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Denying Sanctuary To Stripers

Opening the EEZ to striper fishing could bring back the bad old days

By Ted Williams

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As a resident of central Massachusetts and equidistant from the commonwealth's north shore, Cape Cod and Long Island Sound, I am blessed with quick access to the best striped bass fishing on the planet. I have been here at the wrong time, but now I am here at the right time. Atlantic stripers have recovered from near collapse in the late 1970's to current abundance that no living angler has previously seen. From early May to early November they keep me tired and late with magazine deadlines. No longer do I want to move to Montana.

For this stupendous fishery my fellow anglers and I can thank fishery managers. With the 1984 Striped Bass Conservation Act, the Atlantic States Marine Fisheries Commission (ASMFC) acquired the power to impose a striper-fishing moratorium in any state that doesn't comply with sound management. ASMFC did a fine job, rebuilding the stock from an historic low of about five million fish in 1982 to about 50 million in 2003.

On the other hand, we can also thank managers (in this case those employed by the states) for the original collapse that made Congressional intervention necessary. In the mid 1970's they told us that limiting recreational and commercial kill wasn't necessary because there were "plenty of stripers for everyone." (That's a direct quote from the Massachusetts Division of Marine Fisheries.) So maybe you can understand why I'm leery about proposals by managers, state or federal, to radically alter striper regulations. Despite all manner of impressive-sounding formulae and elegant models, the successful management of striped bass, and all fish for that matter, is 90 percent commonsense guesswork.

On April 24, 2003 ASMFC lapsed in common sense when it petitioned the fisheries branch of the National Oceanic and Atmospheric Administration (NOAA Fisheries) to legalize recreational and commercial striper fishing in the federal part of the Exclusive Economic Zone (EEZ)-the 197 nautical miles beyond the 3-nautical-mile state limits.

The striper is an inshore species, and most of the fish hang out in state waters. But in some areas-most notably Nantucket Shoals and the wintering grounds off North Carolina-the EEZ is an important striper sanctuary, especially for the big females so vital to the spawning population. Keeping the EEZ closed for the past 14 years has had a lot to do with the return of stripers along the Atlantic coast.

As wonderful as the fishing is these days, the stock wasn't and isn't "fully recovered," as ASMFC proclaimed in 1995. Recreational anglers, who account for most of the harvest, are subject to strict bag limits. In my state, for instance, you can kill only two fish over 28 inches per day; that's the standard, and, while some states are more conservative, no state is significantly less so. But strict bag limits don't do you much good when there is more and more pressure. Since stripers started doing better the number of angler days has been doubling every few years. Ease too close to a blitz off Cape Cod or Montauk and you're apt to get a bow sprint or tin squid through your windshield. Few fish are making it past the minimum size limit, so the population is grossly skewed in terms of individual age and size structure.

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The striped bass evolved the ability to spawn 15 or 20 times in a lifetime as a hedge against the catastrophic spawning failures that anadromous fish are heir to. But under current management most stripers get to spawn just once. Moreover, there's good evidence that this intense pressure is selecting for slow-growing and small fish. As stripers gain weight, the number of eggs they produce increases geometrically, so there's a diminishing chance that large-fish genes will get passed on. As Lee Wulff liked to say, it's like killing everyone in your town over six feet, then trying to field a winning basketball team.

When last I wrote about stripers, in FR&R's March 2002 issue ("Striper Recovery-Not"), I quoted Gary Shepherd, NOAA Fisheries' rep on ASMFC's Striped Bass Technical Committee, as follows: "In terms of total number of eggs, the spawning stock is now probably as large as it's ever been. But the big fish are getting cropped off. Most of them are gone by the age of about 15, and stripers can live to 30. So we're limiting their life span to about half." I read him those words on August 23, 2004 and asked him if anything had changed since he uttered them. He said it hadn't.

But he meant nothing had changed for the better. Things might be changing for the worse, he allowed, when I asked about this year's stock assessment. He had only preliminary figures, and he couldn't give me anything specific until the committee released the data, but he did tell me this: "The estimates were not good for the model we used. We use different models, although the trend in all of them seems to be that mortality has increased. Whether it's increased beyond the point where we need to do something serious, we're not sure yet."

In 2003, Amendment 6 to the striped bass plan set target mortality at "F=.3," which equates to about 25 percent removal from the available population by recreational and commercial fishing. If, for any year, fishing mortality exceeds the F=.3 target, ASMFC's board may take action to reduce harvest. It hasn't, even though fishing mortality has been over target for five consecutive years. If fishing mortality exceeds the threshold of F=.41, the board must take action. "We're probably catching too many," says Shepherd, "but at least up until 2002 we didn't get to the point where the managers are required to do something. It's getting close. And the debate this time is whether we've exceeded that threshold." If the preliminary data are wrong and the threshold was not exceeded in 2003, that doesn't do a whole lot to inspire confidence in striper advocates.

One of them, who attended the ASMFC's August technical committee meeting, said this on condition I not use his name: "If what happened in that assessment holds true, we are retrogressing quickly. The first run [of data] showed spawning-stock biomass equivalent to 1995 levels. And that's in excess of F=.5. There might be an error in the assessment; we don't know yet. But it created one heck of a buzz."

On top of all this there is an ongoing crisis in Chesapeake Bay, the main striper production area for the entire Atlantic. Tag-recapture data from Maryland and Virginia at spring spawning grounds indicate survival has declined from 60 to 70 percent in the mid-1990's to 40 to 50 percent. Concurrently, there has been drastic decline in average weight, possibly the result of a crash in the bay's menhaden population. Stripers captured in autumn are physiologically indistinguishable from fish starved in the lab for two months. More than 70 percent of Chesapeake stripers are infected with Mycobacteriosis, a disease that causes lesions on skin and spleen, and managers suspect that anglers are culling healthy fish, thereby selecting for disease.

According to NOAA's Federal Register notice, ASMFC's reasons for recommending an open EEZ are as follows: "Currently, recreational and commercial catches are occurring in the EEZ and these fish are required to be discarded. Opening the EEZ will convert discarded bycatch of striped bass to landings. .

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. . There are expectations among a number of fishing industry stakeholders that their past sacrifices would result in future opportunities to harvest striped bass, and therefore, there are potential credibility issues associated with keeping the EEZ closed. . . . Fishing mortality is currently below the target level [untrue], and spawning stock biomass is 1.5 times the target level [thanks to two great recent year classes in a species notorious for wild fluctuations in spawning success]."

Opening the EEZ will indeed "convert discarded bycatch of striped bass to landings." It will also facilitate more landings by transforming an incidental fishery for cow stripers to a directed one and, at the same time, create a free-kill zone for poachers. In all my years of chasing striped bass I've been checked by a game warden exactly once, and when he saw my fly rods he didn't even look in the fish box. Essentially, states don't enforce striper regulations in their own waters; and they can't enforce them in federal waters. The feds aren't serious about enforcing striper regs either; about all they do is homeland security. As a result, poaching is rampant everywhere. I know a guide in New York who sees poachers clubbing stripers most every time he goes out; they don't even bother to do it surreptitiously. Once he reported one of them to the Coast Guard. Next morning he found his boat sunk at its slip with all the electronics bashed in. On the Chesapeake you're apt to get your anchor hung up in illegal gill nets.

In an open EEZ, bycatch will be replaced many times over by discards. Most discards will result from an illegal practice called "high grading," which can be done at no risk in an unpoliced environment. It's happening already, and here, from eye witness Michael Deckard of Ocean City, New Jersey, is how it works. This from his letter to ASMFC's management director, Robert Beal, describing a trip to Oregon Inlet, North Carolina on January 22, 2003: "I witnessed, firsthand, 10 to 15 trawlers [some in federal waters] netting huge schools of striped bass (within 200 yards of our boat) pulling their nets over an hour, on each pull; and then to our disgust-culling just the really large fish, stabbing the others (my friend called it 'picking'-so they wouldn't float) and throwing the rest back dead! After they unloaded their nets, they went back to netting again. . . . I couldn't believe what I was witnessing. I asked my friend (the captain) how this could happen and he said it's a loophole in the law. The state of North Carolina allows this one or two days a month-each trawler is allowed 100 fish."

Right now enforcement in the EEZ is relatively easy (or would be, if it were attempted). If you see recreational or commercial fishermen retaining stripers or even targeting stripers, you bust them. But in an open EEZ a boat from a state with no striper regs could steam into, say, the wintering grounds off the Outer Banks, load up on cow stripers, go home and sell them. Or a boat could fill up 3.1 nautical miles off a state that doesn't allow commercial striper fishing, such as Maine, dock at any Maine port, and sell the catch, thereby rendering the species' state gamefish status meaningless.

"The commercial catch is already terribly understated due to the presence of a large illegal harvest," write Brad Burns and George Watson of Stripers Forever. "Public records are filled with hundreds of violations, some of great magnitude. . . . Some estimates of the illegal commercial catch run up to 50 percent of the legal one, but the ASMFC makes no allowance or estimate for this illegal catch. Allowing a commercial harvest and possession limit in the EEZ will facilitate the 'legal' transportation of striped bass that will subsequently be sold illegally, frequently labeled as another species."

This isn't the first time ASMFC and NOAA Fisheries have tried to open the EEZ. They made the same proposal in 1996, then backed off under withering fire from anglers. "I remember those public hearings very well," reports J.B. Kasper in the Trenton (New Jersey) Times. "The first one was shut down by the fire marshal because over 700 sportsmen showed up in Toms River at a meeting place that was only meant to hold 125 people. The fact that the majority of the people who showed up were sportsmen versus only a handful of commercial fishermen, which almost [caused] a riot, forced the

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powers that be to reschedule two more public hearings." Although New Jersey law forbids netted stripers to be landed and forbids sale of all stripers, the state's commercial draggers lobbied furiously to reopen the EEZ. When asked why they wanted to catch fish they couldn't legally land or sell, they didn't respond.

Opening the EEZ isn't popular even with the states. In fact, most are opposed. "The real pressure is coming from commercial fishermen," says Charles Witek, Fisheries Committee chair of the Coastal Conservation Association (CCA) New York. "Mostly they're in Massachusetts, where there's some offshore structure, and in North Carolina, where there's this huge body of wintering fish. The commercials want those fish. On the recreational side the pressure is coming, again, mostly from Massachusetts. Perhaps a little bit from Virginia and a low hum in New York. The Montauk charter boat captains want to bass fish and then go offshore for blues or bass. They get a few bass when they're jiggling bluefish more than three miles out, and they want their customers to be able to keep them."

In 2003 NOAA Fisheries estimates that anglers caught 17 million stripers of which they intentionally killed 2.4 million and accidentally killed 1.7 million. The same year, commercial fishermen took 1.1 million fish of which 262,000 were dead discards. Those stats tell us two important things: 1) way too many fish are being killed by both sides; and 2) commercial striper fishing is a minor, part-time business that--unlike angling--contributes little to the economy. What the stats don't tell us is that, although the commercial kill is roughly 27 percent of the recreational kill, anglers outnumber commercial fishermen by about 500 to one. So commercial fishermen, per capita, take about 134 times more stripers than anglers.

I am aware of two legitimate anglers unconnected to commercial-fishing who favor opening the EEZ because they believe it would spread out commercial and recreational pressure. They're great conservationists, and I respect them both. Apart from them, I don't know a single angler, guide or conservation organization not adamantly opposed to it. CCA and its state affiliates, Jersey Coast Anglers Association, Recreational Fishing Alliance, and Stripers Forever are all oppose the idea. As the last of these groups correctly observes: "The entire striped bass management scheme is essentially commercially motivated. The two fish at 28 inches is an unwanted sop that commercially oriented state directors have shoved down the throats of their recreational fishermen as a smoke screen for giving bloated quotas to commercial interests. A perfect example is last year's 43 percent coastal increase and the unwanted recreational increase to two fish over 28 in Massachusetts. How many of those do you think get sold on the black market? The problem is that commercial fishing doesn't just kill fish, it creates a management mentality based around maximum harvest rather than economic and social values achieved by a quality fishery. If commercial fishing for stripers were eliminated, we are confident that many of these ridiculous and largely unwanted excesses would be dropped from the management plan. The recreational community really doesn't want them, and there would no longer be a commercial voice to satisfy."

That's the ultimate answer-make the striped bass a game fish coastwide. That's easier said than done, but there have been some valiant attempts, the latest a stalled bill filed in March 2003 by Rep. Frank Pallone, Jr. (D-NJ), the ranking Democrat of the House Subcommittee on Fisheries Conservation, Wildlife, and Oceans.

If Pallone or anyone else ever pulls this off, Stripers Forever says it would have "no objection to allowing recreational fishing in the EEZ." Considering the damage that anglers can do and are doing, I'm not sure I'd go quite that far unless the bag limit were substantially reduced-say to one fish with a maximum (rather than minimum) size limit of 28 inches.

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With striped bass ASMFC has a unique opportunity to do something managers have rarely tried-work with a stock that is healthy (even though it could be a lot healthier). But managing a healthy stock for abundance instead of the most possible dead poundage-i.e., "maximum sustained yield"-just doesn't compute with managers or the institutions at which they train. It's time for that to change. And the way to change it is to make yourself heard. By the time you read this NOAA Fisheries should have completed and posted its draft environmental impact statement on opening the EEZ. Read it and comment by logging onto: http://www.nmfs.noaa.gov/sfa/state_federal/state_federal.htm.

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