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Emilie Franke
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Re: Public comment on the Public Information Document for Amendment 7 to the Interstate Fishery Management Plan for Atlantic Striped Bass

Dear commissioners and commission staff,

Thank you for accepting my comments on the striped bass PID. I hope mine are among many the commission considers carefully during this process.

In light of the latest stock assessment and a failure to successfully manage Atlantic striped bass over the past quarter century, there is once again much work to be done toward the commission's stated goal of "commercial and recreational fisheries consistent with the long-term maintenance of a broad age structure, a self-sustaining spawning stock..." Many suggestions within the PID - which sets the trajectory for Amendment 7, whatever the ostensible purpose - run fundamentally counter to that goal and related objectives. At a time when the population of stripers is at a low not seen in recent memory, radical changes to the regulatory regime that are anything but conservative should be rejected. Now is the time to focus on the "protection of such fisheries," as described in your mission statement. Put simply, protection of the fisheries starts with protection of the fish.

I am a Massachusetts resident and, as a working fishing guide, operate one of many businesses up and down the "striper coast" which rely directly on this fish and its future for my livelihood. In this my interest is selfish but it is also part of a mosaic of economic, cultural and social value that should be embedded in this discussion. I spend the revenue I generate on gas, equipment (made domestically whenever possible), taxes, fees and the many other costs required to successfully run a small business. My clients spend their money traveling to Cape Cod, eating at local restaurants, and on lodging or other activities while visiting the region. At the heart of all of that activity is one thing: fish in the water. Beyond the simple financial benefit my business and others derive from a healthy striped bass population, my life, family and the stories I share on and off the water are intrinsically tied to these fish.

In direct response to your public comment questions and the enumerated issues, I present the following for your consideration in reverse order:

Issue 10: Changes to the climate and related effects are well underway. Anyone who has spent time on the water knows this is true. This topic, along with the effects of ongoing habitat degradation from improper wastewater management, pollution from runoff, fossil fuel spills and the increased amount of plastic in the marine environment where striped bass swim, should be a significant priority in everything ASMFC does. Limited law enforcement resources clearly hinder the ability to act on violations stemming from the regulatory decisions made by this body. Because of this, Massachusetts in particular struggles to control poaching, high grading and other criminal activity at chokepoints like the Cape Cod Canal. The commission should address this with whatever resources or influence it can bring to bear in its member

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states and with federal enforcement authorities. In addition, the commission should continue research on spawning stocks and the potential for stock-specific management. More on this as it relates to Regional Management is covered in Issue 5.

Issue 9: Based on recent harvest data, the commercial fishery cannot be independently blamed for the current state of striped bass stock, albeit a source of historical effect. And, barring the establishment of a game fish only status or the extraordinary step of a moratorium proposed by others, singling out the commercial fishery is not sound policy when recreational harvest currently dwarfs its commercial counterpart. That being said, there is no way to directly compare the two sectors. Because of current regulations and the sporadic aggregation of effort in particular areas (e.g. off the coast of Nauset Beach circa 2012), the commercial sector can, for example, foster the removal of large fish - the breeders - from specific areas. There are additional concerns about the basis for commercial allocations, efforts to expand the commercial season and locations where it appears quotas are not being met not due to lack of effort but due to a scarcity of target fish. It's unclear why the current commercial fishery allocations are still fundamentally based on landings data from 1972-79. Commercial landings during that time period were significantly higher than at any other time on record ([Richard & Duel, 1987](#)). Although commercial landings have been reduced through regulation since the first use of that timeframe in 1989, establishing a baseline at a time when effort and landings were clearly extraordinary stacks the deck in favor of attempts to recapture such glory days, an unlikely outcome given the many hurdles facing the fishery. While this seemingly arbitrary choice of a baseline might align with similarly arbitrary (though disparate) proposed actions related to spawning stock biomass, the precise ability to track declines in commercial landings lends itself toward updating allocations with new data that would also reflect changes in effort on the recreational side of the ledger, broader ecosystem changes and shifts in demand, among other factors.

Issues 8 & 7: These issues hit home as I live and work in the for-hire and recreational fishery. I am a strong proponent of better data in, better decision making out. Improvements to MRIP are a step in the right direction but it seems there could be a better way to quantify the effects of the recreational fishery on the spawning stock biomass. Concerns about catch and release mortality are warranted but are best addressed through education and outreach. (I spend a lot of time explaining to my clients how fish should be properly handled and pointing out, unfortunately, the many cases on the water where we see fish being mishandled.) It appears there is often confusion about the difference between improving the 9 percent estimate for catch and release mortality - i.e. through better science as is currently being undertaken in Massachusetts - and improving the actual number of fish who survive after being caught and released. Both should be improved but, as you know, they are two different things. Addressing catch-and-release mortality should include more study of closures due to environmental conditions, such as high water temperatures.

More generally, improvements in recreational accountability are clearly necessary but part of a far broader issue than is reasonable to address in this amendment, except where it directly relates to existing problems with current management schemes such as the use of conservation equivalency, which is addressed in Issue 6.

Issue 6: Conservation equivalency on its face is counter to a coastwide management plan. What is referred to as "an essential tension" is anything but essential; it is manufactured by the existing regime that allows states to opt out of a rigorously developed and studied plan for what amounts to a far less deliberative approach that effectively carves state-size holes fish swim through on their coastal migration. These holes also affect the success of the states on either side of a state that uses conservation equivalency in meeting goals and the broader objectives of the coastwide plan. The use of conservation

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equivalency is a political construct and, if used at all, should only be allowed when striped bass are neither overfished or subject to overfishing. Per the earlier discussion of Issue 8, when conservation equivalency is used there is an absolute need for improved accountability for states that fail to meet the original, coastwide conservation objectives.

Issue 5: Similar to Issue 6, the idea of regional management sounds good until it butts up against the reality of separating fish as they cross state boundaries, or separate stocks that mix once they reach the ocean. The work to develop stock-specific or regional management currently lacks the science necessary for implementation. Given this and the existing status of striped bass, this issue should be removed from consideration as part of Amendment 7.

Issue 4: Rebuild the stock and do it quickly. It's unclear why a longer timeline for rebuilding the stock would be good for anyone. To do so, a rebuilding plan is necessary and time is of the essence, especially in light of the baked-in uncertainty from a year lacking more precise data from MRIP.

Issue 3: Barring additional information, management triggers should be maintained as they are, with the possible exception of trigger 5 regarding juvenile recruitment. As has already been referenced and as I will discuss in relation to Issue 2, language within the PID steers the discussion in another direction and raises significant concerns with statements such as: "The latest science also indicates that the SSB target has never been reached which raises questions that it may be an unreasonably high management target given current objects [sic] for fishery performance and changing or altered ecosystem conditions (e.g., climate change, and changes in other predator and prey population abundance)." More to come on Issue 2 but the purpose of this language and any resulting changes is clear, i.e. our management has failed to achieve the existing targets or thresholds so let's lower them. This is not science-based unless there is an analysis I'm unaware of that accounts fully for the effects of the examples given. Changing triggers based on incomplete information is not reasonable, especially in light of prior successes in meeting goals to rebuild the striped bass population. We should all try to do better, not move the goalposts so as to simply create the appearance of doing better.

Issue 2: Per the discussion on Issue 3, any move to change biological reference points should be based on science and data, rather than a failure to achieve the related targets or thresholds. During the annual meeting where the PID was approved, the last minute (not hyperbole) inclusion of the following statement was clearly another attempt to steer the discussion in a particular direction: "Given the 2018 benchmark assessment found overfishing was occurring and the SSB was below the target even during those years that the striped bass population was at a historically high level, the current reference points may be unattainable given current objectives for fishery performance." The brief discussion that followed a staff member referencing this language as included at the request of a board member and having no substantive effect was mind bending. The argument that board members didn't like other things in the document and didn't want to reopen the whole thing at such a late hour, reminded me of a passage Joseph Heller might have written in *Catch-22*. By including this language, the exact thing the aforementioned board member argued he didn't want to do was done. The new language should never have been added and any concerns with other aspects of the PID were presumably vetted and debated during the extensive discussions that led to its drafting. Those discussions were also the place for additions such as the one referenced here, not moments before the final version was approved.

More specifically, there is nothing that indicates changing the 1995 estimate of female spawning stock biomass to another year would be based on anything but the previously referenced attempt to move the goalposts. That year was chosen for specific reasons at the time, i.e. the stock was officially determined to be recovered, and it represented a recovery across a range of year classes that aligns well with

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biological spawning strategies. Choosing another year that fails to represent those same objectives is arbitrary in relation to the stock's health, even as it is targeted to allow the harvest of more fish. To make this change in a vacuum of corresponding logic is unscientific, arbitrary and capricious, unless the entire goal is to kill as many fish as possible. If that's your goal, you're on the right track.

Issue 1: In that vein, the commission's current goals and objectives are appropriate. If the commission is considering changes to these goals to return to the days of optimum yield, some of the language previously discussed is a transparent reflection of that effort. In particular, the discussion about possible changes to biological reference points flies in the face of the goals of allowing "commercial and recreational fisheries consistent with the long-term maintenance of a board age structure, a self-sustaining stock." Leave the goals and objectives as they are and strive to achieve them. If anything, a shift in the opposite direction is underway beneath your feet and supported by many stakeholders, as evidenced in the comments submitted at the Massachusetts hearing on the PID. The takeaway from those comments is that your goal should shift from maximum sustainable yield to managing for abundance. I concur.

Thank you for considering my comments and those of the thousands of striped bass anglers who care deeply for this resource and its future. Our hope is that the PID and Amendment 7 reflect similar care and lead to a healthier population of the fish and fisheries you are entrusted to protect.

Sincerely,



Patrick Cassidy

cc: Mike Armstrong, Massachusetts Division of Marine Fisheries
Raymond Kane, Cape Cod Commercial Fishermen's Alliance
Dan McKiernan, Massachusetts Division of Marine Fisheries
Massachusetts Rep. Sarah Peake
Sherry White, U.S. Fish & Wildlife Service
Patrick Paquette, Massachusetts Striped Bass Association
Douglas Amorello

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<https://spo.nmfs.noaa.gov/sites/default/files/pdf-content/MFR/mfr492/mfr4927.pdf>