



ThompsonMcMullan
A PROFESSIONAL CORPORATION

100 Shockoe Slip, Richmond, Virginia 23219-4140
Telephone: 804.649.7545 Facsimile: 804.780.1813
Website: www.t-mlaw.com

Michael J. Quinan
Direct Dial: (804) 799-4127
Facsimile: (804) 780-1813
E-mail: mquinan@t-mlaw.com

Oct 12, 2023

Via email: comments@asmfc.org

Toni Kerns, FMP Coordinator
Atlantic States Marine Fisheries Commission
1050 N. Highland St., Suite 200 A-N
Arlington, Virginia 22201

Subject: Draft Addendum II to Amendment 7
Atlantic Striped Bass Fishery Management Plan

PLEASE DISTRIBUTE TO ATLANTIC STRIPED BASS
MANAGEMENT BOARD AND ASFMC MEMBERS WHO WILL BE
INVOLVED IN THE BOARD'S MEETING ON OCTOBER 18, 2023

Dear Ms. Kerns:

The Twin Rivers Waterman's Association and the Virginia Waterman's Association (collectively the "Watermen") represent the interests of commercial fishermen of Atlantic Striped Bass in the Chesapeake Bay in Virginia. The Watermen submit these comments concerning Draft Addendum II to Amendment 7 ("Draft Addendum II") to the Atlantic State Marine Fisheries Commission ("ASMFC") Interstate Fisheries Management Plan for Atlantic Striped Bass ("ASB"), which the ASB Management Board will consider approving for public comment when it meets on October 18 during the ASMFC Annual Meeting.

We recognize that Draft Addendum II has not yet been approved by the Board or issued for public comment. When that does happen, we expect to have more specific and detailed comments to offer depending, of course, on what provisions it contains relating to commercial fishing for striped bass in the Chesapeake Bay. At this point, we will keep these comments brief and limited. What we would like the Board to consider now is whether draft provisions further compounding existing limitations and restrictions on commercial fishing even should be included in the published draft. We hope the Board will decide that they should not be included.

To the extent that the striped bass population is overfished, that problem is clearly and solely the result of recreational fishing and not commercial fishing. This fact has been clearly demonstrated and is evident from the Draft Proceedings of the ASB Management Board's meeting on August 1, 2023. As the Plan Review Team reported:

Toni Kerns, FMP Coordinator
October 12, 2023
Page 2

“Most removals are coming from the recreational sector.”

“Total recreational removals account for 90 percent of all removals, and total commercial removals account for 10 percent of the removals.”

“Dead discards are 1 percent for commercial. For recreational it was 51 percent harvest and 39 percent release mortality.”

(8/1/23 Draft Proceedings, p. 2)

In the initial draft of Addendum II that was presented to the Board, the proposed measures appropriately focused on the recreational fishery. The only measure that was not limited to recreational fishing was an option to implement a maximum size limit for commercial fisheries. Virginia already has a seasonal maximum size limit of 28 inches and the season when that size limit is in effect has already been extended.

The Board later modified Draft Addendum II to add the possibility of commercial quota changes. According to the ASB Technical Committee’s Memorandum of September 28, 2023, at p. 5, the reason for doing so was not because reduced quotas would benefit the fishery directly but instead was an “attempt to account for [the implementation of the maximum size limit] by calculating an adjusted quota that will keep a state’s commercial impact on the overall spawning potential of the stock the same under the new size limits so that these quotas are conservationally equivalent to the commercial quotas under the status quo regulations. However, the TC notes that there are numerous sources of uncertainty for this analysis.” The Technical Committee also had these things to say:

“The TC raised concerns about the implementation of a commercial maximum size limit as a management tool.”

“Implementing a more uncertain management option that is designed to have no effect on overall stock productivity increases the uncertainty around the rebuilding probabilities and the impact on the stock without having a positive impact on overall stock productivity. There is an increased downside and no upside to implementing this management change from a technical analysis.”

“The TC understands that the Board’s intent with this option is to protect larger, older fish from harvest. However, the TC refers the Board to previous analysis evaluating the impact of slot limits vs.

Toni Kerns, FMP Coordinator
October 12, 2023
Page 3

maximum size limits in the recreational fishery, where lower selectivity on older fish had a negligible impact on long-term spawning stock biomass and did not affect the timeline for rebuilding. Fishing mortality and total removals was the driving factor in whether the stock had a high probability of rebuilding by 2029.”

(9/28/23 Technical Report, p. 5.)

So, the only reason to propose an option for reducing commercial quotas is to adjust for the impact of maximum size limitations. And the impact of imposing additional size limitations is recognized by the Board’s own Technical Committee to be uncertain and negligible. In light of the fact that the commercial fisherman of the Chesapeake Bay are not responsible for the problem that Draft Addendum II is intended to address in the first place, it would be unfair and arbitrary to impose limitations on them that are of limited and questionable value to the fishery but that would result in severe adverse consequences to the fishermen.

Commercial fisherman and recreational share a common interest in the size and vitality of the striped bass population, both in the short term and in the long term. The fact is, however, that proposed maximum size limitations and increased quotas on commercial fishermen would have a negligible impact on the health of the fishery, but a devastating impact on commercial fishing, specifically on the lives and livelihood of commercial fishermen. The Watermen of the Chesapeake Bay who rely on striped bass to support their families may be commercial fishermen, but they are not industrial fishermen. They are an historic and integral element of the economy and the environment of the Bay. They have learned to survive on the small margins that their boats and their backs offer to them. Further decreases to their already greatly reduced quotas, in particular, pose an existential threat to their way of life.

The Watermen, and all of the commercial fishermen of the Chesapeake Bay in Virginia, greatly appreciate your consideration of these comments.

Sincerely,



Michael J. Quinan

MJQ

cc: Douglas F. Jenkins, Sr., Twin Rivers Waterman’s Association
J.C. Hudgins, Virginia Waterman’s Association