



April 15, 2022

Emilie Franke  
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Dear Ms. Franke and members of the ASMFC Atlantic Striped Bass Management Board (Board):

Thank you for the opportunity to comment on Draft Amendment 7 to the Interstate Fishery Management Plan for Atlantic Striped Bass. On behalf of conservation-minded fishing guides, charter boat captains, small fishing-related businesses, and anglers who rely on a robust striped bass population for income and recreation, we urge the Board to take decisive action to rebuild the fishery and establish management reforms that position the Atlantic striped bass stock for long-term abundance and stability. The need for such action is especially critical given that spawning stock biomass is at a 25-year low,<sup>1</sup> coupled with the fact that the three most recent young-of-year indices in upper Chesapeake Bay are among the lowest on record.<sup>2</sup> While the draft amendment includes much-needed changes to improve the outlook for striped bass, it also includes potential pitfalls, particularly on the topic of management triggers, that raise concern. In the paragraphs below, we outline our positions on each of the decision points for the four major issues contained in the draft amendment.

#### **4.1 Management Triggers**

With one notable exception, we are supportive of maintaining the status quo for the spawning stock biomass and fishing mortality triggers contained in the striped bass management plan. However, there are key opportunities to improve both the mechanics of the recruitment trigger and the specifics of needed Board action should the recruitment trigger be tripped.

#### **Tier 1: Fishing Mortality (F) Triggers**

Option A: Timeline to Reduce F to the Target

*Preferred Alternative—**Sub-option A1** (status quo): Reduce F to a level that is at or below the target within one year.*

Rationale: The Board should continue to need to take rapid action to curb overfishing. This need is magnified when taking into account the built-in lag in the Board's response time to end overfishing

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<sup>1</sup> ASMFC. 2019. Summary of the 2019 Benchmark Stock Assessment for Atlantic Striped Bass. [http://www.asmfc.org/uploads/file/5d28f18dAtlanticStripedBassAssessmentSummaryReport\\_April2019.pdf](http://www.asmfc.org/uploads/file/5d28f18dAtlanticStripedBassAssessmentSummaryReport_April2019.pdf).

<sup>2</sup> Maryland Department of Natural Resources. October 15, 2021. Chesapeake Bay 2021 Young-of-Year Survey Results Announced. <https://news.maryland.gov/dnr/2021/10/15/chesapeake-bay-2021-young-of-year-survey-results-announced/>.

once the trigger is tripped; for example, despite the Board's learning in April 2019 that the stock was experiencing overfishing, the Addendum VI process precluded the ability to reduce fishing mortality until its measures were enacted for the 2020 fishing season.<sup>3</sup> Any further delay in action would only increase the risk to the stock.

#### Option B: F Threshold Triggers

*Preferred Alternative—**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.*

Rationale: While we recognize that there is some uncertainty around only one year of recreational data collected through the Marine Recreational Information Program (MRIP), we prefer to take a precautionary approach to the resource should there be indicators that overfishing is occurring. Furthermore, if a two-year timeline were adopted (Sub-option B2), and the first year occurred in the terminal year of a stock assessment, the actual timeline for action could be further extended, even as overfishing may continue to occur.

#### Option C: F Target Triggers

*Preferred Alternative—**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.*

Rationale: This option better aligns with the status quo options selected for Options A and B and denotes a relationship between  $F$  and SSB.

### Tier 2: Spawning Stock Biomass (SSB) Triggers

#### Option A: Deadline to Implement a Rebuilding Plan

*Preferred Alternative—**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. A management trigger is not considered tripped until the Board formally reviews and accepts, if necessary, the results of the relevant stock assessment.*

Rationale: The implementation of a two-year deadline to implement a rebuilding plan is the one change to the  $F$  and SSB triggers that we support. While the Board took action to curb overfishing through Addendum VI, it has yet to explicitly confront the challenge of rebuilding the stock despite the fishery management plan's requirement to do so within 10 years (i.e., by 2029). It has now been three years since the Board learned that the stock was overfished. A two-year deadline would compel the Board to act swiftly to rebuild the stock while also aligning with the rebuilding requirements for federally managed fisheries under the purview of the Magnuson-Stevens Act.

#### Option B: SSB Threshold Trigger

*Preferred Alternative—**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].*

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<sup>3</sup> ASMFC. 2019. Addendum VI to Amendment 6 to the Atlantic Striped Bass Interstate Fishery Management Plan. [http://www.asmfc.org/uploads/file/5dd447baStripedBassAddendumVI\\_Amend6\\_Oct2019.pdf](http://www.asmfc.org/uploads/file/5dd447baStripedBassAddendumVI_Amend6_Oct2019.pdf).

Rationale: We see no need to remove the SSB threshold trigger at this time. The health of the striped bass stock is measured by SSB, and managers must take action if it declines to unhealthy levels.

**Option C: SSB Target Trigger**

*Preferred Alternative—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].*

Rationale: Controlling F is always important, but especially so if it is associated with a decline in SSB.

**Tier 3: Recruitment Triggers**

**Option A: Recruitment Trigger Definition**

*Preferred Alternative—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 25th percentile) in the respective JAI from 1992-2006, which represents a period of high recruitment, for three consecutive years. The high recruitment reference period used for this trigger may be adjusted as recommended by the TC during benchmark stock assessments. This trigger alternative has a moderate sensitivity; it is more sensitive than the status quo but less sensitive than sub-option A3.*

Rationale: Both Sub-option A2 and Sub-option A3 provide much-needed increases in sensitivity of the recruitment trigger in order to detect not just outright failure, but also periods of mediocre recruitment that necessitate a reduction in F. Modifying the juvenile abundance indices considered to include only those used in the stock assessment model to estimate recruitment is also a sensible adjustment. Sub-option A2 represents an intermediate sensitivity alternative that will inform the Board when recruitment is lackluster and in need of being considered. But it is not so sensitive as to be overly burdensome to managers while disregarding the inherent interannual variability in striped bass recruitment. Furthermore, we are concerned that if the recruitment trigger tripped too often, it could be more easily dismissed by both members of the Board and stakeholders.

**Option B: Management Response to Recruitment Trigger**

*Preferred Alternative—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.*

Rationale: Both Sub-option B2 and Sub-option B3 address the urgent need to provide additional, specific guidance for Board action should the recruitment trigger be tripped. Adjusting the F target—and then adjusting F, if necessary—is an appropriate approach to account for fewer young striped bass entering the fishery.

**Tier 4: Deferred Management Action**

*Preferred Alternative—Option A (status quo): No Deferred Management Action. If any (or all) of the management triggers are tripped following a benchmark stock assessment or assessment update, the*

*Board is required to respond to that trigger regardless of when the last management action was implemented in response to any management trigger.*

Rationale: In order to maximize the chances of achieving a robust striped bass stock, the Board must continue to respond to management triggers as they are tripped.

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

Recreational release mortality has long been a part of the striped bass fishery, which is to be expected in a fishery that is primarily recreational and primarily catch-and-release. As the draft amendment mentions, roughly 90% of striped bass caught recreationally since 1990 have been released, even as regulations and abundance have fluctuated, underscoring the value that many anglers place on the catch-and-release experience.

We recognize that by the best estimate recreational release mortality accounts for approximately half of striped bass fishing mortality, and we understand the need to share burdens equitably among users of the striped bass resource when it comes to recovering and conserving the stock. However, in enacting management measures to reduce recreational release mortality, we insist that any such actions must be a) quantifiable, b) enforceable, and c) science-based. At the same time, we continue to promote the need to better educate anglers on actions they can take to improve the survivability of released fish.

#### **Option B. Effort Controls (Seasonal Closures)**

We do not support the inclusion of seasonal closures in Amendment 7, not because we unconditionally oppose the concept of limiting effort to reduce recreational release mortality, but because the options put forth at this time do not meet the criteria included above.

We oppose the concept of state-specific two-week closures (Sub-option B1) because of the disproportionate share of the burden (reduced fishing opportunities and economic losses) that would shift to more northern states with shorter fishing seasons, even as those states' waters typically have conditions more conducive to striped bass post-release survival (e.g., lower temperature, higher salinity, higher dissolved oxygen).

We are also opposed to the implementation of no-targeting closures at this time—either at the two-week state-specific level (Sub-option B1) or for spawning areas (B2-b)—both because the conservation impact of such closures could not be quantified and because of enforceability concerns. As the draft amendment states, estimating the benefit of no-targeting closures depends on assumptions about how angler behavior might change, which is highly uncertain, and the Striped Bass Technical Committee has yet to establish a method for estimating the reduction in mortality resulting from no-targeting closures. Until such a methodology is implemented, no-targeting closures would largely be punitive to the catch-and-release striped bass angling community with no tangible benefit for the resource. Furthermore, no-targeting closures present an intractable enforcement challenge<sup>4</sup> given that the burden is on law enforcement officers to prove intent of target species (e.g., similar methods used to target striped bass are also used for bluefish in marine environments and

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<sup>4</sup> ASMFC. January 26, 2022. Atlantic Striped Bass Draft Amendment 7 for Board Review. Presentation to the Atlantic Striped Bass Management Board.  
[http://www.asmfc.org/files/Meetings/2022WinterMeeting/AtlanticStripedBassBoardPresentations\\_Jan22.pdf](http://www.asmfc.org/files/Meetings/2022WinterMeeting/AtlanticStripedBassBoardPresentations_Jan22.pdf).

catfish in estuarine environments). Lastly, several producer areas have robust commercial seasons (gillnet and haul seine fisheries) during the early part of the spawning run. If the intent of these proposed measures is to ensure safe passage during the spawn, it is both counterintuitive and inequitable that these would be recreational-only measures.

We do understand the potential benefit that could arise from sub-option B2-a, no-harvest spawning closures, and would support further development of this alternative outside of the current Amendment 7 process. While we recognize that many states and jurisdictions have already implemented such closures, the draft amendment contains no maps indicating what new spawning area closures would look like. Without that information, it is difficult for the public to provide meaningful input. For example, should these closures only apply to areas where striped bass are actively spawning, despite evidence of reduced feeding activity during spawning?<sup>5</sup> Or should they include pre-spawn staging areas that are frequently subjected to intense recreational fishing pressure (e.g., Raritan Bay)? We recognize the rationale for no-harvest spawning closures but believe that these questions should be explicitly addressed through an addendum following the 2022 stock assessment update prior to implementation.

In the interim, we also encourage the Board to identify opportunities for increased research on post-release mortality of/sublethal impacts on large pre-spawning and spawning striped bass. Understanding the biological impacts of catch-and-release fishing on these valuable fish is critical for informing management and outreach measures to minimize risk to the spawning stock when it is at its most vulnerable.

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

*Preferred Alternative—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.*

Rationale: Prohibiting the use of lethal devices such as gaffs to land and release striped bass is a valuable, common-sense step to reduce release mortality that has already been adopted by some conservation-minded states. Numerous non-lethal alternatives (e.g., rubber-mesh nets and swiveling lip-grippers) that enable both efficient landing and safe release are widely available on the market.

*Preferred Alternative—Sub-option C2: Striped bass caught on any unapproved method of take would be returned to the water immediately without unnecessary injury.*

Rationale: This language fulfills the intent of the circle hook provision included in Addendum VI and closes a potential loophole around the mandate to use an in-line circle hook with natural bait when recreationally fishing for striped bass.

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

*Preferred Alternative—Sub-option D2: It is recommended states continue to promote best striped bass handling and release practices by developing public education and outreach campaigns.*

Regulations can only do so much when it comes to minimizing post-release mortality—much of the onus lies on the individual angler’s gear use, hooking/fighting methods, and handling/release

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<sup>5</sup> Delaware Division of Fish and Wildlife. May 2006. Striped Bass Food Habits Project. <https://pdf4pro.com/cdn/delaware-department-of-natural-resources-and-3c3ff.pdf>.

practices. As a result, we continue to support outreach efforts by individual states to promote best practices. At the same time, given limited state resources and the potential ability to leverage existing materials (e.g., from other states), we don't support the overly prescriptive nature of Sub-option D1.

We would also like to take the opportunity to express our opposition to the last recommended best practice included under Sub-option D1: "Once an angler has retained their bag limit, consider targeting a different species." This recommendation appears to disregard the numerous anglers who view catching and releasing striped bass as the goal in their angling experience and implies that the only value in the fishery comes from harvest. As a result, we recommend removing this suggestion from the list of best practices.

#### **4.4 Rebuilding Plan**

We are encouraged to see the Board addressing the need to implement a rebuilding plan for the overfished striped bass stock. Rapid action that accounts for recent poor recruitment is imperative for rebuilding the stock to the target by 2029.

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

*Preferred Alternative—**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.*

Rationale: It is imperative to adjust fishing mortality to account for the recent decline in spawning success of striped bass. We recognize that this approach could result in stricter measures in the short term but believe that it better positions the Board to meet the Fishery Management Plan's goals in the long term.

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

*Preferred Alternative—**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.*

Rationale: If the 2022 stock assessment indicates that the fishery is not on track to rebuild by 2029, as required, the Board must take quick and decisive action to further reduce fishing mortality. The standard addendum process would delay management action for a year, further jeopardizing the ability to promptly rebuild. Option B would enable the Board to quickly enact new measures for the 2023 fishing season—should it be necessary. While we recognize that this option would not afford the full public comment process that an addendum entails, we also understand that there will be opportunities for the public to provide input to the Board before it makes its decision on specific measures to take.

##### **4.6.2 Management Program Equivalency**

We are not unconditionally opposed to Management Program Equivalency—also known as conservation equivalency (CE)—which we recognize may be warranted for some states/jurisdictions to account for the unique nature of their fisheries. However, we are also well-aware of the additional uncertainty that CE can inject into management, and have witnessed how CE can be abused by

individual states in a way that jeopardizes the effectiveness of coastwide conservation efforts. For example, New Jersey’s CE provisions under Addendum VI enabled its anglers to harvest striped bass less than 28 inches and greater than 35 inches, undermining the goal of protecting fish outside of the coastwide 28-35 inch slot limit.<sup>6</sup> Given these concerns, we are hopeful that some of the proposed guardrails around CE that are included in this section will ultimately be incorporated into Amendment 7.

#### **Option B. Restrict the Use of Conservation Equivalency Based on Stock Status**

*Preferred Alternative—Sub-option B1-a: CE programs would not be approved when 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.*

Rationale: Given the additional risk associated with CE implementation, it should not be an option when the stock is overfished.

#### **Option C. Precision Standards for MRIP Estimates Used in Conservation Equivalency Proposals**

*Preferred Alternative—Sub-option C3: CE proposals would not be able to use MRIP estimates associated with a PSE exceeding 30.*

Rationale: As stated in the draft amendment, under NOAA Fisheries’ new Recreational Fishing Survey and Data Standards, MRIP estimates with a PSE exceeding 30 will include a warning that they “are not considered sufficiently reliable for most purposes, and should be treated with caution.”<sup>7</sup> In line with that guidance, we do not believe that estimates associated with a PSE of greater than 30 should be used in CE proposals. This sub-option does not preclude the ability of states to increase their own recreational fishery sampling efforts in order to increase the precision of estimates and thus enable the use of CE.

#### **Option D. Conservation Equivalency Uncertainty Buffer for Non-Quota Managed Fisheries**

*Preferred Alternative—Sub-option D2: Proposed CE programs for non-quota managed fisheries would be required to include an uncertainty buffer of 25%.*

Rationale: The addition of a front-end uncertainty buffer is a valuable step toward accounting for the additional uncertainty in achieving management objectives resulting from CE. A 25% buffer is an appropriate middle ground that does not rule out the use of CE but does account for its additional risk to the fishery.

#### **Option E. Definition of Equivalency for CE Proposals with Non-Quota Managed Fisheries**

*Preferred Alternative—Sub-option E2: Proposed CE programs would be required to demonstrate equivalency to the percent reduction/liberalization projected for the FMP standard at the state-specific level.*

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<sup>6</sup> ASMFC. 2020. Next Steps for Management. Memorandum from Max Appelman to the Atlantic Striped Bass Management Board. [http://www.asmfc.org/uploads/file/5ec2b1b5AtlStripedBassTC\\_Report\\_April2020.pdf](http://www.asmfc.org/uploads/file/5ec2b1b5AtlStripedBassTC_Report_April2020.pdf).

<sup>7</sup> NOAA Fisheries. Recreational Fishing Survey and Data Standards. <https://www.fisheries.noaa.gov/recreational-fishing-data/recreational-fishing-survey-and-data-standards>.



Rationale: It is fair and equitable for individual states to bear the proportionate burden when a reduction in fishing mortality is needed (or, in the case of liberalization, to enjoy the proportionate increase). Requiring states to achieve their respective change in fishing mortality will further ensure the likelihood of the Board's achieving the coastwide target.

Striped bass are at the core of the east coast's recreational fishing community and economy, and all eyes are on the Striped Bass Board as it decides the fate of the ASMFC's flagship species. Please take this opportunity to position this treasured species for recovery and long-term success.

We thank you for your consideration of our comments.

Sincerely,



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*(Supporting organizations and businesses are listed on the following pages)*



Supporting Organizations



American Fly Fishing Trade Association



Maine Association of Charterboat Captains



Marine Fish Conservation Network



Rhode Island Saltwater Anglers Association



Backcountry Hunters & Anglers



Connecticut Surfcasters Association



High Hill Striper Club

Supporting Businesses



Hogy Lures



Thomas & Thomas



Super Strike Lures



Bear's Den Fly Shop



Salty Cape



HARDY  
Hardy Fly Fishing

Supporting Businesses (continued)



Temple Fork Outfitters



Old Maine Outfitters



Umpqua Feather Merchants



RepYourWater



Scientific Anglers



Cheeky Fishing



R.L. Winston Rod Company



Guiding Flow



Angling Trade Media



Sage Fly Fishing



Rio Products



Redington



Game On Fishing Lures



Guided Outfitters



Eastern Rodworks



Crafty One Customs



Sylvestre Outdoors



HMH Vices



Shilton Reels



Flymen Fishing Company



District Angling



TCO Fly Shop



Abel Fly Fishing Reels



Ross Reels

Supporting Businesses (continued)



Seigler Reels

Norvise Fly Tying



Cortland Fishing Line



Hooked Fishing Apparel

OutCast Lures

Manhattan to Montauk Fishing



IslandX Lures

Regal Vise



Badfish Supply



Supporting Businesses (continued)



Bay Fly Fishing



Florida Fishing Products



Rita B. Offshore Fishing



Howard Films



Brynnie B Inshore Fishing



River Bay Outfitters



Ben Whalley Fishing



Soul Fly Outfitters

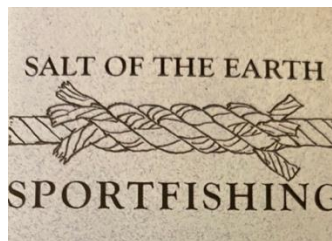


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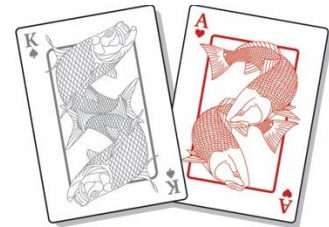
Light Bite Charters



Waterdog Guide Service



Long Island Fly Fishing



High Roller Guide Service



DOG DAYS FISHING

Dog Days Fishing



Barefoot Adventures

Boylermaker Charters