, location of the fishery, and level of anticipated fishing effort could result in a higher release mortality rate. The AP concluded that such a fishery would increase fishing effort and result in more dead discarded striped bass.

References

- Atlantic States Marine Fisheries Commission Law Enforcement Committee. 2014. Memorandum to Atlantic Striped Bass Management Board, March 3, 2014. Arlington, VA. 2 pp.
- Atlantic Striped Bass Advisory Panel. 2014. Potential Fishing Effort Changes from a Catch and Release Fishery in the EEZ. Atlantic States Marine Fisheries Commission, Arlington, VA. Memorandum to the Atlantic Striped Bass Management Board, April 15, 2014. 1 p.
- Atlantic Striped Bass Management Board. 2002a. Proceedings of the Atlantic States Marine Fisheries Commission Atlantic Striped Bass Management Board, November 19, 2002, Williamsburg Lodge, Williamsburg, VA. Atlantic States Marine Fisheries Commission, Washington, D.C. 36 pp.
- Atlantic Striped Bass Management Board. 2002b. Proceedings of the Atlantic States Marine Fisheries Commission Atlantic Striped Bass Management Board, December 19, 2002, Sheraton Hotel, Providence, RI. Atlantic States Marine Fisheries Commission, Washington, D.C. 78 pp.
- Atlantic Striped Bass Management Board. 2003. Proceedings of the Atlantic States Marine Fisheries Commission Atlantic Striped Bass Management Board, February 24, 2003, DoubleTree Hotel Crystal City, Arlington, VA. Atlantic States Marine Fisheries Commission, Washington, D.C. 62 pp.
- Atlantic Striped Bass Management Board. 2014. Draft Proceedings of the Atlantic States Marine Fisheries Commission Atlantic Striped Bass Management Board. February 4, 2014. Crowne Plaza – Old Town, Alexandria, VA. Atlantic States Marine Fisheries Commission, Arlington, VA. 57 pp.
- Atlantic Striped Bass Plan Development Team. 1995. Amendment #5 to the interstate fishery management plan for Atlantic striped bass. Atlantic States Marine Fisheries Commission, Washington, D.C. Fisheries Management Report No. 24:1-50.
- Atlantic Striped Bass Plan Development Team. 2003. Amendment 6 to the interstate fishery management plan for Atlantic striped bass. Atlantic States Marine Fisheries Commission, Washington, D.C. Fishery Management Report No. 41:1-63.
- Atlantic Striped Bass Technical Committee. 2014. Biological impact of catch and release fishing in the EEZ. Memorandum to the Atlantic Striped Bass Management Board. Arlington, VA. 1 p.
- Burgess, J.B. 2006a. Atlantic Striped Bass Conservation Act; Atlantic Striped Bass Fishery; Notice of scoping process; request for comments. U.S. Department of Commerce,

- National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Silver Spring, MD. Federal Register 71(78):20984-20986.
- Beasley, H.A. 1995. Atlantic Striped Bass Fishery; Change in Regulations for Exclusive Economic Zone; Proposed Rule; Request for Comments. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Silver Spring, MD. Federal Register 60(187): 49821-49823.
- Burgess, J.B. 2006b. Atlantic Striped Bass Conservation Act; Atlantic Striped Bass Fishery; Notice of scoping process; extension of comment period. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Silver Spring, MD. Federal Register 71(102):30386-30387.
- Bush, George W. 2007. Executive Order 13449 of October 20, 2007: Protection of Striped Bass and Red Drum Fish Populations. The White House, Washington, D.C. Federal Register 72 (205):60531-60532.
- Duffy, T.A. 2008. Southern District Monthly Report October – 2008. New York State Department of Environmental Conservation, Division of Law Enforcement, Southern District Office, White Plains, NY. 5 pp.
- Lent, R. 2003. Advance Notice of Proposed Rulemaking (ANPR); request for comments. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Silver Spring, MD. Federal Register 68 (139):43074-43075.
- Matlock, G. 1996a. Atlantic Striped Bass Fishery; Atlantic Coastal Fisheries Cooperative Management; Consolidation and Revision of Regulations. Proposed rule; request for comments. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Silver Spring, MD. Federal Register 61 (61):13811-13812.
- Matlock, G. 1996b. Atlantic Striped Bass Fishery; Withdrawal of Proposed Rule. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Silver Spring, MD. Federal Register 61 (235):64497-64498.
- Matlock, G. 1996c. Atlantic Striped Bass Fishery; Atlantic Coastal Fisheries Cooperative Management; Consolidation and Revision of Regulations. Final rule. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Silver Spring, MD. Federal Register 61 (112):29321-29322.
- Morehead, B.C. 2003a. Advance Notice of Proposed Rulemaking (ANPR); reopening of comment period. Atlantic Striped Bass Conservation Act; Atlantic Striped Bass Fishery. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Silver Spring, MD. Federal Register 68(165):51232-51233.

- Morehead, B.C. 2003b. Notice of intent to prepare an Environmental Impact Statement (EIS) and notice of scoping process; request for comments. Atlantic Striped Bass Conservation Act; Atlantic Striped Bass Fishery. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Silver Spring, MD. Federal Register 68 (202):59906-59908.
- NOAA Fisheries. 2013. Virginia Charter Boat Captains Sentenced for Felony Illegal Harvest of Striped Bass. Office of Law Enforcement, Silver Spring, MD. Press release, April 25, 2013.
- Richkus, W.A. 1989. Supplement to the striped bass FMP-amendment #4. Atlantic States Fisheries Commission, Washington, D.C. Fisheries Management Report No. 15:1-60.
- Richkus, W.A. 1990. Source document for the supplement to the striped bass FMP - Amendment #4. Atlantic States Marine Fisheries Commission, Washington, D.C. Fisheries Management Report No. 16:1-1 through 11-16, + appendices.
- Risenhoover, A.D. 2006. Atlantic Striped Bass Conservation Act; Atlantic Striped Bass Fishery; withdrawal of a notice of intent to prepare an Environmental Impact Statement (EIS). U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Silver Spring, MD. Federal Register 71 (178):54261-54262.
- Shaefer, R.H. 1995. Atlantic Striped Bass Fisheries; Public Hearings. Notice of additional public hearing; request for comments. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Silver Spring, MD. Federal Register 60 (199): 53577-53578.
- Shepherd, G. and N. Lazar. 1998. Source Document to Amendment 5 to the Interstate Fishery Management Plan for Atlantic Striped Bass. Atlantic States Fisheries Commission, Washington, D.C. Fishery Management Report No. 34:1-117 + appendices.
- Surdi, R.W. 1995a. Atlantic Striped Bass Fisheries; Public Hearings. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Silver Spring, MD. Federal Register 60 (189):50540.
- Surdi, R.W. 1995b. Atlantic Striped Bass Fisheries; Public Hearings. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Silver Spring, MD. Federal Register 60 (201):53907.
- Surdi, R.W. 1995c. Atlantic Striped Bass Fisheries; Public Hearings. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Silver Spring, MD. Federal Register 60 (206):54663.
- U.S. Coast Guard. 2010. Coast Guard to cast net for striped bass poachers. Coast Guard News. Published online December 22, 2010.

- U.S. Coast Guard. 2013. Coast Guard to intensity efforts to stop offshore poaching of Atlantic Striped Bass. Coast Guard News. Published online November 29, 2013.
- U.S. Coast Guard. 2014. Coast Guard reminds fishermen of Atlantic Striped Bass restrictions. Coast Guard News. Published online January 15, 2014.
- U.S. Department of Justice. 2012. Virginia Charter Fishing Boat Captains Indicted for Lacey Act Violations and Other Crimes. U.S. Department of Justice, Environment and Natural Resources Division, Office of Public Affairs. Justice News. Release 12-1333.
- U.S. Department of Justice. 2013. Five Virginia Charter Fishing Boat Captains Sentenced for Lacey Act Violations. U.S. Department of Justice, Environment and Natural Resources Division, Office of Public Affairs. Justice News. Release 13-1143.
- Waine, M. 2014. AP Conference call scheduled for April 14, 2014 at 3 p.m. Memorandum to ASMFC Atlantic Striped Bass Advisory Panel, March 24, 2014. Arlington, VA. 1 p.

AnglerPMH@aol.com
Wednesday, April 30, 2014 6:53 PM
Mike Waine
Striped Bass Options

ASMFC,

I know you guys are working on a number of options that will reduce the mortality on stripers and that ultimately status quo may be chosen. I also know that this is going to be real hard to get a consensus on this since many striper fishermen are very passionate and opinionated about the sport they love. However, I would like to make one suggestion that I believe the majority could live with. That would be to allow one striper at 28" or greater and one additional striper at 45" or greater. That would allow fishermen to keep one relatively small striper or a larger one for the table if they wanted but would also allow fishermen to retain a trophy sized one to have mounted or for a tournament if they were fortunate enough to catch one. This would definitely protect our prime breeding sized stripers while allowing us to take a few trophies that are probably beyond their best spawning years and are nearing the end of their life cycles.

Sincerely,
Paul Haertel
160 Doherty Drive
Clifton, N.J. 07013

cell (973) 943-8201
email - anglerpmh@aol.com