



Atlantic States Marine Fisheries Commission

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A.G. "Spud" Woodward (GA), Chair

Joseph Cimino (NJ), Vice-Chair

Robert E. Beal, Executive Director

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

June 15, 2023

David M. Golden
Assistant Commissioner
New Jersey Department of Environmental Protection
401 East State St
P.O. Box 402, Mail Code 401-07
Trenton, New Jersey 08625-0420

Dear Mr. Golden,

This letter is in response to your request for analytical data regarding the recent striped bass emergency action approved by the Atlantic States Marine Fisheries Commission's (Commission) Atlantic Striped Bass Management Board (Board). Thank you for outlining the process and engagement between New Jersey Department of Environmental Protection (DEP) and the New Jersey Marine Fisheries Council (Council) as implementation of the new 31-inch maximum size limit for the striped bass recreational fishery is addressed.

The Board approved the emergency action in response to two pieces of information that became available between the Winter 2023 and Spring 2023 Board meetings: (1) estimates of 2022 striped bass recreational removals and (2) new stock rebuilding projections. Marine Recreational Information Program (MRIP) 2022 recreational harvest estimates indicate harvest increased by 88% relative to 2021. New rebuilding projections incorporating 2022 data estimate the probability of the spawning stock rebuilding to its biomass target by 2029 drops from 97% under the lower 2021 fishing mortality rate to less than 15% if the higher 2022 fishing mortality rate continues each year. In the Commission's Striped Bass Technical Committee's (TC) April 2023 report (Attachment 1), the TC notes that increased recreational removals in 2022 are driving the increased fishing mortality and lower rebuilding probability. Regarding the Council's concern about the credibility of the 2022 MRIP harvest data, the percent standard error (PSE) for the Atlantic coast total striped bass harvest estimate is less than 10%. This indicates a high statistical confidence in the estimate. In addition, some 2022 ocean commercial fisheries reported meeting quotas for the first time in several years, indicating a high availability of striped bass in the ocean, consistent with the increased harvest of striped bass in the recreational fishery.

The Board's intent with the emergency 31-inch maximum size limit is to reduce harvest of the strong 2015-year class, which are age-8 fish in 2023. A majority of those age-8 fish will be between the previous ocean slot size of 28 inches and 35 inches in 2023. The Board expressed concern that another high year of harvest in 2023 would jeopardize stock rebuilding. In particular, without a change in the size limit, much of that harvest pressure would be directly on the available 2015-year class, which is one of the few above-average year classes in the past decade.

On June 15, 2023, the TC met to discuss methods for estimating how removals are expected to change from 2022 to 2023 with the new 31-inch maximum size limit in place. The TC reviewed a first method

for estimating 2023 removals using past 2018-2019 data to simulate fish availability and catch when a strong year class (2011 year-class at the time) moved from age-7 to age-8 in the fishery, just as the 2015s are moving from age-7 to age-8 from 2022-2023. The TC noted this method and assumptions are reasonable to estimate 2023 removals. Using this first method, the preliminary estimate is a 29% reduction in 2023 total removals relative to 2022 due to the emergency action size limit change. This estimate may change with final calculation runs, and the TC will ultimately compare this method to a second, projection-based method to determine the best estimate to use.

According to the preliminary first method calculation, recreational harvest is estimated to decrease by roughly 50% in 2023 due to the emergency action. Additionally, release mortality is estimated to decrease by 6%. The TC discussed why live releases were estimated to decrease, even with the 31-inch maximum size limit and resulting narrower slot. In 2022, when the strong 2015 year-class was age-7, part of that abundant year class was above 28 inches, and so was available in the slot. But part of that abundant year class was still below 28 inches and therefore sub-legal, so it is possible that many 2022 releases were releases of under-size fish. In 2023, when the strong 2015-year class is age-8, most of that abundant year class is above 28 inches, and so directly within the previous 28 to <35-inch slot. While there may be increased releases of fish over 31 inches due to the emergency action, there may be fewer sub-legal fish caught/released in 2023. Figure 1 in the June 2023 TC meeting summary (Attachment 2) illustrates this point showing the size distribution of age-7 fish vs. age-8 fish (i.e., the predicted size distribution of the 2015-year class in 2022 vs. 2023) relative to the Addendum VI/Amendment 7 ocean slot limit and the emergency action ocean slot limit.

While these measures were approved with limited public input, the Commission received extensive public comment during the development of Amendment 7 in favor of allowing the Board to take swift management action in response to the findings of the most recent assessment update if rebuilding was imperiled. Under the Commission's Interstate Fisheries Management Program Charter, swift action is permitted if the conservation of the resource is at risk, as it was determined by the Board with this action. Nevertheless, the Board remains committed to having full public participation in the management process, which is why an addendum to set measures for 2024 was initiated concurrently with the emergency action.

We appreciate New Jersey DEP and the New Jersey Marine Fisheries Council's consideration of this new analysis and the emergency action. The success of Commission management measures to support striped bass rebuilding is contingent on all states participating in the management program. As of today, eleven of the fourteen jurisdictions in the management unit have implemented the emergency action measures. The two remaining states, other than New Jersey, are working through their administrative processes and are on track to implement regulations consistent with the emergency action by July 2.

Assistant Commissioner Golden

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We are happy to address follow-up questions as needed. Please feel free to reach out to me and Toni Kerns (ASMFC Fisheries Policy Director), and we will coordinate with ASMFC striped bass staff.

Sincerely,



Robert E. Beal

cc: Joe Cimino, Jeff Brust, Heather Corbett, Mike Celestino, Brendan Harrison

Attachment 1: April 2023 TC Report on Rebuilding Projections, also available at the following link:

http://www.asmfc.org/uploads/file/645930d6SBTC-SAS_ProjectionsMemo_04.2023.pdf

Attachment 2: June 2023 TC-PDT Meeting Summary, also available at the following link:

http://www.asmfc.org/uploads/file/648b4274SBTC-PDT_MeetingSummary_06.05.23.pdf

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