



BACKCOUNTRY HUNTERS AND ANGLERS

NEW ENGLAND CHAPTER
NEW JERSEY CHAPTER
CAPITAL CHAPTER

NEW YORK CHAPTER
NORTH CAROLINA CHAPTER
PENNSYLVANIA CHAPTER

April 14, 2022

Via Email: comments@asmfc.org

Atlantic Striped Bass Management Board
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N
Arlington, VA 22201
Attn: Emilie Franke
Fishery Management Plan Coordinator

Re: Comments on Draft Amendment 7 to the Atlantic Striped Bass Fishery Management Plan

Dear ASMFC Staff and Members of the Management Board:

In this correspondence we are writing on behalf of the Leadership Boards of the New England, New York, New Jersey, North Carolina, Capital and Pennsylvania Chapters of Backcountry Hunters & Anglers (collectively, "BHA") to provide our comments and concerns regarding Draft Amendment 7 to the Atlantic Striped Bass Fishery Management Plan ("Amendment 7").

Across North America, the numerous chapters of Backcountry Hunters & Anglers are focused on advancing proven approaches to protecting North America's wild places and rich outdoor heritage of hunting and fishing in a natural setting. As the organization's footprint has expanded, we strive to apply our mission across the continent to conserve North American wildlife.

Along the Atlantic Coast, from Maine to North Carolina, fishing for Atlantic Striped Bass is as much a part of our outdoor heritage as any pursuit in our region. Currently, we are concerned with the state of the Atlantic Striped Bass fishery in the Northeast. Since the enactment of Amendment 6 in 2003 overfishing has led to an overfished stock and diminished abundance. Additionally, juvenile abundance surveys indicate recruitment has been well below average in recent years, leaving few strong year classes of fish to assist with the stock's recovery. The future of our Striped Bass fishing traditions relies on an abundant, accessible population of fish in the water. Therefore, **the principles that will guide our priorities for inclusion in Amendment 7 are to recover the Striped Bass female spawning stock biomass to target levels as soon as reasonably possible, and to implement policies that ensure target levels are maintained long-term after recovery.** Accordingly, our comments on the specific issues and priorities for inclusion in Amendment 7 are as follows below herein.

4.1 – Management Triggers

Tier 1 Options – Fishing Mortality (F) Triggers

Priorities for Inclusion:

- **Sub-Option A1**
- **Sub-Option B1**
- **Sub-Option C1**

Because fishing mortality (F) is a direct result of angler effort and behavior, and subsequently can be controlled by management action more readily than any other trigger, rapid response should be a top priority for F triggers. Given that the intention of managing the fishery to target and threshold levels is to provide some buffer for fluctuations, both F_{Target} and $F_{\text{Threshold}}$ triggers should be included in Amendment 7 and thus, BHA requests that the primary objective of the Atlantic Striped Bass Management Board (the “Board”) is to maintain F below F_{Target} . The buffer between F_{Target} and $F_{\text{Threshold}}$ allows a degree of management consistency with both options C1 (preferred) and C2 providing multi-year scenarios before action must be taken if F exceeds F_{Target} . Further, if F exceeds $F_{\text{Threshold}}$ and overfishing is occurring, then the need to quickly correct this scenario outweighs the convenience of management consistency and therefore, BHA supports sub-options A1 and B1.

Tier 2 Options – Female Spawning Stock Biomass (SSB) Management Triggers

Priorities for Inclusion:

- **Sub-Option A2**
- **Sub-Option B1**
- **Sub-Option C2**

Female Spawning Stock Biomass (SSB) is the gauge by which the fishery’s abundance is measured, and as a result a decrease in abundance must be addressed appropriately by the Board. Given the intention of managing to target and threshold levels, both C2 (preferred) and C1 provide multi-year options if SSB falls below SSB_{Target} to allow for a degree of management consistency. In this situation we favor sub-option C2 because it does not rely on excessive fishing mortality, which is one of many causes that could lead to a decline in SSB requiring correction. If SSB falls below $SSB_{\text{Threshold}}$ and the stock is declared overfished stronger action is needed, which would be accomplished through sub-option B1. While Amendment 6 required a 10-year timeline for rebuilding if SSB falls below $SSB_{\text{Threshold}}$ it did not require the Board implement a rebuilding plan within a specified timeline. BHA feels that when any SSB trigger is tripped, implementing a rebuilding plan in a timely manner should be required. The 2-year timeline proposed in sub-option A2 would ensure the best possible chances to rebuild the stock within the 10-year requirement.

Tier 3 Options – Recruitment Triggers

Priorities for Inclusion:

- **Sub-Option A2**
- **Sub-Option B2**

While the options related to fishing mortality and female SSB do not represent considerable changes from the management triggers in Amendment 6, the options related to recruitment provide an opportunity to significantly improve protection of the fishery.

Juvenile recruitment relies on factors other than female SSB and fishing mortality and thus, even a well-managed fishery can suffer from low recruitment during periods when several years of sub-optimal conditions occur in a row. Consequently, the need for a more sensitive recruitment trigger was highlighted during the Board's Fall meeting in which options to protect the remaining strong juvenile recruitment classes were removed. Generally, the fishery would have likely benefitted from a more sensitive recruitment triggers to protect those year classes until a new strong year class occurred. Both sub-options A2 (preferred) and A3 are more sensitive than the status-quo.¹

The point of implementing a stronger juvenile recruitment trigger is to protect the remaining fish in the water if recruitment suffers for a prolonged period so they can assist in recovering the stock. Thus, BHA supports sub-option B2, which requires the Board to reduce F to a low-recruitment assumption within one year and determine appropriate action at the next stock assessment if the recruitment trigger is tripped.

Tier 4 Options – Deferred Management Action

Priorities for Inclusion:

- **Option A**

BHA does not support any of the deferred management options presented that would allow response to triggers to be ignored or delayed.

¹ BHA acknowledges concerns that A3 may result in overly burdensome management requirements if a more binding response option is selected, however, the status quo falls short of being a beneficial recruitment trigger.

4.2.2 Measures to Address Recreational Release Mortality

Priorities for Inclusion:

- **Sub-Option C1**
- **Sub-Option C2**
- **Sub-Option D2**

We prioritize recovering the stock as quickly as reasonably possible as a guiding principle. While the intent of Option B and its sub-options appears to decrease fishing mortality by reducing recreational effort, we oppose the proposed measures for inclusion in Amendment 7. BHA's members are primarily recreational anglers who occupy all segments of the fishery, including without limitation shore-based wading, personal watercraft, and utilizing for-hire charter fishing services, and therefore measures taken to reduce effort would directly affect our opportunities to pursue fish. A primary concern with Option B relates to the note on Page 60 of the draft document, which states that the success of no-targeting closures is highly uncertain. Further, the Technical Committee has not established a method for estimating reduction in removals. Therefore, without an understanding of the anticipated benefit or the likelihood that a benefit to the fishery would even occur, the Board cannot proceed with an informed assessment on the merits of the proposed measures. BHA also shares the concerns of the Law Enforcement Committee, that any restrictions on targeting striped bass will, as a practical matter, be unenforceable. Finally, measures implemented as part of the Amendment would persist beyond recovery of the stock if included in Amendment 7, which may result in unnecessary burden on recreational anglers.

While BHA supports efforts to share information regarding best handling and release practices, as well as general education on the state of Striped Bass, we also recognize that state agencies operate with limited resources and personnel. As a result, we prefer sub-option D2, which recommends states engage in educational efforts while balancing resources appropriately across the range of responsibilities rather than requiring public education related to Striped Bass.

4.4 Rebuilding Plan

4.4.1 Recruitment Assumption for Rebuilding Calculation

Priorities for Inclusion:

- **Option B**

A formal rebuilding plan to recover the stock by 2029 remains nonexistent. Further, we continue to be concerned about the declining trend of the stocks. BHA emphasizes that the Board take measures to protect the fish that remain in the water by including option B.

4.4.2 Rebuilding Plan Framework

Priorities for Inclusion:

- **Option B**

We are concerned that the 2022 stock assessment could indicate measures included in Amendment 7 are unlikely to achieve recovery by 2029. Thus, the benefit of option B is that such action could be taken almost immediately, rather than requiring a year-long addendum process. Recognizing that this option would be a one-time allowance and is contingent on a very dire outlook for the future of the fishery, BHA supports Option B, which would allow the Board to implement needed recovery measures as quickly as possible.²

4.6.2 Management Program Equivalency

Priorities for Inclusion:

- **Sub-option B1-a**
- **Sub-option C3**
- **Sub-option D2**
- **Sub-option E2**

To paraphrase ASMFC's Guidelines, the concept of Conservation Equivalency (CE) is intended to allow states flexibility to develop alternative regulations that better accommodate local conditions while still achieving the overall conservation goals of the Fishery Management Plan. However, introducing alternative regulations makes it more difficult to determine the effectiveness of the coastwide management plan or such alternative measures. As a result, we support sub-options B1-a, which restrict the use of CE during times when the stock is declared overfished³. In conjunction with a female SSB trigger related to $SSB_{Threshold}$, this option would ensure the management focus is on rebuilding the stock for the benefit of the entire Atlantic Coast if the $SSB_{Threshold}$ trigger is tripped, as opposed to accommodating situations in specific states during times when recovery should be the priority.

As outlined by the National Marine Fisheries Service, "PSEs of 30 percent or greater are not considered sufficiently reliable for most purposes and should be treated with caution". CE proposals should rely on data that is sufficiently accurate to make informed management decisions and thus, BHA supports sub-option C3.

Unlike quota-managed fisheries, the Board has not utilized its discretion over CE programs to ensure that non-quota fisheries are held accountable for exceeding their respective intended

² Allowing an unsuccessful management regime to continue for an additional year will further weaken the striped bass population.

³ BHA recognizes that sub-option B1-b would also accomplish the stated goal, although we also acknowledge that this option would likely result in Conservation Equivalency being restricted during times when the stock is not being recovered.

impact. We understand that sub-options outlined in option D seek to decrease the chances that CE proposals exceed their intended impact by proactively imposing an uncertainty buffer and support sub-option D2. If sub-option B1-a or similar is not selected and CE continues to be allowed during rebuilding, then requiring a higher uncertainty buffer sub-option would be appropriate, in which case BHA supports sub-option D3.

We recognize that a multitude of factors, e.g., total angler effort and accessibility of fish in the area, result in each state having a different total impact on the fishery. Some states will have a greater impact than others and thus, BHA supports sub-option E2.⁴

In conclusion, the Leadership Boards of the New England, New York, New Jersey, North Carolina, Capital and Pennsylvania Chapters of Backcountry Hunters and Anglers urge the Striped Bass Management Board **to prioritize options that will recover the Striped Bass stock to target levels as soon as reasonably possible, and to implement policies that ensure target levels are maintained long-term after recovery.** These are the necessary steps to preserve our traditions of fishing for Striped Bass for current and future generations.

Thank you for the opportunity to provide input, and for your consideration of our comments.

Sincerely,

Michael Woods



Chair, New England Chapter Board
Backcountry Hunters and Anglers

And the undersigned Chapter Leadership Boards:

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⁴ Sub-option E2 would weigh necessary reductions and liberalizations based on the projected impact in the state utilizing CE, rather than imposing the coastwide requirement. A coastwide requirement could be disproportionate based upon on the size and impact of the state's anglers on the coastwide fishery.