

Understanding Your Role In Effective Striped Bass Management

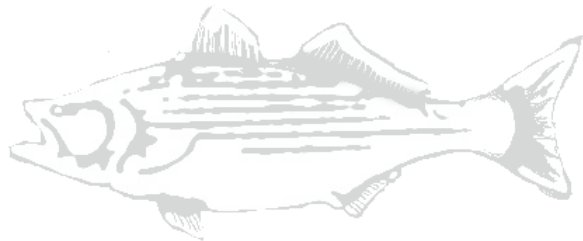


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1. How Striped Bass Are Managed

The State Level

Every state on the Atlantic Coast sets regulations for striped bass fishing in its waters that are in accord with the Atlantic States Marine Fisheries Commission (ASMFC) harvest level requirements. It is entirely up to each state to determine whether or not it will allow a commercial harvest.

If a state allows a commercial harvest, the ASMFC sets a quota based on the historical commercial catch in that state as a percentage of the coast-wide commercial quota. In some states that had verifiable commercial quotas -- like New Jersey -- the quotas have been given as bonus catches to the recreational fishers in those states. Beyond that, most management decisions involving gear type, season dates, etc. are made by each state.

The ASMFC Level

The ASMFC comprises representatives from each of the Atlantic coastal states; they are charged with managing the fish populations - including striped bass - that migrate along the coast between the political jurisdictions of the member states.

Federal legislation in the 1980's gave the ASMFC the responsibility to determine when a state is not compliant with the Commission's fishery management plans.

The federal government is then mandated to stop the fishery in that state and to impose a management plan that falls within ASMFC guidelines. To date, this threat of federal intervention has kept the coastal states in line with ASMFC regulations - even at times when they might disagree with the regulations.

Each coastal state has three ASMFC representatives - the state's top fisheries director or designee, a member of the state legislature, and a politically appointed citizen - who together have one vote in every ASMFC fishery management decision. In addition, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS) each have a vote on the ASMFC management board.

ASMFC decisions for striped bass are largely based on staying within certain mortality targets. Once the Commission determines the appropriate harvest levels to meet those mortality targets and sets other priorities - such as permit netting on spawning grounds for example - it is up to each state to implement regulations to meet those guidelines.

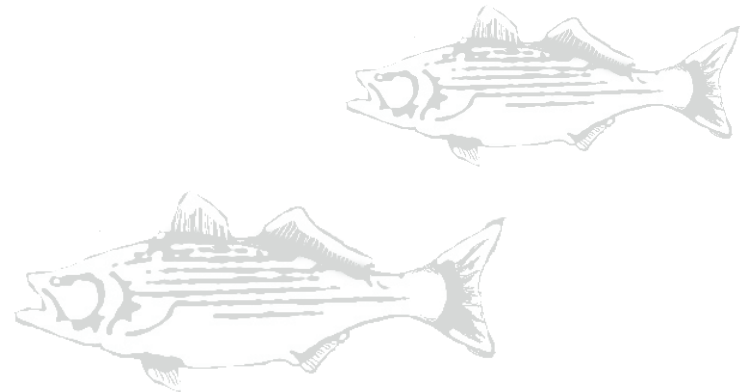
The states are allowed to use a conservation equivalency measure approved by the ASMFC that is thought to have the same impact on the stock; that is why bag limits and sizes may differ in coastal states.

The Federal Level

Although the individual states are responsible for supervising ocean fisheries in their waters out to 3 miles, the federal government retains the final option to set the policies, and by law the ASMFC and the states must comply. The waters in the EEZ from 3 to 200 miles off the coast are beyond state control and are regulated by the federal government.

Generally, the federal government does not interfere with fishery management issues inside state waters, but as in the cases of the Endangered Species Act and the Migratory Waterfowl Act, it can exert broad policy control.

Giving the striped bass national game fish status is the kind of policy decision that ultimately must be made by the federal government to achieve protection and uniformity of resource management on a coast-wide basis.



2. How You Can Affect the Fishery Management Process

Government in the United States is built on participation and many citizens fail to realize the power they have to affect change. By forming networks of common interests, communicating effectively and having a basic understanding of how government works, anglers can be a powerful force. Through a user-pay system, 50 million anglers support fishery management and participate in a sport that has a 94 percent public approval rating. These are facts that elected officials and policymakers envy. Anglers can make a difference!" Gordon Robertson, Vice President, American Sportfishing Association.

Members of the recreational fishing public have historically felt powerless to affect change and so have become frustrated with the fishery management process. As a result, fishery management decisions have been most influenced by the seafood industry because that industry has invested the financial resources and staff to put pressure on the legislative and administrative process. Recreational fishermen have not been as well organized or willing to pay for professional representation.

Much has changed in recent years, however. Commercial fishermen are fewer in number, aquaculture provides a far greater percentage of the fish products we consume, and many more recreational fishermen now live in coastal districts. Recreational fishing is slowly becoming recognized as a significant economic engine. And at the same time, conservation has become a much higher priority for many legislators.

Because of these changes, legislators and fishery managers are now more interested in the opinions of the recreational fishing residents in their districts. They will listen to you, and very often they will support your wishes, especially when they are hearing the same message from a number of voters.

The suggestions we pass along in this document will help make your efforts more successful, but it is most important to let the politicians and managers know what you think. Elected officials routinely set aside time for constituents to visit and discuss issues.

That's an integral part of the democratic process. So it is incumbent upon recreational fishermen to invest their personal time and express their views. If policy makers don't know how you feel about important issues or they feel that you do not care enough to contact them, your wishes are certain to be ignored.

3. Affecting the Process at Each of the Management Levels

The State Level

The State Fishery Director

The head of a state's fishery management process is the State Fisheries Director - or some similar title. In some states, this executive is a political appointee, selected by the governor; in other states, the fishery executive is a civil servant who reports to someone further up the line who is likely a political appointee. But in every state, the head fishery person is absolutely affected by politics. Taking an unpopular stance on a particular issue can cause problems for the fishery executive's boss or other elected officials; it can also adversely affect the fishery department's budget, the outcome of bills requiring legislative approval, and even the executive's own future employment.

It is not possible to overstate the influence a state fishery director has at all levels of the fishery management process. Most legislators will want to confer with their state's fishery director before taking a position on an issue. Without strong evidence to the contrary, legislators usually assume that the state director's positions mirror the mainstream view of the state's populace. While it is possible to pass legislation despite opposition from a state fishery director, it is certainly preferable to have his or her support.

The most common complaint from recreational fishermen, who greatly outnumber commercial harvesters everywhere on America's coastlines, is why so many fishery decisions come down in favor of the commercial sector. The reason is painfully obvious: saltwater anglers rarely take the initiative to let their political representatives know how they feel. Doing so would allow us to win much more often.

The Fishery Panel, Commission, Board or Advisors

In addition to a fishery executive, most states have a panel or committee of citizen advisors. While these committees have historically been over-represented by commercial interests, more members are now being drawn from the ranks of recreational fishermen and the environmental community and meetings are normally open to the public. Attending these meetings -- particularly when items on the agenda interest you -- is a very good idea, but the great majority of folks who do show up are paid commercial fishing representatives.

Just being present can work wonders, and often you may be given a brief opportunity to present your point of view. A phone call to your state fishery management office or a visit to their website will usually provide the dates of and agenda information for upcoming meetings. Attending these meetings, which are generally held monthly or quarterly, is a must for anyone who wants to be really active in a state's fishery management process. As a politician once said: "The world is run by those who show up."

In most states, the normal regulatory process is for the fishery executive to decide that a regulation should be changed or a new one enacted. The executive then drafts the regulation with assistance from the agency's legal staff and makes it available for public comment. The impetus for these proposed regulations can come from many sources, including members of the public who call, write, visit in person, petition, etc. State laws generally require that a public hearing process be held before a regulation can be enacted. The contact information for your state fishery management office is listed on the home page of the Stripers Forever website - www.striperforever.org.

Public hearings must be advertised and Stripers Forever often lets its members know when hearings relevant to striped bass are being held in their state(s). A safer routine is to ask your state agency to be placed on their e-mail list. By doing so, you can stay posted on what fishery issues are being proposed and when upcoming public hearings are scheduled. Again, public comment is an integral part of the regulatory process and it is important for you to attend hearings on fishery issues. In addition to speaking, you should have a written copy of your remarks and other pertinent information to submit for the hearing record.

Most agency hearings set a time limit for oral comments and a word or page count for written comments; the rule of thumb for spoken testimony is three to five minutes, no longer. Be concise: state your position at the beginning of your statement and use the rest of your testimony to justify that position. Always be respectful and adhere strictly to the issue being discussed. Do not bring personalities into your statement. If the issue is of great importance, you can bet that some groups will be going to legislators to attempt to influence the department's decision.

Your legislators may even come with you to public hearings on issues they see as important to constituents - if you first go to them and ask them to do so - and they will sometimes offer testimony as part of the process. Fishery managers take particular notice when a state legislator speaks at a public hearing. Never think, though, that you have to wait for your state fishery executive to call a public hearing in order to offer your views on fishery management issues. Changing existing regulations to conform to new realities in the world of fishing - like designating the wild striped bass as a game fish -- requires proactive effort on your part. Instead of simply responding to the process, you can start it!

Legislative Committee

In some states, fisheries are controlled by statutes and not by regulation. The legislature must decide on changes. Even in states that do provide for the less cumbersome regulatory process, there may be issues that must be decided by statute. In these states, instead of an advisory committee, the deliberations will be carried out by a legislative committee made up of lawmakers interested in fishery issues. Generally there will be a legislative committee hearing to take comment from the public, followed by a committee work session to be held at a later date. Offering testimony at the public comment hearings is essentially the same as at a fishery advisory committee hearing, as discussed previously.

Senator Phil Harriman, a longtime Maine State legislator, warns us not to ignore the "work session." After a committee holds a public hearing, the results are discussed in a work session where the final legislation is often hammered out. Your very presence at a work session shows your legislator how serious this issue is to you. Your interests are likely to be far better represented if you are there in person. And the way that legislators who oppose your views state their positions may help you direct your lobbying efforts.

The Regional ASMFC Level

The ASMFC is the toughest fisheries management process for any individual or organization to influence. ASMFC meetings are held up and down the eastern seaboard and although the organization does solicit public comment, public input at the meetings themselves is very limited and usually ineffective.

The ASMFC does have a website <http://www.asmfc.org/> which makes it possible to track the progress of their management plans. But your time is far better spent trying to influence the positions taken by your state fishery managers who sit on the Commission by lobbying them and the elected officials they work for. The state fishery managers have the greatest influence on the ASMFC process and they are much more effectively influenced back in their home states.

To date, recreational activists have spent enormous energy and money trying, unsuccessfully, to reduce the ASMFC target mortality on striped bass by a few percentage points. Stripers Forever feels that designating the striped bass a game fish would simply eliminate the constant pressure to maintain harvest rates that commercial fishing pushes on the ASMFC management process.

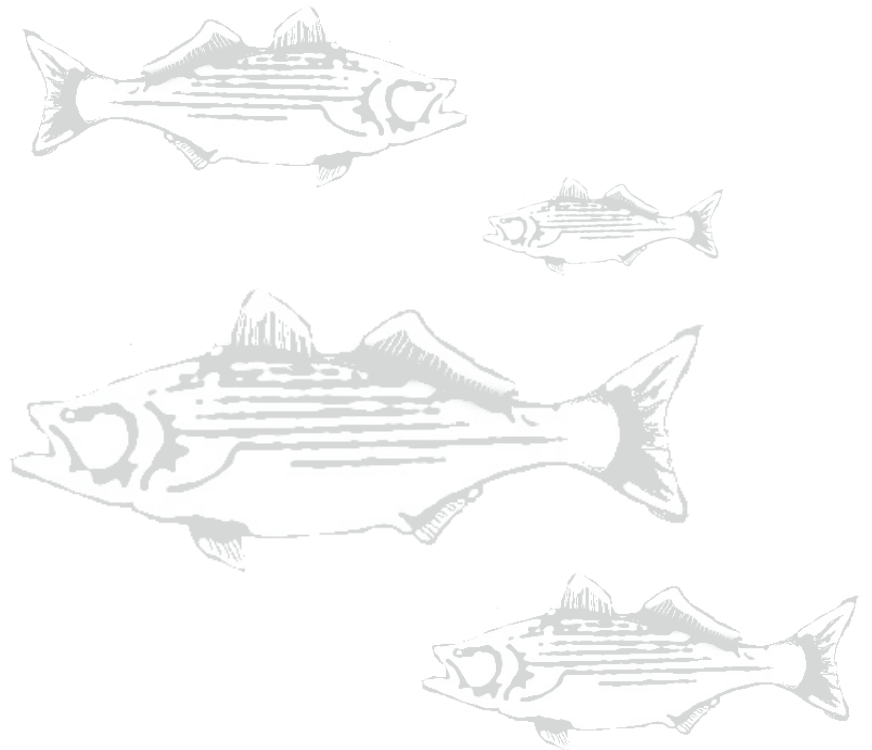
It is a mistake to think that we can lobby the ASMFC to make striped bass a game fish. That sort of allocation measure is a public policy decision that will only be made at either the state or federal level. [Note: to learn more about the ASMFC, read the paragraph headed "ASMFC Level" beginning at the bottom of page 6 in Appendix A]

The Federal Level

One reality of American politics is that the Congress has consistently demonstrated its willingness to set federal guidelines for the states to follow in all areas of government. While we may need to chip away at the commercial striped bass fishery on a state-by-state basis, we will ultimately need federal game fish legislation similar to the federal laws that govern migratory waterfowl - like birds, fish aren't concerned with state boundaries - in order to have comprehensive protection against commercial pressure on striped bass.

It is most definitely possible for an individual to influence the federal fishery management process. Congressional members are constantly looking for ways to please constituents and expand their influence with the voters. Years ago a friend of ours called up a Congresswoman he had never met and made an appointment. In that first meeting the Congresswoman promised to cosponsor the striped bass game fish bill in Congress at the time, and the next day she did!

The Stripers Forever website at www.stripersforever.org has information on state, ASMFC and federal government contacts. To acquire that information, you simply click on the map that appears on the upper left side of the home page. Beyond that, each state has a website listing all of its elected members and executive branch policy makers. The ASMFC website at www.asmfc.org/ lists all commission members and also offers a great deal of information about current projects and management plans. Several websites list all members of Congress - for the House of Representatives, go to <http://www.house.gov/> and for the Senate, go to <http://www.senate.gov/>



4. Your Legislators - What They Can Do To Affect The Fishery Management Process

The professional managers who staff fishery departments can be influenced by elected officials. One common example is the control Congress has over funding for federal agencies like the National Marine Fisheries Service (NMFS). If your U S Senator(s) or House member(s) are not on a committee of jurisdiction for the agency you want to influence, you should ask them to work on your behalf with those who are in positions of direct influence.

It is the same at the state level. Any member of the legislature can potentially have great influence on a state fishery official, either through direct contact or by arranging contact through a legislative colleague who may be able to exert some influence with the state's fishery managers. As a general rule, department heads don't wish to give legislators reason to question their actions.

A visit to your state representative with one or two of your fishing friends can work miracles. Politicians need you; they will run again for election and they want your votes. Don't think that they are deluged with information from their constituents. In general, even a few calls on the same issue can make it a very important issue. And when his/her constituents make contact and want something done, a legislator will often respond in a positive manner and may well consider the request a mandate for action.

Tips on Preparing To Meet Your Legislator

Any contact is good, but the more personal the better. Sending an e-mail - especially if you are a constituent - helps a great deal, but a letter signed by you is better. Seeing a legislator in person is even better; and bringing two or three constituents with you is far better still.

The most influential thing you can do is to find a constituent from within your voting district who is a friend or strong financial supporter of the legislator. Remember that citizens can't vote for or against legislators outside of their own districts; a politician's constituents matter far more than anyone else on a tough decision.

Just telling legislators how you feel about making the striped bass a game fish is a vital message. You cannot be an expert on everything in life, and you don't have to be a fishery Ph.D. to know that striped bass would be better off if they weren't harvested and sold commercially. That is simply common sense. On the other hand, your message will be more persuasive if you are prepared, have anticipated the opposing arguments, and are ready to answer them without insulting your opponents.

The Stripers Forever website is loaded with useful information like our Why A Game Fish argument on the home page, the numerous articles filed under Articles and Research, and the facts and figures from the Southwick Studies also available through the home page.

Keep your information brief and factual. Your enthusiasm and commitment will be obvious to your legislator because you have taken the time to appear in person. While it is not necessary, leaving printed information with the legislator will be helpful. That information should be as graphic as possible. Again, the Stripers Forever website can help you with this. Please remember that if you want to see your legislators and need help preparing written material, don't hesitate to contact Stripers Forever through the website. Ask for help and you will get it.

Going to see your representative(s) about game fish status for striped bass is completely legal and does not make you a lobbyist. A lobbyist is someone who is paid to influence the way a politician votes. Your efforts to influence the way your elected officials vote could be called "personal lobbying," but there are no negative connotations to that. There is no legal limit to the amount of time or effort you put in to promote your own views on striped bass game fish with politicians or their staffs.

Contributions do help. That's a political reality. Almost all politicians need funds to finance their campaigns and they are very willing to accept your contribution(s). Any amount is helpful and appreciated. Your support signals an acceptance by you of their candidacies, and you get further with friends than with enemies. One way to handle a contribution is to explain your views, thank the legislator for the opportunity, and then say that you would like to make a contribution to his/her campaign. The contribution should be a check in an envelope, and it cannot be a check drawn on a business. Campaign donations are not tax deductible.

5. Stripers Forever and You, Working Together.

From time to time, Stripers Forever will push a particular political button that we think will help us reach our goal of coast-wide game fish status for the wild striped bass. Two examples of this are the work we did on the Exclusive Economic Zone (EEZ) and our ongoing support of HR 2059, the federal striped bass game fish bill.

When members contact their legislators on issues such as these, it's important that they do so en masse. Legislators tell us that for every contact they get on an issue, there are many more constituents who feel the same way but do not make themselves heard. On a typical issue, even 50 or 100 contacts would be a very big number for a particular legislator to receive.

Some coastal legislators have several times that many Stripers Forever members living in their districts; U.S. Senators and Representatives may have hundreds, perhaps more than 1,000 members in their respective districts.

We have a large membership and through e-mail we can contact every member at the same time. But it is important that we all take action to have the desired effect on the political process. It's the strength in numbers approach, and it works!



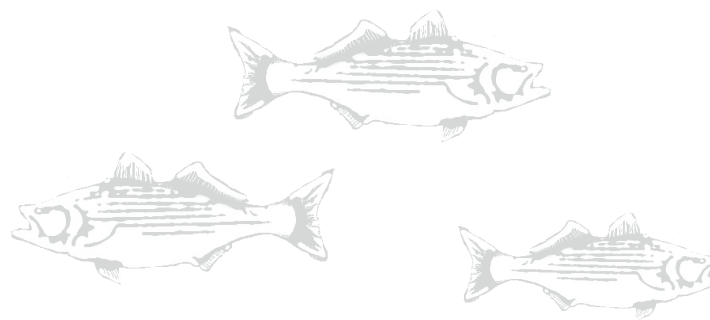
6. Persistence And Diligence Can Change Decisions

In 1979 a group of us in Maine visited either the home or the office of every member serving on the state's Marine Resources Advisory Council to encourage them to enact Maine's first regulation to conserve striped bass. In the face of a crashing striped bass population, the council voted unanimously to enact a 25-inch minimum size and a bag limit of 5 fish per day. (Maine had no size or bag limit at the time). There was a public hearing on the measure and our group filled the room with 200 people in favor of the regulation.

One fisherman in opposition testified that it was essentially the fault of those states to our south that stripers were in trouble, and that if he should be fortunate enough to have a good day on the water, he saw no reason to be bound by any limits. The fisherman then circulated a petition around his home town to stop the state from regulating striped bass. Most of the signers didn't even know what a striped bass was, but they knew the man who asked them to sign the petition.

To make a long story short, this fisherman's state senator had enough legislative clout to get a bill passed - over the objections of the president of the senate - that removed the Commissioner's authority to regulate striped bass. Ironically, that same state senator later became a lobbyist and friend and he helped us pass some of Maine's current striped bass laws, including returning regulatory power to the commissioner.

All politics are local politics, and a petition sends a compelling message. Don't burn any bridges. No legislator will be with you all the time; in fact 75% of the time would be great!





Stripers Forever
is a not for profit organization
dedicated to making the
striped bass a game fish.

By eliminating commercial
exploitation of the #1 recreational
saltwater fishery on the east coast,
over 3,000,000 fishermen
will enjoy the social
and financial benefits
that will come from an
improved striped bass population.



www.stripersforever.com

Produced by the Stripers Forever Board of Directors
with special comments by
The American Sportfishing Association

May 2007

