



STRIPERS FOREVER
"MAKE IT A GAME FISH" WWW.STRIPERSFOREVER.ORG

January 4, 2014

Deke Tompkins, Executive Legislative Assistant
Atlantic States Marine Fisheries Commission
1050 N. Highland
Suite 200 A-N
Arlington, VA 22201

SUBJECT: Atlantic States Marine Fisheries Commission Draft Five-Year Strategic Plan for Public Comment 2014-2018.

Dear Mr. Tompkins:

Attached, please find Stripers Forever's comments to the subject Plan.

Stripers Forever is a non-profit, internet-based conservation organization seeking game fish status for wild striped bass on the Atlantic Coast in order to significantly reduce striper mortality, to provide optimum and sustainable public fishing opportunities for anglers from Maine to North Carolina, and to secure the greatest socio-economic value possible from the fishery. We believe that striped bass should be managed for the best overall economic return to society. Trying to manage this fishery on the brink of catastrophe for the benefit of a relatively small commercial industry fails to capitalize on the current value of the fishery and jeopardizes its economic future as well.

While the attached comments are primarily directed toward the management of wild striped bass, many of our generic observations and suggestions are applicable to other species as well. Feel free to contact me if we can help the strategic planning process in any way.

Sincerely,

Ken Hastings
Stripers Forever
Policy Coordinator to the ASMFC
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STRIPERS FOREVER Comments

Atlantic States Marine Fisheries Commission Draft Five-Year Strategic Plan for Public Comment 2014-2018

EXECUTIVE SUMMARY

The following comments and considerations are primarily directed toward the management of wild striped bass although many of our generic observations and suggestion are applicable to other species as well.

We feel that the Draft Plan does not adequately address traditional issues with ASMFC fisheries management policies. For example:

1. There is no statement endorsing the health and abundance of our marine resources as the most important management priority. The current management decisions reflect a risky bias toward Maximum Sustainable Yield (MYS) to the exclusion of a true conservation ethic.
2. The Plan lacks specific goals to counter the legacy obsession with commercial exploitation of our marine resources for food instead of managing them for the greatest socio-economic return. Various studies have shown that the economic impacts and values associated with live fish attracting recreational dollars far exceed the benefits of a struggling commercial fishery targeting the same fish as just food.
3. The Plan fails to address the alarming lack of reliable data to support sound management decisions. Past Striped Bass Technical Committee reports and even the 2013 Benchmark Stock Assessment report are full of examples of threats to model outputs and the desperate methods employed to rationalize the outputs as “good enough.”
4. While “timeliness” and “accountability” for management decisions are mentioned, it isn’t clear that the framework of ASMFC can be modified to make much needed improvements in these areas. Consensus among jurisdictions with varying agendas is not easily obtained and, without it, ASMFC can’t function efficiently. When poor decisions are made, no one is accountable.
5. The Plan is based on new MISSION and VISION statements that are more general and less inclusive than the ones being replaced.
6. While under-reporting of catch, unreliable natural mortality estimates, and poaching have been flagged as potential major problems in management, there is no apparent commitment to correcting these deficiencies in the Plan. There is also no commitment to more conservative reference points to counter the uncertainties associated with risks that can’t be completely mitigated.

7. The goals are much too ambitious and more effort should be directed at the basic responsibilities of assessing abundance and adjusting fishing mortality to ensure robust stocks.

DETAILED COMMENTS

The Plan for Public Comment did not ask for comments regarding the modification of the ASMFC mission. However, some flaws in this document may well stem from this change. Here are the two mission statements for reference.

MISSION (new): To promote cooperative management of marine, shell and diadromous fisheries of the Atlantic coast of the United States by the protection and enhancement of such fisheries, and by the avoidance of physical waste of the fisheries from any cause.

Mission (old): To promote the better utilization of the fisheries, marine, shell and anadromous, of the Atlantic seaboard by the development of a joint program for the promotion and protection of such fisheries, and by the prevention of physical waste of the fisheries from any cause.

[Note that “better utilization” has been replaced by “cooperative management” that could easily be interpreted as confirming the lack of interest in the recreational utilization of fisheries like striped bass. Since the state delegations and associated decisions are dominated by commercial interests and concerns, “cooperative management” looks like a license for the established commercial interests to continue ignoring recreational fisheries. Also, it isn’t clear what “physical waste” means in this context. One could argue that bycatch and discard mortality are both wasteful but neither can be completely avoided as long as fishing is allowed. Perhaps “reduction” of physical waste would be better than either avoidance or “prevention.”]

VISION (new): *Sustainably managing Atlantic coastal fisheries.*

Vision (old): Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015.

Public Comment Questions:

1. Do you support the proposed vision statement? *[No. The new vision statement appears to be less objective than the old one that was more definitive and included an important time metric of success. The fact that 2015 is just a year away and we are losing fisheries faster than we are restoring them should not be a justification for abandoning the old vision just because it wasn’t attainable.]*

2. Is it clear? *[No. “Sustainably managing” needs some explanation. Maximum sustainable yield (MSY) is theoretically “sustainable” and, unfortunately, most historic*

ASMFC decisions are biased toward this outcome with no provisions for risk reduction in the face of incomplete data. At least the old vision was based on health and “successful restoration” that implies returning to some historical abundance level. Under the new vision, a stock could be depleted to the point where one more fish removed would cause a crash and still be “sustainable” as long as no one fished on it.]

3. Does it build upon and modernize the Commission’s mission? ***[No. This vision statement is a huge step backward and does less to build upon and modernize the mission than the old vision that was far from perfect.]***

VALUES:

- (a) Effective stewardship of marine resources through strong partnerships
- (b) Decisions based on sound science
- (c) Long-term ecological sustainability
- (d) Transparency and accountability in all actions
- (e) Timely response to new information through adaptive management
- (f) Balancing resource conservation with the economic success of coastal communities
- (g) Efficient use of time and fiscal resources
- (h) Work cooperatively with honesty, integrity, and fairness

Public Comment Questions:

1. Do you support these values? ***[Not sure what they mean but some need work anyway. In Value (d), it isn’t apparent that ASMFC is ever accountable for anything. Members may be accountable to their home jurisdictions, but, as a regulatory body under federal control, there appears to be no level at which ASMFC is accountable. Are there penalties or sanctions of some kind if a stock crashes under ASMFC management? No, the Commission just invokes a moratorium until the stocks recover as with northern shrimp in 2013 and striped bass around 1990.]***

In Value (e), the structure of ASMFC precludes timely responses. Note that the current striped bass issues were debated at the Boston annual meeting in 2011 with no resolution in spite of Technical Committee cautions. Action, if it comes at all, is still a year away.

In Value (f), there has never been a balance between “resource conservation” and the “economic success of coastal communities.” Economic success has always been myopically defined by the ASMFC as commercial market value which has denied the reality of the far greater social and economic value of the striped bass recreational fishery. “Commercial sales” or “economics” according to the ASMFC always comes first – that’s how northern shrimp ended up with a moratorium and also why the menhaden bycatch allowance in MD allows the Total Allowable Catch to be caught over and over after the fishery is closed. That is why, in spite of over-whelming

evidence of decreased striped bass abundance, there will be one hell of a fight over the proposal to decrease the catch in 2015.]

2. Are any missing? *[Yes. Above all else, the health and abundance of our natural resources should be the first priority, not the short term economic value as defined by the commercial harvesting mind-set of the ASMFC. If we take care of the fish, everything else will follow. If we lose the fish, everyone loses and none of these values will matter.]*

Driving Forces:

- (a) Pressure on Fishery Resources and Industry
- (b) Science-based Management
- (c) Legislation
- (d) Federal, State, and Commission Resources
- (e) Ecosystem Functions
- (f) Ocean Planning
- (g) Climate Change
- (h) Protected Species

Public Comment Questions:

1. Do you agree that the driving forces identified in the Strategic Plan are the primary factors impacting the Commission fisheries management process? *[No. Climate change, while an important consideration, is beyond the management reach of ASMFC. The only real tool in the ASMFC tool kit is fishing mortality and it will be necessary to adjust it in a continuous and timely reactive effort to make adjustments in abundance to compensate for outside influences over which ASMFC has no control.]*

2. Is anything missing? *[Yes. The existence of and support for a growing recreational fishery is missing.]*

3. Are there specific driving forces the Commission should focus on in the coming years? *[Yes. The demand for quality recreational fisheries may eventually be impossible to ignore. To that end, better estimates of recreational fishing metrics may be required – something better than MRFSS/MRIP.]*

GOALS & STRATEGIES

Goal 1 - Rebuild, maintain, fairly (equitably) allocate, and promote Atlantic coastal fisheries

Strategies to Achieve Goal

- a. Manage interstate resources that provide for productive, sustainable fisheries using sound science
- b. Strengthen state and federal partnerships to improve comprehensive management of shared fishery resources
- c. Adapt management to address emerging issues
- d. Practice efficient, transparent, and accountable management processes
- e. Evaluate progress towards rebuilding fisheries
- f. Strengthen interactions and input among stakeholders, technical, advisory, and management groups

Public Comment Questions: Goal 1 addresses the Commission's fisheries management planning process.

1. Does the goal and strategies adequately reflect the direction and priorities that the fisheries program should pursue over the next 5 years? *[There's that "accountability" concept again in (d) and what is a "productive sustainable" fishery in (a)? How does "sound science" differ from the best available science vs the best science available?]*
 2. Do the strategies outlined help achieve the goal? *[Maybe. Strategy (e) is good. In general, the strategies are too "mushy" compared to the strong verbs in the goal that could easily replace the mission statement. This is what the public expects ASMFC to do – the rest is just window-dressing of much less importance.]*
 3. Do you recommend alternative strategies? *[At what point does the ASMFC plan to do something to ensure better data on which to base management decisions and/or commit to a policy of more conservative harvesting allowances based on the admission that the science is not yet adequate to safely manage up to a species wishful, potential MSY? The recent striped bass stock assessment report is full of caveats about inaccurate data and modeling variability along with the associated significant threats to estimates of stock abundance and sustainability.]*
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Goal 2 – Provide the scientific foundation for and conduct stock assessments to support informed management actions

Strategies to Achieve Goal

- a. Conduct stock assessments based on comprehensive data sources and rigorous technical analysis
- b. Proactively address research priorities through cooperative state and regional data collection programs and collaborative research projects
- c. Facilitate stakeholder involvement in research initiatives and the stock assessment process
- d. Promote data collection and research to support ecosystem-based management
- e. Provide stock assessment training to improve the expertise and involvement of state and staff scientists

Public Comment Questions: Goal 2 addresses the Commission's fisheries science activities to support management.

1. Does the goal and strategies adequately reflect the direction and priorities that the science program should pursue over the next 5 years? *[The goal looks good but isn't that what ASMFC was supposed to be doing all along? Isn't there already a vast arsenal of stock assessment tools available? It appears that the lack of confidence in stock assessment results is more a matter of inaccurate (at least questionable) data – not what to do with good data if it was available. The actual number of fish to start with has to be a crap shoot but surely there are better ways to estimate how many people are fishing for them, how many fish get caught and what types of gear are being used for starters.]*

2. Do the strategies outlined help achieve the goal? *[Yes – but isn't or shouldn't the ASMFC already be doing most of these anyway?]*

3. Do you recommend alternative strategies? *[Yes – just concentrate on reducing mistrust - first by the admission that the data is incomplete and then, because of inadequate data, factoring in more conservative harvesting allowances. If ASMFC gets that under control, then it can branch out into other fields. Stick to the basics until the conflicts are resolved.]*

Goal 3 – Promote compliance with fishery management plans to ensure sustainable use of Atlantic coast fisheries

Strategies to Achieve Goal

- a. Develop practical compliance requirements that foster stakeholder buy-in
- b. Evaluate the enforceability of management measures and the effectiveness of law enforcement programs
- c. Promote coordination and expand existing partnerships with state and federal natural resource law enforcement agencies
- d. Enhance stakeholder awareness of management measures through education and outreach
- e. Use emerging communication platforms to deliver real time information regarding regulations and the outcomes of law enforcement investigations

Public Comment Questions: Goal 3 addresses stakeholder compliance and the Commission's law enforcement activities.

1. Does the goal and strategies adequately reflect the direction and priorities that the enforcement program should pursue over the next 5 years? *[Good goal but the strategies are too "soft." One of the major threats to success is the absence of accurate catch data from the states. While there appears to be little to no accountability at the ASMFC level, the states should be held more accountable for the data they provide in their annual compliance reports to ASMFC.]*
 2. Do the strategies outlined help achieve the goal? *[Not completely. While enforcement of laws designed to ensure stakeholder compliance is important, of equal importance is holding the member jurisdictions accountable for compliance data. It was evident from comments during the GA menhaden Management Board meeting that some jurisdictions have no confidence in the compliance data they send to ASMFC. Fraudulent reporting, not stakeholder buy-in, may be the real problem – one which the states may be willing to hide and ignore without suitable oversight.]*
 3. Do you recommend alternative strategies? *[Yes. It is time to concentrate on the really important issues by addressing each problem area, one at a time, and designing a process to improve compliance data. If catch reporting is an issue, then maybe voluntary, un-audited reports from fishermen is not the way to go. If discard mortality is an issue, maybe someone needs to do some monitoring to get better data. If tag returns are an issue, maybe high-reward tagging returns or limited tag allowances based on returns are the answer.]*
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Goal 4 – Protect and enhance fish habitat and ecosystem health through partnerships and education

Strategies to Achieve Goal

- a. Identify critical habitat through fisheries management programs and partnerships
- b. Educate Commissioners, stakeholders, and the general public about the importance of habitat to healthy fisheries and ecosystems
- c. Engage local, state, and regional governments in mutually beneficial habitat protection and enhancement programs through partnerships
- d. Foster partnerships with management agencies, researchers, and habitat stakeholders to leverage regulatory, political, and financial support
- e. Identify mechanisms to evaluate ecosystem health
- f. Engage in state and federal agency efforts to ensure climate change response strategies are included in habitat conservation efforts

Public Comment Questions: Goal 4 addresses the Commission’s habitat program.

1. Does the goal and strategies adequately reflect the direction and priorities that the habitat program should pursue over the next 5 years? ***[No. Habitat management and protection is largely a matter of land management and protection. ASMFC has no authority or direct influence over local land use decisions that are the primary threats to aquatic habitat. Local autonomy rules in this arena and that is why federal and state statutes and two consecutive Chesapeake Bay Agreements, for examples, have failed to significantly improve Bay health.]***

2. Do the strategies outlined help achieve the goal? ***[No. What are “climate change strategies?” Unless we find a way to stop climate change, it is going to happen and we will have to deal with the consequences. In the meantime, we need to conserve and protect our aquatic resources so there will be something for future stewards to do.]***

3. Do you recommend alternative strategies? ***[Yes. More and better control over gear types can directly affect fish habitat (eg bottom scouring and ecosystem health (mesh opening sizes in nets etc.). The Habitat Program needs to embrace cutting edge work being done by MD DNR and others on the relationship between land use and marine resource health as a way to indirectly affect land use decisions. As long as local governments are allowed to place short-term jobs and economic “prosperity” above habitat protection, the habitat is doomed. While ASMFC lacks direct authority over local jurisdictions, embracing the concept could indirectly influence the process.]***

Goal 5 – Strengthen stakeholder and public support for the Commission

Strategies to Achieve Goal

- a. Increase public understanding and support of activities through expanded outreach at the local, state, and federal levels
- b. Clearly define Commission processes to facilitate stakeholder participation, as well as transparency and accountability
- c. Strengthen national, regional, and local media relations to increase coverage of Commission actions
- d. Use new technologies and communication platforms to more fully engage the broader public in the Commission’s activities and actions

Public Comment Questions: Goal 5 addresses the Commission’s outreach activities.

1. Does the goal and strategies adequately reflect the direction and priorities that the outreach program should pursue over the next 5 years? *[In what ways and via what process is ASMFC held accountable? Where would the public look to find some hard goal where success or failure could be evaluated? What did “sustainable” mean in either the old or new visions? How could anyone grade the performance of ASMFC without any standards or success metrics? In reality, the decisions made at the ASMFC level are primarily a reflection of the political landscape in the jurisdictions that send representatives to the meetings.]*
 2. Do the strategies outlined help achieve the goal? *[No. In Strategy (c), it isn’t clear how broader coverage of ASMFC would do anything other than weaken public support. Two hours of watching the lobster board argue over ¼” in length or watching the striped bass board kick the can down the road for over four years is not likely to impress anyone – especially if the striped bass fishery collapses again.]*
 3. Do you recommend alternative strategies? *[Stakeholder and public support can only be strengthened by ASMFC making the right decisions based on accurate data and the demonstrated ability to manage our coastal resources. It is a waste of time, and possibly detrimental, to court public support. The reluctance of the ASMFC to openly admit to revising standards, definitions and readjusting performance levels in order to continue making the ASMFC appear to have and be doing “their job” is costing them credibility especially as the recreational fishing public becomes more enlightened and involved. It is an accepted fact by many that because of the unwillingness of the ASMFC to be open and transparent due to their commercially motivated zeal, the public feels more and more disenfranchised and skeptical of these self-promoting proclamations of pseudo success.]*
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Goal 6 – Advance Commission and member states’ priorities through a proactive legislative policy agenda

Strategies to Achieve Goal

- a. Increase the Commission’s profile and support in the U.S. Congress by developing relationships between Members and their staff and Commissioners, the Executive Director, and Commission staff
- b. Maintain or increase long term funding for Commission programs through the federal appropriations process and other available sources.
- c. Engage Congress on fishery-related legislation affecting the Atlantic coast
- d. Promote member states’ collective interests at the regional and national levels
- e. Promote economic benefits of the Commission’s actions (return on investment)

Public Comment Questions: Goal 6 addresses the Commission’s policy planning process.

1. Does the goal and strategies adequately reflect the direction and priorities that the policy program should pursue over the next 5 years? *[Not sure. What kinds of relationships with Congress? Golf outings, cocktail parties, etc.? It probably couldn’t hurt. Promoting member states’ collective interests could be challenging if they run counter to sound resource management decisions as they often do. Some issues may be best left to the states – like allocation between stakeholders, for example, while ASMFC sticks to the business of adjusting fishing mortality to prevent stocks from crashing.]*

The “return on investment” implies that some relationship already exists or can be established between fisheries management and coastal economics. Much like with the issue of allocation, economic impacts and values should be left to the states. For example, the economics of striped bass as food do not exist for gamefish states where the economic benefits are purely recreational and far greater than if the states managed the fishery as a commercial resource. The link between SB abundance and economics as a function of ASMFC policies would require a “crystal ball” approach to predict economic advantages allegedly derived from setting a new slot limit for MD, for example. The economic impacts and values of recreational fishing compared to commercial fishing is one area that ASMFC should explore under the education part of its charter but ASMFC will never have the authority to actually change state allocation policies.]

2. Do the strategies outlined help achieve the goal? *[Perhaps, but the goal is flawed to start with.]*

3. Do you recommend alternative strategies? *[Yes – stick to the basics and get a real handle on stock abundances and techniques for staying within more conservative targets and thresholds.]*

Goal 7 – Ensure the fiscal stability & efficient administration of the Commission

Strategies to Achieve Goal

- a. Conservatively manage the Commission’s operations and budgets to ensure fiscal stability
- b. Utilize new information technology to improve meeting and workload efficiencies, and enhance communications
- c. Refine strategies to recruit professional staff, and enhance growth and learning opportunities for Commission and state personnel
- d. Fully engage new Commissioners in the Commission process and document institutional knowledge.
- e. Utilize legal advice on new management strategies and policies, and respond to litigation as necessary.

Public Comment Questions: Goal 7 addresses the Commission’s finance and administration.

1. Does the goal and strategies adequately reflect the direction and priorities that the finance and administration program should pursue over the next 5 years? ***[Yes.]***
2. Do the strategies outlined help achieve the goal? ***[Yes.]***
3. Do you recommend alternative strategies? ***[No.]***
