



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

TO: Atlantic Striped Bass Management Board

FROM: Atlantic Striped Bass Plan Development Team

DATE: October 9, 2023 **(Projection Tables 1-2 updated October 30, 2023)**

SUBJECT: Draft Addendum II Board Discussion

In May 2023, the Atlantic Striped Bass Management Board (Board) initiated an addendum to bring fishing mortality to the target in 2024 with options to include modifications to the ocean slot limit, ocean harvest closures if needed, maximum size limits for all commercial fisheries and Chesapeake Bay recreational fisheries, and a Board action provision for future stock assessment response. The Plan Development Team (PDT) developed and presented options to address the Board motion at the Summer 2023 Meeting. After Board discussion, it directed the PDT to remove the seasons from the recreational options, add specific options for the for-hire mode of the recreational fishery, add additional Chesapeake Bay recreational options, add a gill net exemption to the commercial maximum size limit option, add a commercial quota reduction option, and calculate the state specific quota adjustments for the commercial size limit options to maintain current spawning potential ratios (SPRs).

This memorandum highlights three areas for the Board's deliberations on the draft addendum: 1) the range of reductions in the Chesapeake Bay recreational fishery options, 2) the notion of patron regulations in the for-hire mode split options, and 3) the mechanism for providing the gill net exemption. Lastly, the PDT has provided the Board with probability tables of being at the target F in 2024 under the draft addendum options and being at or above the SSB target in 2029 under the draft addendum options.

Chesapeake Bay Recreational Options

Draft Addendum II presents a range of estimated reductions in harvest for the recreational fishery. Specifically, the Chesapeake Bay options, besides status quo, estimate reductions that range from 4.7% to 24.2%. The ocean recreational options, besides status quo, estimate reductions that range from 14.0% to 14.1%. If the Board intends to present options that have similar levels of reduction between the Bay and ocean recreational fisheries, **the PDT recommends removal of options with estimated reductions above 20% (options C1 and D1) and below 10% (options B3, B4, E3, and E4).** This would leave ten options for the recreational Bay fishery; the Board may want to consider further reducing the number of options prior to approving the draft for public comment.

Recreational Mode-split

The Board directed the PDT to add options for separate recreational measures in the for-hire mode vs. private vessel/shore modes. The PDT found some states' specify that for-hire regulations are for the patrons of the vessel only (captain and crew are not included). Since the public comment submitted by the for-hire industry in response to the emergency action adopted in 2023 were seeking different measures to help sell more trips, the PDT discussed a patron specific measure. Additionally, the PDT asked the law enforcement committee about the enforceability of such a regulation. The LEC provided the below response in italics. Based on the LECs feedback, the PDT did not include a recreational for-hire option specific to patrons of the vessel, but one PDT member noted that much of the LEC response also appears relevant to a separate for-hire regulation in general (regardless of how implemented).

Simple, straightforward regulations are easier for the regulated community to understand and remember which is critical for voluntary compliance. They are also more enforceable because violations of simple regulations are easier to detect and to prove. For example, a simple regulation such as "possession of an undersized fish" stands on its own. A violation of this regulation would apply regardless of where the fish was taken, how it was harvested, or any other regulatory variable. Conversely, complex regulations are more susceptible to confusion, misunderstandings, and differing interpretations among the regulated community, law enforcement personnel, and the court system. The proliferation of regulations frustrates industry as well as law enforcement personnel. A separate regulation for a recreational angler who is now on a "For Hire" trip and is considered a "Patron" will complicate and confuse the adopted recreational measures. By having such a requirement, additional elements to a violation of the management measure will need to be proven. For example, while conducting a boarding a vessel, law enforcement would inspect for license, species, seasons, and bag/possession limits. Having a "Patron" standard would now require law enforcement to additionally prove that the angler is a paying customer and not part of a crew.

Gill Net Exemption

The Board added an option for an FMP exemption of a commercial maximum size limit for striped bass gill net fisheries based on concern for the potential increase in dead discards if a commercial maximum size limit is implemented. Specifically, the intended benefit of releasing larger striped bass caught in gill nets will be offset by the high mortality rate of discarded fish (e.g., 45% discard mortality rate assumed in stock assessment for anchor gill nets and 6% discard mortality rate for drift gill nets) and the resulting need to continue fishing to meet the quota. Under the exemption, striped bass gill net fisheries would not be required to have a maximum size limit and would instead would be restricted by a maximum mesh size. After initial discussion of how to draft an FMP exemption, the PDT recommends the Board pursue the exemption as a conservation equivalency exemption rather than an FMP exemption. This will allow states to take into account differing fish size availability and selectivity in their state waters when determining an appropriate maximum mesh size. It also allows states to draft regulatory language to ensure the state's ability to discern between fish caught in an exempted fishery and any other striped bass commercial fishery (e.g., hook and line) if there is overlap of the two.

The PDT recommends removal of option 2, Gill Net Exemption, in section 3.2.3 Gill Net Exemption.

Projections

The PDT was hesitant to provide projections beyond 2024 because we do not know the realized impacts of several factors including the emergency measures, changes in selectivity, the outcome of the 2024 stock assessment update, or what removals or regulations will be in the next 5 years. The PDT also did not find the 2024 target F projection informative, e.g. what does it mean to have a 38% chance vs. a 45% chance of being at or below the target F in 2024 in terms of the long-term goal of rebuilding the stock? The PDT elected to provide SSB projections through 2029, using the F rate the options are estimated to achieve in 2024, to illustrate the differences between the options in terms of the probability of rebuilding by 2029. The PDT reminds the Board these projections carry a significant amount of uncertainty and assumptions (e.g., that F rates will remain the same from 2024 to 2029) and do not incorporate any uncertainty about what the reductions from each option will be. In addition, the projections assumes all options will be implemented for the 2024 fishery. **The PDT stresses that these are not formal rebuilding projections and are only intended to show how the options differ from each other in terms of rebuilding probabilities if the estimated reductions for each option are realized and everything remains constant, which we know will not happen in reality.**

Below are the probability tables of being at F target in 2024 (Table 1) and being at or above the SSB target in 2029 (Table 2), including one scenario where F is equal to F target. These tables are only for comparisons across options; the rebuilding trajectories will depend strongly on realized removals in 2023, 2024, and beyond, as well as the results of the 2024 update where our understanding of abundance and selectivity in 2022 and 2023 will be much clearer.

Table 1. Probability of being at or below the F target in 2024 under different combinations of management options

Commercial Quota Reduction (both regions)	Chesapeake Bay Options						Ocean			
		Min. Size	Max. Size	Bag Limit	Season	Reduction	Option B. 28"-31" (All Modes)	Option C. 28"-31" (PR/SH), 28"-33" (FH)	Option D. 30"-33" (All Modes)	Option E. 30"-33" (PR/SH), 28"-33" (FH)
Board will select a quota percent reduction between zero and 14.5%.							-14.1%	-14.0%	-12.8%	-12.8%
0%	Option B1	19"	23"	1 fish	same as 2022 ⁺	-22.4%	46.9%	47.4%	42.6%	41.2%
	Option B2	19"	24"	1 fish	same as 2022 ⁺	-15.9%	42.2%	41.6%	38.0%	38.4%
	Option B3	19"	25"	1 fish	same as 2022 ⁺	-12.1%	38.3%	38.3%	36.3%	33.4%
	Option B4	19"	26"	1 fish	same as 2022 ⁺	-10.3%	37.7%	38.4%	35.9%	34.6%
	Option C1	19"	23"	1 fish PR/SH, 2 fish FH	same as 2022 ⁺	-17.9%	41.8%	42.6%	38.0%	38.4%
	Option C2	19"	24"	1 fish PR/SH, 2 fish FH	same as 2022 ⁺	-11.0%	38.2%	37.5%	34.1%	33.1%
-14.5%	Option B1	19"	23"	1 fish	same as 2022 ⁺	-22.4%	53.7%	52.4%	48.6%	48.1%
	Option B2	19"	24"	1 fish	same as 2022 ⁺	-15.9%	48.8%	47.9%	44.5%	44.3%
	Option B3	19"	25"	1 fish	same as 2022 ⁺	-12.1%	46.6%	44.9%	40.7%	41.2%
	Option B4	19"	26"	1 fish	same as 2022 ⁺	-10.3%	44.6%	45.1%	41.0%	39.9%
	Option C1	19"	23"	1 fish PR/SH, 2 fish FH	same as 2022 ⁺	-17.9%	49.5%	49.6%	45.6%	46.3%
	Option C2	19"	24"	1 fish PR/SH, 2 fish FH	same as 2022 ⁺	-11.0%	45.7%	45.9%	40.3%	41.2%

Table 2. Probability of being at or above the SSB target in 2029 under different combinations of management options

Commercial Quota Reduction (both regions)	Chesapeake Bay Options						Ocean			
		Min. Size	Max. Size	Bag Limit	Season	Reduction	Option B. 28"-31" (All Modes)	Option C. 28"-31" (PR/SH), 28"-33" (FH)	Option D. 30"-33" (All Modes)	Option E. 30"-33" (PR/SH), 28"-33" (FH)
Board will select a quota percent reduction between zero and 14.5%.							-14.1%	-14.0%	-12.8%	-12.8%
0%	Option B1	19"	23"	1 fish	same as 2022 ⁺	-22.4%	43.7%	43.2%	39.5%	40.6%
	Option B2	19"	24"	1 fish	same as 2022 ⁺	-15.9%	40.0%	38.7%	34.5%	36.2%
	Option B3	19"	25"	1 fish	same as 2022 ⁺	-12.1%	38.1%	37.2%	33.6%	34.9%
	Option B4	19"	26"	1 fish	same as 2022 ⁺	-10.3%	37.4%	36.7%	33.9%	32.8%
	Option C1	19"	23"	1 fish PR/SH, 2 fish FH	same as 2022 ⁺	-17.9%	42.1%	40.3%	38.4%	37.7%
	Option C2	19"	24"	1 fish PR/SH, 2 fish FH	same as 2022 ⁺	-11.0%	36.3%	37.5%	34.0%	33.2%
-14.5%	Option B1	19"	23"	1 fish	same as 2022 ⁺	-22.4%	49.6%	48.9%	46.8%	46.1%
	Option B2	19"	24"	1 fish	same as 2022 ⁺	-15.9%	44.6%	45.3%	42.2%	41.7%
	Option B3	19"	25"	1 fish	same as 2022 ⁺	-12.1%	44.4%	42.9%	39.7%	38.1%
	Option B4	19"	26"	1 fish	same as 2022 ⁺	-10.3%	42.9%	41.7%	38.6%	37.8%
	Option C1	19"	23"	1 fish PR/SH, 2 fish FH	same as 2022 ⁺	-17.9%	46.9%	46.6%	42.5%	42.5%
	Option C2	19"	24"	1 fish PR/SH, 2 fish FH	same as 2022 ⁺	-11.0%	42.3%	42.0%	39.2%	38.5%
Probability of being at or above the SSB target in 2029 if F target is achieved for 2024-2029										
							F= F target	48%		