

There was a mixed bag of news coming out of the Atlantic States Marine Fisheries Commission's annual meeting in New Hampshire in late October – especially with regard to menhaden and striped bass. Here are highlights.

Menhaden:

We have already mentioned why we consider menhaden one of the most important forage fishes in our ecosystem at every stage of their life. Accordingly, Riverkeeper has engaged in a coastwide campaign to protect these fish within the Hudson River and beyond. We have successfully fought the reduction industry from using massive purse seines in New York State waters out of fear that industrial fishing that could cause localized depletions of the fish, which would then send ripples through the food web. We also believe an abundance of menhaden buffers depleted populations of river herring and shad from unnecessary predation while their populations are still recovering from historic lows. Riverkeeper has engaged with other NGOs all along the coast to protect menhaden in the ocean and more recently in Chesapeake Bay, where a disreputable, foreign-owned, industrial fishing giant called Omega Protein, mines massive quantities of these fish up and down the coast causing localized depletions, which directly impacts declining populations of striped bass, bluefish, and weakfish. The reduction industry draws millions of these unfortunate fish from the ocean in enormous purse seines only to grind them into meal and fish oil for aquaculture, agriculture and other consumer products. See more about Omega Protein quest to deplete our ecosystems of the “most important fish in the sea.” Through the help of Riverkeeper's actions, purse seining menhaden are now outlawed in New York waters and Omega's actions have caused the State of Virginia to be found out-of-compliance with the Atlantic States marine Fisheries Commission (ASMFC). As you may know, Riverkeeper will not quit and will not quaver in defense of the Hudson River and its ecosystem.

Omega Protein, is a foreign owned corporation, that already receives an 85 percent share of the menhaden fishery on the East Coast. However, to conserve the forage for a variety of species in Chesapeake Bay the ASMFC set a reduced quota of menhaden as a precautionary approach and with regard to the management of multiple fisheries in the bay. The express intent of the Bay Cap, which was based on a 5-year average of prior landings was to avoid localized depletions and ecological impacts excessive harvest might have on the Bay's ecosystem. Omega wasn't satisfied with that cap and willfully decided to overfish calling the catch cap arbitrary.

Both the Menhaden Management Board and the Menhaden Policy Board of the ASMFC found the State of Virginia out of compliance resulting from of Omega Protein's defiant and deliberate overfishing of the Chesapeake Bay cap. In fact, Omega's decrying the cap an arbitrary ruling resulted in them being excoriated by the ASMFC commissioners who stated that quotas are based on robust science. What was most interesting at the meeting was that Virginia commissioners requested that the State of Virginia be found out of compliance for Omega's intransigence.

We applaud the ASMFC for having the wherewithal to stand up to Omega Protein, enforcing the Bay Cap, and finding Virginia out of compliance with ASMFC regulations, but this was the right action to take. However, it is debatable as to whether or not the Secretary of Commerce will

support the ASMFC ruling since the Secretary of Commerce was appointed by President Trump and he broke with the Commission and did not find New Jersey out of compliance back in 2017.

On a side note SAI Global the company that evaluated Omega Protein for a Marine Stewardship Council (MSC) label is revisiting that decision as will be auditing them to determine if the award should for a fishery that is well-managed and sustainable. Surprisingly, the MSC has stated that is us at Riverkeeper that the MSC is not responsible for certifying fisheries; this is done through an independent third party assessor who uses the MSC fisheries standard to determine whether the fishery meets the criteria for certification. In this case, the third party assessor is SAI Global. This statement seems to be a sanctimonious response from an organization that prides itself on sustainable and legal fishing practices.



What occurs at the Federal level is uncertain, but we're hoping the Secretary of Commerce will see the irrationality of supporting a foreign-owned corporation that operates in defiance of the ASMFC. We will have another action campaign for the Secretary of Commerce hear our voices and know that people in the Hudson Valley care about a humble that gaining great respect lately.

Striped Bass:

There were mixed results coming from the ASMFC's Striped Bass Board meeting. We knew in advance of the meeting that striped bass are in decline and the stock is considered overfished with overfishing still occurring. Data from the ASMFC shows that the striped bass stock remains below target levels and excessive mortality is occurring. As a result, the Commission's Striped Bass Board initiated Addendum VI, which requires an 18 percent reduction from 2017 fishing quotas. Regardless of the fact that the recreational fishery contributes the largest mortality, it was decided that both the recreational and commercial sectors will share the pain equally since striped bass are a common resource and all stakeholders should do their part to rebuild the stock. This is an entirely reasonable point.

The next issue for the Commission to tackle was the size and bag limits to arrive at the 18 percent mortality reductions. Instead of choosing one fish per angler at 35", which most anglers had advocated for, the Board opted for one fish per angler in the 28 – 35" range. Their reasoning for choosing a slot size was to ensure fishermen went home with a fish and to protect the larger more fecund females. However, fish larger than 35" are proportionately rarer and the odds of catching the fish is greater. Since these fish can't be kept, dead discards are a worrisome problem when releasing large fish. Nevertheless, the slot sized was selected and we'll see how this fares in achieving the desired results, but it makes sense to protect the largest fish, even though a year classes will have a tougher time reaching a larger size.

To eliminate the high rate of dead discards, circle hooks became mandatory tackle for bait fishermen all along the coast. States will have until 2021 to fully implement this provision. There were some concerns about enforcement of the regulation, but we feel that if circle hooks were mandatory when fishing for with bait for all gamefish including striped bass and bluefish, that concern would have less validity. Nevertheless, we feel the use of circle hook is a good requirement that will help protect striped bass from unnecessary loss and stress. In fact, we would recommend the use of barbless hooks whenever possible as this would further alleviate stress when releasing the fish. I can attest that I only fish barbless, and have no problems catching fish as long as the line is taught. Techniques is most important when playing fish and if some escape, so be it.



Figure 1. This 60 lb striped bass was caught by the author using a barbless jig.

The most controversial issue during the meeting was instead of enacting a uniform action for all states to adopt, the Commission is allowing conservation equivalencies, which provides a way for each state to develop their own regulations as long as they achieve the 18 percent mortality. It was at this juncture that the meeting began to devolve as some states argued for conservation equivalencies, which essentially allows a work-around to Addendum VI, which was to reduce striped bass mortality. While we applaud the Board for taking action, we feel that a greater

mortality reduction would have been achieved if the states were mandated to take an undivided stance, which was the express intent of Addendum VI. Allowing the states to select their respective actions allows states some flexibility with respect to their regional fisheries, but at the same time it undermines the coastal management strategy of the ASMFC and delays the rebuilding of the stock. The allowance of this provision is really a mechanism for states to manipulate the system and it needs to change. The question that must be asked is, why have an ASMFC if each state has their own objective.

To reduce mortality in the Hudson, fishery managers will have to decide if the implementation of circle hooks, the shortening the season and elimination of trophy fish will be adequate to meet the necessary goals.

States are required to submit implementation plans by November 30, 2019 for review by the Technical Committee and approval by the Board in February 2020. States must implement mandatory circle hook requirements by January 1, 2021. All other provisions of Addendum VI must be implemented by April 1, 2020.

All in all, fishery management is a work in progress and we'll see how the measure progress. Let's be thankful we have the best managed fisheries in the world. Can you imagine how bad it must be in other places?

To the fishes!

– George Jackman, Habitat Restoration Manager, Riverkeeper