



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Atlantic Striped Bass Management Board

FROM: Law Enforcement Committee

DATE: April 25, 2022

SUBJECT: LEC Input on Striped Bass Draft Amendment 7 Options for Recreational Release Mortality

The Law Enforcement Committee (LEC) met via webinar on April 18, 2022 to provide input on the Striped Bass Draft Amendment 7 options addressing recreational release mortality. The LEC's input and recommendations are summarized below for each of the proposed options. These options are being considered for implementation in addition to the status quo circle hook requirement.

Option B. Effort Controls (Seasonal Closures)

The LEC emphasized previously discussed concerns that no-targeting closures would be unenforceable, particularly considering striped bass often overlap with other recreationally targeted species (e.g., bluefish) and enforcement cannot prove targeting intent. On the other hand, no harvest closures would be enforceable. For spawning closures, the LEC noted the closure areas should be clearly defined for implementation (i.e., determine specific boundaries and/or rivers for the closures).

Option C. Additional Gear Restrictions

For option C1, which proposes prohibiting any device other than a non-lethal device to remove a striped bass from the water or assist in releasing a striped bass, the LEC is concerned that the provided definition¹ of a non-lethal device is too broad. With such a broad definition, implementing this option as written would be difficult to enforce and could be confusing to anglers who use methods like spearfishing to target striped bass (where permitted in some states).

To improve enforceability, the LEC recommends being more specific, either by identifying which lethal devices are prohibited, or by identifying which non-lethal devices are permitted for use. If the Board's intent with this option is to prohibit gaffing specifically, the LEC recommends using the following language instead of the non-lethal device language: *It shall be unlawful for any person to gaff or attempt to gaff any striped bass at any time when fishing recreationally.*

¹ As defined in Draft Amendment 7, a non-lethal device means any tool used in the removal of striped bass from the water or to assist in the releasing of striped bass that does not pierce, puncture, or otherwise cause invasive damage to the fish that may result in its mortality.

The above recommended language is based on Virginia's striped bass regulations regarding gaffs. Other examples of state regulations regarding gaffs and striped bass are included at the end of this memo for reference.

Regarding the approach of listing non-lethal devices that would be permitted to use, the LEC discussed an example of language in federal regulations for bringing sea turtles onboard (net or hoist required)². However, the LEC concluded it may be difficult to sufficiently capture all non-lethal devices in such a list.

The LEC supports option C2, which would require striped bass caught on any unapproved method of take be returned to the water immediately without unnecessary injury. The LEC noted that making this a requirement for incidentally caught striped bass aligns with and strengthens gear restrictions.

Option D. Outreach and Education

The LEC supports outreach and education efforts to help increase compliance with regulations. However, the LEC noted the outreach options in Draft Amendment 7 do not provide specific details on how or what type of outreach would be conducted. Related to circle hooks, at a previous meeting in December 2021 the LEC recommended conducting outreach to manufacturers to address questions about what qualifies as a circle hook.

Shared Water Bodies or Neighboring States

The LEC highlighted the importance of consistent regulations in shared waterbodies and among neighboring states. Different regulations between two neighboring states presents special enforcement challenges, and are often confusing to anglers.

Examples of Existing Gaff Regulations for Striped bass

The following are some examples of existing state regulations regarding striped bass and the use of gaffs:

- Maine: *It is unlawful to use a gaff to land any striped bass.*
- New Hampshire: *The taking of striped bass by gaffing shall be prohibited.*
- Connecticut: *Striped bass may only be taken by angling (spearing is prohibited) and the use of a gaff in the taking of striped bass is prohibited.*
- Virginia: *It shall be unlawful for any person to gaff or attempt to gaff any striped bass at any time.*

² Title 50 Chapter VI Part 622 Appendix F Sea Turtle Release Gear: One approved net or hoist is required on board. These devices are to be used to facilitate safe handling of sea turtles by allowing them to be brought on board for fishing gear removal, without causing further injury to the animal. Sea turtles must not be brought on board without the use of a net or hoist.