

Atlantic Striped Bass Public Scoping Meetings on Potential Changes to Management in the Exclusive Economic Zone: Preliminary Summary of Issues, Concerns and Comments

NOAA Fisheries is holding nine public scoping meetings on potential changes to management of Atlantic striped bass in the exclusive economic zone (EEZ; Federal waters 3 - 200 miles from shore), as recommended by the Atlantic States Marine Fisheries Commission (ASMFC). The intent of these meetings is to obtain input from persons affected by or otherwise interested in Atlantic striped bass management in the EEZ, to assist in determining the scope and significance of issues to be analyzed in development of an environmental impact statement (EIS). This EIS will form the basis for the decision whether or not to follow the ASMFC's recommendation, or to develop any alternative regulations for the EEZ. Following is a summary of the outcomes of each of the first four scoping meetings, including information about participation at the meetings. No determination has been made as to the merits of any of the comments provided here, at this time. Such determinations will begin once all scoping comments have been received.

While the focus of these meetings is to identify issues and concerns that can be evaluated in the EIS, general comments or questions raised in each meeting are also included in this summary. Scoping issues and concerns are categorized as: stock/biological; management/fishery; enforcement; or safety/health, related.

Meeting:

- 1- Portsmouth, NH - 11/5/03**
- 2- Manteo, NC - 11/12/03**
- 3- Toms River, NJ - 11/18/03**
- 4- Dover, DE - 11/19/03**

1- Comments/issues from Portsmouth, NH Atlantic striped bass scoping meeting, 11/5/03 7:00-9:00 p.m.

There were 24 participants at this meeting. These individuals identified their interests in striped bass management, as follows: recreational, only (9); recreational and commercial (4); recreational and other (3); Non-governmental Organization (NGO, 1); other (6).

General Comments/questions:

- The majority of states didn't support the ASMFC recommendation.
- No one supported the ASMFC recommendation, except a minority of the states; it was driven by MA & NC.
- Are data from the EEZ included in the current assessment?
- How quickly can NMFS move to change regulations, if a problem is determined with the stock?
- Who makes the final decision on whether to open the EEZ? (the Secretary of Commerce)
- NH decided to be gamefish, only.
- The Federal agencies usually abstain on such votes, why did they vote on this issue?
- Support opening the EEZ since large fish can be caught at the edge of EEZ, there is no reason not to allow similar catches in the EEZ.
- If quotas are already being taken in states with commercial quotas, what need is there to

- open the EEZ?
 - Off NH and ME, the MRFSS definition of EEZ is clouded because islands greater than 3 miles offshore are in state waters, not the EEZ.
 - The only concern with catches of larger fish in the EEZ, would be if catch rates of this size group, in EEZ, were significantly greater than in state waters which is not expected to be case.
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Issues/concerns that should be evaluated

Stock/biological:

- We don't know the current make up of the portion of the stock in the EEZ.
- What measures can be taken to prevent/reduce bycatch of striped bass if a directed fishery opens in the EEZ?
- What measures can be taken to prevent/reduce bycatch of other species if a directed fishery opens in the EEZ?
- Since the intent of Amendment 6 is to expand age classes, NOAA Fisheries must evaluate the impact of opening the EEZ on the numbers of large fish and on the overall age distribution.
- How can we account for the impacts of other Amendment 6 management changes (increased commercial quota, increased recreational bag limits in some states, etc.), before we make this additional change? Is an opening premature? Should current measures be in effect for, say, 3 years before such a change?
- How can NOAA Fisheries prevent other states from taking NH fish, in the EEZ?

Management/fishery:

- Can the EEZ be opened for non-commercial use, only? Evaluate impacts of a recreational, only, fishery in the EEZ.
- Can it be opened for catch and release only (this may provide research opportunities)?
- Can NOAA Fisheries demonstrate that opening the EEZ will not disrupt management in state waters?
- You need to evaluate the potential impact on the distribution of harvest among states to ensure fair/equitable distribution of EEZ catches, since states don't necessarily get a fair share now, while fishing is occurring only in state waters.
- Can NMFS act quickly to reverse action if needed, or will it take 2-3 years?
- If the EEZ is opened you need specifics of how regulations would change if a problem occurs in the future, such as a framework plan, to ensure controls are in place to allow quick modifications, if needed.
- Include means to act quickly if the stock declines– investigate the possibility of framework actions for EEZ measures, as already exist in Amendment 6 for state waters.
- Need to evaluate economic differences- commercial vs recreational (for instance, MA has many fewer commercial than recreational fishermen and the value of the recreational fishery is greater)
- Need to ensure methods to track commercial catch; log books, etc.
- Analyze how each state monitors its commercial catch; evaluate regulations for each state related to tracking numbers caught. Are catches based on the vessel's state of registry or the state where the catch is landed, and does this vary among states?

Enforcement:

- What can be done to improve/increase enforcement, if the EEZ is opened?
- How can we prevent a commercial fishery from occurring off a gamefish state? If can't, how can states restrict their vessels from commercially fishing and landing in other states.
- Identify how enforcement would work – with Federal vs State regulations. Would agents in the EEZ need to know and enforce every state's laws.
- How can we address enforcement in NH when MA doesn't require commercial fish tags?
- Can transshipment (catch off one state and land in another) loopholes be closed by requiring that landings can only occur in states with a commercial quota?

2- Comments/Issues from Manteo, NC Atlantic striped bass scoping meeting 11/12/03, 7:00-9:00 p.m.

There were 25 participants at this meeting. These individuals identified their interests in striped bass management, as follows: recreational, only (8); commercial, only (4); recreational and commercial (2); recreational and other (1); recreational, commercial and other (2); other (8).

General Comments/questions:

- NC Marine Fisheries Commission supports opening the EEZ.
 - Keeping the EEZ closed diminishes credibility in the management process.
 - National standards are being violated by keeping the EEZ closed.
 - Keeping everyone inside 3 miles increases conflicts between recreational and commercial fishermen- forcing everyone to fish on top of each other.
 - Enforcement should occur at the dock, people will fish outside 3 miles- why try to enforce a closure, the fish will be taken anyway?
 - There would be a great boost to the economy if the recreational industry could fish in EEZ.
 - Fish are taken where they are found, based on environmental conditions, the 3 mile limit is not relevant.
 - Opening the EEZ will reduce enforcement needs for this fishery.
 - How long will it take to implement change in regulations (open the EEZ) if decide to do so? (Not before 1/05)
 - What requirements for "fair and equitable" apply under the Striped Bass Act, compared to MSA? Not everyone seems to be treated equitably by striped bass management.
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Issues/concerns that should be evaluated:

Stock/biological:

- Examine whether opening the EEZ is likely to reduce gear interactions with marine mammals that occur more often inside 3 miles.
- What is the impact to the fish, and to the fishery, of requiring discard of all stripers caught in EEZ?
- Evaluate N-S differences relative to temperature and distributions and fishing seasons; and resulting feasibility of vessels from one state fishing off other states.
- Explore N-S differences in the offshore-nearshore distribution of striped bass relative to

temperature and season. For instance, in NC, when temperature drops inshore in Jan-Feb, which is during the open season, striped bass move offshore beyond 3 miles, so the fishery can't legally reach the fish. Does this occur off more northern states, as well?

Management/fishery:

- Explore (legal) ability of states to regulate their own vessels in the EEZ.
- Explore/evaluate economic feasibility of NC commercial vessels fishing offshore from gamefish states, given trip limits (both in # fish and # days allowed). Not likely to occur.
- Evaluate individual state regulations/seasons/trip limits, etc., in detail, to determine likelihood/ability of vessels to fish off other states's coasts.
- Evaluate biological and economic impacts of allowing a hook & line fishery, only. This could increase the value of the catch - better quality/higher price. Since the EEZ has been closed since 1990, the industry hasn't been fishing there, so if it opened now we should be able to set new rules and/or restrict gears.
- Explore quotas based on poundage vs numbers of fish, since weight is easier to measure.
- Explore allowing transfers at sea; if one vessel hits a school of striped bass that puts it over its trip limit, allowing transfers to other boats that have remaining limit would result in reduced discard/waste.

Enforcement:

- Examine whether state monitoring of state regulations would result in adequate enforcement, dockside, reducing the need for at-sea enforcement. The fish must be landed in some state and the vessels must follow their state regulations, won't that be sufficient?

3- Comments/issues from Toms River, NJ - Atlantic striped bass scoping meeting 11/18/03; 6:00-9:00 p.m.

There were 104 participants at this meeting. These individuals identified their interests in striped bass management, as follows: recreational, only (89); commercial, only (1); recreational and other (2); recreational, NGO and other (1); other (10), not specified (8).

General Comments/questions:

- NJ did not support opening the EEZ, and no one in this meeting wants the EEZ to open. How will that be counted in the decision process? Will the concerns of the states be a factor in the decision?
 - The majority of states didn't support opening the EEZ; Federal agency votes resulted in the recommendations to open EEZ.
 - The Marine Recreational Fisheries Statistics Survey (MRFSS) does not provide accurate estimates of recreational catches- no one in this room has ever been called/interviewed.
 - Harvest estimates are inaccurate. Overall, the assessments are questionable.
 - Estimates of commercial discard mortality rates are too low, and they are too high for the recreational fishery.
 - NJ did not support Amendment 6.
 - The commercial quota has been increased to the base year (1972-1979) average. When will the recreational bag limits be increased comparably (e.g., 10 fish at 18 inches)?
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Issues/concerns that should be evaluated

Stock/biological:

- Assess the current make up (size distribution) of the portion of the stock found in the EEZ. Determine if the EEZ serves as a refuge for large female spawners.
- Evaluate the impact of basing the directed commercial fishery on pounds rather than numbers of fish, to prevent high grading in the EEZ.
- Evaluate if bycatch will increase when/if commercial quotas are reached early and as a result subsequent catches must be discarded.
- Since the intent of Amendment 6 is to expand age classes- NOAA Fisheries must evaluate the impact of opening the EEZ on numbers of large fish and on the age distribution (age 8 plus).
- How can we account for the impacts of other Amendment 6 management changes, before we make this additional change? Should current measures (e.g., increased commercial quotas, increased recreational bag limits in some states) be in effect for a period of time before this additional change is made?
- How will the ability to keep striped bass taken by the recreational fishery in the EEZ impact the total catch? Will there be significant increases in recreational harvest of striped bass when trips directing at other species, such as bluefish, would be allowed to land striped bass.
- Evaluate impacts of striped bass concentrating during parts of the year, which may result in increased CPUE.

Management/fishery:

- NOAA Fisheries must demonstrate that opening the EEZ will not disrupt management in state waters.
- Need to explain the impact of the ASMFC recommendation on how state regulations would supercede Federal regulations in EEZ, on state licensed fishermen.
- Evaluate if measures can be taken to prevent high grading of striped bass in both commercial and recreational fisheries, if the EEZ were to be opened.
- How can NOAA Fisheries prevent commercial vessels from other states from taking NJ fish in the EEZ off NJ?
- Need to evaluate differences in economic benefits - commercial vs recreational. (Who is expected to benefit from opening EEZ?)
- How can NOAA Fisheries ensure commercial harvest in the EEZ won't result in sale of fish high in PCBs and other toxins? NY and NJ have closed areas to reduce such threats. Large fish, found in the EEZ likely have higher concentrations of PCBs.
- NOAA Fisheries should identify potential areas where gear conflicts may occur and evaluate means to reduce such conflicts.
- Need to evaluate differences in seasonality of fisheries off each state and impacts of opening the EEZ on availability of striped bass during those seasons.

Enforcement:

- Enforcement is inadequate as it is. How will opening the EEZ impact the ability to enforce state and/or EEZ regulations? If enforcement will be more costly, how will it be funded?

- Identify how enforcement would work – with Federal vs State regulations. Even if state agents are cross deputized, they can't cover the entire EEZ off their state.

Safety/health:

- If the EEZ is opened smaller vessels would fish further offshore, even in colder weather, which could be hazardous.
- What kind of health advisories would be appropriate for striped bass, such as for PCBs, if the EEZ is opened.

4- Comments/issues from Dover, DE Atlantic striped bass scoping meeting, 11/19/03

6:30-7:30 p.m.

There were 8 participants at this meeting. These individuals identified their interests in striped bass management, as follows: recreational, only (2); commercial, only (3); recreational and other (3).

General Comments/questions:

- The majority of states did not support opening the EEZ.
 - Whatever decision is made, ensure it does not result in a reduction in the recreational bag or catch limits.
 - Opening the EEZ is not likely to have a measurable impact on DE recreational or commercial fisheries. The commercial quota is closely monitored and commercial vessels from other states can't land in DE. Only gillnets and hook and line commercial fisheries are allowed in DE, and those fisheries are closed to new entrants. In addition, all commercially caught striped bass must be tagged before landing.
 - Opening the EEZ is not expected to result in an increase in recreational landings, in DE.
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Issues/concerns that should be evaluated

Stock/biological:

- What impact will there be on the striped bass stock when fishermen fishing in the EEZ retain large numbers of smaller, prime marketable fish and discard large females?
- What impact will there be on the stock when fishermen fishing in the EEZ high grade, discarding smaller fish to keep greater numbers of large females?
- How will the impacts of other Amendment 6 management changes (increased commercial quota and increased recreational bag limits in other states) be accounted for when evaluating impacts of opening the EEZ?
- What are the likely impacts on Delaware River stocks in fisheries in the EEZ off other states, especially MA? Is a greater proportion of this stock likely to be taken during migration if fishing is allowed in the EEZ, compared to fishing only within 3-miles?

Management/fishery:

- How can differences in commercial and recreational perceptions of equity be addressed when the commercial fishery is capped by a sector-wide quota and the recreational fishery is limited by a bag limit? The commercial quota, under Amendment 6, has been allowed to increase to the 1972-1979 average. However, while overall recreational harvest has increased due to increases in the number of anglers and the number of trips

they make, to levels higher than seen in the past, each individual is still capped by a bag limit (generally 2 fish at 28 inches) which is significantly lower than what an individual was allowed to catch in the past (often, 10 fish at 18 inches).

- What has been the impact to the commercial sector of having the EEZ closed since 1990? If there has not been a significant impact, is there a need to open it now, to commercial fishing?
- Evaluate the impacts and ability of vessels fishing off the coast of one state and landing in another state.
- How will pending changes in MD state regulations related to charter boats (i.e, allowing them to fish in the ocean instead of just the Chesapeake Bay), if passed, impact the stock, especially the larger migratory females?

Enforcement:

- Evaluate the ability of enforcement to adequately monitor this larger area given both cutbacks in state and federal enforcement staffing, and increases in demands for homeland security.
- Examine how states determine which vessels are under their state authority; is this based on state citizenship of the vessel owner or captain, port of vessel registration, location or port of vessel dockage, etc. If this definition varies among states does it create a loophole in a state's ability to restrict its vessels?
- How do we account for the potential of foreign vessels harvesting striped bass in the EEZ?