



March 22, 2022

Emilie Franke  
Fishery Management Plan Coordinator  
Atlantic States Marine Fisheries Commission (ASMFC)  
1050 North Highland Street, Suite 200A-N  
Arlington, Virginia 22201

**RE: Draft Amendment 7 to the Interstate Fishery Management Plan for Atlantic Striped Bass**

Dear Ms. Franke,

*Wild Oceans*, a conservation organization founded by anglers in 1973, engages in marine fisheries management to work toward a healthy ocean and a vibrant fishing future. Along the Northeast Atlantic coast, striped bass is arguably the most iconic recreational species with tremendous socio-economic value. Striped bass recreational fishing supports over 100,000 jobs and generates nearly \$8 billion annually for our economy.<sup>1</sup> By weight, striped bass top the list of recreational species caught in the Mid-Atlantic and New England regions.<sup>2</sup> Because of a broad geographic distribution and a life history that spans inland and open ocean waters, striped bass are intricately woven into the Greater Atlantic food web, occupying a critical ecological niche.<sup>3</sup>

We commend the Atlantic Striped Bass Management Board (Management Board) for hearing calls from the public to rebuild striped bass within the required 10-year period and to maintain the management plan goal, objectives and reference points that recognize the importance of maintaining female spawning stock biomass at the target level to provide for a broad age structure that is necessary for long-term reproductive success. By and large, Draft Amendment 7 to the Atlantic Striped Bass Interstate Fishery Management Plan (ISFMP) is responsive to the feedback received during the comment period on the Public Information Document (PID). Amendment 7 will establish a new management program that will guide Management Board decisions for years to come. It is important to recognize the interconnectedness of the management options in order to choose a final suite of

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<sup>1</sup> Southwick Associates. 2019. The economic contributions of recreational and commercial striped bass fishing. A report produced for: The McGraw Center for Conservation Leadership. Revised April 12, 2019. 69 pp.

<sup>2</sup> An average of 23 million pounds of striped bass were harvested annually from 2017-2021. An additional 33 million pounds were caught and released annually over the same time period. (Source: NOAA Fisheries Recreational Fisheries Statistics Queries.)

<sup>3</sup> Walter JF III, Overton AS, Ferry KH, Mather ME. 2003. Atlantic coast feeding habits of striped bass: a synthesis supporting a coast-wide understanding of trophic biology. *Fish Man Ecol* 10:349-360.

alternatives that best aligns with the management goal and objectives and addresses concerns raised by the fishing public. On behalf of *Wild Oceans*, I am pleased to provide our recommendations.

#### **Section 4.1: Management Triggers**

By design, the management triggers are meant to achieve the goal and objectives of the ISFMP. However, even with triggers implemented through Amendment 6, striped bass continued to decline to an overfished condition and chronic overfishing has occurred over the last decade. How and when the Management Board takes corrective action in response to a trigger is critical to its effectiveness. **We support the following suite of management trigger options to guide prompt and effective management responses:**

- **Tier 1: Fishing Mortality Management Triggers**
  - Option A: Timeline to Reduce F to the Target
    - **Sub-option A1** (status quo): Reduce F to a level that is at or below the target within one year.
  - Option B: F Threshold Triggers
    - **Sub-option B1** (status quo): If F exceeds the F threshold, the striped bass management program must be adjusted to reduce F to a level that is at or below the target within the timeframe selected under Option A.
  - Option C: F Target Triggers
    - **Sub-option C1** (status quo): If F exceeds the F target for two consecutive years and female SSB falls below the SSB target in either of those years, the striped bass management program must be adjusted to reduce F to a level that is at or below the target within the timeframe selected under sub-option A.
- **Tier 2: Female Spawning Stock Biomass (SSB) Management Triggers**
  - Option A: Deadline to Implement a Rebuilding Plan
    - **Sub-option A2**: Two-Year Deadline to Implement a Rebuilding Plan. The Board must implement a rebuilding plan within two years from when an SSB-based management trigger is tripped.
  - Option B: SSB Threshold Trigger
    - **Sub-option B1** (status quo): If female SSB falls below the SSB threshold, the striped bass management program must be adjusted to rebuild the biomass to the target level within an established timeframe [not to exceed 10-years].
  - Option C: SSB Target Trigger
    - **Sub-option C1** (status quo): If female SSB falls below the target for two consecutive years and the fishing mortality rate exceeds the target in either of those years, the striped bass management program must be adjusted to rebuild the biomass to a level that is at or above the target within an established timeframe [not to exceed 10-years].
- **Tier 3: Recruitment Triggers**
  - Option A: Recruitment Trigger Definition
    - **Sub-option A2**: The recruitment trigger is tripped when any of the four JAIs used in the stock assessment model to estimate recruitment (NY, NJ, MD, VA) shows an

index value that is below 75% of all values (i.e., below the 25<sup>th</sup> percentile) in the respective JAI from 1992-2006, which represents a period of high recruitment, for three consecutive years.

- Option B: Management Response to Recruitment Trigger
  - **Sub-option B2:** If the recruitment trigger is tripped, an interim F target calculated using the low recruitment assumption is implemented, and if F from the terminal year of the most recent stock assessment is above the interim F target, the striped bass management program must be adjusted to reduce F to the interim F target within one year.
- **Tier 4: Deferred Management Action**
  - **Option A (status quo):** No Deferred Management Action.

#### **Section 4.2.2 Measures to Address Recreational Release Mortality**

The great majority of striped bass caught in the recreational fishery is released alive, but as the Amendment 7 document points out, the estimated number of fish that perish after release exceeds the number of striped bass that are harvested, making post-release mortality the most significant contributor to overall fishing mortality. Taking steps to reduce post-release mortality should be part of a comprehensive effort to rebuild the stock. To this end, we support options that build on existing state efforts to protect vulnerable spawning fish, restrict harmful gear and expand angler education and outreach regarding best practices. **We support the following options:**

- Option B: Effort Controls (Seasonal Closures)
  - **Sub-option B2-a:** No-Harvest Spawning Closure Required: All recreational harvest of striped bass would be prohibited during Waves 1 and 2 (January through April) in the following spawning areas to protect pre-spawn and spawning fish: Chesapeake Bay, Delaware River/Bay, Hudson River, and Kennebec River. States bordering these areas will determine the boundaries of closures. *We note that Draft Amendment 7 calls on the Technical Committee to review new information on the timing of striped bass spawning and recommend changes to the timing of spawning closures if needed. A January through April closure may not adequately protect spawning aggregations in northern states where striped bass are known to spawn until late spring/early summer, and it will be important to track the efficacy of this measure to determine if changes are warranted through adaptive management (Section 4.7.2).*
- Option C: Additional Gear Restrictions
  - **Sub-option C1:** Recreational anglers would be prohibited from using any device other than a nonlethal device to remove a striped bass from the water or assist in the releasing of a striped bass.
  - **Sub-option C2:** Striped bass caught on any unapproved method of take would be returned to the water immediately without unnecessary injury.
- Option D: Outreach and Education
  - **Sub-option D2:** It is recommended states continue to promote best striped bass handling and release practices by developing public education and outreach campaigns. States should provide updates on public education and outreach efforts

in annual state compliance reports. Best practices could include those listed in sub-option D1.

#### **4.4 REBUILDING PLAN**

During the public comment period for the Amendment 7 PID, we along with a majority of other stakeholders expressed concern over the lack of a plan that would rebuild the striped bass stock by the required deadline of 2029 (10 years after the Management Board approved the benchmark stock assessment that found striped bass to be overfished). To many, it seemed that there was a lack of resolve on the part of managers to adhere to the rebuilding requirements. We are pleased that the Management Board heard these concerns and addressed them by adding rebuilding plan options to the amendment draft. We are in favor of calculating  $F_{\text{REBUILD}}$  using more realistic and current recruitment assumptions.<sup>4</sup> A mechanism that enables the Management Board to respond to the 2022 assessment update in a timely manner in order to keep the rebuilding plan on track would be a prudent addition to the management plan. **We express our strong support for the following options:**

##### **Section 4.4.1 Recruitment Assumption for Rebuilding Calculation**

- **Option B:** Rebuild female SSB to the SSB target level by no later than 2029.  $F$  rebuild is calculated to achieve the SSB target by no later than 2029 using the low recruitment regime assumption as identified by the change point analysis. Note: This approach is more conservative than Option A. Using the low recruitment assumption in Option B would likely result in a lower  $F$  rebuild than under Option A. To achieve a lower  $F$  rebuild (i.e., a lower level of fishery removals), more restrictive management measures may be required if Option B is selected as compared to Option A.

##### **4.4.2 Rebuilding Plan Framework**

- **Option B:** If the 2022 stock assessment results indicate the Amendment 7 measures have less than a 50% probability of rebuilding the stock by 2029 (as calculated using the recruitment assumption specified in Amendment 7) and if the stock assessment indicates at least a 5% reduction in removals is needed to achieve  $F$  rebuild, the Board may adjust measures to achieve  $F$  rebuild via Board action.

##### **4.6.2 Management Program Equivalency (Conservation Equivalency)**

Conservation Equivalency (CE), as currently applied to the management plan for striped bass, allows states and jurisdictions to sidestep conservation measures necessary for ending overfishing and rebuilding the stock. This issue came to light when 36 conservation equivalency proposals were submitted by 9 out of the 13 states and jurisdictions on the management board in response to the recreational measures in Addendum VI to Amendment 6, the action designed to address overfishing and reduce striped bass fishing mortality to the target.<sup>5</sup> Most troubling is that in many cases, equivalency to the fishery management plan standard cannot actually be determined, and because of this, measures to hold states accountable for the performance of their CE programs were not developed for Amendment 7 (see p. 75 of Draft Amendment 7). When the female spawning stock

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<sup>4</sup> The Technical Committee analysis identified the most recent 14 years for which recruitment data are available (2007-2020) as a low recruitment regime.

<sup>5</sup> Atlantic Striped Bass Technical Committee. Memo to the Atlantic Striped Bass Management Board. 28 Jan 2019.

biomass falls below the threshold or when the fishing mortality threshold is exceeded, conservation equivalency should not be granted for any state or jurisdiction. **We support the following options, which would greatly improve upon the current CE program by clearly defining “equivalency” in a manner that ensures coastwide conservation objectives are met, preventing the use of CE when the stock is in jeopardy, establishing data quality standards, and applying a reasonable buffer to account for uncertainty:**

- Option B: Restrict the Use of Conservation Equivalency Based on Stock Status
  - **Sub-option B1-a:** the stock is at or below the biomass threshold (i.e., overfished). CE programs would not be considered until a subsequent stock assessment indicates stock biomass is above the threshold level.
  - **Sub-option B1-c:** fishing mortality is at or above the fishing mortality threshold (i.e., overfishing is occurring). CE programs would not be considered until a subsequent stock assessment indicates fishing mortality is below the threshold level.
- Option C: Precision Standards for MRIP Estimates Used in Conservation Equivalency Proposals
  - **Sub-option C3: 30.** *This is consistent with the National Marine Fisheries Service MRIP guidance which warns that estimates with a Percent Standard Error (PSE) of 30 or greater “are not considered sufficiently reliable for most purposes.”*
- Option D: Conservation Equivalency Uncertainty Buffer for Non-Quota Managed Fisheries
  - **Sub-option D2: 25%**
- Option E: Definition of Equivalency for CE Proposals with Non-Quota Managed Fisheries
  - **Sub-option E2:** the percent reduction/liberalization projected for the FMP standard at the state-specific level.

Amendment 7 to the Atlantic Striped Bass Interstate Fishery Management Plan will be the foundation for rebuilding the stock and will likely guide management and conservation decisions for years beyond the rebuilding period. *Wild Oceans* believes that the above-recommended options will work in concert to establish a robust plan for sustaining this vitally-important fish and the diverse fisheries and fishing communities it supports. Thank you for taking our recommendations into consideration.

Sincerely,



Pam Lyons Gromen  
Executive Director