

# Atlantic States Marine Fisheries Commission

## Atlantic Striped Bass Management Board

October 21, 2020

1:30 – 4:30 p.m.

Webinar

### Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

- |  |           |
|--|-----------|
| 1. Welcome/Call to Order ( <i>D. Borden</i> )  | 1:30 p.m. |
| 2. Board Consent   | 1:30 p.m. |
| • Approval of Agenda   |           |
| • Approval of Proceedings from August 2020   |           |
| 3. Public Comment  | 1:35 p.m. |
| 4. Consider Approval of State Implementation Plans for Addendum VI Mandatory Circle Hook Requirements ( <i>M. Appelman</i> ) <b>Final Action</b> | 1:45 p.m. |
| 5. Review Technical Committee Report on Factors Limiting Recreational Release Mortality Estimates ( <i>K. Sullivan</i> )                         | 2:15 p.m. |
| 6. Consider Draft Amendment 7 Public Information Document for Public Comment ( <i>M. Appelman</i> ) <b>Action</b>                                | 2:45 p.m. |
| 7. Other Business/Adjourn  | 4:30 p.m. |

## MEETING OVERVIEW

### Atlantic Striped Bass Management Board Webinar

October 21, 2020

1:30 – 4:30 p.m.

Webinar

Chair: David Borden (RI) Assumed Chairmanship: 02/20	Technical Committee Chair: Kevin Sullivan (NH)	Law Enforcement Committee Rep: Kurt Blanchard (RI)
Vice Chair: Martin Gary (PRFC)	Advisory Panel Chair: Louis Bassano (NJ)	Previous Board Meeting: August 3 and 4, 2020
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, NMFS, USFWS (16 votes)		

#### 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from August 2020

**Public Comment** – At the beginning of the meeting, public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

#### 4. Consider Approval of State Implementation Plans for Addendum VI Mandatory Circle Hook Requirements (1:45 – 2:15 p.m.) Final Action

##### Background

- Addendum VI requires the mandatory use of circle hooks when fishing for striped bass with bait to reduce discard mortality in recreational striped bass fisheries.
- States must implement mandatory circle hook requirements by January 1, 2021
- States submitted implementation plans for Addendum VI circle hook requirements August 15

##### Briefing Materials

- The Striped Bass Plan Review Team (PRT) met September 8 to review state circle hook plans and develop comments for Board consideration **Briefing Materials**

##### Presentations

- PRT report by M. Appelman

##### Board Actions for Consideration

- Consider approving state implementation plans for circle hook requirements

**5. Review Technical Committee Report of Factors Limiting Recreational Release Mortality Estimates (2:15 – 2:45 p.m.)**

**Background**

- The Technical Committee (TC) estimates that 9% of all recreationally caught striped bass that are released alive die as a result of that fishing interaction, commonly referred to as release mortality or discard mortality.
- Recreational release mortality constitutes a significant portion of total striped bass mortality because the fishery is predominately recreational, and the majority of striped bass catch is released alive (90% annually since 1990).
- The Board tasked the TC to review factors limiting recreational release mortality estimates to improve understanding and inform possible actions to address or reduce discard mortality in the fishery **Briefing Materials**.

**Presentations**

- TC report by K. Sullivan

**6. Consider Draft Amendment 7 Public Information Document for Public Comment (2:45-4:30 p.m.) Action**

**Background**

- The status and understanding of the striped bass stock and fishery has changed considerably since implementation of Amendment 6 in 2003, which has raised concerns that the existing management program may no longer reflect current fishery needs and priorities.
- Accordingly, the Board initiated development of Draft Amendment 7 to consider addressing a number of important issues that have been facing striped bass management for a long time.
- The Plan Development Team developed the Draft Amendment 7 Public Information Document (PID) which is a broad scoping document intended to focus public input and inform development of the Draft Amendment (**Supplemental Materials**)

**Presentations**

- Draft Amendment 7 Public Information Document by M. Appelman

**Board Actions for Consideration**

- Consider approving the PID for public comment

**7. Other Business/Adjourn (4:30 p.m.)**

## Atlantic Striped Bass

### Activity level: High

**Committee Overlap Score:** Medium (TC/SAS/TSC overlaps with BERP, Atlantic menhaden, American eel, horseshoe crab, shad/river herring)

#### Committee Task List

- PDT – develop all documentation for the development of Draft Amendment 7
- SAS/TC – various taskings in response to the 2018 benchmark assessment and relating to development of Draft Amendment 7
- TC – June 15<sup>th</sup>: Annual compliance reports due

**TC Members:** Kevin Sullivan (NH, chair), Jason Boucher (DE, vice chair), Nicole Lengyel Costa (RI), Olivia Phillips (VA), Alexei Sharov (MD), Carol Hoffman (NY), Charlton Godwin (NC), Ellen Cosby (PRFC), Gail Wippelhauser (ME), Gary Nelson (MA), Brendan Harrison (NJ), Jeremy McCargo (NC), Kurt Gottschall (CT), Luke Lyon (DC), Bryan Chikotas (PA), Peter Schuhmann (UNCW), Gary Shepherd (NMFS), Steve Minkkinen (USFWS), John Ellis (USFWS), Katie Drew (ASMFC), Max Appelman (ASMFC)

**SAS Members:** Gary Nelson (MA), Alexei Sharov (MD), Hank Liao (ODU), Justin Davis (CT), Michael Celestino (NJ, Chair), John Sweka (USFWS), Gary Shepherd (NMFS), Katie Drew (ASMFC), Max Appelman (ASMFC)

**PDT Members:** Nichola Meserve (MA), Nicole Lengyel Costa (RI), Brendan Harrison (NJ), Olivia Phillips (VA), Simon Brown (MD), Jason Boucher (DE), Derek Orner (NMFS), Greg Wojcik (CT)

**Tagging Subcommittee (TSC) Members:** Stuart Welsh (WVU, Chair), Heather Corbett (NJ, Vice Chair), Angela Giuliano (MD), Beth Versak (MD), Chris Bonzak (VIMS), Gary Nelson (MA), Ian Park (DE), Jessica Best (NY), Carol Hoffman (NY), Gary Shepherd (NMFS), Josh Newhard (USFWS), Wilson Laney (USFWS), Katie Drew (ASMFC), Max Appelman (ASMFC)



**DRAFT PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
ATLANTIC STRIPED BASS MANAGEMENT BOARD**

**Webinar  
August 3 and 4, 2020**

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**August 4, 2020**

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1. **Approval of agenda** by consent (Page 1).
2. **Move to approve proceedings from May 20, 2020** by consent (Page 1).
3. **Move to approve the 2020 Fishery Management Plan Review and state compliance reports for Atlantic striped bass** (Page 5). Motion by Emerson Hasbrouck; second by Cheri Patterson. Motion carried (Page 5).

### **Postponed Motions from April 2019**

#### **Main Motion**

**Move to initiate an Amendment to the Atlantic Striped Bass Fishery Management Plan to address the needed consideration for change on the issues of fishery goals and objectives, empirical/biological/spatial reference points, management triggers, rebuilding biomass, and area-specific management. Work on this amendment will begin upon the completion of the previously discussed addendum to the management.** Motion postponed indefinitely.

4. **Move to postpone indefinitely the motions made during the April 2019 meeting of the Board** (Page 25) . Motion by Mike Luisi; second by Justin Davis. Motion carried (Page 25).
5. **Move to initiate an Amendment to the Atlantic Striped Bass Fishery Management Plan focused on the following management topics: (1) fishery goals and objectives; (2) stock rebuilding/timeframe; (3) management triggers; (4) biological reference points; (5) regional management (recreational measures, coastal and producer areas, regional reference points); (6) recreational discard mortality; (7) conservation equivalency; (8) recreational accountability; and (9) coastal commercial quota allocation. Each of these topics will be presented in a Public Information Document in order to solicit 5 stakeholder comment focused on prioritizing the importance of each topic for continued development and inclusion in the Amendment** (Page 25). Motion by Mike Luisi; second by Megan Ware. Motion carried (Page 31).

#### **Motion to Amend**

**Move to amend to remove part 9: coastal commercial quota allocation from the initial motion** (Page 27). Motion by Emerson Hasbrouck; second by Justin Davis. Motion failed (Page 31).

6. **Move to task the Plan Development Team/Technical Committee to begin developing methods to better understand discards in the fishery** (Page 33). Motion by Eric Reid; second by Marty Gary. Motion carried (Page 39).
7. **Move to elect Marty Gary as Vice chair of the Atlantic Striped Bass Management Board** (Page 39). Motion by Megan Ware; second by Roy Miller. Motion carried (Page 39).

**INDEX OF MOTIONS (continued)**

**Postponed Motion from February 2020**

**Move to task the Plan Review team to review state reductions in the fishery Management Plan Review of the 2020 fishing year. If a state is below their predicted target reduction, the Board may direct a state to modify he Board may direct a state to modify measures for the following fishing year to achieve the target reduction .**

8. **Move to postpone indefinitely with the intention to address accountability in the initiated amendment** (Page 41). Motion by Megan Ware; second by Justin Davis. Motion carried (Page 43).
9. **Adjourn** by consent (Page 45).

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**ATTENDANCE**

**Board Members**

Patrick Keliher, ME (AA)	Heather Corbett, NJ, Administrative proxy
Megan Ware, ME, Administrative proxy	Tom Fote, NJ (GA)
Sen. David Miramant, ME (LA)	Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)
Cheri Patterson, NH (AA)	Kris Kuhn, PA, Administrative proxy
Ritchie White, NH (GA)	Loren Lustig, PA (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	G. Warren Elliott, PA (LA)
Dan McKiernan, MA (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Mike Armstrong, MA, Administrative proxy	Roy Miller, DE (GA)
Raymond Kane, MA (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Rep. Sarah Peake, MA (LA)	Bill Anderson, MD (AA)
Jason McNamee, RI (AA)	Mike Luisi, MD, Administrative proxy
David Borden, RI (GA)	Robert Brown, MD, proxy for R. Dize (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Phil Langley, MD, proxy for Del. Stein (LA)
Justin Davis, CT (AA)	Pat Geer, VA, proxy for S. Bowman (AA)
Bill Hyatt, CT (GA)	Sen. Monty Mason, VA (LA)
Robert LaFrance, CT, Governor Appointee proxy	Steve Murphey, NC (AA)
Matt Gates, CT, proxy for Sen. Miner (LA)	Chris Batsavage, NC, Administrative proxy
Jim Gilmore, NY (AA)	Jerry Mannen, NC (GA)
Maureen Davidson, NY, Administrative proxy	Daniel Ryan, DC, proxy for B. King
Emerson Hasbrouck, NY (GA)	Marty Gary, PRFC
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Derek Orner, NMFS
Joe Cimino, NJ (AA)	Mike Millard, USFWS

**(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)**

**Ex-Officio Members**

Kevin Sullivan, Technical Committee Chair	Kurt Blanchard, Law Enforcement Representative
Mike Celestino, SAS Chair	

**Staff**

Robert Beal	Chris Jacobs
Toni Kerns	Jeff Kipp
Max Appelman	Kirby Rootes-Murdy
Kristen Anstead	Sarah Murray
Tina Berger	Joe Myers
Pat Campfield	Mike Rinaldi
Katie Drew	Mike Schmidtke
Maya Drzewicki	Caitlin starts
Kristen Anstead	Deke Tompkins
Lisa Havel	Geoff White
Sarah Hylton	

**Guests**

Karen Abrams	Matt Ayer, MA DMF	Jessica Best, NYS DEC
Rep. Thad Altman, FL (LA)	Joey Ballenger, SC DNR	Alan Bianchi, NC DNR
Pat Augustine, Coram, NY	John Bello	Ellen Bolen, VMRC
Michael Auriemma, NJ DEP	Peter Benoit, Ofc. Sen King, ME	Jason Boucher, DE DFW

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The Board will review the minutes during its next meeting.

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**Guests (continued)**

William Brantley, NC DENR	Peter Himchak	Olivia Phillips, VMRC
Delayne Brown, NH F&G	Kyle Hoffman, SC DNR	Kelly Place
Jeff Brust, NJ DEP	Carol Hoffman, NYS DEC	Nicholas Popoff, US FWS
Mike Celestino, NJ DEP	Asm. Eric Houghtaling, NJ (LA)	Dominick Pucci
Matt Cieri, ME DMR	Rusty Hudson, DSF	Michael Quinan
Joe Cimino, NJ DEP	Bob Humphrey, Pownal, ME	Jill Ramsey, VMRC
Germain Cloutier	George Jackman	Harry Rickabaugh, MD DNR
Allison Colden, CBF	Stephen Jackson, USFWS	Matt Rogers, VMRC
Catlyn Craig	Jeff Kaelin, Lund's Fisheries	Mike Ruccio, NOAA
Jane Crowther, Omega Protein	Desmond Kahn	Eric Schneider, RI DEM
Jeff Deem	Adam Kenyon, VMRC	Tara Scott, NOAA
Patrick Denno	Adrienne Kotula, CBF	Alexei Sharov, MD DNR
Russell Dize, MD (GA)	Toby Lapinski	Andy Shiels, PA F&B
John Duane	Tom Little, NJ Legislature	Davie Sikorski
Paul Eidman	Carl LoBue, TNC	Melissa Smith, ME DMR
Peter Fallon	Dee Lupton, NC DENR	Gregory Sorg, SC DNR
Catherine Fede, NYS DEC	Chip Lynch, NOAA	Ross Squire
Lynn Fegley, MD DNR	Pam Lyons Gromen	David Stormer, DE DFW
Corrin Flora, NC DENR	Shanna Madsen, VMRC	Helen T-Heumacher, US FWS
Jared Flowers, GA DNR	John Maniscalco, NYS DEC	Howard Townsend, NOAA
Julien Frank	Steve Minkkinen, US FWS	Taylor Vavra
Tony Friedrich, SGA	Frank Misel	Beth Versak, MD DNR
Matt Gates, CT DEEP	Nichola Meserve, MA DMF	Mike Waine, ASA
Lewis Gillingham, VMRC	Steve Meyers	Hannah Welch
Angela Giuliano, MD DNR	Chris Moore, CBF	Craig Weedon, MD DNR
Lee Goldberg	Brandon Muffley, MAFMC	Catlyn Wells, SC DNR
Willy Goldsmith, SGA	David Mussina	Angel Willey, MD DNR
Kurt Gottschall, CT DMF	Ken Neill	Charles Witek, W. Babylon, NY
Shepherd Grimes, NOAA	George O'Donnell, MD DNR	Chris Wright, NOAA
Jake Hardy	Tyler O'Neill	Spud Woodward, GA (GA)
Brendan Harrison, NJ DEP	Travis O'Neal	Erik Zlokovitz, MD DNR
William Harward	Patrick Paquette, MA SBA	Renee Zobel, NH FGD
Doug Haymans, GA (AA)	Rich Pendleton, NYS, DEC	

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The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Monday, August 3, 2020, and was called to order at 9:00 a.m. by Chairman David V. Borden.

**CALL TO ORDER**

CHAIRMAN DAVID V. BORDEN: Welcome all. The first meeting of the week is the Atlantic Striped Bass Management Board. For the record, my name is David Borden. I'll be chairing the meeting. Welcome you all.

**APPROVAL OF AGENDA**

CHAIRMAN BORDEN: We'll proceed with the agenda the way it was published. In terms of Board Consent, do we have any objections to approving the agenda as submitted? Toni, are there any hands up?

MS. TONI KERNS: Mike Luisi has his hand up.

CHAIRMAN BORDEN: Mike.

MR. MICHAEL LUISI: No objections, Mr. Chairman. I just was wondering if we could potentially at the end of the meeting, once we get through the agenda, maybe under new business. I just wanted to put it on your radar if you thought it would be appropriate. As you know, states are going through the process right now to implement circle hook requirements as part of the provisions of Addendum VI.

I was hoping that, at the conclusion of our agenda under new business, that we might be able to spend a few minutes to go around the table to just get a sense as to what people are thinking about regarding the coastal circle hook requirements. I know our implementation plans are due in a few weeks, but it would be helpful to me, and I'm sure others, to spend a few minutes at the end of the meeting talking about that. I just wanted to see if you thought that that would be appropriate, maybe

tomorrow afternoon after we get through the agenda.

CHAIRMAN BORDEN: Yes, I have no objection to that as long as we have time, everyone recognizes we have a very limited amount of time to go over these issues, so if we can accommodate that we will start the discussion.

MS. KERNS: David, Jim Gilmore has his hand up as well.

CHAIRMAN BORDEN: Excuse me.

MS. KERNS: Jim Gilmore has his hand up.

CHAIRMAN BORDEN: Go ahead.

MR. JAMES J. GILMORE: It was the same request, Mr. Chairman. Mike beat me to it, but yes there is a lot of stuff that we could talk about on that. I think it's a good thing to do, if we can squeeze it in a few minutes at least.

CHAIRMAN BORDEN: Okay, we'll add that to the agenda if the time allows, or at least have a short discussion on it. The agenda is approved as submitted.

**APPROVAL OF PROCEEDINGS**

CHAIRMAN BORDEN: The next item of business is approval of the proceedings from May 20. Normally we handle this by consensus. Is there any objection to approving the proceedings as submitted? Toni, any hands up?

MS. KERNS: No objections.

CHAIRMAN BORDEN: No objections, so the proceedings stand approved without objection.

**PUBLIC COMMENT**

CHAIRMAN BORDEN: We always afford the public an opportunity to comment at these. The comment period is limited to items which are not on the agenda, and we limit the amount of time that is

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available for the public. Are there any members of the public that want to comment on issues that are not on the agenda? Toni.

MS. KERNS: I don't see any members of the public with their hands raised, and if there was a member of the public that wants to speak, and you can't figure out the hand raise, you can always send us a question of a chat and let us know.

### **CONSIDERATION OF THE FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE**

CHAIRMAN BORDEN: Okay, we have no questions, so we'll proceed with Agenda Item 4, Consideration of the FMP Review and State Compliance. I just simply note as an introductory comment that there are no problems that have been noted as part of this. I would hope for the approval to proceed on that. Max, do you want to offer a comment?

MR. MAX APPELMAN: We'll just get the presentation up on the screen. Maya, that link didn't work for me. Maybe if you could just pull it up on your end.

MS. KERNS: David, don't forget to mute your microphone when you're not talking, because I think we get a little feedback from you.

MS. MAYA DRZEWICKI: Max, do you want me to make myself the presenter again?

MR. APPELMAN: Yes, it's not working on my end, if you could just show it on yours and flip through it for me. Excellent, thanks Maya. Sorry about that guys. This is the 2020 FMP Review for striped bass. It focuses on the 2019 fishing season. The Plan Review Team reviewed State Compliance reports back in July, and the draft report is included in supplemental meeting materials, hopefully you have it in front of you.

Like Dave said, we don't have that much time this morning, so I'm going to move through this pretty quickly, and just hit the high points. As a reminder, this is an action item. You do have a motion typed up and ready to go. We'll just need someone to make that motion, and a second of course. Quick overview of the sections in the report. There is a summary for the status of the stock, status of the management plan, status of the fishery and fishery performance in 2019, status of management measures and compliance, and then of course Plan Review Team comments and recommendations. For stock status, we're still using the results of the 2018 benchmark stock assessment, which found the stock overfished and experiencing overfishing in 2017. That is the terminal year of that assessment. A reminder that the 2018 benchmark does use the new MRIP estimates, so cannot be directly compared to previous assessments.

Then in the table, looking at the 2017 spawning stock biomass estimates relative to their target and thresholds. This is a figure from that report, a lot going on here, but in the blue shaded area in the back that is female spawning stock biomass over time. The trajectory is very similar to previous assessments, but the scale is different, and the declines and the peaks are a little steeper compared to previous reports, especially in the more recent part of the time series.

You can see the solid line and the dash lines at the top in black. Those are the SSB targets and thresholds. The gold bars at the foreground that is recruitment estimates through time. They are somewhat variable, there was a period of low recruitment at the early part of the time series, followed by a period of higher recruitment in the middle, and more recently a period of lower recruitment.

However, there are three notable, strong recruitment events in 2012, 2015, and 2016. The dashed orange line that is the average recruitment across the time series. Then briefly, this is the fishing mortality rate, a figure from the assessment. You can see that ACT has been above the target for



a number of years, dating back to the mid-1990s, and has been above the threshold in 13 of the last 15 years.

In 2019, Amendment 6 and its Addenda I through IV set the regulatory and monitoring programs for striped bass. Recall that Addendum VI was approved in October of 2019, but final measures weren't implemented until April of this year. It was not in place for the 2019 reporting period. Of course, the Board is considering postponed motions later today and tomorrow, which are consider initiating an amendment to address a suite of different management issues.

Moving to status of the fishery. This is a look at fishery performance over time by sector. At the bottom in blue is commercial harvest, and discards in red, which are relatively stable through time. The commercial sector is managed by a quota system, and a static quota system at bass since 2015. Again, most of the removals here are coming from the recreational sector. You have harvest in green, and discards in the purple color.

The recreational estimates are much more variable through time. There are peaks in the 2000s, and you can see how they tail off a little bit in recent years. Now we're zooming in on the 2019 fishing season. This is sort of a broad view of fishery performance. Typically, for striped bass, we talk about catch and harvest in terms of numbers of fish, and the percentages in the parentheses here are the relative change to the previous year, so relative to 2018.

Overall, total removal of that being commercial and recreational harvest plus dead discard from both sectors was estimated at 5.47 million fish, and that is a 5 percent decrease relative to 2018. On the commercial side there was a 4 percent increase, in terms of numbers of fish, but a 12 percent decrease by weight, indicating more fish harvested but smaller average fish size, which is corroborated by reports from the

ocean commercial fishery reporting a lot of high catch of sublegal size fish, particularly off of New York. Chesapeake Bay accounted for 66 percent of the harvest by weight, and discards were accounted for at less than 2 percent of total removals in 2019. On the recreational side, harvest was estimated at 2.15 million fish. That is a 4 percent decrease relative to 2018. Releases also came down by 8 percent.

Dead discards were estimated 2.6 million fish, and that accounted for 47 percent of total removals in 2019. Lastly, the Plan Review Team did discuss fishery performance by region as well, specifically Chesapeake Bay versus the ocean fishery. I'm not going to go into detail here, but there is some dialogue in the report on Pages 6 and 7, I believe that highlights those differences, and the different fishing conditions that were experienced in most of the regions.

Quickly here, reviewing the first proportion of recreational catch that is thrown back. These are the total catch estimates in the blue bars, which are quite variable. But the proportion of fish that are released alive remains relatively high. That's the red line at the top of the figure. About 90 percent per year, going back to the early '90s are thrown back, and that proportion has been above 90 percent the last few years, and in 2019.

This table is showing commercial quota monitoring. You have commercial quota then harvest for 2019 in those first two columns, and then the final 2020 quotas are presented on the right side, and they do account for approved conservation equivalency programs, as well as any overages. There was one overage by Maryland in Chesapeake Bay.

You can see that at the bottom of the table, and that will be deducted from its 2020 quota. Again, all those quotas on the right-hand side are final, and reflect overages and season programs. These figures show the 2020 Juvenile Abundance Index Analysis for this year. The Review Team looked at the 2017, 2018, and 2019 index values, and no management action is triggered at this time.

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Of note though, North Carolina's index value was below its respective threshold in 2018 and 2019, so that is definitely something to pay attention to next year. Also, Maine and New York values were below their threshold in 2019. Virginia and New Jersey's values were above average for the time series, I'm sorry were about average for the time series, and Maryland's was above its threshold, but well below average. You can see these figures much clearer in the report.

Wrapping up with Review Team comments and recommendations. In 2019, the Plan Review Team determined that all states implemented a regulatory and monitoring program consistent with the requirements of the FMP. There are tables in the back of the report that summarize state regulations by sector, also a table for fishery independent and dependent monitoring requirements and compliance, as well as the commercial harvest tagging program.

Those are summarized by state as well. As far as *de minimis* requests, there weren't any requests for 2019. The last bullet here is the Plan Review Team did note two inconsistencies in state regulations for 2020. New York and Delaware's recreational measures permit harvest of fish less than and equal to the maximum size limit, as opposed to just less than the maximum size limit to reflect the Addendum VI measures and the approved implementation plans. But I'll note that this was already flagged. The Board reviewed updated projections that in May you'll recall, and at that time these items were flagged, those projections were based on final 2020 state measures. This has been brought up before, nothing new there. Yes, that's it for me, Mr. Chair. I'm happy to take questions if there are any, but otherwise as mentioned, this is an action item. We do have a motion drafted and prepared. We can bring that up on the screen, and if someone is willing to make that motion, we'll be looking for approval.

CHAIRMAN BORDEN: All right, questions for Max.

MS. KERNS: You have John McMurray and then John Clark.

CHAIRMAN BORDEN: Okay, John McMurray.

MR. JOHN G. McMURRAY: I had a question about the Juvenile Abundance Indices. Can we put that slide up again that showed all the different charts of different watersheds? Generally, we pay close attention to the Maryland JAI, and you don't hear much about the Virginia one. But just looking at these two, they seem very different in their results. I think that is odd, given that it is the same watershed. Is there any explanation of that? Why do we focus on the Maryland survey more than the Virginia survey, and why do you think they are so different?

MR. APPELMAN: It's a good question. You know these two surveys are surveying different parts of the Bay. I would have to look back into the management plan to find which specific rivers they're surveying. We review each of these indices every year, and if some members are focused more on the Maryland Bay, it is more predictive of what is going to be happening out on the water that is fine. But we do review each of these independently.

MR. McMURRAY: Okay thanks, I was just more curious than anything else.

CHAIRMAN BORDEN: John Clark.

MR. JOHN CLARK: Yes, just quickly. I just wanted to point out that Delaware is now in compliance. Our regulation change goes into effect August 11. That will have us at less than 35 inches as the maximum size, so we are in compliance on that now.

CHAIRMAN BORDEN: Any other hands up, Toni?

MS. KERNS: No, you're all set.

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CHAIRMAN BORDEN: That motion Max, could you put that up on the board, please? Can I have someone to make it, please?

MR. APPELMAN: Maya is going to pull that up really quick.

MS. KERNS: We have Emerson Hasbrouck.

**CHAIRMAN BORDEN: Emerson, make your motion to approve the 2020 Fishery Management Plan Review and state compliance reports for the Atlantic striped bass. Is there a second to that motion?**

MS. KERNS: Cheri Patterson.

CHAIRMAN BORDEN: Sounds great. Cheri, is the seconder, thank you. Do we have any objections to the motion? Any hands up?

MS. KERNS: I see no objections.

**CHAIRMAN BORDEN: Okay, motion stands approved without objection.**

**DISCUSS WORK GROUP REPORT ON ISSUES TO BE CONSIDERED IN THE NEXT MANAGEMENT DOCUMENT**

CHAIRMAN BORDEN: The next item on the agenda is the Work Group Report, and just as a quick introduction. The last time the Board met we agreed to put together a small work group, which has met I think four times, and done a lot of excellent work on the pros and cons of various strategies. We're going to get two reports. I ended up appointing two different co-chairs, and I think we're going to start off with Megan, and then we'll move to Marty, who are both giving reports. Megan.

MS. MEGAN WARE: This is Megan, good morning everyone. Marty and I were co-chairs of this Workgroup, so we're going to be splitting up the presentation today of our report. As the Board Chair mentioned, the Workgroup met four times between this Board meeting and the

last Board meeting. The Workgroup spent over ten hours discussing these topics.

Distilling all of that conversation into a 15-minute presentation is a little difficult, and I definitely recommend reading through the Workgroup report, if you haven't done so already, to get a better flavor of what we talked about. As a reminder, the Workgroup was tasked with discussing issues related to concerns of current management of striped bass, and specifically we talked about potential issues that could be included in a future management document.

The Workgroup was confident that we are not a Plan Development Team, so we are not the group charged with developing specific alternatives. Instead, the Workgroup focused on identifying challenges or concerns with the current FMP, areas of improvement. We talked about pros and cons of different strategies.

Then we also developed some questions for the Board for areas of feedback from the public. We're going to start the Workgroup presentation with kind of a broader view of some of the overarching discussion of the workgroup, and the themes which emerge. Throughout the four calls, the Workgroup noted several management challenges, which have emerged for striped bass.

I think the first one that we talked a fair bit about was the 2018 benchmark stock assessment, and how this has changed our understanding of stock status. This is really due to the change in MRIP estimates. We now have higher recreational catch and harvest estimates than we previously thought, and this has resulted in higher fishing mortality estimates throughout the time period. But there are also other challenges. This fishery is extremely complex. We have fish from the Hudson River, the Delaware Bay, the Chesapeake Bay. They are all merging in a mixed-stock fishery along the Atlantic Coast. Unfortunately, this complexity is not requested in the modeling with the stock, so this limits the Board's ability to implement measures which reflect this complexity. We have a

geographically diverse fishery, and this can often result in differing goals and objectives. We also have regional fisheries, which look very different from one another, so that can depend on the sizes of fish, or the availability of fish, and also this regional practices in culture.

We have F rates which are variable from year to year, even under a single management program. This can make it hard to project catch and effort. Then we also have challenges with MRIP. Even though this is our best available data for the recreational sector, particularly when you get at finer-scale estimates, like the state level for entry level.

There is going to be high levels of uncertainty and variability, and this limits the Board's ability to have a flexible management program, while also maintaining accountability. Through our four calls on the Workgroup, there were three themes which emerged. They were management stability, flexibility and consistency.

The Workgroup acknowledged that there are some elements of these which are in conflict with one another, and there are others that probably work well together. But using the analogy of a Venn diagram, the Workgroup commented that there is a sweet spot between balancing these different ideas, and it's the degree of overlap between these different ideas, which means they are either easy or challenging to find that point of balance.

These themes were also commented on being central to striped bass management, and they could be guiding principles, if the Board decides to initiate action. Now I'm going to talk about some of the specific issues the Workgroup discussed. There are 10 of them, and we'll go one-by-one. Our first was stock rebuilding.

As a reminder, the Board is required to take action to rebuild SSB to the target in ten years or less. Our most recent projection suggests

that in 2029, we will be at 97 percent of the SSB target. The Workgroup began its discussion with an acknowledgement that that first bullet point on the slide is a projection.

How do we incorporate the uncertainty around these projections into our management decisions, as well as our definition of success? There were comments that many striped bass management decisions are rooted in stock projections, and sometimes the results of these are taken at face value. I think there was an acknowledgement by the Workgroup that this has resulted in some criticism from the public.

In terms of the ten-year rebuilding timeframe, the Workgroup commented that it's long, but it is likely appropriate, given the biology of striped bass. Then there was also a note that stock rebuilding is closely tied to management triggers and reference points, and we will talk about those next.

Our second issue was management triggers. As a reminder, Amendment 6 includes five management triggers that are tied to fishing mortality, SSB, and recruitment. Overall, there was strong support from the Workgroup to revisit these management triggers. Once it's noted that the triggers are requiring different change on different timeframes. For example, there is a one-year window for looking at exceeding the F threshold. Other triggers are based on two consecutive years of SSB estimates. We have a three-year timeframe for recruitment, and all of these different timeframes mean action is being required at different times to address different concerns, and that this is in conflict with the theme of management facility.

Further, there were some Workgroup members who noted that while the triggers can require frequent change, there needs to be an acknowledgement that F can be variable from year to year under the same management measures. The Workgroup also discussed the one-year requirement to get back to the F target.

There were some who noted that stakeholders support this requirement, while others believed it promotes more of a knee jerk reaction that isn't always necessary. Several Workgroup members commented that management triggers should be developed which strike a balance between management stability and accountability.

Then finally, the Workgroup kind of posed a question. I think this is not a unique question for striped bass, and we certainly didn't answer it. But how could the Board balance the magnitude of change in an action versus the time to get to our target, and how do we think about some of the communities in our decision?

Our third topic was reference points. Currently our reference points are based on historical stock performance in 1995, and they are applied coastwide. The Workgroup began its discussion with talking about the current assessment, and how it really fails to capture the complexities of our stock structure, and it has uncertainty to aspects of stripe bass management.

There was very strong support from the Workgroup to continue to develop that 2-stock model. There was also support from several Workgroup members to revisit reference points now, even if we don't have that 2-stock model. Some Workgroup members questioned if 1995 is still appropriate for a reference year, given we had improved data and advanced modeling, which has changed our understanding of historical stock performance.

Some pointed to the fact that our 2018 stock assessment indicates that the SSB target has never been achieved. But I think kind of in the same breath, the Workgroup also acknowledged that F has been above the F threshold for some time, so that may be contributing to that SSB trends routine.

The Workgroup also talked about regional reference points that can be pursued under our current assessment framework. In the current model we have removals that are separated into two fleets, a Chesapeake Bay fleet, and an ocean fleet. These fleets could be used to explore regional reference points.

However, the Workgroup noted that a challenge with this is how to apportion the coastwide F reference points between those two regions. Our fourth topic was FMP goals and objectives. I think there was an acknowledgement from the Workgroup that goals and objectives are going to vary, depending on where you are and how an angler is interacting with the resource. The Workgroup did not suggest eliminating any of the existing goals and objectives. I think many Workgroup members highlighted that some of the objectives are still quite relevant, so things like management stability, balancing flexibility with consistency to sustain essential habitat. All of those are still quite relevant.

But the Workgroup did jot down some ideas of objectives which may be missing from the current FMP. Reflecting stock complexity in the assessment science, consistent management and monitoring, recognizing impacts of climate change, improving catch accounting for the recreational sector, and then promoting "responsible fishing." This was getting at the idea of circle hooks, which were implemented in Addendum VI.

Our fifth topic was commercial allocations. As a reminder, Amendment 6 restored commercial allocations to 100 percent of average catch from 1972 to 1979, except for Delaware, who has kept it at 2002 level. Since then there have been many management changes, and conservation equivalencies. I think it's a little muddier than just that simple explanation.

Some Workgroup members expressed concern that the commercial allocations are a poundage, and they are not a percentage. As a result, they are not inherently linked to the status of the stock. This

means that to change commercial allocations you have to go through an addendum or an amendment.

In contrast, we think that something like the menhaden FMP, their commercial quotas are a percentage of a total allowable catch, and that means allocations are scaling as either biomass increases or decreases. There were also comments that different states are subject to different timeframes for quota.

As I mentioned, Delaware was capped at its 2002 level in Amendment 6. I think there were also questions about the accuracy of the data between 1972 and 1979, particularly that far back there were questions about the accuracy of harvester reports during that time, and if that timeframe is still relevant.

There were also discussions on the potential influence of climate change on the stocks, so some Workgroup members noted that not all states are meeting their quotas, and is that indicative of climate change? Finally, there was a comment that the commercial fishery is accounting for about 10 percent of removals, and this potentially speaks to the ability to control catch and effort in the striped bass fishery. That is my half. Marty, I will pass it off to you.

MR. MARTIN GARY: Good morning everyone, and as Megan mentioned, she has taken you through the first five issues the Workgroup addressed, and there is another five, and I'll walk you through those. Then there will be an opportunity for the Board to ask questions. Our next topic is conservation equivalency.

The Workgroup reflected on the recent Addendum VI conservation equivalency process. We looked at pros and cons specific to that. Pros included flexibility of management, and the ability for a single FMP to consider regional differences in a fishery. Cons listed included reduced consistency between the

states, greater imprecision in the data used to craft measures, and the potential to fall short of the overall target. Then we discussed could we better define the purpose of conservation equivalency, and how can it be applied? Including potential restrictions during periods of stock rebuilding, greater guidelines on the measures that can be used, and to limit the number of conservation equivalency proposals submitted for review.

Then we went into regional management, and we discussed producer versus coastal regions in a larger theme breakout, and unique considerations of the producer areas due to the development of smaller fish throughout the season. The producer versus coastal area management leaves distinct reference points as a goal for this species.

As Megan had mentioned that is still something the Workgroup members felt strong about. Then this overlapped with discussions with CE and CE proposals that create disparate measures in our region, and the Chesapeake is sort of an example of that right now, where typically we have relatively good regulatory consistency.

Now you have a situation where four Chesapeake jurisdictions, none of the regulations are consistent. Perhaps there is a place for regional management and conservation equivalency, again that overlap in the themes that we mentioned. The recreational accountability, and the Workgroup discussed the harvest and the catch varying due to the availability of the fish, and then high level of variability year to year.

The managers are unable to predict effort, and effort tends to increase exponentially with availability. The Workgroup discussed whether there should be thought carefully to the challenges associated with MRIP. Accountability to what, and at what scale? We discussed how MRIP estimates are generally less accurate at finer scales, and concerns with the accountability based on MRIP point estimates.

Recreational dead discards, more than one of the Workgroup members commented this may be the most important issue. These recreational dead discards accounted for 48 percent of the overall mortality in the terminal year through 2017 of the most recent benchmark stock assessment. During that discussion of recreational dead discards, the Workgroup commented that again this may be one of the most important issues.

Dead discards correlate with the availability and effort, so this can vary widely year to year, as we saw with Max with the FMP update, it dropped in the most recent year, in 2019. We discussed ways to address dead discards, which may include regulatory change. The requirements that we're discussing now we'll hopefully discuss tomorrow, and angler education.

Continued efforts to improve the science, when release mortality rates for assessment purposes have a strong theme in our discussions in the Workgroup. The geographic scope makes addressing dead discards a daunting challenge, but we all agreed that the efforts were worthy of the time to put into that.

In the future management documents should raise awareness of this issue. This was a very, very important issue the Workgroup discussed. Finally, Number 10, protection of larger, older fish. This was not part of the original list of issues, but the Workgroup did agree it was worthy of discussion. The larger fish are more fecund and produce more recruits, as an importance there biologically. Addendum VI implemented maximum sizes in many states, but it also created slot limits, so sort of by default we moved in a direction where we are affording protection. There may be question of continuity of protection for larger fish.

There was a discussion on broad age structure versus protecting older fish. It's all about the fishing effort on a cohort. In this particular

situation one of the goals and objectives of Amendment 6 was to provide a broad age structure, not necessarily protection of the older fish. But in this particular situation under Addendum VI, we've shifted, at least along many of the states along the coast to a slot limit.

We are now affording protection to those larger fish, and concentrating effort on specific cohorts as they move through, so we had a discussion about that. Then finally, general agreement from the Workgroup to bring this up before the Board for further discussion. We created a prioritization survey.

It was anonymous, so there were seven Workgroup members and they submitted answers to various questions, in terms of the priority of these various topics, and the scope of the issues discussed by the Workgroup proved to be very formidable, and a challenge to address comprehensively in one single document.

As a result, the Workgroup discussed prioritizing the issues and providing the Board with a sense of what issues may be combined or addressed by a different process. We made an attempt to pull that together, and I believe the next slide, Maya should have the results of that survey, and this is a small sample size just the seven Workgroup members.

The histogram up top is showing the value, the importance of recreational dead discards, and then the chart below telling the number of Workgroup members, again there are just seven folks in this Workgroup. But you can at least get a sense of where priorities fell out. I will say that something like goals and objectives, it's kind of skewed over, so it's either lower to the right-hand side, the less important side.

We had a pretty vigorous discussion in our last meeting that that is imperative, even though it sort of ranked down the list that we really need to capture this effectively. Again, this just gives you a kind of a snapshot of how these fell out in importance for the various Workgroup members.

This is a time and opportunity for the Board to ask questions about the Workgroup's efforts. The Workgroup was made up of Mike Armstrong from Massachusetts, Mike Luisi from Maryland, Ritchie White, with Dennis Abbot as his proxy for New Hampshire, Joe Cimino from New Jersey, myself and Megan Ware from Maine.

Normally, I think we would all be around a table, and we would be seated up by myself, Megan, Max, and our Board Chair, David Borden. I'll turn it back, Max I guess to you, to see how we want to handle the processing of the questions. Hope that gets us through those issues, and I know we have a little bit more to talk about beyond the question component of this meeting.

CHAIRMAN BORDEN: Thank you, Marty and Megan. Recognizing the fact that we have all of 12 minutes for questions, if we're going to stay on a schedule. Let's take a few questions. Let me just ask, questions for we'll say two questions from Megan, and two questions for Marty, and then see where we go from there. Does anyone care to ask Megan a question on the points that she raised?

MS. KERNS: We have a question from John McMurray, and then Bill Hyatt.

CHAIRMAN BORDEN: Okay, so John then Bill. John.

MR. McMURRAY: I have a question for Megan about themes that emerged. One of them was management stability, and regulatory consistency was the last one, but the two kind of go together, I think. I'm a little confused about where management has been unstable. I think we've had two management changes in the last 17 years were triggered.

One was when the stock was clearly headed downhill, and the other one was when it became overfished. That doesn't seem

excessive, it doesn't seem to be knee-jerk to me. I'm wondering if you could articulate what the Board meant by knee-jerk reactions. Why do we need that flexibility to make things more stable and more consistent, because to me it looks like it is already pretty consistent?

MS. WARE: Thank you for the question, John. This is a diverse Workgroup, so there are lots of different opinions expressed. I think when we talked about management stability that was stability over time, and that consistency was over space, so regulatory consistency for state-to-state, and then also in time. I don't believe the Workgroup, or I don't recall the Workgroup necessarily looking at the history of the actions that have come to date.

But I think the discussion on management stability stems from that trigger discussion, where we were looking at the different triggers and seeing the different timeframes that could be initiated for a change. Commenting that it may be nice, or prudent to have a more cohesive approach to the triggers that wouldn't be triggering something one year, and then something different the second year, and then something different the third year.

MR. McMURRAY: Okay that is helpful to understand. I have a quick follow up about the flexibility portion of the policy. That was listed as a theme, but there wasn't really much discussion of it in the report, as far as I can tell. What does that mean, flexibility to disregard clear science and to allow overfishing, or to change things based on political pressure?

In my view that's pretty clear, and we've certainly heard from stakeholders that that is exactly what they don't want. I'm wondering if preventing overfishing and rebuilding has emerged as a theme at all. You know it's discussed almost cursory in the report. To me, and I think to most stakeholders that would be the top thing in all of this. Maybe you can explain some of that for me, and clarify.



MS. WARE: Sure, for management flexibility that discussion I think stemmed from the recognition that we have a pretty complex fishery. You know different regions have different attributes or fisheries that are in them. Even though we are looking for the stability and consistency of space and time, we also need to acknowledge that regional fisheries are different. There may be different ways to approach or manage those regional differences. I think it was an acknowledgement of that. I can't remember if there was a second part to your question there, John.

MR. McMURRAY: Yes, I'm just wondering where preventing overfishing and rebuilding fall into the discussion, because it's not really talked about much in the report. I was wondering if there was a significant discussion or if this was kind of passed over.

MS. WARE: The very first issue that we did talk about was stock rebuilding, so it was one of the three issues that we talked about in our first webinar. I think our rebuilding folk's discussion really focused on the projection that I referenced, and the fact that this is a projection, and there is lots of uncertainty around this. How is the Board supposed to grapple or move forward with this type of information?

How do we incorporate and acknowledge that uncertainty into our featured management of the stock? The Workgroup is not a decisional body, so we did not make any decisions on the stock rebuilding. But I do believe, I'll quickly look back at the survey. I think stock rebuilding was the third highest ranked topic, so there were clearly some Workgroup members who felt like that was an important topic.

MR. McMURRAY: Okay that has helped.

CHAIRMAN BORDEN: John, we're going to have to move on to Bill, and then take questions from Marty, so Bill.

MR. WILLIAM HYATT: My question has to do with something that is mentioned under the conservation equivalency portion of the report. In that there is a suggestion made that a biological benefit should be demonstrated in a conservation equivalency proposal. I don't think this was included in your summary report, and it doesn't go into a lot of detail in the report itself. I kind of interpreted that as a suggestion that conservation equivalency proposals should include a sort of built in conservation buffer.

I think this probably came about because of the issue that arose recently wherein on a coastwide basis, after all the conservation equivalency proposals were figured in, the overall conservation of benefit came out, or reduction provision came out less than was originally trying for, less than the 18 percent you were intending to achieve. I found this suggestion to be intriguing, and I'm wondering if somebody, yourself or someone on the Workgroup could expand upon it a little bit, maybe provide some detail as to what you were getting at with that comment.

MS. WARE: Sure, Marty feel free to jump in, because I think this is actually on your slide. As a Workgroup member who felt or commented that the purpose of conservation equivalency should be better defined, and there to be kind of a clear goal and objective in using conservation equivalency. Their recommendation was that there be some sort of biological benefit. This would in essence be a bar that a state would have to meet or show when submitting a conservation equivalency proposal. As I mentioned, it's hard to put all of the conservation of the Workgroup on these slides, so I apologize that there wasn't a specific nod for that comment on this slide, but I definitely encourage people to read the Workgroup Report, which has [\[more information on these issues\]](#).

CHAIRMAN BORDEN: All right we're going to move on, a couple of questions for Marty. Toni.

MS. KERNS: It's Tom Fote.

CHAIRMAN BORDEN: Tom.

MR. THOMAS P. FOTE: Yes, I have two questions. One, when we look at the catch rates, did any of you discuss the fact that in Virginia and North Carolina, from basically 2012 to the present, we really do not have a fishery? Not even when the stocks were healthy, they haven't been since 2012. Does that basically relate to water temperature?

That was my first question. Did anybody even think of that when they looked at the figures of participation and basically do it. The second is, I've been dealing with striped bass a long time, and the science has never proved that big fish have more viable eggs, as a matter of fact they don't show up to the spawning grounds as often.

What scientific fact did you look that say smaller, 34, 33, 32-inch females are not more productive or more viable eggs than the larger fish? I mean that is the battle that has been going on, and nobody seems to have a question for the last 30 years that I've been dealing with this.

CHAIRMAN BORDEN: Marty, if you would like to take a stab at that. If you're not comfortable with that for some reason, perhaps somebody else will.

MR. GARY: No, I think I can take a stab I think, David. Tom, thanks for your question, and feel free other Workgroup members to chip in. I guess the first part of your question. You know we did touch upon; I think you're talking about I guess distribution and availability shift in those fish, Tom.

I know we touched on essences of that and discussed for instance, some of the shift northward, especially in the wintering time for those fish that used to be off North Carolina have moved up. That discussion sort of drifted

into different elements of how that would play out, in terms of allocation and things like that.

But we didn't really get deep into the weeds on it. There were nuances of discussion of distribution and changes over time with those fish. The second part of your question, you're talking about the fecundity, I think, and value of those larger fish. Again, that kind of fed into the addition of bringing that last topic into play during the last meeting, the value of the older fish. But we really didn't do a deep dive into the science behind that. It was more a cursory discussion, given the fact that one of the main goals and objectives in Amendment 6 was to provide a broad age structure. Now, we've kind of shifted here under Addendum VI, where we are affording protection to those larger fish, and we're shifting effort into a slot. You know it would kind of go into this discussion, this organic discussion of are we in conflict with the goals and objectives because we did that, and asked Katie a few technical questions. But I don't think we got quite to the level of scientific detail that you're asking in your question. If any of the Workgroup members saw that differently, please correct me.

CHAIRMAN BORDEN: We've got time for; I'll say two comments for Marty. Does somebody else have a question for Marty?

MS. KERNS: You have both Dennis Abbot and Craig Pugh with their hand up.

CHAIRMAN BORDEN: Okay, Dennis you get the last bite of the apple.

MR. DENNIS ABBOTT: I feel compelled to comment about my participation on your Working Group, albeit briefer than I had intended, as I've written out several pages of comments.

CHAIRMAN BORDEN: Dennis, can I interrupt you, and I apologize for interrupting you. Tom, I probably should have announced. Tom Fote had raised some questions about process on the Working Group, and I discussed the situation with Pat Keliher this morning, and suggested to him that

that issue be referred to either the Executive Committee or the Policy Board for a detailed discussion.

What I would like to do is to hold any comments on that issue until the last time. If you've got a specific question on some of the detailed recommendations from the Work Group then please ask, and if not, I would just ask you to hold off on that other aspect of the discussion.

MR. ABBOTT: Thank you, Mr. Chair. I have to make this comment that I was terribly troubled to be personally attacked by your three Commissioners from the state of New Jersey, saying that I participated in this with an agenda. I participated in this because I was asked to do it, because my friend, Ritchie White was recovering from heart surgery. I didn't volunteer for this, and I take great umbrage that my character was attacked in this letter from the state of New Jersey.

CHAIRMAN BORDEN: Okay thank you, Dennis. One other question for Marty and then I'm going to move on and kind of frame where I think we need to go during the second session of the first half meeting, since we're already behind schedule. Another question, who was on the list, Toni?

MS. KERNS: The last person that had their hand raised was Craig Pugh.

CHAIRMAN BORDEN: Craig, go ahead.

MR. CRAIG D. PUGH: My question, I guess it's to Gary, we had a discussion, and I appreciate the availability of him to allow us to talk about this a little bit. My concern is with the prioritization in the last part of the synopsis. As I see in the five-year strategic goal plan, under Number 1, it states in the middle of the paragraph, fishery management plans will also address the fair allocation of fishery resources among the states.

Understanding changing ocean conditions and their impact on fishery productivity and distribution is an elevated priority. My concern is that that would be a more elevated priority as according to what we've stated on our five-year plan. Unless we intend on recognizing this work as just work. Well if this actually has some meaning, then I would like that addressed.

MR. GARY: Mr. Chairman, I think it was more of a comment. I'm not sure I got a question there. But I would just say that the commercial allocation discussion, even though it shows up in prioritization by the Workgroup has fairly low rank, and again I think you have to take that a little bit with a grain of salt.

We did, we were careful in our deliberations and discussions to say, this is a small work group, that all these items are important. Craig, I don't know if it was a reference to whether or not you thought the Workgroup didn't particularly have strong feelings about commercial allocation. I thought we had a good discussion that particular meeting day, even though it ranked well, all these items are very important.

MR. PUGH: I do believe that you and I did have a great discussion there. I am a little onboard with Tom Fote, as far as representation. I'm a little slighted here, I thought John Clark would have been a great addition to the Working Group myself, could have added a lot to that. I have mixed emotions here. It just seems to me it's a wonderment of why we worked so hard on a five-year goal plan. I didn't see any of that mentioned in this that's all.

CHAIRMAN BORDEN: Where do we go from here? I think everybody recognizes there is a very limited amount of time for us to deal with this. This Working Group has done an excellent job of kind of fleshing out the pros and cons of different strategies, and they've offered up some prioritization.

But as you can see from the last comments that some members of the Board had a big issue with

some of those strategies. I think what you've got here, this warrants a great deal more discussion, as we go forward. But it has to be framed. The staff broke up the meeting intentionally, so that it would be completed in two parts.

The first part would basically be the report, the second part would be taking up a whole series of motions, tabled motions that have been offered as our entire meeting. Obviously, the Workgroup Report has direct bearing on where we go from here. The other aspect is this that I think we need to reflect on for the second aspect of the meeting, is when the next benchmark stock assessment is going to be complete.

Obviously, if we want to take major action on any of these priorities, I think we have to factor in the benchmark stock assessment. I could see a logical progression of viewing an amendment on a couple of priority issues that the Board thinks are important. Get the next stock assessment update, so we have the most current information. Then follow that if need be with an Addendum, which meets the actual restrictions. In preparation for the second segment of the meeting, which will be to take up these two motions, and basically decide where we go from here in terms of the work priority.

I would like people to reflect on the fact that almost in both cases that kind of the cleanest way to move forward with those postponed motions is we could make a motion to postpone them indefinitely. That would kind of clear the deck, so to speak, and we could consider prioritizing some of these suggestions that the Work Committee or other Board members want to offer.

That to me is kind of the cleanest way to go. The reason I'm stating this is that the staff broke the meeting into two pieces so that the Commissioners will have the ability to caucus

between now and the second session, and figure out their collective strategy on how they would like to move forward, and what the priorities are to move forward on, and also afford the Commissioners the opportunity to caucus among different states.

Between now and the second session of the meeting, I would ask all of you to caucus among your own delegation, and talk to other delegations. Hopefully for the second session we can come in and actually have a consensus on how to move forward. Unless there are additional questions, what I would like to do is to end this segment of the meeting, and we'll reconvene the second session with the postponed motions, and decide what kind of work priorities will be open. Are there any process questions from any of the members?

MS. KERNS: Dennis Abbott.

CHAIRMAN BORDEN: Dennis.

MR. ABBOTT: No, I don't have anything. My hand is probably in the wrong place.

CHAIRMAN BORDEN: Anyone else? If not, then I guess we're going to recess until the second segment of the meeting.

MS. KERNS: You have no other hands raised.

CHAIRMAN BORDEN: Thank you all, and before we leave, let me just thank all the members of the Workgroup, particularly Megan and Marty. I think you guys collectively did an excellent job of questioning out some of the pros and cons, without getting into the politics of the discussions, and I think you'll make the work for the Board easier because of the fine work that you guys took on. Thank you one and all.

(Whereupon the meeting adjourned at 10:07 a.m.  
on August 3, 2020)

**RECESS**

**ATLANTIC STATES MARINE FISHERIES  
COMMISSION  
ATLANTIC STRIPED BASS MANAGEMENT  
BOARD**

**TUESDAY AUGUST 4, 2020  
AFTERNOON SESSION**

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission reconvened via webinar; Tuesday, August 4, 2020, and was called to order at 3:00 p.m. by Chairman David V. Borden.

**CALL TO ORDER**

CHAIRMAN DAVID V. BORDEN: Welcome to the second sitting of the Striped Bass Board. My name is David Borden from Rhode Island; and I'm Chairman of the Board. The purpose of the session today is to deal with two tabled motions, and to decide on a course of action in a future action.

For those of you that did not listen to the first session, we intentionally broke the meeting into two parts, to allow Commissioners to caucus and discuss issues with their constituents if necessary. We also have been requested by Mike Luisi to allow a limited discussion of circle hooks under Other Business, so we'll bring that up if time allows, and hopefully it will.

Before we discuss the motions, what I would like to do is I would like to start with a discussion, and a very brief presentation by Max to provide an update on a few aspects of the issue that I believe are pertinent to the subject matter and the stock assessment. Then what we're going to do is we're going to move right into the tabled motions. Without further introduction, Max, would you please put up your presentation.

MR. MAX APELMAN: Yes, absolutely. Just a few slides here to focus on next steps and hopefully get ahead of some questions. There are two postponed motions coming back to the Board

today. This is the first motion, which was made back in April of 2019, after the Board reviewed the results of the 2018 benchmark assessment and initiated Addendum VI, which addresses overfishing status.

This motion considers initiating an amendment to revisit or address a suite of management issues, and it has two parts, a main motion and a motion to amend. This is the second motion, which will come back to the Board today. This motion was made in February of this year, after the Board reviewed and approved state implementation plans and CE measures with Addendum VI.

This motion considers accountability for states that do not achieve their predicted target reduction in 2020. In light of recent workgroup discussions, a number of members of the Board and other stakeholders have reached out to me and asked, you know which of these issues that are being discussed can be done during addendum, and which would require an amendment. I'll say generally speaking, if significant changes through a management program are needed, an amendment is typically developed to replace the existing FMP, to consolidate previous amendments and addenda.

But also, an amendment is sometimes pursued when the issues being considered are especially complex or controversial. The amendment process is a little bit longer, it provides for more opportunities for public input. There is an initial round of scoping for issues to include in an amendment. There is more opportunity for back and forth between the Board and the Development Team to flesh out that document.

That being said, up on the screen here are the measures that are subject to change under adaptive management per Amendment VI. Then in the blue text are the issues that were discussed, or topics I should say that were discussed by the workgroup. You can see where they sort of fall under the various issues of measures that could change through an addendum.

The only one that is not up here in blue is that of goals and objectives. If the Board does wish to consider changes in the fishery goals and objectives that would require an amendment. Talking about an amendment timeline and the types of actions involved there. Generally speaking, the shortest timeline for an amendment is one year.

That being from initial initiation to final action. However, what I have up on the screen here is more of a conservative timeline, considering the list of issues that has been discussed so far. If the Board were to initiate an amendment today, then it could consider approving a PID for public comment in October, and public hearings would then be conducted in the fall.

Now when the Board gets to the draft amendment phase, depending on which issues are moved forward for further development in a draft amendment, and depending on how much time the Plan Development Team needs to explore or develop alternative strategies, it could take a few meetings before the Board is comfortable approving a draft document for public comment.

All that considered, I think a fair timeline for final action on an amendment would be early 2022, or possibly later that summer. Of course, there is potential for final action to occur earlier, but also later, so just keep that in mind. I also want to highlight that an assessment update is currently scheduled for 2021, and certainly projections from that update could help inform whether further changes to regulations are needed to achieve existing or new rebuilding targets.

However, given the terminal year of that assessment would be 2020, there may be reasons to reschedule the timeline for the assessment, due to data issues in 2020 as a result of COVID. There would likely be a higher degree of uncertainty in those results and projections. But also considering where the

assessment would line up with this potential amendment process, considering that the TC may have a full plate helping out with the amendment.

It could also lead to further delays in your final action. Also, in that vein, the update would likely be reviewed by the Board in October of that year, so potentially near the end of amendment process, again lining up in your final action. But again, I just wanted to flag this right now, it's something to think about. The Board doesn't need to act on this at this meeting. The Board could certainly consider tasking the TC at a future meeting to perhaps comment on some of the pros and cons of the timing of the next update from a data perspective, but for right now just focusing on the postponed motions.

Just wrapping up here, some thoughts for Board considerations. You know depending on the actions the Board takes today, it would be helpful to think about any concerns or issues the Board might have with the workgroup report, you know anything wrong or missing. Assuming the Board is as comfortable with the information in that report, hopefully the PDT can use that conversation or discussion to provide background information in a draft PID or a draft addendum if that is the route the Board goes.

Also, consider which issues to include in this next management document, speaking to the discussion on prioritization that took place among the workgroup, and lastly just thinking about what kind of feedback to solicit from the public. If there are any specific questions that might be overlooked, now would be a great time to get that guidance from the Board. That is all from me, Mr. Chair.

CHAIRMAN BORDEN: Any questions for Max? We'll take one or two if you've got any questions. If not, we'll move on with the agenda. Are there any hands up, Toni?

MS. TONI KERNS: You've got John McMurray.

CHAIRMAN BORDEN: John.

MR. JOHN G. McMURRAY: A very quick question. Max, you mentioned the 2021 assessment update. We also have a benchmark coming soon too also, right? What is the year? When can we expect that?

MR. APPELMAN: It's a good question, John. I believe it's 2023. Katie is on the line. She can correct me if I'm wrong there.

MS. KATIE DREW: Yes, 2023 would be the trigger, the five-year trigger, but we don't have it formally scheduled, and I think we would probably want to get some updates from the Board about, you know how important is it to continue work on this 2-stock model, et cetera, in terms of do we need extra time or not, in order to work on this benchmark assessment. But like I said, sort of the tentative date is 2023, but there is flexibility around that.

MR. McMURRAY: Okay great, thank you.

CHAIRMAN BORDEN: Toni, do you have any other hands up?

MS. KERNS: No, there are not.

CHAIRMAN BORDEN: Okay, so we're going to move forward. As I indicated before, I plan to deal with the first tabled motion, in regards to the amendment and its related motion to amend, and then we'll deal with the second one, obviously to complete that. As you all know, there has been a considerable period of time has lapsed since we tabled the original motion. To some extent it has been rendered in my view stale by our suggestions of the Working Group. The Working Group did a splendid job of identifying comprehensive lists of topics that they think warrant closer evaluation of the Board.

Just so everyone is very clear on this, it's the exclusive purview of the Board what goes into an amendment, not a working group, so in large our decision. The issues that are contained in

the Work Group Report, contain most of the elements of the original motion, plus some additional aspects of the issues that we have not discussed by the Board.

At least in my view, it is more comprehensive. With that said, I think the cleanest way for us to move forward is for the Board to adopt a motion to postpone indefinitely the original motion, and then the related motion to amend, and then craft a new motion to basically take its place. One of the difficulties with that suggestion is that some of you might be reluctant to agree to do that not knowing what might follow.

Prior to the meeting I had a discussion with Mike Luisi about a course of action that will kind of eliminate that uncertainty. What I would like to do is to give him a few moments to describe what he would like to propose for our amendment, without making a motion, just put the idea on the floor.

Then I will come back to the issue of the tabled motion, and at that point any Board member is free to make any motions that they see fit, including to postpone indefinitely, or other some course of action. Mike, would you please describe what you would like the Board to consider as a course of action, please?

MR. MICHAEL LUISI: Yes, thank you, Mr. Chairman. I wasn't sure when this opportunity would come up, so I appreciate you giving me just a minute or two. I'll be brief. I spoke with David over the break during lunch, and we talked about the fact that the motion that was made back in April, 2019, which I believe I made and we discussed briefly at the time.

The intent there was to make sure that we and the Board wouldn't lose focus, and didn't lose sight of a longer-term plan for addressing striped bass in Amendment 8. At the time the main topics that we were focused on were listed out as part of this motion with a caveat that work would not begin until after the Addendum that we finished; Number VI was complete.

Over the 16 months of time that have passed, we as a Board, we as a Working Group, came to determine that there were additional elements that would likely need some further discussion. The Working Group had an opportunity over the course of the summer to meet four times. As a member of the Working Group I appreciated the discussions that we had around the table.

One of the common threads in all of the Working Group's discussion for each topic, was that we as a group were interested in hearing more from the public about what the public felt, what the pros and cons were for each of the topics, and whether or not there was enough interest by the public for considering changes to the different topics with an amendment process. Mr. Chairman, I do agree with you. I believe that the wording here is stale, and that it is 16 months old. We have new terms that were referring to the different topics for consideration paths, and so I know that you want to get some feedback from others. But I did draft a motion this morning, and I passed it along to staff and you as well, Mr. Chairman, that I would be happy to make if the Board would like to postpone this indefinitely.

The motion that I would make would be very comprehensive to the Working Group topics, with the idea that we would take those topics to the public in a PID for their prioritization and discussion as to whether or not the topics will need to be formalized in an amendment, in a draft amendment. Whenever you're ready, Mr. Chairman, I would be happy to make that motion. You may want to get additional feedback as to whether or not this motion needs to be postponed or not. But that's all I have at this point, Mr. Chairman, thank you.

CHAIRMAN BORDEN: Mike, one correction from the Chair. If you follow that course of action you have outlined, it's your intent that we number one start an amendment, we take

all of the elements of the Work Group out for public hearing, and then following the solicitation of the public input. At that point we would cull down the issues to whatever we determine will be the priorities. Is that what you intend?

MR. LUISI: Yes, I think the length would be that that would be up to the Board as to whether or not to cull down the topics. Based on that timeline, essentially my motion would establish a time period between now and October for the development of a public information document, which includes all nine of the topics that the Work Group has done.

My hope would be that staff and the Plan Development Team would be able to use the Striped Bass as a working group, a smaller working group that convene this summer. We could use that report as a basis for developing that public information document. The Board would then see the document at the October meeting, and have the opportunity to add, subtract, delete.

You know add to the discussion into the document prior to it going out to the public, for which you would get a report back in February as to public comment, during the first round of public comment. At that point the Board would have an opportunity to consider whether or not to whittle down the topics in the Amendment, or to continue as is with all nine.

I think there are differing opinions around the table about what topics to include. But yes, I am not sure today is the day to whittle things down. I personally would really like to hear from the public. That is what my motion that was the substitute to what we have in front of us here today would address.

CHAIRMAN BORDEN: With that I ask the Board, you've heard my schedule, which was somewhat similar to Mike's. What is the pleasure of the Board on this issue? Toni, any hands up?

MS. KERNS: You have Eric Reid and then Mike Armstrong, and then Craig Pugh.



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CHAIRMAN BORDEN: Okay, Eric then Mike.

MR. ERIC REID: Can't we just make a motion to substitute? I mean, I like Mike's idea. I think this is stale, but it might be a lot less work if you just move to substitute. But I am not a parliamentarian, I don't think anyways. If that would work, I would prefer to go down that road, see the motion and get it over with. I'm in full support of the WG group, the Ware/Gary group and their efforts, and I would like to have that motion so I could vote on it. Thank you.

CHAIRMAN BORDEN: Bob Beal, do you want to comment on Eric's question?

MR. ROBERT E. BEAL: It gets a little bit tricky to substitute, since there are two motions in play as a Board right now. You have a motion to amend and the main motion. If you made a motion to substitute right now, it would really be just substituting the motion to amend, and then you would have to take another vote to have that substitution then replace the main motion.

It can be done if Eric's point of if people want to see what Mike has in mind, a motion to substitute might be. We can make that work. I understand. Really, ultimately with all these different wrangling's of motions to postpone indefinitely or substitute, the idea is to make sure whatever you end up with reflects the will of the Board.

I think there probably are a lot of folks listening now that agree that these motions that are in play right now are a little bit stale. I think all the ideas that are included in both of these motions, the main motion, the motion to amend, are included in Mr. Luisi's motion that he said he intends to make.

CHAIRMAN BORDEN: Emerson. Toni, was it Emerson who was next on the list?

MS. KERNS: Mike Armstrong, I think and Craig Pugh.

CHAIRMAN BORDEN: Excuse me, they look very similar.

DR. MICHAEL ARMSTRONG: A stunning resemblance.

CHAIRMAN BORDEN: Dr. Armstrong.

DR. ARMSTRONG: I've got to tell you, I'm torn about this, and the reason is what we're going through right now. We have a lot to talk about, particularly reference points and rebuilding, and all that. We need an enormous amount of public input. I'm looking at us having two to three Board meetings, one to two public hearings, through this kind of venue.

Having recently gone through it at home, here for the public hearing, I wouldn't call it a success. It is very, very difficult to present a serious subject and get feedback. I do think this Amendment needs to be postponed. I think we need one, and we move forward, because we need public input.

Whether we could do it with an Addendum or not, I think we need the Amendment. We talked to that at the Working Group. Boy, I think it is irresponsible for us to try and get public input while under this condition. We're looking at maybe next May meeting in person, maybe. I would say the better bet is a year from now. I would vote to postpone this indefinitely, and not do any serious work, in terms of public hearing. What I could support, an addendum to pick away at some of the things. Let me step back. None of these things are terribly time sensitive, because we are reducing F, in theory we are rebuilding.

Under the current F we'll rebuild in ten years. That is a whole other thing. I think we ought to get a look at what is going on with the assessment next year, before we really move forward with an amendment. We're flying blind at this point, and

we're flying without appropriate public input, in my mind.

What I would support an addendum to pick away at some things that are of real concern, one of which is the mortality of discard from the recreational fishery. We are running out of ways to manage the fishery. This is one I think we could bring to public hearing, because it is a single issue, and maybe throw in conservation equivalency.

But to me that is a much smaller goal than all the things you're pulling up there right now. That would be very difficult to do, even a PID hearing. I support delaying the amendment. I would throw out, I am not going to make a motion right now that maybe we start an addendum, just to keep this Board busy, and do something effective over the next nine months, and we wait until we have an assessment and we are out of this COVID business, before we get to the serious work. That's what I got.

CHAIRMAN BORDEN: Craig.

MR. CRAIG PUGH: I disagree with Mr. Armstrong, sorry to say. We do need the amendment. It's been 30 years of degradation for the city of Delaware and its allocation position with the Striped Bass Board. For me and the others it's well, well overdue to answer these questions. I do have a question for Mr. Luisi on how this would be affected by the five-year strategic plan, especially in the allocation part.

It states in the allocation part, states will need to seek innovative ways to reallocate the species, so that collectively all states feel their needs are met. I can tell you flatly, plainly and frankly, our needs have not been met for over 30 years. At this point in this junction, we have the opportunity to answer that for the state of Delaware.

I would love to see that happen as part of this. The rest of that statement will be required to successfully navigate these discussions and decisions is the commitment of the states to work through the issues with honesty, integrity, and fairness, seeking outcomes that balance the needs of the state and the stakeholders, with ever-changing realities of shifting resource abundance and availability.

I don't find much balance in the way our quotas are structured. I could name out a state and compare them to what we have. It doesn't take real long to figure out that the inequities are there. We are treated differently. That is not fair. That is inequitable. It would be a great thing for our state to accomplish this. It is very, very important as part of the amendment. I agree that the other parts of the amendment, such as reference points, management triggers, should also be addressed. But it is time for this amendment. We don't need to sit back on our laurels, we need to get home and go to work. That is what we're here for. At any rate that is my stance on this. I do, I would support Mr. Luisi's inclusion, as long as some sort of mention can be brought in that we will be following the five-year strategic plan in this. I like what it says. It has meaning and it has value. Hopefully it's just not boiler plate, as I said yesterday.

CHAIRMAN BORDEN: Toni, who else do you have on the list?

MS. KERNS: I have Justin Davis, John McMurray, Dennis Abbott, Tom Fote, and Emerson Hasbrouck.

CHAIRMAN BORDEN: The third person was who?

MS. KERNS: Justin Davis, John McMurray, Dennis Abbott, Tom Fote, Emerson Hasbrouck.

CHAIRMAN BORDEN: Justin.

DR. JUSTIN DAVIS: At a little bit of a disadvantage here, because I lost power right when Mike Luisi started talking a while back, and I just got back in now. I came back in a little bit ago, right when Mike

Armstrong was talking. I've missed a bit of the discussion here, and I'm not clear on exactly what Mike was proposing. That being said, I just wanted to speak up and say that I generally agree with what Mike Armstrong was saying.

I support postponing this motion indefinitely, and delaying work on a new management action until we're in a better place, and have the ability to get public input. I just don't think, given our current environment, that it really facilitates getting public input. I think that is really important for any action we take, but particularly for this species, where we just came out of a very contentious management action, where it was clear there were folks from the public who have very strong opinions about striped bass management.

I also just sort of feel like, again with what Mike said. I don't feel an urgency to act on any one of these things. I do think they are all important. If we had to undertake something, I would prefer an addendum of limited scope to address one or two items here that are of the most importance.

I also just think we're in a place right now where our understanding of stock dynamics changed dramatically with the benchmark assessment, incorporation of the new MRIP numbers, and the realization that fishing mortality was much higher than we thought. Given the current status of the stock that it's overfished, and we've just taken some action to try to correct that. I would prefer to see where we're at after the next stock assessment update, before we take any subsequent management action.

CHAIRMAN BORDEN: John McMurray.

MR. McMURRAY: I'm in favor of postponing also. I think moving on an amendment, even if it's just putting issues out to the public before we know what a 2021, or perhaps 2022 assessment update is going to tell us, or even a

benchmark for that matter seems like a mistake. Do we really want to put something like reference points out to the public, when we don't know whether or not they are going to change drastically with the benchmark? I mean it makes sense to wait for the development of that 2-stock model. Plus, what nobody seems to be talking about here is we still have a stock that is overfished.

Any data showing us what the results are of the management action we took this year, moving forward with what could potentially be a major management implication probably is not a good idea right now, the timing is just really bad. Lastly, I'm not sure how public hearings would work with the COVID thing going on. Dr. Armstrong explained the difficulty of the public input process, and this would complicate it greatly, I think.

CHAIRMAN BORDEN: Dennis Abbott.

MR. DENNIS ABBOTT: I have some agreements and some disagreements, as normal. I agree with Mike Luisi that we really need to get the public involved, and I'm not sure if it's possible to do that. But it should be possible to do that without initiating an amendment at this time, and as Mike Armstrong said, this is not the time to be looking for person to person meetings, trying to gain the public's input, and we do need that public input.

I was a part time participant in the Working Group, and I recall Mike Armstrong, Dr. Armstrong, making the point that we're at one-fish, we're in a narrow slot. What are we going to do next? You know there are probably some people on one side that would like to see a liberalization of regulations. Well, those that are looking for a tightening up of regulations, as Mike Armstrong said, where are we going to go below one fish?

Another thing that the Working Group probably was remiss, though they did a wonderful job, is that I don't think we probably considered the sentiments just mentioned by Craig Pugh from Delaware. We didn't talk, if I recall in the couple of meetings that I was involved in. That we really talked about the

commercial side of things. I don't know what we could have said, but when we prioritized the nine items, commercial came way down at the bottom.

I bet Craig Pugh probably came off his chair when he saw that. I think in the long run, we should take a longer look at this. We should figure out a way to get public input. We should hear from the public input in helping us decide where we go. Further, we just adopted Addendum VI. We don't know how that is working. We're in a COVID year. I think we need time to see how Addendum VI is working. I think that proceeding slowly is the best thing. Though an amendment may be needed, I'm not sure we have to rush into that today.

CHAIRMAN BORDEN: Toni, how many more names do you have on the list? If you could give me an indication, please?

MS. KERNS: We have Tom Fote, Emerson Hasbrouck, and then I need to add Megan Ware, Cheri Patterson, and then Mike Armstrong, Justin Davis, and Emerson Hasbrouck still have their hands up. But I don't know if those are on purpose, and they have all gone down except for Emerson, so Tom, Megan, Cheri, and Emerson. I'm not sure Emerson is in the right order.

CHAIRMAN BORDEN: Okay, Tom Fote.

MR. THOMAS P. FOTE: It's an interesting situation, because I agree with Dr. Armstrong, I agree with John McMurray, and I agree with Dennis Abbot, and I tried to get a star just at that point. I basically looking at this meeting coming up. I'm going through the charts that basically looked at the recreational catch by all the states, from '95 to 2019.

What I did was take New Jersey's last seven years, and averaged it out, started figuring what the average is on supporting numbers, and then saw what 2019 was compared to a reduction of that seven-year average. In 2019, we caught 67

percent of what the average was. That's almost a 33 percent reduction over that period of time.

I think we've got to see what's going on, unless we basically get some real figures, and we can't get our figures of 2020. Public hearings, trying to do this virtually. I mean I'm on a lot of virtual meetings, whether it's for organizations, clearwater action, things like that. It's very difficult without being person to person to actually work things out sitting over a table.

I also think the strain of the virus has put a strain on all of us. I haven't left the house to go more than about five miles in the last, since March. I mean I haven't visited with anybody or even fished. All that stress is basically getting to all of us over time. I think the public will be the same way. I think we have to calm down. I agree with what everybody just said about waiting on the process.

CHAIRMAN BORDEN: I've got Emerson next.

MS. KERNS: Then can you add to the bottom of that list John Clark and then Adam Nowalsky.

CHAIRMAN BORDEN: Okay, Emerson, you're next.

MR. EMERSON C. HASBROUCK: I put my hand up when you said that Mike and I look so similar that you get us confused. Since we haven't all met together since February, I'm wondering if Mike has grown a white beard in the interim. That is my first question. Then secondly, I think there is an urgency to address rebuilding biomass, all right, and to reduce recreational discard mortality. I want to go on the record agreeing with John McMurray that we need to start to address a rebuilding plan.

I think we need to go forward with that as quickly as we can, and maybe some of these other issues will come along with that and maybe not. We'll find that out as we go forward in our discussion. Then also, in terms of moving forward with rebuilding. I think that including commercial reallocation at this point, we're just going to sidetrack and slow down

rebuilding effort as part of the same management action.

CHAIRMAN BORDEN: Megan Ware.

MS. MEGAN WARE: This is an interesting conversation to listen to. You know being on the Workgroup, I think one of my biggest takeaways from that experience was that we've got a lot of issues in the striped bass fishery, and how we manage it. I think this Board has kind of danced around some of these issues for a long time, and I think they are kind of all coming to fruition now. I can see a lot of reasons to, there is always a reason to delay, whether it's an upcoming assessments, or a benchmark, or something else.

But I kind of thing the Board just needs to buck up and initiate the amendment at this point. I would be in support of initiating an amendment today. In terms of public comment, you know I think that's a fair question of how the Commission wants to handle public hearings in the time of COVID. I would suggest that maybe that is an appropriate discussion for the Executive Committee or the Policy Board to be having, because I think that is going to impact multiple species boards.

That is something that could be talked about between now and the annual meeting, when you would potentially see a PID. You know certainly the councils have already addressed this issue, so I think there is precedent here for ways that we can include public comment. We just need to figure out what that looks like to the Commission.

CHAIRMAN BORDEN: John Clark.

MR. JOHN CLARK: I think Megan said it well. I think *carpe diem*, let's get moving on this, we've waited for years. As Craig pointed out, there have been inequities in this plan that go back decades. The last amendment was in

2003. I think the public input aspect, yes that is an issue right now.

But as we've heard previous meetings, there are a lot of people in the public that actually prefer to make their opinions heard through these virtual methods, because it is less intimidating than being at a big public hearing, where you might have a group of people that are all voting in a block, and can be intimidating.

You know if this Board was like a sleek cheetah that was picking off these addendums like they were sickly gazelles that would be one thing, but we know we don't move that way. This is a very slow-moving operation anyhow. I think, you know let's get moving here. Let's get this amendment started, because by the time the process goes along, we'll have plenty of time to get public input virtually, and I'm sure we'll be back to the public hearings in person while this thing is still working its way through the process.

CHAIRMAN BORDEN: Adam's next.

MR. ADAM NOWALSKY: I will also speak in favor of the motion that is not yet a motion, but is likely to soon be a motion, I suspect. The last couple of speakers hit on a lot of the points I was intending to make, including the fact that we've got a lot of these topics. Get them out for public comment.

At that time after we have that public comment, we would know what things to whittle down to ultimately include in an amendment for consideration, after we get a public information document out. I agree with the statement that was made with regards to the numbers of the public, including a lot of fishermen that have been in support of the virtual process. We've conducted a lot of business virtually. We as managers have learned a lot fast, and the public has become very comfortable with that process. I would agree with the statement that by the time we get to a public draft amendment going out, I would certainly hope we would be able to conduct those hearings in person.

The one piece of new information that we haven't touched on in a couple minutes, remains the issue about use of (muffled) most recent management actions based on the new MRIP data, but still using the old reference points. As the new MRIP data has come out, many of the other species that we have worked with, including most of the ones that have a large recreational component, bluefish, summer flounder, sea bass, scup, cobia with this Commission. We've taken action on all of these species to deal with the implications of the new MRIP data.

To continue now managing with the new MRIP data but continuing to use old reference points that information to date is what is the most stale out of everything. We ought not be managing that way. Until we change those reference points that is the only way to do it is going to be through an amendment, then we have to get that process going, so I would support that motion when it comes to the floor.

**CONSIDER POSTPONED MOTIONS FROM  
APRIL 2019**

MR. BORDEN: Toni, in the interest of time, why don't you just suggest that we've got a two-step process. You need to deal with the postponed motion and the motion to amend. Once that is dispensed with in one form or another, we'll try it on the second step, which potentially could be no actions, or it could be to initiate a draft amendment with a PDT PID. Let's deal with the postponed motion. I had originally suggested that someone make a motion to postpone indefinitely the original motion, and a related motion to amend. Would someone like to make that as a motion?

MS. KERNS: Mr. Chairman, you have both Cheri Patterson, Mike Luisi, Emerson, Tom, and Adam and Ritchie White with their hands up. Cheri had her hand up from before, you skipped her.

MR. NOWALSKY: My hand is now back down.

MR. HASBROUCK: My hand should be down as well.

CHAIRMAN BORDEN: Okay, I'll tell you where it's a good point I should call on Cheri, and anyone else on the list who have not spoken. Ritchie has not spoken. Then I'm going to go back to what I asked for. I'm going to look for a motion, rather than give individuals a second bit of the apple. All right, so Cheri.

MS. CHERI PATTERSON: I think that we need to slow down on this. I don't mind it moving forward as a main motion. However, I don't think we should put this on a fast track. If we've made some management decisions, we need to see how those work out with the next stock assessment. I think that we really need to be cautious as to what the data is going to be telling us from this year, considering the interruption of data collection, especially the recreational component. I think we just need to be cautious and move forward slowly.

CHAIRMAN BORDEN: Ritchie White.

MR. G. RITCHIE WHITE: I agree with Cheri. I'm willing to support beginning an amendment. But the time period that Mike Luisi was suggesting is way too fast for me. These are really complicated situations. I'm going to want to, or I think we need that two bites at a PID before it goes to the public.

I think the idea that we get a PID in October, send it to the public, and then it comes back to us in February is way too fast. I think we get a PID in October, then I think we rework the PID, send it back to the Plan Development Team, then it comes back to us again before we send it out to the public. I'm in favor of starting an amendment, but I think it has to be slow and careful, and we have to really go out of our way to make sure there is plenty of public input.

CHAIRMAN BORDEN: Is there anyone on the list, anyone else on the list, Toni, that hasn't had one opportunity to speak.

MS. KERNS: Your list is done; you just have Mike Luisi now.

CHAIRMAN BORDEN: Okay, I think I'm going to go back to the original question. Would someone care to make a motion to postpone indefinitely the original motion and the related motion, and if that passes, we'll discuss what the appropriate step is next. The floor is open, would someone care to make a motion? Toni, any hands up?

MS. KERNS: You have Mike Luisi, Mike Armstrong, and Emerson Hasbrouck.

CHAIRMAN BORDEN: Mike Luisi.

**MR. LUISI: You know, with your guidance and in the interest of time, I think in order to put before us a motion that I spoke to at the beginning of the meeting. I think it's appropriate at this time to move to postpone indefinitely the motions made during the April, 2019 meeting of the Board.** If I get a second on this and it passes, the intent would be to follow up that vote with a motion that I spoke to earlier, so that we can focus our discussion on next steps.

CHAIRMAN BORDEN: Is there a second?

MS. KERNS: Justin Davis.

CHAIRMAN BORDEN: Okay, motion by Mr. Luisi, seconded by Dr. Davis. The motion is to postpone indefinitely the motion made during the April, 2019 meeting of the Board. Discussion, any discussion? Hands up, Toni?

MS. KERNS: You have Mike Luisi to speak to his motion, I believe.

CHAIRMAN BORDEN: You were broken up, Toni, if you could say that again, please.

MS. KERNS: I believe Mike Luisi wants to speak to his motion, but his hand came back down, so

maybe not. Emerson Hasbrouck also has his hand up.

CHAIRMAN BORDEN: Emerson.

MR. HASBROUCK: I thought my hand went back down again. My hand was up to second the motion.

MS. KERNS: Just for reference, Emerson, your hand is up right now, so if you click on it, it will go back down. There you go. I do not see any hands raised to speak to this motion.

CHAIRMAN BORDEN: If there are no hands up, let me just explain the process, and Toni can correct me if I misspeak. I'm going to ask if there are any objections to this motion. If there are no objections, I'm going to state that it is adopted by consent. If anyone objects, then we have to vote individually, state by state on this, so reflect that in your thinking. Are there any objections to this motion? Any hands up, Toni?

MS. KERNS: I do not see any hands.

**CHAIRMAN BORDEN: All right, there are no hands up and no objections to the motion. The motion is adopted by consensus.** Okay folks, now let's deal with the second aspect of the motion, which is to potentially move forward with an amendment. I just state that I think there is a common view here to slow things down, because of the COVID situation, and our ability to get public comments.

I would make the comment that there is one thing that the process does quite well, which is slow down. I think that as we move forward, if we pass a motion to initiate an amendment, and at least start with a PID, the Board always has the right to take action to slow down the process if they find it unacceptably fast, so if someone here just make a motion on the amendment issue, any hands up?

MS. KERNS: You have Dennis Abbott and then Mike Luisi.

CHAIRMAN BORDEN: Before Mike Luisi makes his motion, and with those of us that are concerned about doing this too fast. Would it be possible, well I'll ask Mike Luisi if it's possible that we would insert into his motion, even before he puts it up that we would plan to have an amendment adopted for the 2023 fishing season. That is just my suggestion to probably help sway some of the folks who have concerns about moving this down the tracks a little fast. I think that would put maybe some time certain on things if that is possible. Just a suggestion.

CHAIRMAN BORDEN: Dennis, thank you for the comment. Mike Luisi.

MR. LUISI: To Dennis' point. I'll just state before we put my motion up, and maybe since this one has cleared and now it's postponed, maybe staff can work to get the motion that I sent them up on the screen, and I can read that in at the end of my comments. To address the concerns from Board members that there is an intent here to move quickly. I just want to say that there is nothing in the motion. I had no intent that this would be any type of fast-tracked amendment process. I think that the Board is ultimately in control of just how fast an amendment goes through the process to completion. The Board is in full control as to how quickly things move. To Ritchie's point, if we get a look at the Public Information Document in October, and the Board is not comfortable with it.

If you want to spend time over the winter modifying it, preparing it for a review again in February before it goes to the public that is fine. If that is the Board's wish that is the Board's intent in how to move forward. You know, I think right now time is something that we have on our side. We have some issues, obviously. We wouldn't be initiating an amendment or considering initiating an amendment if we didn't have concerns in the fishery.

But we don't have any bright barrels burning right now, whereas I feel like if we wait for another assessment update, and all of a sudden fires begin to burn, and we have management triggers that we have as Working Group determined that it has a lot of perceived problems with them, as far as priming of action.

We're going to find ourselves in the position again if we delay and we wait, where we're going to have another fire to put out, and we're not going to be able to initiate the amendment. Just like last time, when an amendment was considered after the benchmark, but we had to deal with Addendum VI first.

You know Dennis, to your point. I don't think time speed, it's not in my intent at all to make this happen quickly. It's to develop a process for as much public opportunity to comment as possible, and to make the best and most informed decisions that we can during this long, drawn out process. I think Max's timeline put us at most likely a 2023 implementation date anyway.

If that is a massive timeline along the lines of what we're talking about, I think kind of addresses your concern. At this point I think what I would like to do is I'm going to make the motion. If I get a second, if there are other questions, I can certainly address them. I think I've spoken to the motion enough already, so I'll leave it there. Mr. Chairman if you're okay, I would like to read the motion, and then see if I can get a second on this motion.

CHAIRMAN BORDEN: Please do.

**MR. LUISI: I move to initiate an Amendment to the Atlantic Striped Bass Fishery Management Plan focused on the following management topics (1) fishery goals and objectives; (2) stock rebuilding/timeframe; (3) management triggers; (4) biological reference points; (5) regional management (recreational measures, coastal and producer areas, regional reference points); (6)recreational discard mortality; (7) conservation**



**equivalency; (8) recreational accountability; and (9) coastal commercial quota allocation.**

**Each of these topics will be presented in a Public Information Document in order to solicit stakeholder comment focused on prioritizing the importance of each topic for continued development and inclusion in the amendment.**

MS. KERNS: We have a second by Megan Ware.

CHAIRMAN BORDEN: Okay, so we have a valid motion and a second. Thank you, Mike and Megan. Comments on the motion. I would point out we have already had a lot of comments on this. I would ask individuals to try to try to identify points that have not been made. Toni, who have you got on the list?

MS. KERNS: We have Megan Ware as your seconder, Joe Cimino, Roy Miller, and Emerson Hasbrouck.

CHAIRMAN BORDEN: Megan.

MS. WARE: Yes, just to respond to a couple of the things I've heard about slowing the process. I mean I think this is going to be a pretty complicated, complex and controversial amendment, and so I think it's naturally going to be a slow process. Looking at these topics, I mean this is akin to Amendment 3, and I think most people lived through that. That was not a quick process, and we did have multiple looks at the draft document. I think that this will naturally take some time.

I'm also a little concerned. You know I've heard people talk about delaying initiating this until we have a better understanding of COVID, or what the future looks like. I'm a little hesitant to do that as I've said, because I think COVID is a very uncertain future right now. We don't know when that's going to end or what is going to happen. I think it is prudent for this Board to continue to work on the tasks at hand, and make progress as we can.

CHAIRMAN BORDEN: Joe Cimino.

MR. JOE CIMINO: I support this motion for a lot of the reasons that have been discussed. I would be curious to ask staff. If we didn't start this now, would there be any other way to pass a PDT? You know the Technical Committee was starting to look at exactly what new reference points mean. I know there was a lot of work done on that. But I think that's going to be a long, important process that can get started now.

I know in New Jersey, as Adam has mentioned, you know we've seen very good attendance at virtual public hearings. Instead of having a meeting in the middle of the state, where everyone needs to get off of work and drive for two hours or an hour and a half to get there, they can get home and be on the meeting. That really isn't a concern for me, as much as we don't do anything for a considerable amount of time. I would much rather get started.

CHAIRMAN BORDEN: Toni, who are the next two names on the list, please?

MS. KERNS: We had Emerson Hasbrouck, Tom Fote, and John McMurray is on there. Just to answer Joe's question. You can task the TC at any point in time for work on an issue, you need to be clear what their task is, and what you're looking for them.

CHAIRMAN BORDEN: Emerson.

**MR. HASBROUCK: I have a motion to amend. I move to amend to remove part 9: coastal commercial quota allocation from the initial motion, or whatever the proper wording is to do that.**

CHAIRMAN BORDEN: All right, so we have a motion to amend the main motion by Emerson Hasbrouck, is there a second to the amendment?

MR. HASBROUCK: Yes, if I get a second, I'll give my reason why.

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MS. KERNS: I see Roy Miller and John McMurray's hand up.

CHAIRMAN BORDEN: Roy, are you seconding this motion?

MR. ROY W. MILLER: No, I am not.

CHAIRMAN BORDEN: John McMurray are you seconding this motion?

MS. KERNS: He cannot as a member of the same state.

CHAIRMAN BORDEN: We don't have a second, is that correct?

MS. KERNS: Justin Davis now has his hand up.

CHAIRMAN BORDEN: Justin Davis is the seconder, so Justin, would you like to speak to this one?

DR. DAVIS: Sure, although I would defer to the maker of the motion, if he wanted to speak first on it.

CHAIRMAN BORDEN: Emerson, and then Justin.

MR. HASBROUCK: As I said in my earlier comment, whenever it was, 15 minutes or so ago. I think that adding in this component is going to make this amendment take forever, and it's really going to slow down our process, in terms of rebuilding. I mean look what we just went through the last year and the year before last with summer flounder. It took us five years to get through that process of reallocation of commercial quota. I don't want that to happen here, and really throw a wrench in the works, in terms of us rebuilding this resource.

CHAIRMAN BORDEN: Justin, would you like to comment?

DR. DAVIS: I agree with Emerson. I kind of feel like this particular topic is kind of incongruous

with the rest of the topics in the amendment, who were more focused on conservation and the way we are going to manage the striped bass stock. That this reallocation issues seemed a little bit different thematically. I also have the worries that Emerson has that it will lead to delays in the amendment. That being said, I am not completely opposed to including it if it is very important to other states. Obviously, you know speaking from a Connecticut standpoint. We don't have a commercial fishery, but I do tend to agree with Emerson about inclusion of this in the amendment.

CHAIRMAN BORDEN: Other comments on the motion to amend?

MS. KERNS: Yes, we have Roy Miller, John McMurray, Chris Batsavage, Dennis Abbott, and Tom Fote and Craig Pugh.

CHAIRMAN BORDEN: Roy Miller.

MR. MILLER: I'm going to oppose this amendment. We've had the same scenario for commercial allocation since the 1980s, it is long since time to deal with this particular topic. I acknowledge it's a difficult topic. I acknowledge it will be controversial. But if we don't start on it now, when would we start on it? You know we haven't had a new amendment for 17 years. That is a long time to be operating under Amendment 6. We need to get on with this, and we need to deal with the controversial and difficult topics, and the sooner we start the better, in my view.

CHAIRMAN BORDEN: John McMurray.

MR. McMURRAY: I agree with Emerson. I don't think we have any business doing allocation in this amendment. It's going to make things even more contentious than this amendment already will. In fact, I don't think we should be addressing anything right now other than overfishing or rebuilding.

We've got a stock that is overfished and it's not just on paper. There is a definitive lack of availability on the water. That is what we need to address first,

before we address any of these. I don't think it's appropriate to address any of this right now until we take care of that. It's kind of put me in a weird situation, where I support Emerson's motion, but I don't support Mike's motion.

CHAIRMAN BORDEN: Toni, who else is on the list?

MS. KERNS: Chris Batsavage, and then Craig Pugh, Tom Fote, Dennis Abbott and Eric Reid. I apologize if these are not in the same order as before, the names moved.

CHAIRMAN BORDEN: Chris.

MR. CHRIS BATSAVAGE: I cannot support the amended motion. I understand Emerson and John's concerns, but jut the controversial nature of reallocation, and how it may not match with what else is in the amendment. But I think what Mike Luisi is proposing, you know if you get public input on what is important.

We may not address all nine of these when it is all said and done. We may end up going out to certain issues to deal with as an addendum, and then this might be one of them. But I think it is really hard, reallocation issues are hard, we've got several going on right now. It's going on forever for the stocks such as bluefish. I think other folks have stated that these have been longstanding issues with striped bass, much like it had been with other species we addressed. I think we need to at least include this with the other suite of issues so the public can do the comment on it.

CHAIRMAN BORDEN: Next I've got Dennis and then Tom Fote. Dennis Abbott, please.

MR. ABBOTT: Am I being recognized, Dennis Abbott? Okay, it was cutting out. I can't support this. I think it is patently unfair, going out with a public information document not to put in something that even the Working Group had considered one of the nine points. What

we do following it being in the public information document, is a lot different than what is finally going to appear in a proposed amendment.

I'm reminded of last year, when I just asked to insert into the striped bass addendum that we go out to the public and ask about conservation equivalency, and it wasn't allowed. I think it's a grave injustice to the commercial side, of which I have no skin in that game whatsoever. But it seems very unfair not to give them an opportunity to express their positions in a PID.

CHAIRMAN BORDEN: Tom Fote.

MR. FOTE: Yes, I was waiting to hear what Chris said, because my concern here is how will we handle North Carolina? We are basically, because we will not rise a fish we need to jig. We are basically not allowed the quota commute for years. That is my concern here. We tried to stop reallocating their quotas.

Because it is not based on not being the vulnerability of fish, but the availability that we're not letting the fish in North Carolina where the fish are. We're doing the same thing recreationally in Virginia in the coastal waters. That's not me making all that noise. I don't know who is doing that? That's my concern here, but if Chris is okay with it then I am fine with it too.

CHAIRMAN BORDEN: Okay Toni, who else do you have on the list?

MS. KERNS: We have Eric Reid.

CHAIRMAN BORDEN: Okay. Anyone else who hasn't spoken? Eric Reid.

MR. REID: I oppose the motion to amend. It's not fair, and since it's a laundry list of nine things, it should be in the game. I'm trying to figure out how this conversation is going to fit with two days next week that I'm going to spend talking about allocation.

My second point is, whatever it is going to take to start the analysis of recreational dead discards, which cannot wait until 2023. I intend to make that motion as soon as I can figure out what it is, when this is over, because that attracts me. I don't think the resource or the public is going to put up with waiting until 2023 to start figuring that out. That is my position, thank you, Mr. Chair.

CHAIRMAN BORDEN: Is there anyone else who hasn't spoken at this point? Toni, any hands up?

MS. KERNS: No other hands up.

CHAIRMAN BORDEN: Okay, so where we are; we've got a motion to amend. The motion is to amend to remove part 9; coastal commercial quota allocation from the initial motion. I think we're ready to vote. Once again, if we have a consensus then fine, we don't need to have individual votes. If we don't have a consensus then we're going to have to go through the roll.

MR. ABBOTT: I think we need a roll call.

MS. KERNS: David, people can just raise their hands as well. I can count hands.

CHAIRMAN BORDEN: You can count hands then, Toni? Is that acceptable, in terms of this phase?

MS. KERNS: Unless Dennis is asking for a roll call specifically.

CHAIRMAN BORDEN: Okay, so everyone in favor of the motion to amend, please raise your hand.

MS. KERNS: Before you do that. We do need clarity from Dennis, to find out if he is asking for us to do a roll call. There might need to be caucusing.

MR. ABBOTT: Yes, the hands work as long as we need a recorded type vote, we have to know what the numbers are.

CHAIRMAN BORDEN: All right, does anyone need a time for a caucus? Any hands up, Toni?

MS. KERNS: I don't see any. There is one hand up for a caucus.

CHAIRMAN BORDEN: Everybody can have a one-minute caucus.

MR. MILLER: Mr. Chairman.

CHAIRMAN BORDEN: Yes.

MR. MILLER: Can you hear me?

CHAIRMAN BORDEN: Yes.

MR. MILLER: May I vote for John Clark, since he doesn't have computer access?

MS. KERNS: Yes, please, Roy.

MR. MILLER: Thank you.

MR. NOWALSKY: For the record, Adam Nowalsky will be voting for New Jersey. Joe Cimino just indicated he lost connection due to the internet power problem in the area.

MS. KERNS: Thank you, Adam.

MR. HASBROUCK: Yes, Emerson is going to vote for New York.

MS. KERNS: Thank you, Emerson.

CHAIRMAN BORDEN: One minute is up. We have a motion to amend to remove part 9; coastal commercial quota allocation from the initial motion. **All those in favor of the motion to amend, raise your hand. Then if you would Toni, please provide me with that.**

MS. KERNS: Will do. Just to confirm, so that folks understand. Right now, there are no hands raised, so if someone is intending to vote in favor.

MR. MAX APPELMAN: Toni, I'm seeing two hands raised right now. Click the hand raise button again, so they all go through the very top.

MS. KERNS: There we go. We have two in favor.

CHAIRMAN BORDEN: All those opposed. The individuals who raised their hand to vote in favor would now disconnect. All those opposed, please raise your hand.

MS. KERNS: I have 12 in favor.

MS. TINA BERGER: Twelve opposed.

MS. KERNS: Opposed, I apologize, thank you, Tina.

CHAIRMAN BORDEN: Okay, any abstention, any null votes?

MS. KERNS: If we could slow down for the abstentions, please? Right now, Adam and Roy your hands are still up. We have two abstentions.

CHAIRMAN BORDEN: Any null votes?

MS. KERNS: With no null votes.

**CHAIRMAN BORDEN: Okay, motion fails, and we're back to the main motion.** We've had a lot of discussion on the subject. Does anyone care to raise a point that has not been raised before? If not, I'm going to ask the same question I've asked before. If we have a consensus, we don't need to vote. Do I have any objection to approving this motion as submitted? Does anyone object? If somebody objects, we've got to vote.

MS. KERNS: We have one objection.

CHAIRMAN BORDEN: Okay we have one objection, so we're going to have to vote on this. All those in favor of the motion, please raise your hand. Then Toni, please provide me with a count.

MR. HASBROUCK: Caucus, please.

MS. KERNS: David, could they have a minute to caucus?

CHAIRMAN BORDEN: Okay, we'll go back. One-minute caucus. All right, we had our one-minute caucus. All those in favor of the motion, please signify then I ask Toni to provide me with the count, please.

MS. KERNS: I've got 15 in favor.

CHAIRMAN BORDEN: All right, no votes, please raise your hand.

MS. KERNS: One no vote.

CHAIRMAN BORDEN: One no vote, any abstentions?

MS. KERNS: I do not see any abstentions.

CHAIRMAN BORDEN: Any null votes?

MS. KERNS: Dennis Abbott, are you voting n-u-l-l?

MR. ABBOTT: No, I have a point to make following the vote.

MS. KERNS: Okay, I don't see any null votes.

**CHAIRMAN BORDEN: All right, so the motion passes 15, 1, 0, 0. Dennis.**

MR. ABBOTT: This is an expedient way of doing things, but if we were sitting around a table, we would know who voted yes and no. I think we should know who is voting yes or no, because we just want to know. I know that I do, so roll call

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might be an easier way to go. It doesn't take a whole lot more time, but I want to know who is voting yay and nay on these issues.

CHAIRMAN BORDEN: Okay, thank you. I'm going to move on to the next motion. Is there anything else on this aspect of the proceedings? If not, let's pick up the second postponed motion.

MS. KERNS: You have Ritchie White, Eric Reid, and Mike Armstrong.

CHAIRMAN BORDEN: Okay, Ritchie.

MR. WHITE: A question for the Plan Development Team. Is between now and October enough time for them to come up, and the Technical Committee, come up with this document? There is a lot of stuff in there, and a lot of options on each of those items. I want to make sure that we're not tasking them with too much work to provide us something in October that may make more sense to get in February.

MR. APPELMAN: Mr. Chair, would you like me to respond to that?

CHAIRMAN BORDEN: Go ahead.

MR. APPELMAN: Yes, thanks. I appreciate the question, Ritchie. It is my understanding being that the intent here is that all of these issues would be included in the PID, in an effort to solicit feedback from the public on which topics. You know I'm synthesizing very briefly here which topics to move forward with, which topics are the highest priority among the public.

In that vein, it would be my intent as a member of the PDT, as the Chair of the PDT, to really crutch on the Work Group Report to fill in the background material for a PID. If the Board is comfortable with the information that is in there, certainly I feel it is a quick turnaround, but we could definitely get a draft PID in front of the Board in October.

If, speaking to the conversation that has sort of evolved, if more feedback is needed at that time, we can certainly go back to the drawing board and tweak things as necessary. But I don't see much, as far as developing alternatives at this stage, which would probably be the bigger lift.

MR. WHITE: Follow up, Mr. Chair?

CHAIRMAN BORDEN: Go ahead, Ritchie.

MR. WHITE: Well I think for the public to comment, they are going to have to see some ideas on what these mean. I mean just to throw out fisheries goals and objectives. I mean, I think they need to see what we had in the past, what changes could be made, the same thing with rebuilding timeframe. What does that mean?

Okay, here is what we presently have, you know here is what you could go to, and then talk about changes. You know would then require management actions. I mean I think for us to get information that helps us from the public, I think this has to be an extremely detailed document. That would be my sense.

MR. APPELMAN: Just a follow up. I believe we're on the same page here. If you look back at the Work Group Report, it is 15 pages of in-depth discussion elaborating on what all these issues are, the concerns relating to striped bass management, and a discussion around what alternatives might look like.

I mean nothing specific is in there. That was not the task of the Work Group. But what could change with the management triggers. That's in there. Other potential goals and objectives that is in the Work Group Report as well. I think we're on the same page here. There is a lot of meat in that report that could be used and provide a robust picture of what the concerns are, and possible road maps around those concerns for the public to weigh in on.

CHAIRMAN BORDEN: Eric Reid.

MR. REID: We went from not being in a very big hurry to having something ready for October, so I don't get that. But anyway, I said I was going to make a motion, and I'm not exactly sure. Maybe Max will help me out with it. **But I would like to move to task the PDT/TC to begin developing methods to better analyze and understand discards in the fishery.**

CHAIRMAN BORDEN: Could we have the motion please, typed out? All right, is there a second to the motion?

MS. KERNS: I think Marty Gary is seconding it. There are a bunch of hands. Marty, was that for a second?

MR. MARTIN GARY: Correct, Toni.

CHAIRMAN BORDEN: All right, motion by Eric Reid, seconded by Marty Gary. Discussion on the motion.

MS. KERNS: You have Mike Armstrong and John McMurray, Tom Fote, Roy Miller.

CHAIRMAN BORDEN: The first three, let's not go beyond three.

MS. KERNS: Yes, Mike Armstrong, John McMurray, and I think I said Tom Fote next, and then I'll give you two more names later.

CHAIRMAN BORDEN: Okay, Mike Armstrong, please.

DR. ARMSTRONG: My hand was actually up before this went up, but by coincidence it walked right into the crosshairs. You know I opposed, but begrudgingly voted for the main motion. I do think we're rushing it. Because we identified some problems through the last process and last assessment that I think need to be addressed before two and a half years.

One is the recreational discard. I am not sure I understand exactly what Eric means by this, so I

look forward to him explaining it a little better. But I 100 percent support this, and I hope it leads to an addendum that we could put in quickly to address recreational discards. It is a thing we identified out of the last assessment, and it is stunning and crushing, it is 50 percent of mortality.

I don't think we can wait two and a half years to address it, particularly if the next assessment says we are above the target F. Then I'm left with what do we do now? I think I will support this. I look forward to Eric's comments on that. I do have one question. I don't know when I should ask it, maybe for Toni. We can do a simultaneous addendum, right, while we're working on a massive amendment?

MS. KERNS: If it is the will of the Board, and we can figure out a way to make that work with staff time, yes.

DR. ARMSTRONG: I heard that Toni.

MS. KERNS: I was just caught, because the same people who would work on the amendment would be the same people working on the addendum, so a little tricky.

DR. ARMSTRONG: Which to be honest was my angst with moving the amendment forward. Something to think about, if we have buyer's remorse when people go home.

CHAIRMAN BORDEN: Move on, I have John McMurray and then Tom Fote.

MR. McMURRAY: I don't oppose the motion, but I think there is a real disconnect between the Board and what they think the real dynamics of this fishery are. I mean it's primarily a sport fishery, 90 percent of it is a sports fishery, and then if I'm understanding correctly, 90 percent of it is catch and release. It's like the Board doesn't want to acknowledge that this is a sport fishery.

The fact that 90 percent of them get released is a good thing. If they weren't being released that

would be way higher. We should probably take a look at tarpon or bonefish down south, and how folks manage those. Managers accept that sort of discard mortality as part of the fishery, with the understanding that if it was a kill fishery it would be much higher. But I look forward to having this discussion as it evolves, and I'm not opposed to the motion.

CHAIRMAN BORDEN: Max, as soon as you get clarification on the motion, then I'm going to go to Tom Fote. Max.

MR. APPELMAN: I was just hoping the maker and perhaps the seconder could just elaborate a little bit more on what this task is hoping to get from the TC. What are we hoping to hear from the TC, how could they weigh in on this topic more than they and others already have? Just trying to get a better understanding of what is being proposed here.

CHAIRMAN BORDEN: Eric.

MR. REID: Honestly, to Mr. McMurray's point. If it is a 90 percent release fishery, and we're only using 9 percent as a death rate. Maybe that's right. Maybe it's wrong. You know they could do some data mining. There was a study in Massachusetts that showed that the survival rate was really poor, and that data is available.

But it would be my guess is that we don't really have a good understanding of what happens. You know the difference between the fish being caught in Chesapeake Bay, when it's 85 degrees, and off the coast of Massachusetts in cool water might be one thing. But if there is no data that is any good, in my mind, or it's not useable data.

Then the product would be look, we need to develop data, and we would like to look at this type of data. That is really all we have. We're going on data. It is my feeling that the data we have is outdated, it is incorrect, and we're not using some data that is available to us. But they

have to tell us how we are going to better understand this. Whether it means we have to do more studies, or we have to do something else than what we're doing now. Then that is the advice I expect to get, and then it's going to be up to us as a Commission to get that done.

If we wait a couple of years anyway to get this thing moving, then we're going to be a couple more years figuring it out after that. This is a huge component of our fishery, and we don't really have a good grasp on what it really means, and I think that we need to do that. Max, if I'm not giving you enough help now, you've got to help me. But it's got to be done, because it's not done now.

MR. APPELMAN: I appreciate going into that a little bit more. Just to sort of temper expectations on if this motion were to pass. I believe, and Katie can jump in if she feels I'm going down the wrong road here. But the TC could certainly summarize how dead discards are currently estimated in the assessment, and provide an overview, a literature overview, essentially, of all the different studies that are reviewed each iteration of the benchmark that comes to help inform which release mortality rate is used in the end.

But beyond that developing methods to better understand discards, I think that is going to be a big challenge, based on the data that is available. There could be recommendations coming from the TC on where data gaps might be, and perhaps other ways to collect better data. But beyond that I don't think we'll see methods developed at this time, until the next benchmark comes around where they really have a chance to grapple with producing these dead discard estimates.

MR. REID: If I might, Mr. Chairman.

CHAIRMAN BORDEN: Go ahead, Eric.

MR. REID: Okay, Max, I can't ask for any more than that. I'm only asking for a beginning. If we don't get started on this project that is going to be a mistake. If you open the door for us a little bit then



we can do our homework, and figure out how to get this, not under control, but understand it so we know what we're dealing with, because I don't think we understand it now. I appreciate it, and thanks for the help.

CHAIRMAN BORDEN: Back on the list. Tom Fote.

MR. FOTE: Yes, I guess I'm to the point where I'm not going to be agreeing with everybody. I look at this fishery as not just a catch and release fishery for the recreational sector. I look at it as a catch and harvest. People like to take striped bass home to eat, they should be able to do that. What you have done is probably increasing, so the guys in New York have released 100 fish, instead of 50 fish in a day.

You have now forced a person who just wants to go out and have a fish to bring home to eat, basically to keep catch and releasing, because you are raising the size limit to basically handle the hook and release mortality. That is a real problem. This is not a tarpon, where people don't want to eat it or fish that we built upon that people want to eat. Besides, we miss a lot of people. I was hoping you were talking about how a virtual meeting works with people, you have good results. What is going to happen is good results with people that are very familiar with how to use the computer, very familiar how to basically use this. Maybe there is a different type of person out there. The people that I look at, I mean I spend a lot of time teaching people how to use Zoom, and they still can't figure out how to do it.

They just don't get on and they get disgusted. You're losing all those people that would be at those public hearings when you do that, and it might not be the same way you lose school kids, because they're not familiar with the computer. Now we're losing people, because maybe they don't have access to all these computers at

home. Maybe they don't have high state internet access. We're limiting who will do it.

There is a lot of population out there that fishes that is basically in that category, and looking at fish to take home to eat, not just to do catch and release. There is a reason there is a place for both of those fisheries together. But when one starts impacting both the commercial and the recreational sector, and watch it do that. I guess for their ability to go out and just catch and release fishing, and you basically don't care about the numbers they're doing, and don't care about the mortality. That is a real problem.

CHAIRMAN BORDEN: Toni, do I have any other hands up?

MS. KERNS: Do you have other hands up. You have Dennis, Roy Miller, Megan Ware, Adam Nowalsky.

CHAIRMAN BORDEN: Stop. You have Roy, who else?

MS. KERNS: Megan.

CHAIRMAN BORDEN: Dennis.

MR. ABBOTT: As usual, you're running a very brief meeting, keeping to the time schedule as you always do. However, before I get to my main point. Max says that he could probably get something back to us in October. I appreciate Max is, I'll use the term an eager beaver, and he's a good hard worker, but we don't want any fast product.

We just had moments ago realized, not realized determined that we wanted to go about this slowly and carefully, and already we're maybe rushing things a bit. I hope that Max can do a thorough job by October, but I would prefer it by the springtime, whenever. The issue of dead discards. That is such a big issue.

If you tell the average person that you're killing 50 percent of the fish when you throw them back into the water, and you want to ignore it. We're not

doing our job. I don't know how much we can correct it. I asked Katie Drew what would happen if we decreased dead discards by 50 percent, and maybe she can make a comment after I finish. However, we need to start someplace, and one of the places we need to start is to make the public aware of what the heck is going on with dead discards. I don't think that a lot of fishermen, recreational fishermen, realize how many fish they are killing. For that reason, that is why I support Eric's motion here that we've got to get off the ground, not only to understand discards, but to do something about it. Maybe that starts with public awareness through something through the media, through the sports fishermen's organizations, to do some articles on whatever to make people aware that we're killing too many striped bass throwing them back in the water. You can't help it, but you can help it. There are a lot of ways that you can improve. You never get rid of it, but you surely should be seeking ways to diminish what we're doing.

CHAIRMAN BORDEN: Katie, do you want to comment? I'll give you an opportunity, otherwise I plan to move on to Roy and Megan. Katie.

DR. KATIE DREW: I would just say, you know we talked about this in the Workgroup, and absolutely reducing dead discards by 50 percent or by a significant amount would benefit the stock the same way by reducing directed harvest would benefit the stock. It's just a matter of reducing those total removals to help it rebuild. But I think the tricky part is, how do you get those removals to stop in either way, when really it is driven by effort rather than specific regulations that can be controlled by a size limit or a bag limit?

CHAIRMAN BORDEN: Thank you, Dr. Drew. I've got Roy Miller and then Megan.

MR. MILLER: I think then my arguments in favor of this particular tasking have been well stated.

I support the idea of tasking the PDT/TC to begin developing these methods. I think it could be important if it should not get in the way of initiating the amendment, but it is well worth doing.

CHAIRMAN BORDEN: Megan.

MS. WARE: I actually have a question for the maker of the motion. My recollection is that our recent stock assessment kind of went through all of the different studies on dead discards, and looked at them and evaluated them, and that is how they reaffirmed that 9 percent. I am just trying to understand how this is different from what was done in the assessment, taking it to the next step where they are putting forward some sort of study? I think that is where I'm getting a little lost.

CHAIRMAN BORDEN: Eric, do you want to follow up?

MR. REID: Well, Megan. The way I see it is I know there are other studies that talk about dead discards. There was one done in Massachusetts, and it was done with discards and what happened to them over time. It wasn't 9 percent. I think the 9 percent is a joke. That has to be looked at. Just going over the same old methodology over and over again doesn't work for me.

We have to look at a way to figure it out, and I don't know if it's a bag limit or a size limit or circle hooks, or what. But it is a massive component in a fishery that we don't really understand. If we just want to keep using the same old number that's fine, but it is not fine for me. That is why I made the motion.

CHAIRMAN BORDEN: Megan, do you want to follow up?

MS. WARE: Yes, I guess I'm generally supportive of this idea, I'm just trying to understand what we're doing. I guess now I'm a little more confused. Is this about tasking the PDT and the TC to evaluate the science behind the discard mortality percentage, or is this about identifying some management tools that reduce discard mortality?

MR. REID: I mean basically right now, Megan, all we really have is science. I don't expect them to come up with a solution. I just want to know where our gaps are, and how we can get a better grasp on how to solve this issue. I think it is a travesty that we let it happen, and I don't care if it's a sport fishery in a 100 percent release fishery.

There is dead striped bass floating all over the place once the recreational fishery leaves an area, and that's not right, and that is not 9 percent. If we start by analyzing the data we have and the science behind what we have, maybe we can figure out a way to better understand what happens, because right now I don't think we have any idea what happens.

CHAIRMAN BORDEN: Toni, do we have anybody else on the list that hasn't spoken?

MS. KERNS: Yes. That hasn't spoken on this issue, yes. We have Adam, Mike Luisi, Ritchie White, and I still have more names after them.

CHAIRMAN BORDEN: Okay Adam.

MR. NOWALSKY: I'll build on a number of the last comments that I've heard. I will be speaking in support of the motion. I understand there are concerns specifically about what happens with smaller fish in warmer waters, with regards to recreational anglers leaving an area with piles of dead striped bass floating behind them.

I have never seen that in a fall/winter fishery. I certainly haven't pursued the fishery in the Chesapeake Bay, but I have the ocean. I do think that while discards are the problem, I think that characterization may be a little extreme. But specifically, with respect to Megan's question. I had a very similar question, and to Tom's point. I'm supporting this motion because it says, methods to better understand discards in the fishery.

This motion doesn't say methods to reduce discards in the fishery. I know ultimately that is where we want to get to. But I think it's really important that we're able to understand what is causing these discards in the fishery. The point about the fishery being a catch and release fishery, that may be true by the data.

But the question remains, is it a catch and release fishery, because nobody wants to take a fish home, because they don't provide any table value. I have never heard that from anyone I've spoken to. I think the fishery in the Chesapeake Bay clearly demonstrates that this is a highly prized fish for its food value. The comments that we heard during the COVID crisis of allowing for-hire fishermen to continue operating because of the food value, clearly suggests that this is not only a catch and release fishery, because they don't provide value once harvested.

I agree entirely with the comment that it's our regulatory process that has driven the percentage of discards up, and I would hope that the PDT and TC, in beginning to develop methods to better understand discards in the fishery that that is one of the things that they would do. If they can't do it by October, if they come up with some information to give us to put into the PID, to generate some questions to take out to the public to better understand it.

Once we understand why they are occurring, then we're best in a position to develop those methods. I hope that furthers the intent on the record here of the maker of the motion is to give the PDT/TC the latitude to do the work to try to understand that, to give us some direction about what we could put in a PID to get in that information.

If we don't have this analysis done in October, if it takes until the winter meeting or whatever the timeline is to do it right, I hope that we give that group the flexibility and the time in order to do it, so we can determine how best to proceed, and basically that would address the concerns of a lot of different speakers over the last 15 minutes during this discussion.

CHAIRMAN BORDEN: We're almost a half hour behind schedule, so I'm going to take the last two that I have on the list, we'll have a one-minute caucus, and then call the vote on the subject. Mike Luisi and Ritchie White.

MR. LUISI: I absolutely agree with everything that Adam said, and I fully support the motion. The way I see this developing, I could see it becoming part of the PID in our discussions as the PID developed. Even though, well discard mortality is part of what was approved as moving forward in this PID.

But I could see that there would be concern that discard mortality may carry along with the amendment, to the point where this may take a couple years, which is what we talked about moving slowly. I think the Board would have the opportunity, once we hear from the public and we get a chance to review what goes into the Amendment.

We could consider peeling away the discard mortality and doing what I think Mike Armstrong recommended, which might be taking a more fast-track action on an addendum during the time the Amendment developed. Nine percent across the board is not a responsible way to continue for the future.

You know that that mortality is greater during times when the conditions are not conducive to the survival of fish when they're released, and I think we need to address that and we need to take a new step forward in our understanding of discard mortality. I'm fully supportive, and I hope to see this develop under the PID umbrella.

CHAIRMAN BORDEN: Ritchie White, you get the last word, and then we're going to move on to caucus.

MR. WHITE: I think that if you put this to the public, I don't believe there are two types of fisheries, catch and release and people that

harvest. I think people go out to stripe bass fish, and they enjoy striped bass fishing. Some of them may decide that they want to harvest a fish, or that is their goal, and some of them may decide that they don't want to harvest a fish. But I've had a lot of charter boats up and down the east coast, and I've never been on a charter boat that you catch your limit in the first half hour and you go home. Charter a boat for six hours, you fish for six hours. I believe that is what the anglers want to do. They want to go out and experience striped bass fishing, and bringing a fish home is important to some people, to some people it's not.

But what is important to all of them is to be out there experiencing striped bass fishing, and doing it as much as they can. I think the only solution to this, beyond education, is we clearly need to do a much better job on education. It's going to be to take people off the water. That is the only way you're going to lower discard mortality is to have seasons, and I don't think the public is going to go for that at all.

CHAIRMAN BORDEN: You get a one-minute caucus. I would just note why the open line is. The storm has arrived and will pass in Rhode Island. My electricity and lights are beginning to flash. I'll raise the question. All those in favor of the motion. Let me read the motion. Move to task the PDT/TC to begin developing methods to better understand discards in the fishery. Motion by Mr. Reid, seconded by Marty Gary. All those in favor of the motion, signify by raising your hand.

MS. KERNS: Hold on, Mr. Chairman, I think I just had one more vote.

CHAIRMAN BORDEN: Toni, you were broken up. Could you state that again?

MS. KERNS: I have 14 in favor.

CHAIRMAN BORDEN: No votes, please raise your hand.

MS. KERNS: I have 2 no votes. I apologize, I have 3 no votes.

CHAIRMAN BORDEN: Does anyone abstain?

MR. APPELMAN: I'm sorry, Toni. That is too many votes. There are only 16 votes on this Board.

CHAIRMAN BORDEN: Let's go back and clear the slate and we're going to revote. All those in favor of this motion voting yes.

MS. KERNS: Emerson Hasbrouck has a question, Mr. Chairman, I believe.

CHAIRMAN BORDEN: Emerson, is it on the motion, because we're past the point where I wanted to be. Emerson, do you have a process question?

MR. HASBROUCK: No, we were still in caucus, so I missed the first vote, so I just want to make sure that New York vote is counted here in the second go around. If you had too many votes the first time, and that was even without New York voting.

CHAIRMAN BORDEN: This is a whole new vote.

MR. JAMES J. GILMORE: It's Jim, I did vote, so I will vote again.

MR. HASBROUCK: Okay, sorry, Jim. We were caucusing without you, we had Maureen on.

CHAIRMAN BORDEN: All in favor of the motion as I read, please signify by raising your hand.

MS. KERNS: I have 15 in favor.

CHAIRMAN BORDEN: Any opposed?

MS. KERNS: All the opposed hands, please raise your hand.

CHAIRMAN BORDEN: Any abstentions?

MS. KERNS: I don't see any abstentions.

CHAIRMAN BORDEN: Any null votes?

MS. KERNS: I don't have any null votes. I didn't have any opposed votes either.

**CHAIRMAN BORDEN: Okay, so the final vote is 15, 0, 0, 0. The motion passes.** That dispenses with that.

#### ELECT VICE-CHAIRMAN

CHAIRMAN BORDEN: We've got two more items that should be fairly quick items on the agenda. We need to elect a Vice-Chairman. My understanding is Megan Ware would like to make a motion.

**MS. WARE: Sure, I can do that now if we are at that point in the agenda. Due to his leadership and poise on the Workgroup, I would like to nominate Marty Gary as Vice-Chair of the Striped Bass Board.**

CHAIRMAN BORDEN: Do I have a second?

MS. KERNS: Yes, Roy Miller.

CHAIRMAN BORDEN: Seconded by Roy Miller, any objections to the motion? Any hands up, Toni?

MS. KERNS: No objections.

**CHAIRMAN BORDEN: No objections, I suggest the record reflect Mr. Gary is now the Vice-Chairman of the Committee by the acclamation of the Board.**

#### OTHER BUSINESS

##### DISCUSS STATE PLANS FOR IMPLEMENTATION OF CIRCLE HOOKS COASTWIDE

CHAIRMAN BORDEN: The last issue under Other Business is Mike Luisi asked for a brief period of time to talk about circle hooks.

MR. LUISI: I don't know if it was discussed. I was disconnected for a few minutes. Wasn't there another motion that we needed to consider, as a

postponed motion today, before we get to Other Business, or did I miss something?

MR. APPELMAN: Yes.

MR. LUISI: We could go to Other Business if that is the wish of the Chair. I had asked whether or not this would be an opportunity. I know we're late in the day. But this would be an opportunity to talk a little bit about some of the states and what their plans are for implementing circle hooks coastwide.

I think it would be problematic if we all find ourselves coming up with different rules and regulations for how those circle hooks would be applied. The Addendum VI language is pretty clear, in that if we're addressing or if we're targeting striped bass with bait, a circle hook is required.

I just was curious as to whether or not states are finding problems in that, whether it be enforcement or with stakeholder concern, and were planning to modify their proposal. If we don't have the time, I get it, Mr. Chairman. Certainly, it is up to you if you want to spend time on that. But it might help some of the states, as we're all probably in the process right now of getting those regulations done.

**CONSIDER POSTPONED MOTION FROM  
FEBRUARY 2020**

CHAIRMAN BORDEN: We still need to take action on this postponed motion from February. We did have discussion on that. Does anyone want to make a motion on the subject? The options here I think are fairly clear, just postpone it to another meeting. We could postpone it indefinitely, which would in effect kill it.

You could vote the question and vote it up or down, and if it failed it would stop. Those are kind of the options. Maybe someone else can think of another option, but those ones just

come quickly to mind. Would someone care to make a motion on this issue?

MS. KERNS: You have Megan Ware.

CHAIRMAN BORDEN: Megan.

MS. WARE: Yes, this motion has given me a little bit of pause, because I think we all agree that 2020 MRIP estimates are going to have a bit of uncertainty, and might be a little wonky. I'm not sure if that is now the best year to be choosing in the motion. That said, I certainly heard from a lot of anglers over the past week, and they are still interested in looking for assurances of accountability with Addendum VI.

I had some thought about waiting until the 2021 FMP review, but I think that means we wouldn't actually see any information until August of 2022, which I think is kind of when we would be considering final action on the Amendment we just initiated. I'm thinking that the easiest way to address this is, you know we just initiated an amendment, which is looking at overhauling or considering changes to conservation equivalency, and we've included recreational accountability. I'm wondering if there is a way, we can just say that this is being looked at in that amendment, and process a question in the PID to address this topic of accountability. If there needs to be a motion to make that happen, I can kind of do that. I would just need some help from the staff with wording.

CHAIRMAN BORDEN: Max.

MR. APPELMAN: We're looking for a motion to find agreement that the action that just occurred with the amendment is making ground on accountability and things like that. Correct?

MS. WARE: Yes, I mean it seems to me that we just initiated an amendment that is looking at CE and accountability, and I think that actually might be a quicker route to addressing those topics, than waiting until this 2021 FMP Review. I don't know if that required a motion or not to make that

acknowledgement. If you have a suggestion on how best to do that, I'm all ears.

MR. APPELMAN: I'm sort of with you on that and Toni could jump in if I'm lost. But I don't think a motion is needed to convey that intent. I think what the Board needs to do is to deal with this motion, and if it is voted down or postponed indefinitely, or however it's dealt with. As long as that intent, Megan that you have made is clear. I think we're all good. I don't think we need a motion for that.

**MS. KERNS: Megan, if it is your intention to dispense of this motion, then you could say it is postponed indefinitely with the intention that through the amendment this accountability process will take place.**

**MS. WARE: That sounds great, Toni. I'll make that motion.**

CHAIRMAN BORDEN: All right, so Megan you're **making a motion to postpone indefinitely, with the intent that accountability will be factored into any future amendment. Is that correct?**

MS. WARE: Yes, if we could just have the motion read that acknowledging that our amendment was just initiated is addressing CE and accountability that would be helpful.

MS. KERNS: Justin Davis is seconding this motion, and Maya for language to help you out, if you could put after indefinitely a new sentence, or in parentheses, I guess. Motion to postpone indefinitely is sort of an infinitive. There is usually nothing else that goes with it. With the intention to address accountability in the initiated amendment.

CHAIRMAN BORDEN: Megan, is that your motion?

MS. WARE: Yes, please.

CHAIRMAN BORDEN: Okay, Megan Ware has made a motion, Dr. Davis has seconded. Move to postpone indefinitely, with the intention to address accountability in the initiated amendment. We have a motion on the table, discussion. Does anyone care to discuss the issue? If so, please raise your hand. Toni.

MS. KERNS: I have John McMurray and Joe Cimino.

MR. McMURRAY: Okay, John McMurray and then Joe.

MR. McMURRAY: I don't support postponing. This is specific to Addendum VI, and it is not gratuitous. It is pretty clear at this point that some states are using CE to liberalize regulations, and the overages are not theoretical, they are real, as we saw in 2015. I don't think this is draconian. I understand well that availability drives catch up in some states.

But there is no requirement here for a state to change to require a change in the regulations. It would be up to the state if that had the overage, to make a case of why the reduction wasn't achieved, and then the Board would consider that, and make a determination, which I think we could do anyway even without this. This just seems like a commonsense requirement here, and frankly I don't think we could push this off any more, the public is demanding it. That's it.

CHAIRMAN BORDEN: Joe.

MR. JOE CIMINO: Well, unfortunately this motion doesn't really address missing reductions. Most states don't even know what their reduction target was, those tables were not really used. This is punitive to states that legitimately use the process for conservation equivalency to do something else. Unless you're saying every state that didn't take conservation equivalency is going to be held to an 18 percent reduction, and if they aren't then they need to do something.

In a stock that needs help, only holding a few states to a reduction doesn't make any sense in my mind.

I completely disagree that it's for the stock. I think its people that are angry at the process. You know a new amendment is going to look at that, and I fully support looking at conservation equivalency. I think this is punitive and not helpful. I support the motion.

MS. KERNS: You also have Justin Davis, Cheri Patterson, and Mike Luisi.

CHAIRMAN BORDEN: Justin.

DR. DAVIS: I do support the motion. I do want to acknowledge though the dynamic that John McMurray brought up that there was sort of broad, public support for the idea of recreational accountability, and that that is where this motion came from, directly out of the Addendum VI process.

I'm not necessarily opposed to the idea, but I have concern, and Megan did a good job outlining some of them. I just don't know how we're going to use 2020 MRIP data, when a number of states suspended intercept surveys during the early portion of the year while a lot of striped bass fishing was happening.

It's not clear how we're going to generate catch and harvest estimates. I just don't see how we're going to use 2020 MRIP data to assess whether states met the target and reduction from Addendum VI. I also think there is more general concerns about using MRIP data on a state-by-state level, which everyone acknowledges that is not what the MRIP Survey is built for, even though we use it for that to use as a basis for accountability. Also, just MRIP estimates in general are highly variable. I think we need to consider about what is the sort of level at which an overage has actually occurred? Does it go 2 percent over, 5 percent over? How does that relate to the inherent uncertainty in the MRIP numbers? All this is just to say that I think there are a lot of things to pick through here, and think through.

That's why I would rather see it considered more deliberately in the amendment process. It's going to touch upon the recreational accountability topic in the amendment. It's also going to touch upon conservation equivalency, I think, because I think that was the motivation for this. I just wanted to be clear that I understand the public's interest in this. I'm not necessarily opposed to the idea, but this specific motion I think the best move right now is to postpone this indefinitely.

CHAIRMAN BORDEN: Cheri.

MS. PATTERSON: I'm sorry, did you call on me?

CHAIRMAN BORDEN: Yes, I did. It could be my connection.

MS. PATTERSON: I actually support Megan's motion. For what Justin pretty much just said also. I think that you need to be very careful and cautious how we are going to be evaluating the 2020 fishing year, based on MRIP information. I understand the frustration of not being able to really delve into any sort of state reductions that did not come to pass through the CE process.

But we have to be very, very, very careful what we're going to be looking at and making decisions on data, based on this fishing year. I think the best move forward at this point in time, is to look at it through this amendment that we are moving forward.

CHAIRMAN BORDEN: Make it short, I've got Mike Luisi next.

MR. LUISI: I'll be very brief. I do want to say that I support the motion, for the reasons that Joe Cimino and Justin Davis mentioned, and I won't go back into that. I just wanted to add that I think keeping your approach in the motion for consideration, gets us much more closely aligned with how we've been managing summer flounder, black sea bass, and other federally managed species, which I don't think anybody around the table thinks it has been a good exercise.



Just on Thursday, we're going to be talking about ways to try to get out from under the arm of federal management, to try to provide for better recreational tools in moving forward. This takes us backwards into that world, the way I see it. I'm going to support the motion to postpone, with the intent that we address this accountability through the amendment.

CHAIRMAN BORDEN: Toni, do you have anyone else?

MS. KERNS: That's everybody.

CHAIRMAN BORDEN: Okay, so one-minute caucus, and I'll call the question.

MR. NOWALSKY: Toni, did you say Joe Cimino raised his hand last time, because I haven't gotten in touch with him in text recently, so I'm not sure who is voting for us in New Jersey.

MS. KERNS: He did have his hand up before, let me make sure he's still on the webinar. I still see him on the webinar, Adam.

MR. CIMINO: I'm here. Adam, I could cover this one, sorry.

MS. KERNS: I try to like make sure there is not a double-state voting as well, which is one of the reasons why I'm a little slow on my counting.

MR. LUISI: Hey Toni, just really quick, and sorry for jumping in, Mr. Chairman. I wanted to get into Dennis Abbott's question earlier about roll call. I mean is there a possibility that you could just call out names, you know call out the states that are voting, so when we raise our hands we could just say yes votes from, and just state a state just so we know who is voting each way?

MS. KERNS: I certainly can do that.

CHAIRMAN BORDEN: Are you ready for the motion? All those in favor signify by saying yes, raise your hand.

MS. KERNS: I need everybody to have their hand up so the names stop moving, and then I can give you your count. Connecticut, U.S. Fish and Wildlife Service, Rhode Island, Delaware, Maryland, Maine, Virginia, Pennsylvania, Massachusetts, North Carolina, New Jersey, and PRFC. That is 12.

CHAIRMAN BORDEN: All right, no votes, please signify.

MS. KERNS: Before you say that I'm just going to take everybody's hand down. Now, if you're going to vote now, please raise your hand. I don't have any no votes, one no vote from New York.

CHAIRMAN BORDEN: New York, any abstentions?

MS. KERNS: One abstention from NOAA Fisheries.

CHAIRMAN BORDEN: Any null votes?

MS. KERNS: One null vote from New Hampshire.

**CHAIRMAN BORDEN: The motion passes.** All right, is there any other business to come before the Board?

MS. KERNS: Adam Nowalsky has his hand up.

CHAIRMAN BORDEN: Adam.

#### **ISSUE TO COME BEFORE THE EXECUTIVE COMMITTEE AND POLICY BOARD**

MR. NOWALSKY: All right Mr. Chairman, I can continue. I didn't raise this under Other Business at the beginning of the meeting yesterday, because I wasn't aware it was going to be the issue it became. But there were some comments made during yesterday's portion of the Board meeting that a letter had been sent to a large number of the Board.

It has come to my attention that it wasn't everybody on this Board that came from the entire New Jersey delegation. I just wanted to make it clear to everybody on this call that that letter did not come from the entirety of the delegation.

Perhaps you can just give the extender 30 seconds to briefly just speak to the fact that it didn't come from the delegation.

I don't want to take up the issues that were in the letter. It is my understanding they will come before the Executive Board and the Policy Board. But I do think it is important for this Board to hear, especially those people who heard that the entire delegation from New Jersey sent something with regards to specific other commissioners. That that was not in fact the case, and I think it's very important that that be made clear on the record.

CHAIRMAN BORDEN: Thank you, Adam. I don't know whether Pat Keliher is on the call. Bob, you know what is going on. Is one of those gentlemen still on it? Could you tell the group when that issue will be discussed?

EXECUTIVE DIRECTOR ROBERT E. BEAL: David, this is Bob Beal. I'll go ahead and jump in, if we don't hear Pat.

CHAIRMAN BORDEN: Sure, that's fine.

EXECUTIVE DIRECTOR BEAL: Okay. Adam is right. The Executive Committee is going to bring it up tomorrow to talk about it. The Executive Committee has a really full agenda in the morning, so I don't think they're going to put a whole lot of time into it, other than to acknowledge that the letter is received, and mostly focusing on the notion of, do any changes need to be made to the Working Group procedures that were approved by the Policy Board, I don't know six months or eight months ago.

You know the question will be focusing on reviewing how the Working Group for Striped Bass operated, then moving forward. Probably better to have it introduced at the Executive Committee, and then maybe since the Executive Committee is meeting almost weekly now, they can talk about it at subsequent meeting if there

isn't much time to talk about it tomorrow during the two-hour Executive Committee session.

CHAIRMAN BORDEN: Thank you, Bob. Is there any other business before us?

MS. KERNS: It's Jim Gilmore.

#### **OTHER BUSINESS CIRCLE HOOKS (CONTINUED)**

MR.. GILMORE: I was just actually going back to Mike's thing, and I suggested it also about the circle hook thing. I don't want to spend a lot of time, but I thought this was going to be very simple that we were just going to adopt the circle hook provision. We had our Council meeting a couple weeks ago, and now there was some of the folks in our state are looking for exemptions for surf casting. I understand other states are looking for exemptions for that. My only concern is like Mike's concern.

If we wait until the October meeting, and then we have a January 1 implementation deadline. We're not going to have enough time. One suggestion I have is maybe at least if the states could send the staff or Max, whatever, what their proposal is, and if we've got a lot of variability. We need maybe to address it before the October meeting. Maybe Mike has more to add on.

CHAIRMAN BORDEN: Thanks Jim, for the suggestion. That was aborted, I would point out giving your protracted discussion at this point has come to (muffled). Any objection to doing what Jim suggested?

MR. LUISI: This is Mike, I think what Jim is suggesting might be a good idea. I think the implementation plan begins at the middle of this month, and if not we could always, if there is a lot of variation between the plans, I think we could probably call a meeting of the administrative people from the state to go over it, in between now and the October meeting.

I would be fine with that. I just don't want to get too far along and be in October, and all of a sudden

now our timeline is off, and we're not going to be able to meet our deadline, if adjustments can be made. But I think Jim's suggestion is a good one.

CHAIRMAN BORDEN: Let me just suggest that we defer this to the staff, particularly Toni and Bob, to send out written guidance to the Board as to how this discussion is going to take place, whether it's administrative commissioners and what the timeframe is, and then they handle it in that manner. It seems like there is a frequency to address this. Rather than have us try to fine tune the methodology at this point, just let the staff send out a letter and say what the methodology is. Are there any objections to doing that? Are there any hands up?

MR. APPELMAN: Dave, could I jump in really quick, this is Max?

CHAIRMAN BORDEN: Yes.

MR. APPELMAN: Just a quick reminder that implementation plans, Mike was on the money, they are due a week from tomorrow. Assuming that all states hit that deadline, I could of course give a thumb through, and see if anything stands out. As far as guidance from Addendum VI itself. You know there is a definition of what a circle hook is.

The regulations require a non-offset circle hook that is defined in the Addendum. But besides from that states have flexibility to put in regulatory language that addresses the nuances or differences in those fisheries, and the PRT doesn't have sort of a threshold of when intent of that provision is compromised.

To that point, the PRT plans to provide a report back to the Board in October, commenting on the intent of that provision, which is why we asked for any quantitative information for these exemptions to be included in the implementation plan, so the PRT has some idea of how much effort, or how many anglers may

not be restricted by this provision. Without that it is very difficult to provide any comment on whether these rules are undermining the intent of the provision.

CHAIRMAN BORDEN: Any further comment on this?

MS. KERNS: I don't see any hands, but I will tell you that Dennis Abbott has had his hand up. I don't think it's about this though.

CHAIRMAN BORDEN: Dennis Abbott.

MS. KERNS: He has now taken his hand back down.

CHAIRMAN BORDEN: Is it clear to everyone how this is going to be handled?

MS. KERNS: Yes.

#### **ADJOURNMENT**

CHAIRMAN BORDEN: All right, so any objections to moving on and adjourning the meeting? The meeting stands adjourned.

(Whereupon the meeting adjourned at 5:30 p.m. on  
May 4, 2020)



# Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201  
703.842.0740 • 703.842.0741 (fax) • www.asmf.org

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## MEMORANDUM

September 29, 2020

**To: Atlantic Striped Bass Management Board**  
**From: Atlantic Striped Bass Plan Review Team**  
**RE: Review of State Implementation Plans with Addendum VI Mandatory Circle Hook Requirements**

The Striped Bass Plan Review Team (PRT) met via webinar on September 8, 2020, to review state submitted implementation plans for Addendum VI mandatory circle hook requirements, and to develop recommendations for consideration by the Striped Bass Management Board (Board). The following provides background information and a summary of the PRT's review. Current and proposed circle hook regulations by state are provided in Table 1.

### Background

Approved in October 2019, Addendum VI to Amendment 6 to the Atlantic Striped Bass Interstate Fishery Management Plan (FMP) implements coastwide harvest reductions, and also requires the mandatory use of circle hooks when fishing with bait to reduce release mortality in recreational striped bass fisheries. States are required to implement circle hook requirements by January 1, 2021, and all other measures were implemented by April 1, 2020.

Addendum VI defines a 'circle hook' as a non-offset hook where the point is pointed perpendicularly back towards the shank. The term 'non-offset' means the point and barb are in the same plane as the shank (e.g., when the hook is laying on a flat surface, the entire hook and barb also lay flat). The Addendum provides states flexibility to further specify details of the regulation to address specific needs of the state fishery.

The Striped Bass Technical Committee (TC) reviewed state implementation plans for Addendum VI in December 2019, however, most states were unable to provide sufficient information regarding proposed circle hook requirements at that time (e.g., draft regulatory language). Therefore, the TC recommended states resubmit implementation plans for circle hook requirements later in the year to allow time for scoping and other state regulatory processes to play out. As a result, the Board established August 15, 2020 as the new submission deadline for circle hook implementation plans, with Board approval occurring at the Annual Meeting 2020.

States were asked to include the following elements in their implementation plans: (1) a copy of final (or proposed) regulatory language, including a definition of 'circle hook' comparable to that cited in Addendum VI, and an effective implementation date no later than January 1, 2021;

M20-107

(2) quantitative justification for any proposed exemptions using 2016 and 2017 recreational catch or effort data; and (3) a detailed description of public education and outreach efforts to garner support and compliance with mandatory circle hook requirements.

The PRT's objective was to verify the proposed measures addressed the intent of the provision, which is to reduce striped bass discard mortality in the recreational fishery. However, some states provided exemptions to reduce the impact of the circle hook regulations. While Addendum VI provides states flexibility to specify details of the regulation to address specific needs of the state fishery, there is no guidance (or metric) to the PRT on what an acceptable level of flexibility is. Therefore, the PRT cannot make a definitive recommendation to the Board regarding proposed exemptions to mandatory circle hook requirements.

### **Plan Review Team Comments and Recommendations**

Note: some state circle hook regulations are still being scoped or are pending final review and approval. If a state considers changing proposed or adopted circle hook regulations or exemptions in the future, the PRT recommends the state submit an updated implementation plan for PRT review and Board approval.

#### Regulatory Language

The PRT noted that all state proposed regulatory language requires, at a minimum, anglers to use circle hooks when using bait to target striped bass. All proposed regulations included a definition of 'circle hook' comparable to that cited in Addendum VI. The PRT noted that not all states used the same regulatory language or definition for circle hook. While some states used the circle hook definition provided in the Addendum, others used preexisting regulatory language for other state fisheries (e.g., for coastal sharks). In a memo dated September 24, 2019, the Law Enforcement Committee (LEC) stressed the importance of all jurisdictions agreeing on standardized regulatory language, especially where states share common borders and fishing areas. PRT members also noted that states requiring the use of corrodible hooks (New Hampshire and Virginia) may be inadvertently limiting the availability and size of hooks that can be used in the fishery (e.g., some tackle companies don't necessarily manufacture corrodible hooks for all hook types and sizes).

#### Proposed Exemptions

Three states and jurisdictions are proposing exemptions to mandatory circle hook requirements:

- Maine – mandatory use of circle hooks when fishing for striped bass with bait has been required since 2013. The use of rubber or latex tube rigs are exempt from mandatory circle hook requirement as long as they conform to the following: the lure must consist of a minimum of 8" of latex or rubber tubing with a single hook protruding from the end (use of treble hooks prohibited).

- Massachusetts – anglers fishing aboard for-hire vessels, and anglers (all sectors) using any artificial lure designed to be trolled, cast and retrieved, or vertically jigged with natural bait attached, will be exempt from mandatory circle hook requirements. According to MRIP, the for-hire sector accounted for <2% of total striped bass releases in the state in 2016 and 2017 (63,791 and 251,866 fish respectively).
- Potomac River Fisheries Commission – the use of circle hooks is not required prior to May 1 during the catch and release season for striped bass; the use of barbless hooks has been required during the closed season since 1998 (*note: PRFC has since proposed to extend mandatory circle hook requirements to the catch and release season; implementation is expected before January 1, 2021*).

In general, the PRT discussed potential challenges with enforcement and compliance due to inconsistent regulations between states, particularly in shared waterbodies, and between modes within a state. In a memo dated January 23, 2020, the LEC commented that compliance in closely adjoining states is enhanced through regulatory consistency, and is particularly important for enforcement in shared water bodies like the Gulf of Maine or Chesapeake Bay. The LEC also stressed that the more divided recreational fishing modes are (for-hire vs. private), the more difficult it is to adequately enforce restrictions. Lastly, LEC members noted that it is difficult for field officers on land to distinguish between private and for-hire boats offshore, and at the docks where the two types of anglers are likely to co-mingle.

The PRT also discussed that while proposed exemptions may account for a small proportion of effort or total releases in the state, the proportion is not trivial in terms of numbers of fish. For example, according to MRIP, the for-hire sector in Massachusetts is estimated to have released approximately the same number of striped bass as all sectors in the state of Delaware in 2017 (251,866 fish compared to 254,050 fish, respectively).

### Public Education and Outreach

While some states are doing more than others, the PRT commented that all states have put forth effort to garner support and compliance with mandatory circle hook regulations. Most states indicated they are developing web content specific to circle hooks and safe fish handling techniques; distributing materials at trade shows, docks, bait and tackle shops; email blasting angling communities; providing education materials to law enforcement officers; partnering with non-profits like the American Sportfishing Association to develop state-specific web content and other outreach materials; taking out ads in local newspapers, magazines, and so on. While some public education and outreach efforts were delayed or reduced due to COVID-19 in 2020, states expressed intent to ramp up efforts in 2021 upon the adoption of final circle hook regulations.

Table 1. Current and proposed circle hook regulations and circle hook definitions by state.

State	Effective Date	Current/Proposed Regulatory Language	Circle Hook Definition
ME	Jan 2013	It is unlawful to use any hook other than a circle hook when using bait [for striped bass].	Non-offset hook with a point that points 90 degrees back toward the shaft of the hook.
NH	Jan 29, 2020	Any person taking striped bass with bait from the waters of the state by angling shall only use corrodible non-offset circle hooks.	Hook used for angling with bait where the point and barb are turned perpendicularly back to the shank to form a circular shape. If this hook is laid on a flat surface, all parts of the hook lie flat on the surface, rather than the point and barb being angled away from the shank in either direction.
MA	May 1, 2020	Recreational fishermen fishing from shore or private vessels shall use circle hooks when fishing for striped bass with whole or cut natural baits. This shall not apply to any artificial lure designed to be trolled, cast and retrieved, or vertically jigged with natural bait attached.	Fishing hook designed and manufactured so that the barb of the hook is not offset from the plane of the shank and bend and is turned perpendicularly back towards the shank to form a circular or oval shape.
RI	Jan 1, 2021 (expected)	The use of circle hooks is required by any vessel or person while fishing recreationally with bait for striped bass.	Non-offset hook where the point is pointed perpendicularly back towards the shank.
CT	Jan 1, 2021 (expected)	All persons fishing for striped bass with whole, cut, or live natural baits shall use an in-line circle hook.	Fishing hook on which the point and barb of the hook are not offset from the plane of the shank and bend, and the point is turned perpendicularly back towards the shank.
NY	Jan 1, 2021 (expected)	Recreational fishermen are required to use an in-line circle hook when fishing for striped bass with whole, cut, or live baits.	Fishing hook designed and manufactured so that the point and barb of the hook are not offset from the plane of the shank and bend, and the point is turned perpendicularly back towards the shank to form a circular or oval shape
NJ	Current: Dec 17, 2001 (upper Del. River); April 1, 2002 (lower Del. River)  Proposed: Jan 1, 2021 (expected)	Current: hook and line fishermen are hereby restricted to the use of non-offset circle hooks while fishing with any natural bait [ <i>within the Delaware River or its tributaries from April 1 through May 31 of each year. This restriction shall apply only to hooks of size two and larger and shall not apply to hooks of smaller sizes (such as those normally used for white perch fishing)</i> ].  Proposal: bracketed language to be removed from regulation.	Non-offset hook where the point is pointed perpendicularly back towards the shank. Non-offset means that the point and barb are in the same plane as the shank
PA	April 1, 2020 (temporary); Jan 1, 2021 (permanent, expected)	It is unlawful to fish with bait for any species of fish in the tidal Delaware Estuary, including tributaries from the mouths of the tributaries upstream to the limit of tidal influence using any hook type other than non-offset (in-line) circle hooks.	Hook where the point is pointed perpendicularly back towards the shank. The term 'non-offset' means the point and barb are in the same plane as the shank.

Table 1 continued.

State	Effective Date	Current/Proposed Regulatory Language	Circle Hook Definition
DE	Jan 1, 2021 (expected)	It is unlawful for any person to fish for striped bass with natural bait using any hook other than a non-offset circle hook.	Non-offset hook where the point is pointed perpendicularly back towards the shank. "Non-offset" means the point and barb being in the same plane as the shank.
MD	Current: since 2019 Proposed: Jan 1, 2021 (expected)	Current: when chumming or live-lining, a person recreationally angling in the Chesapeake Bay and its tidal tributaries during the period May 16 through December 15 shall only use a circle hook.  Proposed: regulations being scoped would expand existing regulation so they apply year round and also require all targeted striped bass trips using bait to use circle hooks in the ocean and in Chesapeake Bay.	Non-offset hook with the point turned perpendicularly back to the shank. 'Off-set' hook means a hook with the point and barb not in the same plane with the shank.
PRFC	Jan 1, 2021 (expected)	Non-offset (inline) circle hooks are required to be used when using cut or whole natural bait.	Non-offset or inline hook where the point is pointed perpendicularly back towards the shank. The term 'non-offset' or 'inline' means the point and barb are in the same plane as the shank (e.g., when the hook is laying on a flat surface, the entire hook and barb also lay flat).
DC	Jan 1, 2021 (expected)	The mandatory use of non-offset circle hooks will be required when fishing for striped bass with bait. In addition to anglers targeting striped bass, a non-offset circle hook will be required regardless of the targeted species when recreationally fishing with bait of any kind (e.g., fish, worms, shrimp, chicken livers, corn, dough balls) and using a hook size of number two (#2) or greater.	Hook where the point is pointed perpendicularly back toward the shank. 'Non-offset' means the point and barb are in the same plane as the shank (e.g., when the hook is laying on a flat surface, the entire hook and barb also lay flat).
VA	Aug 1, 2020	Any person fishing recreationally shall use non-offset, corrodible, non-stainless steel circle hooks when fishing with bait, live or chunk.	Non-offset, non-stainless steel hook with the point turned sharply and straight back toward the shank.
NC	Jan 1, 2021 (expected)	It is unlawful to fish for or possess striped bass from the Atlantic Ocean for recreational purposes using hook and line gear with natural bait unless using a non-stainless steel, non-offset (inline) circle hook, regardless of tackle or lure configuration.	Hook with the point pointed perpendicularly back towards the shank and the point and barb are in the same plane as the shank.



## Maine Department of Marine Resources

### Implementation Plan for Addendum VI Circle Hook Requirement

#### 1. Regulations

Since January 1, 2013, Maine has required the use of circle hooks when fishing for striped bass with bait. The regulations define a circle hook to be “a non-offset hook with a point that points 90° back toward the shaft of the hook.” Regulations pertinent to the use of circle hooks in the striped bass fishery are below. As a note, Maine also requires the use of circle hooks when fishing for bluefish with bait. A full copy of Maine’s striped bass regulations can be found [here](#).

##### 42.01 Statewide Striped Bass Size Restrictions, Harvest Methods

###### 1. Method of Taking.

- A. It is unlawful to fish for or take striped bass in territorial waters, except by hook and line. It is unlawful to use a gaff to land any striped bass.
- B. It is unlawful to use multiple (more than two) barbed or barbless treble hooks on any artificial lure or flies while fishing for striped bass in territorial waters.
- C. It is unlawful to use treble hooks when using bait.  
The following becomes effective January 1, 2013:  
It is unlawful to use any hook other than a circle hook when using bait. For purposes of this chapter the definition of circle hook means “a non-offset hook with a point that points 90° back toward the shaft of the hook”.

Exception: Rubber or latex tube rigs will be exempt from the circle hook restriction as long as they conform with the following: the lure must consist of a minimum of 8” of latex or rubber tubing with a single hook protruding from the end portion of the tubing where bait may be attached. Use of treble hooks is not allowed with these rigs.

#### 2. Public Education

When Maine first adopted the circle hook requirement in 2013, public education of the new regulation occurred via email, web, and newspaper. Notice of the rule-making was sent to interested parties via email distribution lists. The Maine Department of Marine Resources (ME DMR) also developed a [webpage](#) providing information on what a circle hook is, how it is different from other hooks, how to use a circle hook, and the benefits of a circle hook in reducing recreational release mortality. Recreational [saltwater fishing reports](#) were also published weekly in the Portland Press Herald by ME DMR staff and this platform was used to remind anglers of the circle hook requirements.

As states along the Atlantic coast work to adopt a circle hook requirement, Maine continues to focus on public outreach and education. ME DMR still maintains a [webpage](#) dedicated to the use and benefits of circle hooks in the striped bass fishery. Ahead of

the 2020 season, ME DMR staff also developed a flyer outlining the requirements of circle hooks in Maine. While it was initially intended that these flyers would be distributed at sportfishing trade shows (which have been canceled due to Covid-19), ME DMR is now providing the flyers to field staff so they can be safely distributed at docks. Further, on [June 3](#), ME DMR contacted recreational anglers and interested parties via an email list-serve to remind them of the requirement to use circle hooks when fishing for striped bass with bait. The email included links to ME DMR's webpage on circle hooks as well as the ASMFC Striped Bass Addendum VI.

ME DMR is also working to re-schedule a meeting with stakeholders from the recreational fishing sector which was postponed due to Covid-19. The purpose of the meeting was to engage with the recreational fishing sector, provide scientific updates on important recreational fisheries, and review regulatory changes via ASMFC. This meeting also provided a great opportunity to review circle hook requirements with key members of Maine's recreational sector. While this meeting was originally scheduled to be an in-person meeting in early May, the meeting had to be postponed due to Covid-19. ME DMR staff are currently assessing the best way to engage with the recreational sector during this time, either by moving the meeting to a webinar format or delaying the meeting until state guidance allows for larger gatherings of people.

For questions or additional information, please contact Megan Ware at [megan.ware@maine.gov](mailto:megan.ware@maine.gov) or 207-624-6563

## Max Appelman

---

**From:** Patterson, Cheri <Cheri.Patterson@wildlife.nh.gov>  
**Sent:** Wednesday, July 15, 2020 3:18 PM  
**To:** Max Appelman  
**Cc:** Rebecca Heuss; KEVIN SULLIVAN  
**Subject:** [External] Re: Striped Bass and Bluefish rules

Max,

I emailed you the link to the rule at 10:55 am today. After I sent that email out, I had forwarded you the February email chain as I remembered informing ASMFC earlier this year on the rule changes.

The outreach and education that we have conducted is:

- \* Posted rules on the Coastal Focus webpage (<https://www.wildlife.state.nh.us/marine/index.html>), New Rules in Effect for Striped Bass and Bluefish Anglers<<https://nhfishgame.com/2020/04/08/new-rules-in-effect-for-striped-bass-and-bluefish-anglers/>>.

Coastal NH - Marine Resources | New Hampshire Fish and Game Department<<https://www.wildlife.state.nh.us/marine/index.html>>  
[www.wildlife.state.nh.us](http://www.wildlife.state.nh.us)

NH Fish and Game Department, guardian of the state's fish, wildlife, and marine resources.

- \* Press release in early April before Striped Bass fishing season in NH (<https://nhfishgame.com/2020/04/08/new-rules-in-effect-for-striped-bass-and-bluefish-anglers/>)
- \* 3 postings on NH F&G Facebook site.
  - \* April 13th - 127,413 reach/8,342 engagements
  - \* June 3rd - 20,312 reach/1,610 engagements
  - \* April 14th - posted on NH F&G Law Enforcement Facebook page.
- \* Law Enforcement has been informing the striped bass fishing public during enforcement activities.
- \* APAIS survey staff have circle hook pamphlets and a packet of hooks (three circle hooks/packet) to hand out to the fishing public during surveys.
- \* Addressing public phone calls, emails, etc. on the striped bass rule changes.

Let me know if you have further questions. Thank you.

Cheri Patterson

Chief, Marine Division

NH Fish and Game Department

225 Main Street

Durham, NH 03824

(603)868-1095 – office

(603)868-3305 – fax

Did you know? New Hampshire Fish and Game is the steward for New Hampshire's marine resources, from lobsters and clams to stripers and bluefish, and also manages the Great Bay National Estuarine Research Reserve.

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From: Max Appelman <mappelman@asmfc.org>  
Sent: Wednesday, July 15, 2020 1:33:18 PM  
To: Patterson, Cheri  
Subject: RE: Striped Bass and Bluefish rules

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

I forgot about this email. Sorry about that. Can you point me to the final rule? I'll PDF it and submit to the PDT. As long as it's the same as the proposed rule, that should be good for the regulatory component, but any information you can pass along about plans for outreach and education would be helpful.

Max

-----Original Message-----

From: Patterson, Cheri [mailto:Cheri.Patterson@wildlife.nh.gov]  
Sent: Wednesday, July 15, 2020 12:07 PM  
To: Max Appelman <mappelman@asmfc.org>  
Subject: [External] Fw: Striped Bass and Bluefish rules

Here is the email chain from back in February that made me think I had already notified ASMFC that we had instituted the striped bass rules.

Cheri Patterson  
Chief, Marine Division  
NH Fish and Game Department  
225 Main Street  
Durham, NH 03824  
(603)868-1095 - office  
(603)868-3305 - fax

Did you know? New Hampshire Fish and Game is the steward for New Hampshire's marine resources, from lobsters and clams to stripers and bluefish, and also manages the Great Bay National Estuarine Research Reserve.

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From: Max Appelman <mappelman@asmfc.org>  
Sent: Wednesday, February 19, 2020 8:36 AM

To: Patterson, Cheri; Dustin C. Leaning  
Subject: RE: Striped Bass and Bluefish rules

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Thanks! -Max

-----Original Message-----

From: Patterson, Cheri [mailto:Cheri.Patterson@wildlife.nh.gov]  
Sent: Tuesday, February 18, 2020 7:53 PM  
To: Dustin C. Leaning <DLeaning@asmfc.org>; Max Appelman <mappelman@asmfc.org>  
Subject: [External] RE: Striped Bass and Bluefish rules

Try this link

[https://urldefense.com/v3/\\_\\_https://www.wildlife.state.nh.us/legislative/documents/601-041-striped-bass-bluefish-fta.pdf\\_\\_;!!Oai6dtTQULp8Sw!AjwK3eq388J0PJK\\_hxuAfGeTvmO42yRbeClQbH115YbqN47JHyKgBp9q4mXpvPGBstrsyQWyxWw\\$](https://urldefense.com/v3/__https://www.wildlife.state.nh.us/legislative/documents/601-041-striped-bass-bluefish-fta.pdf__;!!Oai6dtTQULp8Sw!AjwK3eq388J0PJK_hxuAfGeTvmO42yRbeClQbH115YbqN47JHyKgBp9q4mXpvPGBstrsyQWyxWw$)

If not, then go to the hearing notice below and click on the document link of proposed changes. Nothing changed from the proposed rules.

[https://urldefense.com/v3/\\_\\_https://nhfishgame.com/2020/01/07/public-hearing-on-striped-bass-and-bluefish-proposed-rule-changes-january-13-2020/\\_\\_;!!Oai6dtTQULp8Sw!AjwK3eq388J0PJK\\_hxuAfGeTvmO42yRbeClQbH115YbqN47JHyKgBp9q4mXpvPGBstrsTD7Uaw0\\$](https://urldefense.com/v3/__https://nhfishgame.com/2020/01/07/public-hearing-on-striped-bass-and-bluefish-proposed-rule-changes-january-13-2020/__;!!Oai6dtTQULp8Sw!AjwK3eq388J0PJK_hxuAfGeTvmO42yRbeClQbH115YbqN47JHyKgBp9q4mXpvPGBstrsTD7Uaw0$)

Cheri Patterson  
Acting Chief, Marine Fisheries Division  
NH Fish and Game Department  
225 Main Street  
Durham, NH 03824  
(603)868-1095 - office  
(603)868-3305 - fax

"NH Fish and Game Department: Connecting you to life outdoors"

Did you know? New Hampshire Fish and Game protects, conserves and manages more than 500 species of wildlife, including 63 mammals, 18 reptiles, 22 amphibians, 313 birds and 122 kinds of fish as well as thousands of invertebrates!

-----Original Message-----

From: Dustin C. Leaning <DLeaning@asmfc.org>  
Sent: Tuesday, February 18, 2020 7:14 PM  
To: Patterson, Cheri <Cheri.Patterson@wildlife.nh.gov>; Max Appelman <mappelman@asmfc.org>  
Subject: RE: Striped Bass and Bluefish rules

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Cheri,

Thank you for notifying us. I can't seem to open the link. I get a 404 Not Found error. Has the link changed?

Best,  
Dustin

-----Original Message-----

From: Patterson, Cheri [mailto:Cheri.Patterson@wildlife.nh.gov]

Sent: Tuesday, February 18, 2020 4:54 PM

To: Max Appelman <mappelman@asmfc.org>; Dustin C. Leaning <DLeaning@asmfc.org>

Subject: [External] Striped Bass and Bluefish rules

Kirby and Max,

The rules that we have adopted to comply with Addendum VI for striped bass and ASMFC/MAFMC approved bluefish change were effective January 29, 2020 with document #12984. The adopted wording can be seen on the link below.

#12984 EXEMPT - Readopt w/Amend Fis 603.08, 603.15 Striped Bass and Bluefish (eff 1-29-20)

[https://urldefense.com/v3/\\_\\_https://www.wildlife.state.nh.us/legislative/documents/601-04\\_\\_;!!Oai6dtTQULp8Sw!AISdFwhj8gKHM-bXbygmuPWsaSYUxBZKZrqvfUyg0biTWggCZq6\\_3NwL5sN99reClsORjg\\_uByI\\$](https://urldefense.com/v3/__https://www.wildlife.state.nh.us/legislative/documents/601-04__;!!Oai6dtTQULp8Sw!AISdFwhj8gKHM-bXbygmuPWsaSYUxBZKZrqvfUyg0biTWggCZq6_3NwL5sN99reClsORjg_uByI$)

Let me know if you have any questions.

Have a nice day.

Cheri Patterson  
Acting Chief, Marine Fisheries Division  
NH Fish and Game Department  
225 Main Street  
Durham, NH 03824  
(603)868-1095 - office  
(603)868-3305 - fax

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PART Fis 603 RULES FOR CERTAIN FIN FISH SPECIES

**Readopt with amendment Fis 603.08, eff 11-1-18 (Doc #12655, EXEMPT) to read as follows:**

Fis 603.08 Striped Bass.

(a) No person shall take, possess, or transport striped bass unless the fish is at least 28 inches in total length and less than 35 inches in total length. Striped bass shall have head and tail intact while on or leaving the waters or shores of the state except as follows:

- (1) A person may possess up to 2 striped bass fillets so long as they also possess the fish rack that the fillets came from with the head and tail intact and the rack measures at least 28 inches in total length;
  - (2) Any striped bass fillet shall have the skin still attached for the purpose of identification of the fillet as striped bass.
- (b) No person shall possess more than the daily creel limit of 1 fish.
- (c) There shall be no closed season for the taking of striped bass.
- (d) The sale of striped bass shall be prohibited regardless of origin.
- (e) The taking of striped bass shall be prohibited by netting in any form except that striped bass may be landed by the use of a hand held dip net.
- (f) The taking of striped bass by gaffing shall be prohibited.
- (g) No person shall cull any striped bass taken from or while on the waters under the jurisdiction of the state.
- (h) Any person taking striped bass with bait from the waters of the state by angling shall only use corrodible non-offset circle hooks.

**Readopt with amendment Fis 603.15, eff. 4-1-05 (Doc #8303) EXEMPT, to read as follows:**

Fis 603.15 Bluefish.

- (a) No person shall take by angling from the waters of the state, or possess while on or leaving the waters of the state, more than 3 bluefish in one day, provided that a person angling from a licensed saltwater for hire vessel may take or possess 5 bluefish per day.
- (b) From October 1 through June 30 no person shall take by any method from the waters of the state, or possess while on or leaving the waters of the state, bluefish for the purpose of sale.
- (c) Any person taking bluefish with bait from the waters of the state by angling shall only use corrodible non-offset circle hooks.



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114  
p: (617) 626-1520 | f: (617) 626-1509  
[www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)



CHARLES D. BAKER  
Governor

KARYN E. POLITO  
Lt. Governor

KATHLEEN A. THEOHARIDES  
Secretary

RONALD S. AMIDON  
Commissioner

DANIEL J. MCKIERNAN  
Director

### MEMORANDUM

TO: Max Appelman, ASMFC Striped Bass Plan Coordinator  
FROM: Daniel McKiernan, Director  
DATE: August 14, 2020  
SUBJECT: MA Implementation Plan for Striped Bass Addendum VI Circle Hook Requirement

This memorandum serves to provide the Atlantic States Marine Fisheries Commission with the Division of Marine Fisheries' plan for compliance with the circle hook provisions of Addendum VI to Amendment 6 of the Interstate Fishery Management Plan for Atlantic Striped Bass.

#### 1) Regulations

Massachusetts has adopted regulations that mandate the use of circle hooks in the recreational striped bass fishery. The following regulation was effective May 1, 2020<sup>1</sup>:

#### 322 CMR 6.07: Striped Bass Fishery (*Morone Saxatilis*)

(2) Definitions. For purposes of 322 CMR 6.07, the following words shall have the following meanings:

Circle Hook is defined as a fishing hook designed and manufactured so that the barb of the hook is not offset from the plane of the shank and bend and is turned perpendicularly back towards the shank to form a circular or oval shape.

(5) Recreational Management Measures. For purposes of conservation and management of the resource, the following measures shall apply to recreational fishermen who harvest, catch, take or possess or attempt to harvest, catch, take or possession any striped bass:

(f) Mandatory Use of Circle Hooks. Recreational fishermen fishing from shore or private vessels shall use circle hooks when fishing for striped bass with whole or cut natural baits. This shall not apply to any artificial lure designed to be trolled, cast and retrieved, or vertically jigged with natural bait attached.

The definition of circle hook is consistent with Addendum VI. However, our requirement provides certain, limited exceptions for anglers according to their fishing mode or terminal tackle. Per the language of Addendum VI granting states "flexibility to further specify details of the regulation to address specific needs of the state fishery," DMF requests approval to maintain these exemptions. If

<sup>1</sup> Relevant language included; full text available at: <https://www.mass.gov/doc/322-cmr-6-regulation-of-catches/download>



not approved, DMF will strike these exemptions from the regulations prior to the 2021 striped bass fishing season beginning in Massachusetts.

The exception for anglers fishing aboard for-hire vessels reflects their minimal contribution to the total live releases (B2s) of striped bass in Massachusetts. Using 2016/2017 MRIP data (see Table 1), less than 2% of striped bass live releases would not be subject to a circle hook requirement under this exemption (1.01% using 2016 data and 1.95% using 2017 data). Regardless of a mandate, some amount of these B2s would be caught with circle hooks based on the public comment collected during our rulemaking that a number of charter captains choose to use circle hooks while targeting striped bass, either exclusively or after an angler has retained his/her one-fish limit. Charter captains also requested this exemption on the basis of their expertise to assist anglers in conducting best management practices to minimize catch and release mortality. They also spoke to the lower release rate of striped bass from their vessels, which is backed up in the data; the release rate from for-hire vessels was 79% as averaged across 2016/2017, compared to 97% from shore and private/rental vessels combined.

The gear exemption in our regulations is intended to maintain allowances for fishing techniques like tube and worm, which while commonly used, generally do not result in gut-hooked striped bass, per DMF observations and public comment. Specific data as to the prevalence of these fishing techniques or their release mortality rate are not currently available; however, DMF has initiated a striped bass terminal tackle study this spring to compare release mortality rates between baited circle hooks vs J-hooks, with the intention of adding additional treatments (e.g., artificial lures) in the future.

## 2) Public Education & Outreach

DMF promotes responsible angling techniques, including the use of circle hooks, in print and online media, including our annual saltwater fishing guide<sup>2</sup>, DMF website<sup>3</sup>, and educational pamphlets<sup>4</sup> and posters (see enclosure). Our fishing clinics use circle hooks exclusively and each participant takes home a mini tackle kit which includes circle hooks. Educational materials are distributed at various trade shows, seasonal fairs, and fishing clinics<sup>5</sup> throughout the year. A new striped bass circle hook card promotion began in 2019 in which size 8.0 Offshore Angler hooks were attached to informational cards and distributed at these types of public events (see enclosure).

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<sup>2</sup> See page 9-10 at: <http://www.eregulations.com/wp-content/uploads/2020/01/20MASW-NonShow-LR.pdf>

<sup>3</sup> <https://www.mass.gov/service-details/responsible-angler-techniques-for-saltwater-fishing>

<sup>4</sup> <https://www.mass.gov/doc/circle-hooks-brochure/download> and <https://www.mass.gov/doc/responsible-angler-brochure/download>

<sup>5</sup> <https://www.mass.gov/service-details/saltwater-angler-education-program>

Table 1. Massachusetts Striped Bass Recreational Catch (in number of fish), by Mode and Catch Type, 2016–2017. Data with PSE above 50 are in red. Source: MRIP, Queried 8/13/20.

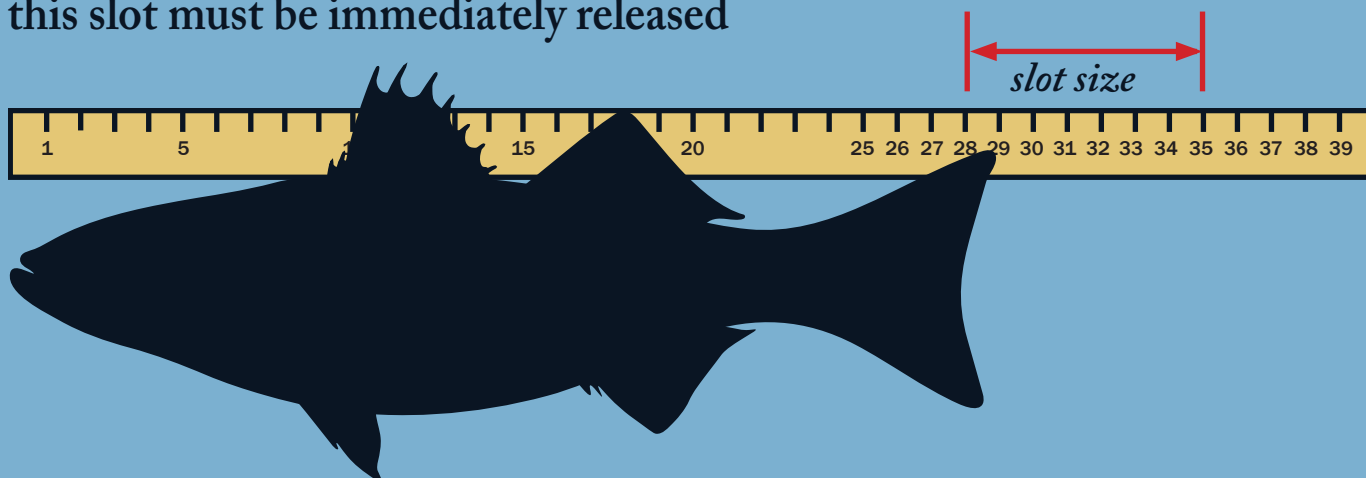
Year	Fishing Mode	Observed Harvest (A)	Reported Harvest (B1)	Released Alive (B2)	Total Catch
2016	SHORE	6,523	0	3,256,242	3,262,764
2016	PARTY BOAT	21	0	29	51
2016	CHARTER BOAT	5,204	13,695	63,762	82,661
2016	PRIVATE/RENTAL BOAT	94,899	109,728	2,979,182	3,183,809
2017	SHORE	6,083	18,565	4,154,889	4,179,538
2017	PARTY BOAT	0	46	99	146
2017	CHARTER BOAT	22,885	38,546	251,767	313,198
2017	PRIVATE/RENTAL BOAT	178,844	127,326	8,458,794	8,764,964

# MASSACHUSETTS RECREATIONAL STRIPED BASS

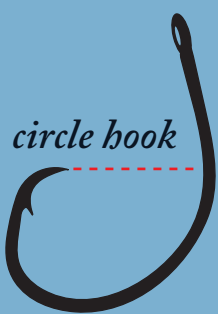


The following regulations have been introduced to support the conservation of striped bass

**1** A slot size of 28" to less than 35" total length has been implemented. Striped bass are measured from the tip of the snout or jaw (mouth closed) to the farthest extremity of the tail. Any fish measuring outside of this slot must be immediately released



**2** Recreational anglers are now required to use in-line circle hooks when fishing whole (live or dead) or cut natural bait.



circle hook

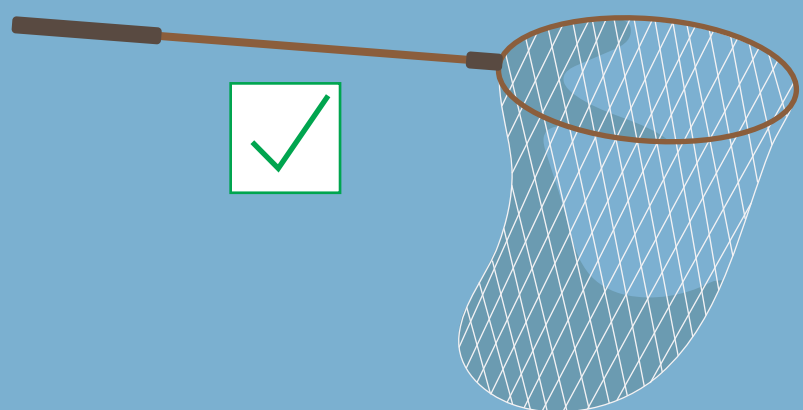
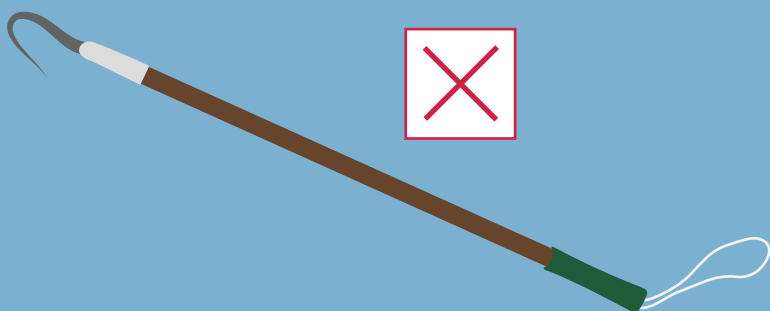


Offset circle hooks are more likely to gut-hook your fish



In-line circle hooks will lay perfectly flat on a table

**3** Recreational anglers are required to remove striped bass from the water using non-lethal devices (e.g., dip nets) and are prohibited from using any device that may pierce, puncture, or otherwise cause invasive damage to the fish (e.g., gaffs)



Using your phone camera, take a picture or hover over the QR code on the left to visit our webpage for frequently asked questions regarding changes to recreational striped bass limits

Full regulations can be found on:

[www.mass.gov/service-details/recreational-saltwater-fishing-regulations](http://www.mass.gov/service-details/recreational-saltwater-fishing-regulations)



# CIRCLE HOOKS SAVE STRIPED BASS!

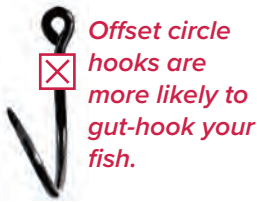
Each year recreational anglers in Massachusetts release 13 million striped bass into the water. Of those, nearly **1 MILLION** do not survive.

**Circle hooks help protect stripers so they can swim another day!**



## USING CIRCLE HOOKS TO FISH FOR STRIPED BASS:

- A 7/0–9/0 sized in-line circle hook is great for fishing striped bass

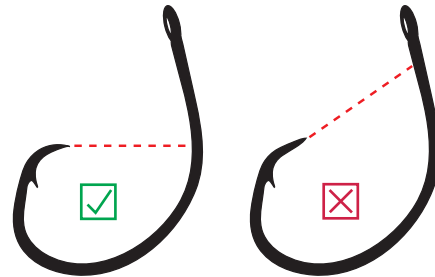


*Offset circle hooks are more likely to gut-hook your fish.*



*In-line hooks will lay perfectly flat on a table.*

- Mackerel, menhaden, and eel are common bait choices
- Keep the hook point clear—a barb hidden with bait it is less likely to catch on the corner of the mouth
- Finally, the hooking is automatic, so no need to set!



*On a true circle hook, the tip of the hook points back toward the shank of the hook. If it points toward the eye, it is not a circle hook, no matter what it says on the package!*



*The hook provided is an 8/0 Offshore Angler in-line circle hook.*



Produced by the Massachusetts Division of Marine Fisheries - 2019



**RHODE ISLAND**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**DIVISION OF MARINE FISHERIES**  
Three Fort Wetherill Road  
Jamestown, Rhode Island 02835

**TO:** Max Appelman, Fishery Management Plan Coordinator, ASMFC

**FROM:** Nicole Lengyel Costa, RI DEM, Striped Bass TC Member

**DATE:** August 13, 2020

**SUBJECT:** Striped Bass Circle Hook Implementation Plan

Please find a copy of Rhode Island's striped bass circle hook implementation plan attached to this memo. If you have any questions, you may contact me directly at 401.423.1940.

cc: J. McNamee

## RI IMPLEMENTATION PLAN FOR ADDENDUM VI CIRCLE HOOK REQUIREMENTS

*Addendum VI to Amendment 6 of the Atlantic Striped Bass Interstate Fishery Management Plan requires the mandatory use of circle hooks when fishing with bait to reduce release mortality in recreational striped bass fisheries. States must implement mandatory circle hook requirements by January 1, 2021.*

*Per Addendum VI, a 'circle hook' is defined as a non-offset hook where the point is pointed perpendicularly back towards the shank. The term 'non-offset' means the point and barb are in the same plane as the shank (e.g. when the hook is laying on a flat surface, the entire hook and barb also lay flat).*

Please include the following elements, at a minimum, in state implementation plans for review by the Striped Bass Plan Review Team (PRT). The PRT will review all state implementation plans and recommend appropriate action to the Striped Bass Management Board:

- A copy of final regulations, or proposed regulatory language.

Regulations already in effect (effective date: 5/14/20) from RIDEM Marine Fisheries Regulations [Part 1 – Definitions and General Provisions](#):

“Circle hook” means a non-offset hook where the point is pointed perpendicularly back towards the shank.

Regulations to be proposed at RI DEM Marine Fisheries (DMF) Public Hearing in November 2020 that would be effective 1/1/21:

### **3.9 Striped Bass**

#### **3.9.1 Recreational**

**F. The use of circle hooks is required by any vessel or person while fishing recreationally with bait for striped bass.**

Regulations should:

- a. Demonstrate intent to reduce recreational release mortality in striped bass fisheries;

It is not standard practice to provide background information or intent in regulatory language. It is however part of the RIDEM regulatory process to hold a public workshop prior to any public hearing on proposed regulatory language where the full intent and purpose of the proposed regulatory language is explained to stakeholders and their feedback is solicited. Additionally, DMF has an extensive outreach plan that will aid in communicating the purpose of the proposed regulatory language (see below).

- b. Include a definition of 'circle hook' comparable to that cited above;

Done, see language above.

- c. Include an effective implementation date; and

Effective dates are included at the end of all regulations once finalized.

- d. Specify any exemptions to mandatory circle hook requirements.

At this time DMF has no plans for any exemptions to the proposed regulatory language and has not had any proposed by the public. Any exemptions that may be proposed by stakeholders during the DMF regulatory process would be carefully examined and analyzed before consideration. If any exemptions were implemented, a thorough justification and analysis of impact would be provided to ASMFC in an updated implementation plan.

- Detailed description of public education materials and outreach campaigns that the state is developing to garner support and compliance with mandatory circle hook requirements. Please also highlight any outreach materials or programs that focus on safe practices when handling and releasing fish, or other fishing considerations that could benefit striped bass populations (e.g., using barbless hooks, or avoiding fishing in warm waters).
  - DMF is in the process of finalizing an outreach flyer to promote the use of circle hooks while fishing recreationally for striped bass. The flyer contains information on what a circle hook is and why you should use one as well as how to properly set a circle hook. These flyers will be sent out on the DMF email listserve, put out on DMF social media, posted in some of the DEM offices, and at some of the most popular boat ramps.
  - Information on the required use of circle hooks will be included in the DMF 2021 recreational fishing magazine and regulatory abstract.
  - DMF will be developing training videos on how to properly set a circle hook while fishing and how to safely remove a circle hook and release your striped bass back into the water. Links to these videos will be posted on the DMF website.
  - Once the regulation is finalized, DMF will work to manufacture permanent signage to be put up at several popular boat ramps throughout the state.
  - DMF has a large number of circle hooks that have been stuffed into envelopes and will be handed out to anglers and stakeholders at various events throughout the course of next year.
  - APAIS samplers will distribute educational material while conducting intercepts.

## CT Implementation Plan for Striped Bass Addendum VI Circle Hook Requirements

- I. Proposed Regulation
  - a. Text of Rule: “All persons fishing for striped bass with whole, cut, or live natural baits shall use an in-line circle hook, defined as a fishing hook on which the point and barb of the hook are not offset from the plane of the shank and bend, and the point is turned perpendicularly back towards the shank”
  - b. Demonstrate intent to reduce recreational release mortality in striped bass fisheries: Supporting documents promulgated during the CT rule-making process will make it clear that the intent of this rule is to reduce striped bass recreational release mortality. CT DEEP will also ensure that this message is conveyed to the public in any and all official notices concerning the new rule.
  - c. Effective implementation date: The effective date of the rule is expected to be Jan 1, 2021, barring unforeseen complications in the rulemaking process.
  - d. Exemptions from mandatory circle hook requirements: CT is not proposing any exemptions from the mandatory circle hook requirement.
- II. Description of public education and outreach materials concerning circle hooks and reduction of catch & release mortality
  - a. In 2019, CT DEEP Marine Fisheries Program (MFP) staff distributed free circle hooks, along with a small “business card” promoting circle hook use, in a variety of venues (fishing shows, during fieldwork activities at boat launches, etc.). MFP staff also developed a brochure detailing best practices for reducing catch & release mortality, including use of circle hooks, and distributed it through a variety of venues. Distribution of these materials continued through winter 2019-20, but has been largely discontinued due to the COVID-19 pandemic.
  - b. In 2019-20, MFP staff also used DEEP social media outlets (Facebook, Twitter) to distribute messages promoting best practices for reducing catch & release mortality.
  - c. Going forward, MFP plans to increase outreach efforts in support of the adoption of the circle hook requirement for the 2021 fishing season. These efforts will use same methods described above, and will also take advantage of promotional materials developed by the American Sportfishing Association.



# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## Division of Marine Resources

205 North Belle Mead Road, Suite 1, East Setauket, NY 11733

P: (631) 444-0430 | F: (631) 444-0434 | FW.Marine@dec.ny.gov

www.dec.ny.gov

## NY Implementation Plan for Addendum VI Circle Hook Requirements

### I. Proposed Regulation:

- Text of Rule: “Recreational fishermen are required to use an in-line circle hook when fishing for striped bass with whole, cut, or live baits. An in-line circle hook is defined as a fishing hook designed and manufactured so that the point and barb of the hook are not offset from the plane of the shank and bend, and the point is turned perpendicularly back towards the shank to form a circular or oval shape.”
- Demonstrate intent to reduce recreational release mortality in striped bass fisheries: All regulatory amendments to Title 6 of NY Codes, Rules, and Regulations are required by the State Administrative Procedures Act to have supporting documentation published in the NY State Register as part of the amendment proposal, including a Regulatory Impact Statement (RIS). The RIS will include a statement that “the intent of the regulation is to reduce release mortality in the striped bass recreational fishery, as a requirement of Addendum VI to Amendment 6 of the ASMFC Striped Bass Fishery Management Plan (FMP).”
- Include an effective implementation date : The implementation date is dependent on approval from the NY DEC and the NY State Executive Chamber, as well as the application filing date with the Department of State. The effective date of the rule is expected to be January 1, 2021.
- Specify any exemptions to mandatory circle hook requirements: NY is not proposing any exemptions to the mandatory circle hook requirement.

### II. Public Education:

- Detailed description of public education materials and outreach campaigns that the state is developing to garner support and compliance with mandatory circle hook requirements. Please also highlight any outreach materials or programs that focus on safe practices when handling and releasing fish, or other fishing considerations that could benefit striped bass populations (e.g., using barbless hooks, or avoiding fishing in warm waters).

1. From Our DEC July 6, 2020 Newsletter:

## Wanted: Striped Bass Cooperative Anglers

Did you know striped bass (*Morone saxatilis*) are the official saltwater fish of New York? If you fish for striped bass and want to help conserve this popular and admired species, becoming a [Striped Bass Cooperative Angler](#) may be for you! DEC provides volunteer anglers with logbooks to record fishing trip information, envelopes to take scale samples from striped bass, and instructions on how to properly collect required data.



When **catch and release** fishing, it's important to practice safe and ethical fish handling to help release your fish unharmed.

### Follow the tips below to help ensure your fish's survival:

- **Consider environmental conditions.** Fighting a fish in warmer water can cause greater stress, and the fish will exhaust itself more quickly. Anglers should use tackle appropriate to the size of the fish you are targeting to avoid long fight times.
- **Avoid treble hooks, barbs, and gaffs.** Crush or file off barbs on hooks to reduce de-hooking time and damage to the fish. Do not gaff a fish unless it is legal size and you intend to keep it. Circle hooks are encouraged when fishing with bait.
- **Be prepared.** Have all the necessary tools on hand before landing a fish to help reduce the time it's out of the water during the de-hooking process. If a fish becomes gut-hooked, cut the leader as closely as possible to the hook and leave the hook in place; it will rust out after a short time.
- **Minimize the fish's exposure to air.** Keep fish in the water at all times or as much as possible. If you must handle a fish, make sure your hands are wet, hold it horizontally and firmly, and support its weight under the belly. Never hold a fish by its eyes or gills. If using a landing net, use a "knotless" net to reduce removing slime and scales from the fish.
- **Proper release.** While in control of the fish, orient it headfirst into the current, then gently move the fish in a side-to-side pattern so that water flows through the mouth and over the gills. Do not let the fish go until it is able to swim strongly out of your grasp.

DEC recommends using **non-offset circle hooks** when fishing with bait for striped bass. Circle hooks are designed to hook the corner of a fish's mouth, which will make it easier to release the fish, reduce deep hooking casualties, and increase survival rates of released fish. Circle hooks will be mandatory when fishing for striped bass with bait starting in 2021.



**Photo credits:** Top image, Finalist of DEC's #WomenHuntFishNY Photo Contest. Bottom image, Maryland Department of Natural Resources

2. From the NY DEC Freshwater Fishing Guide for the Hudson and Delaware River regulations:

"The Atlantic States Marine Fisheries Commission (ASMFC) has mandated that circle hooks be used when recreationally fishing for striped bass using bait starting January 1, 2021. NY Regulations are currently being developed to comply with Interstate Fishery Management Plan changes. Up to date regulations can be found at <http://www.dec.ny.gov/outdoor/7917.html> or (845) 256-3009"

3. Prior to the COVID outbreak, DEC staff attended the NY Boat Show in January 2020, and a local saltwater fishing expo in early March 2020. They distributed free packets of circle hooks and public education best striped bass handling practices materials.
4. NY DEC held a Marine Resources Advisory Council (MRAC) virtual meeting on July 14 to discuss the 2021 circle hook regulation. There are additional MRAC meetings scheduled for September and November. DEC will also be discussing the circle hook requirement at a Hudson River Estuary Management Advisory Council Meeting (HREMAC) this fall.
5. Cornell Cooperative Extension initiated a recreational striped bass outreach and education program. Education materials can be found on their website:

<http://ccesuffolk.org/marine/fisheries/recreational-striped-bass-outreach-and-education>

6. Mike Waine, Atlantic Fisheries Policy Director for the American Sportfishing Association, provided NY with education and outreach pdfs for circle hook use and best handling practices. The American Sportfishing Association also produced two YouTube videos, in partnership with On the Water:
  - Circle Hook Use Video: <https://www.youtube.com/watch?v=g1EolnyZwM0>
  - Best Handling Practices Video: <https://youtu.be/deGKz7LdEkQ>

## NEW JERSEY IMPLEMENTATION PLAN FOR ADDENDUM VI CIRCLE HOOK REQUIREMENTS

*Addendum VI to Amendment 6 of the Atlantic Striped Bass Interstate Fishery Management Plan requires the mandatory use of circle hooks when fishing with bait to reduce release mortality in recreational striped bass fisheries. States must implement mandatory circle hook requirements by January 1, 2021.*

*Per Addendum VI, a 'circle hook' is defined as a non-offset hook where the point is pointed perpendicularly back towards the shank. The term 'non-offset' means the point and barb are in the same plane as the shank (e.g. when the hook is laying on a flat surface, the entire hook and barb also lay flat).*

Please include the following elements, at a minimum, in state implementation plans for review by the Striped Bass Plan Review Team (PRT). The PRT will review all state implementation plans and recommend appropriate action to the Striped Bass Management Board:

- A copy of final regulations, or proposed regulatory language. Regulations should:
  - a. Demonstrate intent to reduce recreational release mortality in striped bass fisheries;
  - b. Include a definition of 'circle hook' comparable to that cited above;
  - c. Include an effective implementation date; and
  - d. Specify any exemptions to mandatory circle hook requirements.

*Note: circle hook requirements should apply to as many recreational trips as possible that could interact with striped bass. However, states have flexibility to exempt certain fishing methods or angler groups to address specific needs of the state's fisheries. If allowing for certain exemptions, please provide sufficient justification including quantitative analysis (e.g., an estimate of the proportion (%) of striped bass live releases (B2s) that would not be subject to mandatory circle hook requirements). Please use 2016/2017 catch data for reference, which is consistent with bag and size limit analyses used in Addendum VI.*

New Jersey has submitted proposed regulatory language that is expected to be approved for implementation by January 1, 2021. No exemptions are being included at this time. Please see Appendix 1 for a copy of the proposed regulatory language.

- Detailed description of public education materials and outreach campaigns that the state is developing to garner support and compliance with mandatory circle hook requirements. Please also highlight any outreach materials or programs that focus on safe practices when handling and releasing fish, or other fishing considerations that could benefit striped bass populations (e.g., using barbless hooks, or avoiding fishing in warm waters).

New Jersey is developing public education materials and an outreach campaign to garner support and compliance with the mandatory circle hook requirements. New Jersey is considering (but not limited to) implementing the following options through the public education campaign:

- Distribute brochures/hand-outs and posters that include information on the circle hook requirement and best practices for safely handling and releasing fish.
- Develop a webpage on the NJ Division of Fish & Wildlife (Division)'s website with information on the circle hook requirement and best practices for safely handling and releasing fish.
- Send emails to NJ Marine Fisheries/Wildlife email lists. Emails will include notifications to anglers regarding the circle hook requirement and information about best practices for safely handling and releasing fish, including a link to the webpage
- Develop an outreach presentation regarding the circle hook requirement and best practices for safely handling and releasing fish. Target audiences will include fishing clubs, fishing tournament Captain's meetings, fishing seminars, Division outreach events, for-hire organizations (if in-person meetings are not held due to COVID-19, virtual settings will be targeted in the interim).
- Use the Division's social media platforms (Instagram, Facebook, YouTube) to raise awareness of the circle hook requirement and best practices for safely handling and releasing fish.
- Information on the circle hook requirement and best practices for safely handling and releasing fish will be included in the 2021 NJ Marine Digest
- Expand on NJ's summer flounder initiative, "If you can't keep it, save it."  
<https://www.nj.gov/dep/fgw/fluke.htm>

## **Appendix 1. Proposed regulatory language for requiring the use of circle hooks when fishing with bait for striped bass**

**Please note, bracketed language below indicates language that will be removed from regulation.**

### **SUBCHAPTER 18. SIZE, SEASON, AND POSSESSION LIMITS**

7:25-18.1 Size, season and possession limits

(a) – (g) (No change.)

(h) The following provisions are applicable to the recreational harvest of striped bass and striped bass hybrids:

1.-3 (No change)

4. Hook and line fishermen are hereby restricted to the use of non-offset circle hooks while fishing with any natural bait [within the Delaware River or its tributaries from April 1 through May 31 of each year. This restriction shall apply only to hooks of size two and larger and shall not apply to hooks of smaller sizes (such as those normally used for white perch fishing)]. A circle hook is a non-offset hook where the point is pointed perpendicularly back towards the shank. Non-offset means that the point and barb are in the same plane as the shank.

#### **Provisions applicable to the recreational harvest of striped bass**

The Department is proposing to amend the provisions applicable to the recreational harvest of striped bass at N.J.A.C. 7:25-18.1(h) to require the use of non-offset circle hooks while recreationally fishing for striped bass with natural bait to maintain compliance with the effective Striped Bass Interstate Fishery Management Plan. Addendum VI of Amendment VI of the Striped Bass Interstate Fishery Management Plan, approved in October of 2019, mandates the use of circle hooks when recreationally fishing for striped bass with natural bait starting in January of 2021. Catch and release practices contribute significantly to the overall fishing mortality. The latest assessment assumes nine percent of fish that are released alive die as a result of being caught. In 2019, release mortality was estimated to account for 47 percent of total striped bass removals. The intent of the requirement is to reduce striped bass discard mortality in the recreational fishery. Circle hooks can reduce rates of “gut-hooking” and lower the likelihood of puncturing internal organs if the hook is swallowed.

The Department is proposing to remove “within the Delaware River or its tributaries from April 1 through May 31 of each year” at 18.1(h)4, to meet the requirement that a non-offset circle hook is mandatory while fishing for striped bass with natural bait in all water bodies year round. Additionally, the Department is proposing to add the fishery management plan definition of “circle hook,” which is defined as “a non-offset hook where the point is pointed perpendicularly back towards the shank,” as well as the definition of “non-offset,” defined as “the point and barb are in the same plane as the shank.” These amendments must become effective prior to January 1, 2021, otherwise, New Jersey may be found out of compliance, which can result in the closure of the striped bass fishery.

#### **Social Impact**

The proposed amendments at N.J.A.C. 7:25-18.1(h) implement the 2019 Atlantic Striped Bass Interstate Fishery Management Plan’s mandate requiring the use of non-offset circle hooks while recreationally fishing for striped bass with natural bait. The intent of the requirement is to reduce striped bass discard mortality in the recreational fishery. The existing rule requires non-offset circle hooks to be used while fishing in the Delaware Bay and its tributaries during April 1 through May 31. The proposed amendments will result in a positive social impact by simplifying the rules at 18.1(h) to require the year-round use of non-offset circle hooks in all State waters while fishing for striped bass. During the development of Addendum VI, the majority of public comment received by the Department was in favor

of implementing the circle hook requirement. Additionally, projected stock recovery will result in subsequent catch increases in successive years.

#### **Economic Impact**

The proposed amendments at N.J.A.C. 7:25-18.1(h) requiring the use of non-offset circle hooks while recreationally fishing for striped bass with natural bait will create minimal short-term negative economic impact for anglers, while conversely generating a long-term positive impact for the recreational fishing industry stemming from stock recovery and subsequent catch. Although it is unknown how many anglers currently use circle hooks when fishing for striped bass, during the Addendum VI public comment period, many fishermen noted they already use circle hooks when fishing for striped bass with natural bait. Therefore, this new rule will require anglers targeting striped bass with conventional hooks in the Atlantic Ocean to purchase non-offset circle hooks. According to 2019 estimates from the Marine Recreational Information Program (MRIP), New Jersey anglers caught 3,121,728 striped bass, and took over 3.5 million fishing trips targeting striped bass (primary or secondary target). Additionally, a report by Southwick Associates estimates New Jersey anglers spent over \$124 million on striped bass fishing tackle in 2016.

#### **Environmental Impact**

The proposed amendments at N.J.A.C. 7:25-18.1(h) requiring the use of non-offset circle hooks while recreationally fishing for striped bass with natural bait will have positive environmental impacts by reducing the striped bass discard mortality in the recreational fishery. In 2019, discard mortality accounted for 47 percent of total removals in the Atlantic striped bass fishery. According to 2019 MRIP estimates, New Jersey anglers caught 3,121,798 striped bass, of which 2,708,866 were released. The latest assessment assumes nine percent of fish that are released alive die as a result of being caught. As a result, it is estimated that 243,798 striped bass died from being caught and released by New Jersey anglers in 2019.

The use of circle hooks by anglers targeting striped bass with natural bait has been identified as a method to reduce the discard mortality of striped bass in recreational fisheries. When a circle hook begins to exit the mouth of a fish, the shape causes the shaft to rotate towards the point of resistance and the barb is more likely to embed in the jaw or corner of the fish's mouth. Circle hooks can reduce rates of "gut-hooking" and lower the likelihood of puncturing internal organs if the hook is swallowed.

## Max Appelman

---

**From:** Kuhn, Kristopher <kkuhn@pa.gov>  
**Sent:** Friday, August 14, 2020 1:31 PM  
**To:** Max Appelman  
**Cc:** Andrew Shiels; Grabowski, Tyler; BRYAN CHIKOTAS; Porta, Michael  
**Subject:** RE: [External] Implementation Plans for Addendum VI Circle Hook Requirements due August 15  
**Attachments:** 1-PA Striped Bass regulation change\_Temporary Change to Fishing Regulations\_PA Bulletin\_20200314.pdf; 2-PA circle hook implementation outreach summary.pdf; 3-PA DelawareEstuaryStripedBass\_Biologist Report\_2019.pdf; 4-PA Striped Bass regulation change\_Proposed Rulemaking\_Commission meeting minutes\_20200427.pdf; 5-PA Striped Bass regulation change\_Proposed Rulemaking\_PA Bulletin\_20200801.pdf

Max,

Striped Bass regulations, including the mandatory use of circle hooks, were implemented in the PA waters of the Delaware Estuary and Delaware River on April 1, 2020. Given that these regulations are currently in place in PA, I provide the attached documents which details the actions taken, timeline, and detailed account of education materials and outreach campaign. Notable steps in this process are summarized below.

- 1) The Pennsylvania Fish and Boat Commission (PFBC) enacted a temporary change to fishing regulations as detailed in our conservation equivalency proposal submitted to and approved by the ASMFC. A notice was posted in the *Pennsylvania Bulletin* on March 14, 2020 (<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol50/50-11/394.html#>; attachment 1) and this change became effective April 1, 2020.
- 2) PFBC's educational and outreach campaign began in earnest during March 2020 and is detailed in the attached reports (attachments 2; <https://www.fishandboat.com/Fish/Fisheries/BiologistReports/Documents/Bio2020/6x03-05-DelawareEstuaryStripedBass.pdf>, attachment 3).
- 3) To finalize and make permanent the temporary change to fishing regulations enacted on April 1, 2020, the PFBC Board of Commission approved the publication of a notice of proposed rulemaking in the *Pennsylvania Bulletin* on April 27, 2020 at the quarterly Commission meeting. (<https://www.fishandboat.com/AboutUs/MinutesAgendas/Documents/minutesDocs/2020-04min.pdf>; attachment 4).
- 4) The notice of proposed rulemaking was published in the *Pennsylvania Bulletin* on August 1, 2020 (<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol50/50-31/1032.html#>; attachment 5) and the PFBC will accept public comment regarding the proposal for a period of 30 days (<https://www.fishandboat.com/Regulations/Pages/ProposedRecentRegulations.aspx>).
- 5) At PFBC's quarterly Commission meeting in October 2020, the Commission will consider the proposed action for final rulemaking. If approved on final rulemaking, the amendment will go into effect upon publication in the *Pennsylvania Bulletin* which would be anticipated to occur before January 1, 2021.

Please let me know if you require anything further.

Thanks,

Kris

**Kristopher M. Kuhn** | Director  
Bureau of Fisheries  
Pennsylvania Fish and Boat Commission  
595 E. Rolling Ridge Dr. | Bellefonte, PA 16823  
Office Phone: 814-359-5115 | Mobile: 814-571-4872



Email: [kkuhn@pa.gov](mailto:kkuhn@pa.gov)

---

**From:** Max Appelman <mappelman@asmfc.org>  
**Sent:** Wednesday, May 20, 2020 8:41 AM  
**Cc:** Toni Kerns <Tkerns@asmfc.org>  
**Subject:** [External] Implementation Plans for Addendum VI Circle Hook Requirements due August 15

***ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to [CWOPA\\_SPAM@pa.gov](mailto:CWOPA_SPAM@pa.gov).*

Hello Striped Bass Board Administrative Commissioners and Proxies –

Cc: Striped Bass Technical Committee and Plan Review Team

Please see attached memo regarding the due date for implementation plans for Striped Bass Addendum VI mandatory circle hook requirements. Implementation plans are due no later than August 15, 2020. An implementation plan outline is enclosed.

Please don't hesitate to reach out with questions.

Regards,  
Max

-----  
Max H. Appelman  
Fishery Management Plan Coordinator  
Atlantic States Marine Fisheries Commission  
1050 N. Highland Street, Suite 200A-N  
Arlington, VA 22201  
[mappelman@asmfc.org](mailto:mappelman@asmfc.org)  
Phone: (703) 842-0740

[Close Window](#)

# NOTICES

## FISH AND BOAT COMMISSION

### **Temporary Change to Fishing Regulations; Delaware River, West Branch Delaware River and River Estuary**

[50 Pa.B. 1625]

[Saturday, March 14, 2020]

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to amend 58 Pa. Code § 61.2 (relating to Delaware River, West Branch Delaware River and River Estuary). Specifically, the Executive Director has amended this section to change the minimum size limit for striped bass to a 28 to less than 35 inch slot limit in the Delaware Estuary (from the Pennsylvania line upstream to the Calhoun Street Bridge) and Delaware River (from the Calhoun Street Bridge upstream) during the periods January 1 through March 31 and June 1 through December 31 (one fish daily limit), and to change the slot limit during the period April 1 through May 31 to 21 to less than 24 inches (two fish daily limit). The Executive Director also has amended the section to require the use of nonoffset (inline) circle hooks when fishing with bait for any species of fish in the tidal Delaware Estuary, including tributaries from the mouths of the tributaries upstream to the limit of tidal influence. These actions are being taken to meet the requirements of the Atlantic States Marine Fisheries Commission (ASMFC).

The ASMFC's management plan for striped bass calls for management actions when the coast-wide spawning stock biomass (SSB) or fishing mortality rates reach thresholds set within the management plan. The SSB threshold is 201 million pounds and the current SSB is below this at 151 million pounds. At the current fishing mortality rates, there is concern that the SSB will fall further below the threshold in the future under current management and fishing pressure. Also, because catch and release practices contribute substantially to overall fishing mortality, states are also required to implement mandatory circle hook requirements when fishing with bait to reduce release mortality in recreational striped bass fisheries. The ASFMC Striped Bass Management Board, which includes the Commonwealth as a member, has directed all coastal states to reduce fishing mortality rates by 18% beginning in 2020 and require circle hooks by 2021. The Commonwealth is taking proactive measures to implement the circle hook requirement beginning in 2020 to inform anglers and facilitate compliance with this important conservation measure ahead of the ASMFC mandate for implementation beginning in 2021. The amendments to 58 Pa. Code § 61.2 are designed to meet this objective.

To address the coast-wide regulation directed by the ASMFC, the Commission's Executive Director has taken immediate action to make the following modifications to fishing regulations:

**§ 61.2. Delaware River, West Branch Delaware River and River Estuary.**

\* \* \* \* \*

**(d) It is unlawful to fish with bait for any species of fish in the tidal Delaware Estuary, including tributaries from the mouths of the tributaries upstream to the limit of tidal influence using any hook type other than non-offset (in-line) circle hooks. The definition of a non-offset (in-line) circle hook is a non-offset hook where the point is pointed perpendicularly back towards the shank. The term "non-offset" means the point and the barb are in the same plane as the shank.**

**[(d)] (e)** The following seasons, sizes and creel limits apply to the Delaware River, West Branch Delaware River and Delaware River tributaries, from the mouths of the tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
STRIPED BASS and HYBRID STRIPED BASS	From Pennsylvania line upstream to Calhoun Street Bridge: January 1 until March 31 and June 1 until December 31	<del>[28]</del> <b>28 to less than 35</b> inches	1 2
	April 1 through May 31	21 to <del>[25]</del> <b>less than 24</b> inches	1
	From Calhoun Street Bridge upstream: open year-round	<del>[28]</del> <b>28 to less than 35</b> inches	
	* * * * *		

The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities. The temporary modifications will go into effect on April 1, 2020, and will remain in effect until the Commission, by appropriate action, amends 58 Pa. Code § 61.2. At its meeting on April 27, 2020, the Commission will consider the publication of a notice of proposed rulemaking containing the proposed amendments and soliciting public comments for a period of 30 days.

TIMOTHY D. SCHAEFFER,  
Executive Director

[Pa.B. Doc. No. 20-394. Filed for public inspection March 13, 2020, 9:00 a.m.]



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Bottom

Pennsylvania Fish and Boat Commission (PFBC) promotion of new circle hook and Striped Bass regulations were as follows:

- The PFBC press release was sent on 3/29/2020: <https://www.media.pa.gov/Pages/fish-and-Boat-Commission-Details.aspx?newsid=315>
- Circle Hook messaging was listed prominently on the PFBC website homepage as one of our four main message sliders on March 30, 2020 and remained there until May 31, 2020. Following May 31, the information was made available on the PFBC website in the featured column on the homepage.
- Circle hook information was included in our PFBC Email Blast on April 17, 2020. These email blasts are sent to approximately 371,000 recipients.
- Circle hook advertisement was placed in the May/June Pennsylvania Angler and Boater magazine (page 58). Estimated print readership is 9,400 people and total average e-zine subscribers is 67,489 people.
- Informational content was posted on PFBC social media on March 29 and 31, 2020 and April 1, 2020 (see following pages for screenshots of posts).
- Media coverage: <https://www.mychesco.com/a/lifestyle/outdoor-recreation/pa-fish-and-boat-commission-amends-atlantic-stripped-bass-regulations-announces-mandatory-circle-hook-requirement/>
- Circle hook posters were created for the posting at by PFBC Bureau of Law Enforcement (BLE) and PFBC fishing license retailers (200 copies).
- The PFBC ordered 243 packs of circle hooks in various sizes from Cabela's for Waterways Conservation Officers (WCOs) to hand out to constituents (along with an informational card explaining the new regs and where to find more information) to increase our educational messaging. The total order cost for the items ordered through both vendors was \$977.41.
  - 6,700 business card-sized informational documents were created and printed for the WCOs to use to educate anglers they interacted with. Front and back of card, below. Images not to correct scale.

# CIRCLE HOOKS

Beginning April 1, 2020, when fishing with bait for any species of fish in the Pennsylvania portion of the Tidal Delaware River Estuary, the use of a non-offset (inline) circle hook is required.

The seasons, sizes, and creel limits for Striped Bass have changed. Check [www.fishandboat.com](http://www.fishandboat.com) for the most updated regulations.



○ Questions? SE Region BLE Office: 717-626-0228

Non-offset (inline) circle hooks are easier to unhook from fish, result in less injuries compared to j-hook and treble hook styles, and are important in reducing fish mortality.



Circle hook



J-hook



Treble hook

To promote the new regulations and circle hook requirement, we placed advertisements and sent promotions in the following categories:

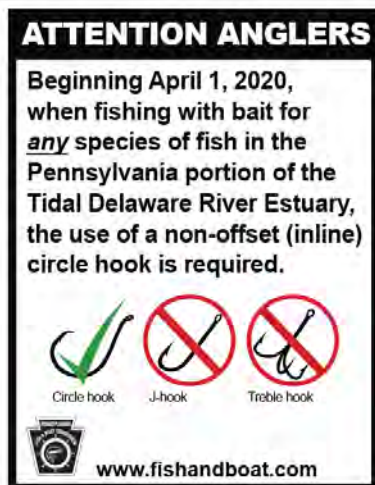
- Ads placed in On the Water magazine (861,752 total subscribers):
  - April's print publication for NY.
  - April 16 and 23, 2020 Fishing Forecast emails (reaches 19k opt-in subscribers each).
  - Both the Rhode Island and the New Jersey shows were cancelled due to COVID-19, so we used our funding that was slated for those print publications to pay for digital ads in the On the Water Fishing Forecast email blasts.
  - Print ad in the May issues for NY, NJ, and New England.
- Ad placed in the Outdoor News newspaper (37,000+ paid subscribers per issue. Approximately three sportsmen read each copy, placing readership at 110,000+ per issue): March 27, 2020 and April 10, 2020.
- Ad placed in Mansi Media newspaper markets in NY (estimated readership of 4,467,995 people): March 23, 2020; April 6, 2020; and April 13, 2020.
- Ad placed in April issue of Fisherman Magazine for NY (10,824 subscribers) and NJ markets (13,738 subscribers).

**On the Water Ad (8.03" x 5.03"):**



*Image above is not scaled to correct ad size*

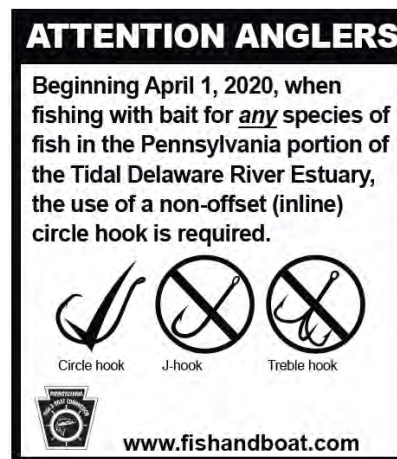
**Outdoor News Ad (3.9" x 5"):**



*Image above is not scaled to correct ad size*

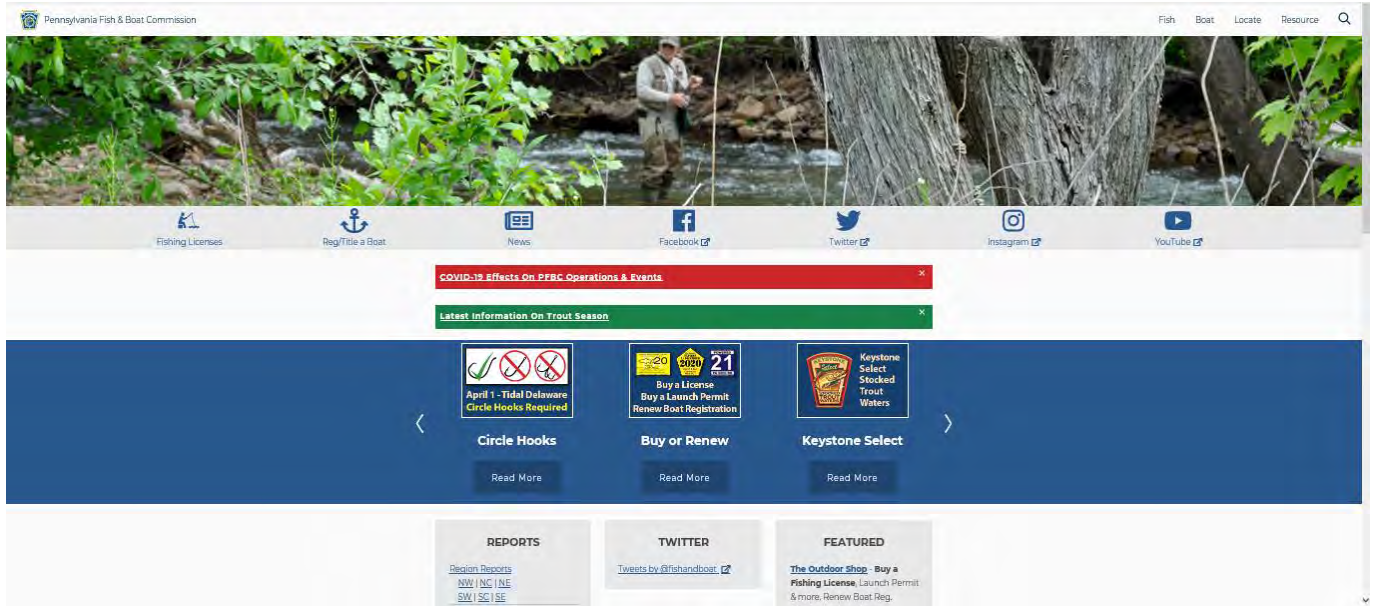
**Mansi Media Ad (2" x 4" and 3.5" x 4")**

Note: Black and white newspaper ads is all they offer.

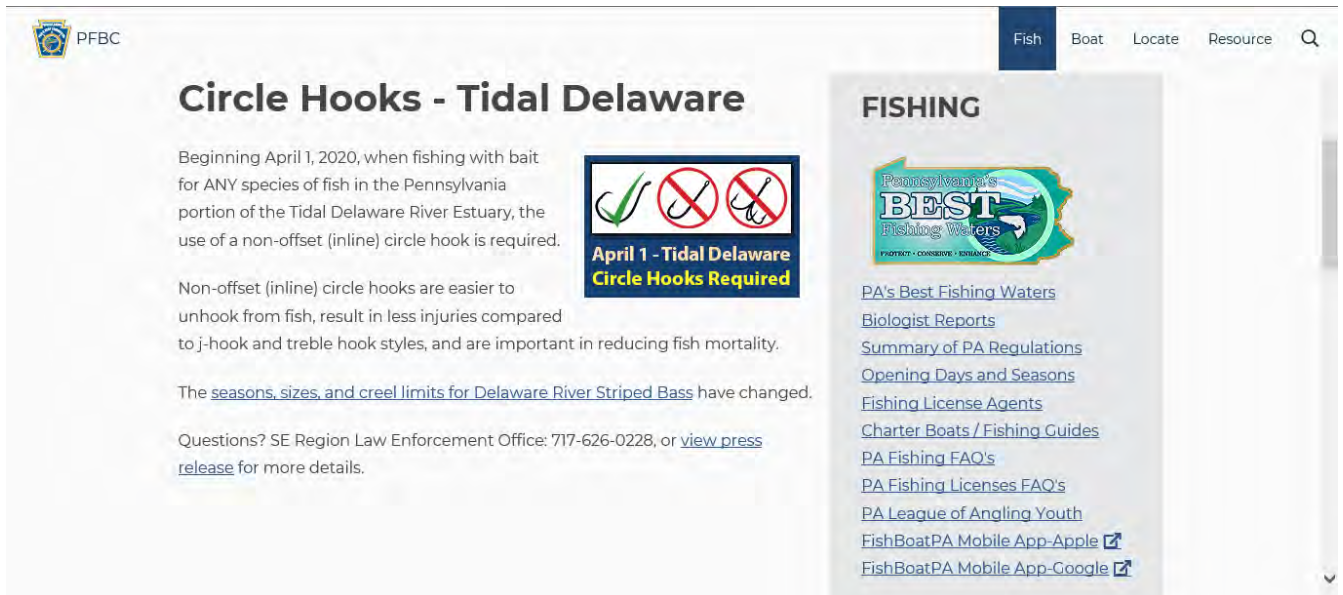


*Image above is not scaled to correct ad size*

**Fishandboat.com homepage:** Circle hook message listed prominently on the PFBC website homepage from March 30, 2020 until May 31, 2020. It was then moved to the featured column on the homepage.



When you click “read more” on the homepage slider above, it takes you to the below page:



When you click “seasons, sizes, and creel limits for Delaware River Striped Bass” it takes you to the below page:



## SUMMARY BOOK

2020 Pennsylvania Fishing Laws & Regulations

### Regulations by Location

## DELAWARE RIVER AND ESTUARY

**Related page:** [Saltwater Angler Registry Program](#)

The following seasons, sizes and creel limits apply to the Delaware River, West Branch Delaware River and Delaware River tributaries, from the mouths of the tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania. The [Delaware River estuary waters](#) are listed below. [Delaware River Blue Crab](#) regulations are also listed on [this page](#), below.

Species	Seasons	Minimum Size	Daily Limit
Trout	April 18 at 8 a.m. through Oct. 15	North of I-84: 14 inches	1 (combined species)
		South of I-84: No minimum	5 (combined species)
		West Branch Delaware River* 12 inches	2 (combined species)
Bass Largemouth Smallmouth	Jan. 1 through April 17 and June 13 through Dec. 31	12 inches	5 (combined species)
	April 18 through June 12	<b>NO HARVEST</b> - catch and immediate release only	
Muskellunge and Tiger Muskellunge (Hybrids)	Open year-round	40 inches	1
Northern Pike	Open year-round	24 inches	2
Pickereel	Open year-round	12 inches	5
Walleye	The portion of the Delaware River between New Jersey and Pennsylvania - open year-round	18 inches	3
	The portion of the Delaware River between New York and Pennsylvania - Jan. 1 through March 14 and May 4 through Dec. 31		
American Shad**	Open year-round	No minimum	3
American Eel	Open year-round	9 inches	25
Striped Bass and Hybrid Striped Bass***	(Tidal) From the Pennsylvania state line upstream to Calhoun Street Bridge: - Jan. 1 through March 31 and - June 1 through Dec. 31	Harvestable Slot: 28 to less than 35 inches	1
	(Tidal) From the Pennsylvania state line upstream to Calhoun Street Bridge: - April 1 through May 31	Harvestable Slot: 21 to less than 24 inches	2
	(Non-Tidal) From Calhoun Street Bridge upstream: - Open year-round	Harvestable Slot: 28 to less than 35 inches	1
Baitfish / Fishbait**** (see Bait page for definitions)	Open year-round	No minimum	50 (combined species)
River Herring*****		<b>CLOSED YEAR-ROUND</b>	
Hickory Shad, Sturgeon and other threatened and endangered species		<b>CLOSED YEAR-ROUND</b>	
Mussels / Clams		<b>CLOSED YEAR-ROUND</b>	
Other Species	Inland seasons, size and creel limits apply except for waters under special regulations.		

\* A special no-kill season with the use of artificial lures only has been established on the West Branch of the Delaware River.

\*\* American Shad is catch and release in the Schuylkill River from I-95 upstream including all tributaries and three (3) American Shad in all other Delaware River tributaries, including those above tide. \*\*\* See [fish consumption advisories](#) for Delaware River estuary Striped Bass over 28".

\*\*\*\* For all **crayfish species**, the head must be immediately removed behind the eyes upon capture unless used as bait in the water from which taken.

\*\*\*\*\* River Herring (Alewife and Blueback Herring) has a closed year-round season with zero daily limit applied to Susquehanna River and tributaries, Lehigh River and tributaries, Schuylkill River and tributaries, West Branch Delaware River, Delaware River, Delaware estuary, and Delaware River tributaries upstream to the limit of the tidal influence.

### DELAWARE RIVER ESTUARY

*(including tributaries to limits of tidal influence)*

The Delaware River estuary consists of the water areas listed below to their upper tidal limits.

Water Area	Upper Tidal Limit
Chester Creek	Kerlin Street (Chester-city)
Crum Creek	U.S. Route 13 (Eddystone)
Darby Creek	Pine Street (Darby-borough)
Delaware River	From the PA state line upstream to the U.S. Route 1 bridge
Frankford Creek	U.S. Route 13 (Frankford Avenue)
Marcus Hook Creek	U.S. Route 13 (Marcus Hook-borough)
Neshaminy Creek	Hulmeville Falls
Pennypack Creek	U.S. Route 13 (Frankford Avenue)
Poquessing Creek	State Road
Ridley Creek	MacDade Boulevard (Chester-city)
Schuylkill River	Fairmount Dam

### DELAWARE RIVER BLUE CRABS

*Harvesting blue crabs from the Delaware River and its estuary waters is permitted pursuant to the regulations below.*

Seasons	Minimum Size	Daily Limit
Open year-round	4 inches* (hard shell)	One (1) bushel
	3.5 inches* (soft shell)	(combined - hard shell and soft shell)
* measured point to point		

**FEMALE BLUE CRABS** bearing eggs or from which the egg pouch or bunion has been removed may not be possessed.

**CRAB POTS** are limited to no more than two pots per person when taking crabs. In addition, two handlines may be used.

**UNATTENDED CRAB POTS** must be labeled with the name and address of the owner or user.

**DISTURBING UNATTENDED CRAB POTS** is unlawful, except by the owner, user or members of the immediate family, and officers or representatives of the Pennsylvania Fish & Boat Commission.

**HORSESHOE CRABS** are unlawful to sell, offer for sale, or purchase any horseshoe crabs. It is unlawful to import into or transport in this Commonwealth horseshoe crabs for the purpose of sale.

[Summary Book Index](#)

PFBC email sent to approximately 371,000 recipients:

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**From:** [ra-fboutreach@pa.gov](mailto:ra-fboutreach@pa.gov) <[ra-fboutreach@pa.gov](mailto:ra-fboutreach@pa.gov)> on behalf of Fish & Boat <[ra-fboutreach@PA.GOV](mailto:ra-fboutreach@PA.GOV)>

**Sent:** Friday, April 17, 2020 5:00 PM

**To:** [FBOUTREACH@LISTSERV.PA.GOV](mailto:FBOUTREACH@LISTSERV.PA.GOV) <[FBOUTREACH@LISTSERV.PA.GOV](mailto:FBOUTREACH@LISTSERV.PA.GOV)>

**Subject:** News from the Pennsylvania Fish & Boat Commission



## Best Fishing Practices

### Social Distancing and Fishing

Remember, practice social distancing when fishing by keeping at least 6 feet (the length of a standard fishing rod) between you and the nearest angler, avoid crowds, keep your children from wandering close to others, don't share fishing gear, refrain from carpooling, and buy your fishing license [online](#). Continue to follow [CDC guidelines](#), which include washing your hands or using hand sanitizer frequently, and not touching your face. If you do not feel well, stay home. Fishing is an inherently self-policing activity, and we are asking all Pennsylvania anglers to add social distancing as an essential element of their ethical behavior. Thank you in advance for doing your part to protect the health and safety of yourself and those around you while fishing and boating.



View a [video message](#) from PFBC Executive Director, Tim Schaeffer, thanking Pennsylvania's anglers for their cooperation and understanding during the 2020 trout season.



### **Purchase Your Fishing License Online**

To reduce unnecessary travel and social contact amid health concerns, anglers and boaters are able to buy their fishing license, launch permit, or boat registration renewal online at [www.fishandboat.com](http://www.fishandboat.com) and display it digitally on a phone or other mobile device as proof of possession.

Upon purchase of a fishing license, a .pdf file containing an image of your license is provided and can be saved to a mobile device or computer. Similarly, with each boating related transaction, customers will receive a digital receipt that serves as a temporary permit or registration valid for immediate use.

If approached by a Waterways Conservation Officer in the field, the angler or boater only has to produce the digital image of the license, permit, or registration on their phone or mobile device. A digital copy of the .pdf, photo, or screenshot of your fishing license, launch permit, or boat registration on your phone or mobile device will all be accepted as proof of possession.

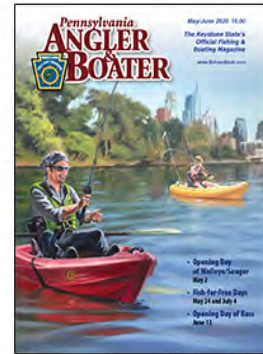


### **Cold Water Kills**

Wear your life jacket. Remember, boaters are required by law to wear a life jacket on boats less than 16 feet in length or any canoe or kayak during the cold weather months from November 1 through April 30. Life jackets save lives year-round. In addition to this regulation, the Commission strongly encourages all boaters to wear their life jackets at all times during the other months of the year. [Read more.](#)

## May/June PA Angler & Boater Digital Magazine

The digital [May/June Pennsylvania Angler & Boater](#) magazine is now available for multi-year license holders who have included their e-mail address as part of their license account. As each bi-monthly edition becomes available, digital subscribers will receive an e-mail notice of when the latest issue is available.



Inside this issue:

- [The Quiet Paddler](#)
- [Flashy Flatware Still Finding Fish—Hopkins Lures](#)
- [Summer Multi-Species Creek Fishing](#)
- [Partnering for a Healthier Watershed](#)
- [New Striped Bass Fishing Regulations for the Delaware River and Estuary](#)
- And More!

As a reminder, your free subscription to this digital magazine is good for the full term of your multiple-year fishing license. To log-in, remember that in addition to typing in your e-mail address, your last name is your password.

To subscribe to the print version of *Pennsylvania Angler & Boater* magazine, click [here](#).

## Circle Hooks

### Attention Anglers

Harvest and delayed mortality of caught and released Striped Bass have reduced the coastal population below levels needed to sustain high-quality recreational angling experiences. As of April 1, 2020, when fishing with bait for any species of fish in the Pennsylvania portion of the Tidal Delaware River Estuary, the use of a non-offset (inline) circle hook is required. The seasons, sizes, and creel limits for Striped



Bass have changed. Visit [www.fishandboat.com](http://www.fishandboat.com) for the most updated regulations. Non-offset (inline) circle hooks are easier to unhook from fish, result in less injuries compared to j-hook and treble hook styles, and are important in reducing fish mortality.

## Keep Pennsylvania Beautiful



### Earth Day is April 22

Celebrate the 50th anniversary of Earth Day on April 22 by enjoying our local outdoor environments in person safely or by choosing a digital celebration! If you choose to venture out, please follow the social distancing guidelines outlined above and give plenty of room to those around you. To find a digital celebration for Earth Day, [click here](#). This year's Earth Day theme is "Climate Action". Climate change broadly affects

fish and wildlife further confounding our understanding of specific threats to species.

### No Littering

Anglers are reminded to [Keep Pennsylvania Beautiful](#). Pack it in; pack it out. Leave it better than when you found it.



TO BUY FISHING LICENSES AND GIFT VOUCHERS, VISIT:

[www.fishandboat.com](http://www.fishandboat.com)

© Pennsylvania Fish & Boat Commission / P.O. Box 67000 / Harrisburg PA 17106-7000

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You received this email because you are subscribed to the Fish & Boat Outreach (FBOUTREACH) mailing list. If you would like to unsubscribe from this list, simply send an email to [FBOUTREACH-UNSUBSCRIBE-REQUEST@LISTSERV.PA.GOV](mailto:FBOUTREACH-UNSUBSCRIBE-REQUEST@LISTSERV.PA.GOV).



Circle hook information was posted on PFBC social media on March 29 and 31, 2020 and April 1, 2020.

Facebook:

**Pennsylvania Fish and Boat Commission**  
March 29 · 🌐


**News Release** 📄 **PFBC AMENDS ATLANTIC STRIPED BASS REGULATIONS, ANNOUNCES MANDATORY CIRCLE HOOK REQUIREMENT** 📄 The Pennsylvania Fish and Boat Commission (PFBC) today announced changes to Striped Bass fishing regulations within the Delaware Estuary, Delaware River, and West Branch Delaware River.

Harvest and delayed mortality of caught and released Striped Bass have reduced the coastal population below levels needed to sustain high-quality recreational angling experiences. Due to the negative impact on the fishery, harvest and terminal tackle restrictions are needed to help rebuild the coastal stock.


In accordance with a fisheries management plan adopted by the Atlantic States Marine Fisheries Commission's (ASMFC) Striped Bass Management Board intended to reduce fishing mortality by 18%, the PFBC will change minimum size requirements and slot limits for harvesting Striped Bass in the Delaware Estuary, Delaware River, and West Branch Delaware River, and enact a mandatory circle hook requirement for anglers using bait while fishing for all species within the Delaware Estuary. These changes are effective beginning April 1, 2020.

Learn more here: <http://ow.ly/rW9Y50yZ0NF>


**CIRCLE HOOKS REQUIRED**



Circle hook



J-hook



Treble hook

© Pennsylvania Fish and Boat Commission

👍👍👍 You and 331 others

🗨️ 130 Comments 372 Shares



**Pennsylvania Fish and Boat Commission**

March 31 · 🌐



**Attention: Tidal Delaware River Estuary Anglers!**

The ASMFC Striped Bass Management Board, which includes the Commonwealth as a member, has directed all coastal states to reduce Striped Bass fishing mortality rates by 18% beginning in 2020 and require circle hooks by 2021. Catch and release practices for Striped Bass contribute substantially to overall fishing mortality. Non-offset (inline) circle hooks are easier to unhook from fish, result in fewer injuries compared to j-hook and treble hook styles, and are important in reducing fish mortality.

The PFBC supports ASMFC's management requirements to change Striped Bass fishing regulations for the Delaware River and Delaware Estuary. Therefore, Pennsylvania is implementing new Striped Bass fishing regulations for the non-tidal and tidal reaches of the Delaware River Estuary in 2020. The PFBC is taking proactive measures to implement its circle hook requirement in 2020 to inform anglers and facilitate compliance with this important conservation measure ahead of ASMFC mandate for implementation by January 2021.

Beginning April 1, 2020, when fishing with bait for any species of fish in the Pennsylvania portion of the Tidal Delaware River Estuary, the use of a non-offset (inline) circle hook is required. The seasons, sizes, and creel limits for Striped Bass have also changed.

Check [www.fishandboat.com](http://www.fishandboat.com) for the most updated regulations, and read the full News Release about the changes, here: [bit.ly/CircleHookNewsRelease](https://bit.ly/CircleHookNewsRelease)



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👍❤️👎 935

85 Comments 159 Shares



Pennsylvania Fish and Boat Commission

April 1 · 🌐

...

It may be #AprilFoolsDay, but we're not foolin' around!

The ASFMC Striped Bass Management Board, which includes the Commonwealth as a member, has directed all coastal states to reduce Striped Bass fishing mortality rates by 18% beginning in 2020 and require circle hooks by 2021. Catch and release practices for Striped Bass contribute substantially to overall fishing mortality. Non-offset (inline) circle hooks are easier to unhook from fish, result in fewer injuries compared to j-hook and treble hook styles, and are important in reducing fish mortality.

The PFBC supports ASMFC's management requirements to change Striped Bass fishing regulations for the Delaware River and Delaware Estuary. Therefore, Pennsylvania is implementing new Striped Bass fishing regulations for the non-tidal and tidal reaches of the Delaware River Estuary in 2020. The PFBC is taking proactive measures to implement its circle hook requirement in 2020 to inform anglers and facilitate compliance with this important conservation measure ahead of ASMFC mandate for implementation by January 2021.

Beginning April 1, 2020, when fishing with bait for any species of fish in the Pennsylvania portion of the Tidal Delaware River Estuary, the use of a non-offset (inline) circle hook is required. The seasons, sizes, and creel limits for Striped Bass have also changed. Check our website for the most updated regulations.

<http://ow.ly/TyAL50yZ1pl>

#nofooling #circlehooks #stripedbass

**No foolin'**  
**You Need a CIRCLE HOOK**

Circle hook  
J-hook  
Treble hook

👍 You and 82 others

38 Comments 31 Shares



Instagram:



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248 likes

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#nofooling #circlehooks #stripedbass

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APRIL 1





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# CIRCLE HOOKS REQUIRED



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**pafishandboat** News Release [PFBC AMENDS ATLANTIC STRIPED BASS REGULATIONS, ANNOUNCES MANDATORY CIRCLE HOOK REQUIREMENT](#) The Pennsylvania Fish and Boat Commission (PFBC) today announced changes to Striped Bass fishing regulations within the Delaware Estuary, Delaware River, and West Branch Delaware River.

Harvest and delayed mortality of caught and released Striped Bass have reduced the coastal population below levels needed to sustain high-quality recreational angling experiences. Due to the negative impact on the fishery, harvest and terminal tackle restrictions are needed to help rebuild the coastal stock.

In accordance with a fisheries management plan adopted by the Atlantic States Marine Fisheries Commission's (ASMFC) Striped Bass Management Board intended to reduce fishing mortality by 18%, the PFBC will change minimum size requirements and slot limits for harvesting Striped Bass in the Delaware Estuary, Delaware River, and West Branch Delaware River, and enact a mandatory circle hook requirement for anglers using bait while fishing for all species within the Delaware Estuary. These changes are effective beginning April 1, 2020.


To learn more, please visit the News Page on our website (link in profile).

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MARCH 28




Twitter:

 **fishandboat** @fishandboat · Apr 1

It may be #AprilFoolsDay, but we're not foolin'! Beginning today, when fishing with bait for any fish in the PA portion of the #TidalDelawareRiverEstuary, the use of a non-offset circle hook is required. Learn more, here: [media.pa.gov/Pages/fish-and...](https://media.pa.gov/Pages/fish-and...)



🗨️ 5 ❤️ 10

 **fishandboat** @fishandboat · Mar 31

Attention: Tidal Delaware River Estuary Anglers! Beginning April 1, 2020, when fishing with bait for any species of fish in the PA portion of the Tidal Delaware River Estuary, the use of a non-offset (inline) circle hook is required. Learn more here: [bit.ly/CircleHookNews...](https://bit.ly/CircleHookNews...)



🗨️ 1 ❤️ 5



fishandboat @fishandboat · Mar 29

News Release PFBC AMENDS ATLANTIC STRIPED BASS REGULATIONS, ANNOUNCES MANDATORY CIRCLE HOOK REQUIREMENT Learn more here: [ow.ly/9Avj50yZ0NE](https://ow.ly/9Avj50yZ0NE)



5 11



# Delaware Estuary

## Bucks, Delaware, and Philadelphia Counties

### 2019 Striped Bass Survey

The Pennsylvania Fish and Boat Commission (PFBC) assessed the Striped Bass spawning stock in the Delaware Estuary between May 13 and June 9, 2019. The survey was conducted at 21 index sites ranging from the mouth of Rancocas Creek, NJ (river mile [RM] 109) downriver to the mouth of Raccoon Creek, NJ (RM 80). Each index site was sampled twice using an electrofishing boat. Additional electrofishing took place at Trenton Falls near the head-of-tide targeting individuals greater than or equal to ( $\geq$ ) 16 inches in total length (TL) to increase the sample of tagged fish to further contribute to movement and mortality estimation.

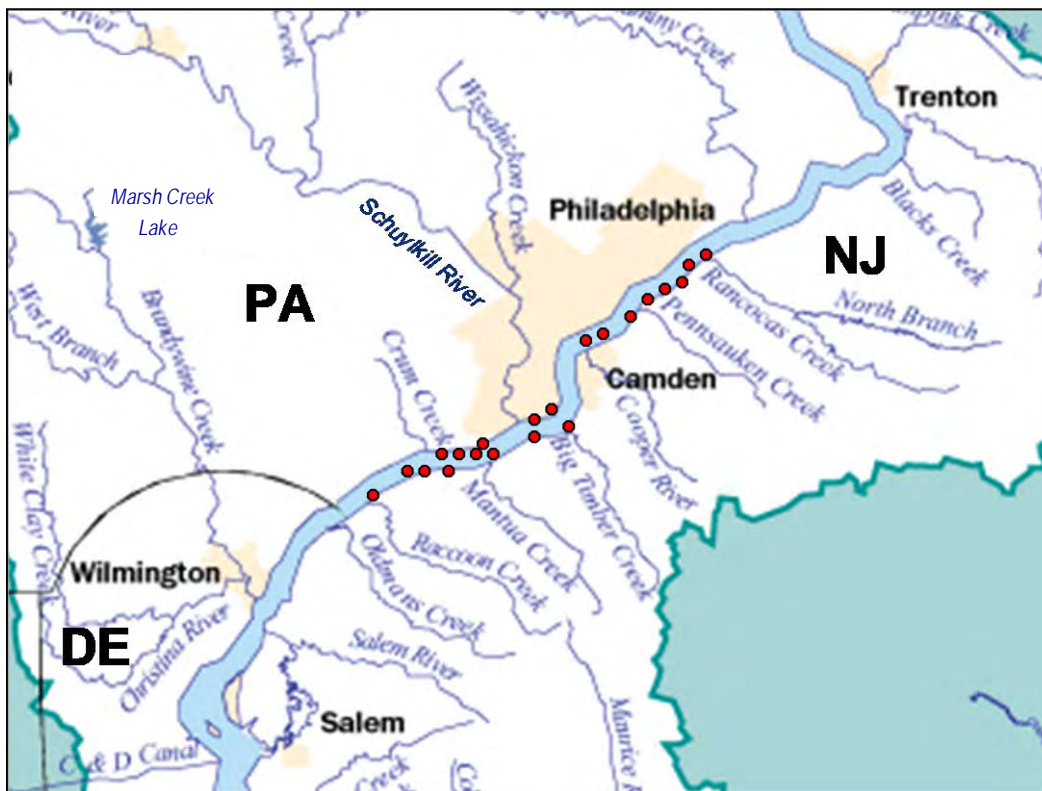


Figure 1. Map of the 21 index sites sampled between Rancocas Creek (RM 109.76) and Raccoon Creek (RM 80.66) on the Delaware Estuary between May 13 and 28, 2019. Base map adapted from the Delaware River Basin Commission.

## Pennsylvania Fish & Boat Commission Biologist Report

A total of 267 fish were captured at 21 index sites in 2019. Males accounted for 77% of the total catch and ranged from 7 to 38 inches in TL, while females accounted for 10% of the total catch and ranged from 19 to 48 inches in TL. Sex could not be determined for the remaining 13% of fish primarily because they were small, sexually immature juveniles or larger individuals lacking “ripe and running” sex determinants at the time of capture. Those fish ranged from 5 to 27 inches in TL.

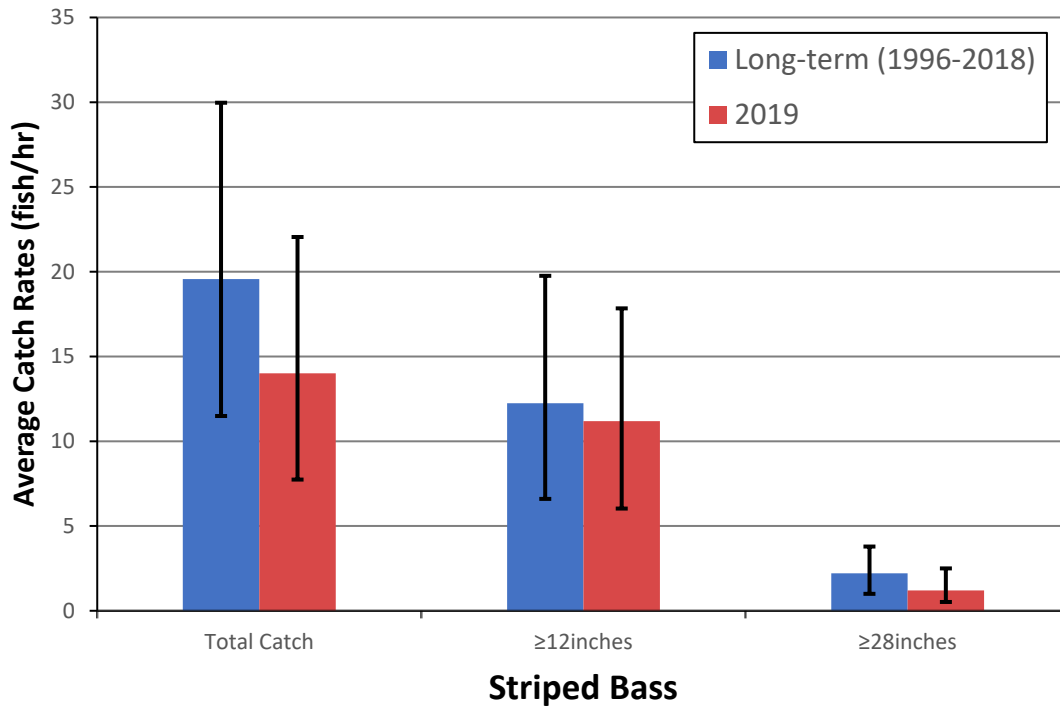


Figure 2. Electrofishing catch rates for Striped Bass captured in the Delaware Estuary between May 13 and 28, 2019 compared to corresponding long-term averages (1996 to 2018). Vertical black bars depict the 95% confidence intervals.

The total catch rate (14.0 fish/hr), catch rate of fish  $\geq 12$  inches in TL (11.2 fish/hr), and catch rate of fish  $\geq 28$  inches in TL (1.2 fish/hr) were all lower than the long-term averages (Figure 2). The total catch rate and catch rate of fish  $\geq 28$  inches in TL were the fifth and third lowest catch rates recorded, respectively, since long-term monitoring began in 1996. However, a large proportion (53%) of the total catch was comprised of fish from 15 to 19 inches in TL (Figure 3). These fish were representative of strong year classes from 2014 and 2015 and are projected to enter the “new” spring slot limit as 21 to less than 24-inch fish in 2020.

**Pennsylvania Fish & Boat Commission Biologist Report**

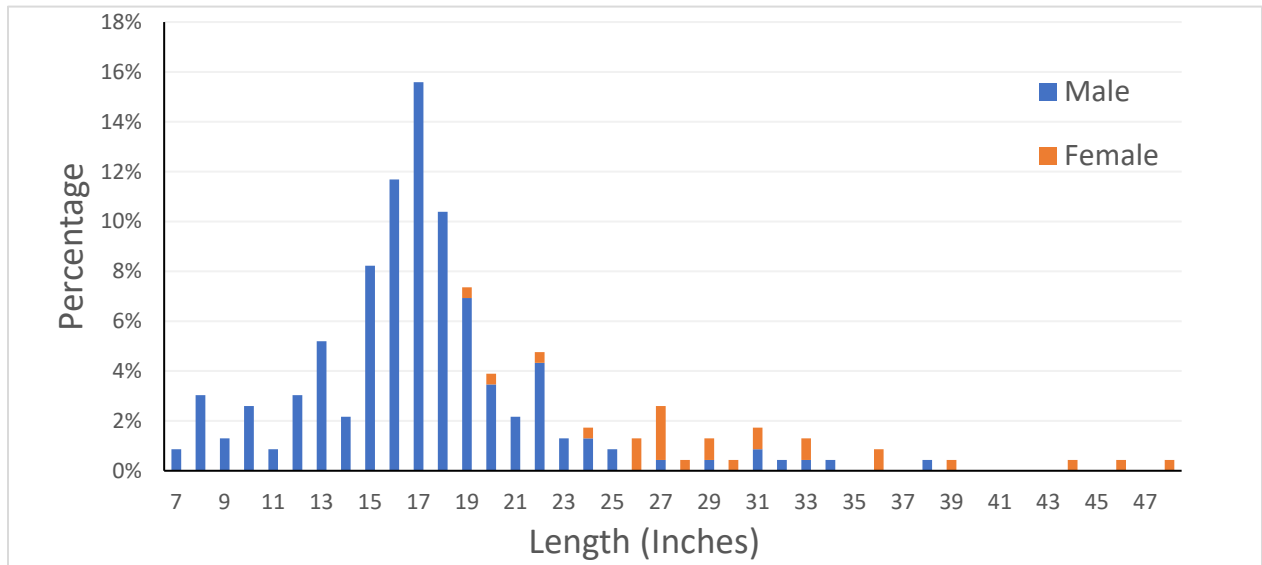
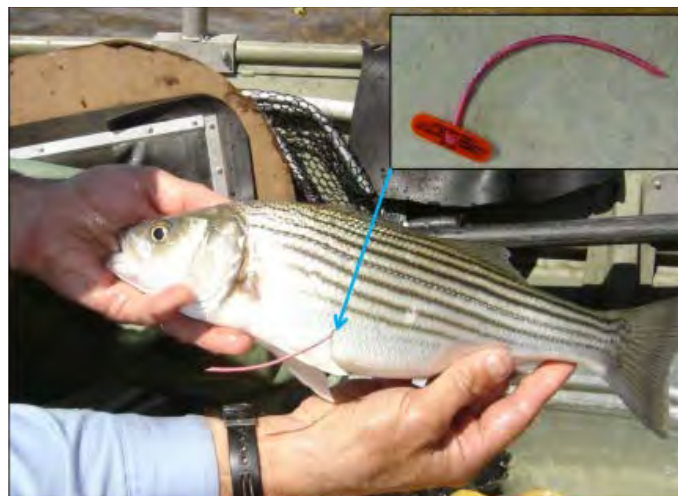


Figure 3. Length-Frequency distribution of Striped Bass captured during the 2019 Striped Bass spawning stock survey by sex.

A total of 185 Striped Bass  $\geq 16$  inches in TL were tagged with a pink colored U.S. Fish and Wildlife Service reward tag in 2019 (see photo), as part of a multi-state, coastwide effort. Information gathered from tagging programs is dependent on angler reports. Tag reports allow fisheries biologists to monitor coastal movement patterns, determine where fish are harvested, estimate annual fishing mortality, and document angler release rates.



*Note the three-inch, pink, spaghetti-like tag near the tip of the left pectoral fin. Please report reward tags to the U.S. Fish and Wildlife Service by calling 1-800-448-8322*

## Pennsylvania Fish & Boat Commission Biologist Report

Between 1995 and 2019, the PFBC tagged a total of 5,474 Striped Bass in the Delaware Estuary. As of January 9, 2020, 16% of the 5,474 tagged fish were reported to be caught. Recreational and commercial fishermen accounted for 89% and 7% of the tagged fish caught, respectively, while 4% were credited to other collectors such as scientific researchers. These tagged fish were caught from Maine to North Carolina, with a large proportion of them caught by anglers within the Delaware Bay and its tributaries and off the New Jersey coast in the Atlantic Ocean (Figure 4). Fishers report that 51% of the tagged fish caught were released; 47% were harvested; and 2% were found dead, dying, or were used for scientific research. Recreational and commercial fishermen harvested 47% and 77% of their Striped Bass catches, respectively. The ratio of female to male Striped Bass in the harvest was 1.5 to 1, indicating substantially more harvest pressure on the female segment of the population. This ratio was likely influenced by the large number of tagged males that were smaller than legal length in many fisheries along the Atlantic Coast which prohibited their harvest.

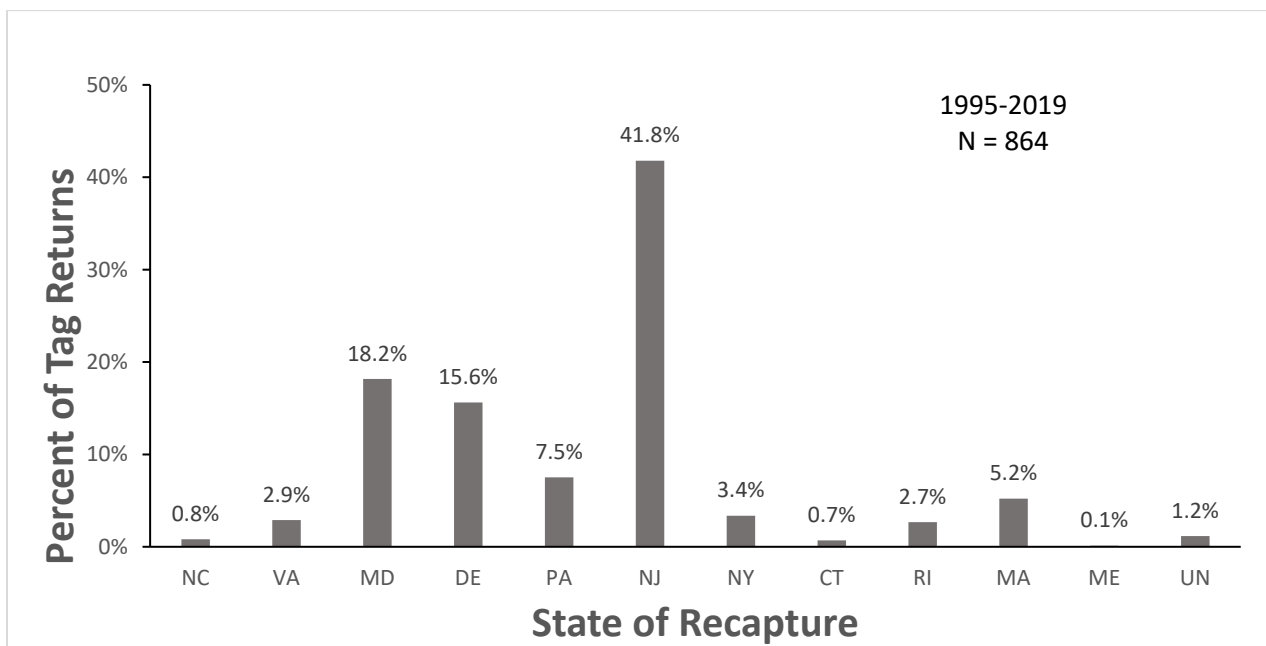


Figure 4. Percent of tag returns by state of recapture for Striped Bass tagged by the Pennsylvania Fish and Boat Commission in the Delaware Estuary between 1995 and 2019. UN = unknown recapture location.

Furthermore, there was no measurable increase in the number of tag returns from Pennsylvania since implementation of Pennsylvania's slot limit regulation in the Delaware Estuary in 2009. Catch and harvest of slot-sized fish when regulated under our previous slot size (21-25 inches) showed that between the period of April and May, Pennsylvania anglers released 68% of tagged fish whereas Chesapeake Bay (MD, VA, DC) anglers harvested 65% of tagged fish (Figure 5).



**Pennsylvania Fish & Boat Commission Biologist Report**

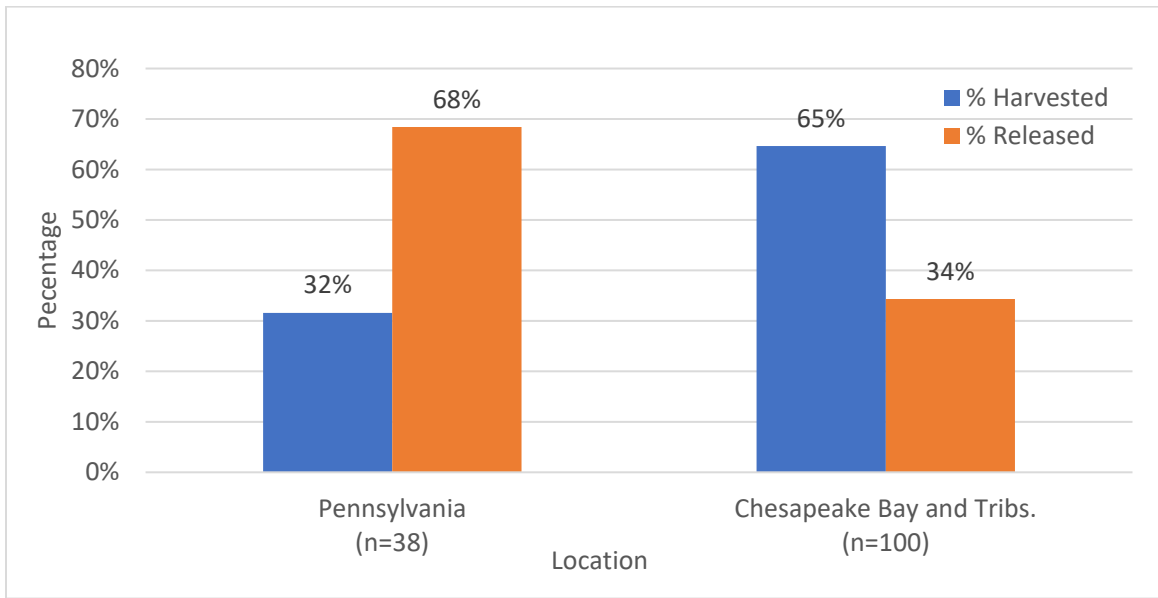


Figure 5. Disposition of slot-size Striped Bass, tagged by any state, during the months of April and May between 2009 and 2019 for either Pennsylvania anglers or Chesapeake Bay and its tributaries' anglers (n=number of tag fish reports).

Additionally, the disposition of fish  $\geq 28$  inches in TL coastwide was analyzed for fish tagged from Pennsylvania waters. Although the data are limited, preliminary results suggest that Pennsylvania anglers were the only group to release more fish than were harvested (Figure 6).

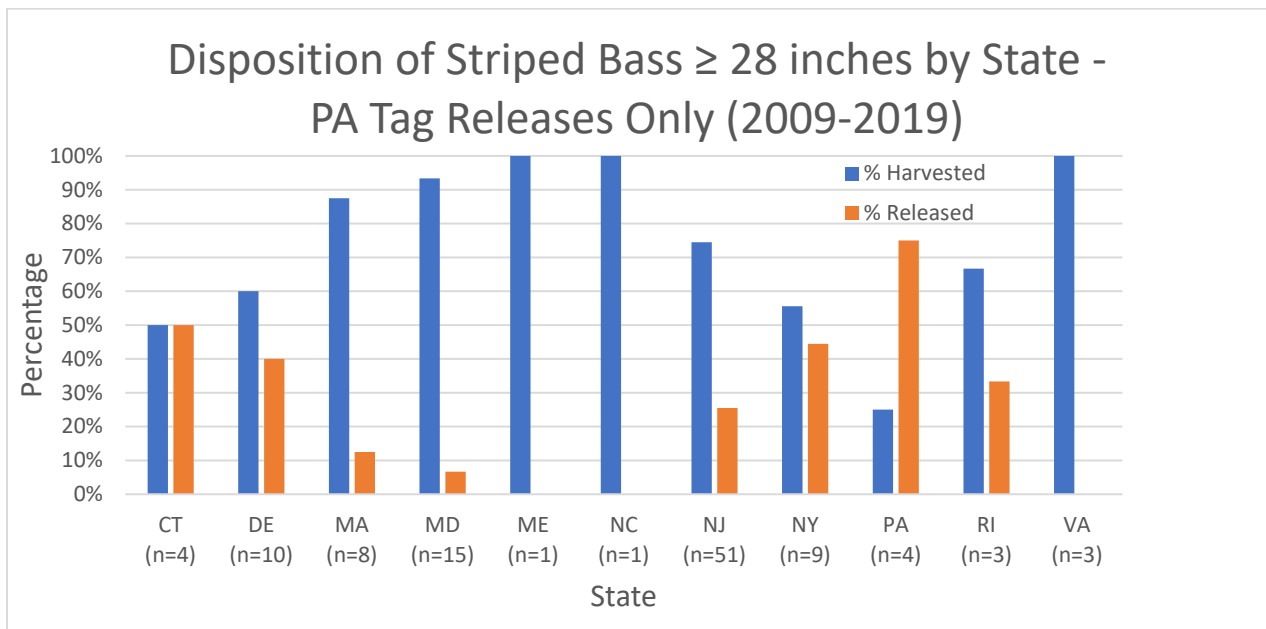


Figure 6. Disposition by State (n=number of fish) of Striped Bass  $\geq 28$  inches in TL tagged by the Pennsylvania Fish and Boat Commission between 2009 and 2019.

## NEW STRIPED BASS FISHING REGULATIONS FOR 2020

Striped Bass are governed by the Atlantic States Marine Fisheries Commission (ASMFC), a deliberative body of the Atlantic coastal states responsible for coordinating the conservation and management of nearshore fishery resources. At its October 2019 meeting the [Striped Bass Management Board approved Addendum VI to Amendment 6 of the Interstate Fisheries Management Plan for Atlantic Striped Bass](#). Addendum VI was initiated in response to the 2018 Benchmark Stock Assessment, which indicates the resource is overfished and experiencing overfishing. The Addendum’s measures are designed to reduce harvest, end overfishing, and bring fishing mortality to the target level in 2020. As a member state, Pennsylvania complies with ASMFC’s management requirements to change Striped Bass fishing regulations for the Delaware River and Delaware Estuary as required. Therefore, beginning April 1, 2020, Pennsylvania will implement new Striped Bass fishing regulations for the Delaware River (non-tidal) and Delaware Estuary, including tidal portions of tributaries which are shown in Table 1. These regulatory changes were approved by ASFMC’s Striped Bass Management Board at its February 2020 meeting following technical review and acceptance of proposed changes based on achieving at least an 18% reduction in fishing mortality. At ASMFC’s first public meeting held in Pennsylvania and hosted by the Delaware River Fishermen’s Association in Bristol, Pennsylvania last August, area anglers supported more conservative fishing regulations for the Delaware River, Delaware Estuary, and along the coast to address the decline in the fishery.

Table 1. Regulations for the Striped Bass fishery in the Delaware River and Estuary to begin April 1, 2020, including tributaries from the mouth upstream to the limit of tidal influence. Note the upper slot limits of 24 and 35 inches are not inclusive, meaning it is illegal to harvest fish  $\geq 24$  or  $\geq 35$  inches for each respective slot length limit.

<b>Location</b>	<b>Length Limit</b>	<b>Bag Limits</b>	<b>Other</b>	<b>Open Season</b>
<b>Pennsylvania</b> Delaware Estuary <i>PA/DE state line upriver to Calhoun St. Bridge at Morrisville, PA (56 river-miles)</i>	21” to less than 24”	2	In-line (non-offset) circle hooks <b><u>required</u></b> when fishing with bait	4/1 - 5/31
	28” to less than 35”	1	In-line (non-offset) circle hooks <b><u>required</u></b> when fishing with bait	1/1 - 3/31, 6/1 - 12/31
<b>Pennsylvania</b> Delaware River (non-tidal) <i>Calhoun St. Bridge upriver (196 river-miles)</i>	28” to less than 35”	1	In-line (non-offset) circle hooks <b><u>recommended</u></b> when fishing with bait	1/1-12/31

## ***Pennsylvania Fish & Boat Commission Biologist Report***

Additionally, Figure 7 illustrates the legal In-line (i.e. non-offset) circle hook design required when fishing with bait. The ASMFC defines circle hooks as a non-offset hook where the point is pointed perpendicularly back towards the shank. The term “non-offset” means the point and the barb are in the same plane as the shank. Hook manufacturers typically sell them labeled and packaged as “Circle In-Line” and/or “Circle Non-Offset.” Since these new regulations were not approved in time for publishing in the [2020 Summary Fishing Regulations and Laws](#), the Pennsylvania Fish and Boat Commission will publicize them through various media sources employing outreach and education efforts to inform and facilitate compliance with this important conservation measure in as timely a manner as possible for the upcoming season. Since catch and release practices contribute substantially to overall fishing mortality, the circle hook requirement is a management strategy intended to reduce release mortality in recreational Striped Bass fisheries coastwide. The use of in-line (non-offset) circle hooks is preferred over offset design (far right picture below) because of their proven ability to hook fish in the mouth, simplify hook removal, and reduce injury to the released fish. Therefore, to address targeted and non-targeted Striped Bass release mortality, the in-line circle hook requirement will apply to anglers targeting any sportfish species with bait in the tidal Delaware Estuary. This measure offers added protection to adult Striped Bass on the spawning grounds during spring and year-round protections to resident juveniles caught by anglers targeting other species in the tidal reach. For the non-tidal Delaware River, circle hooks are strongly recommended when anglers target any species with bait.

Anglers unfamiliar with how to use circle hooks should understand their design requires the angler let the fish hook itself. This requires a different fishing technique to hook and catch fish effectively than what some anglers may be accustomed to. When using a circle hook simply hold the rod or leave it in a holder, wait for the fish to swim off when a strike occurs, then pull the rod tip down, begin reeling in line to complete the hooking process, and reel the fish in normally. It is important to not set the hook by jerking or pulling the rod tip up and back to set the hook like when using the more common “J” hook design. This technique could result in fewer “hook ups” after a strike occurs.

**Pennsylvania Fish & Boat Commission Biologist Report**

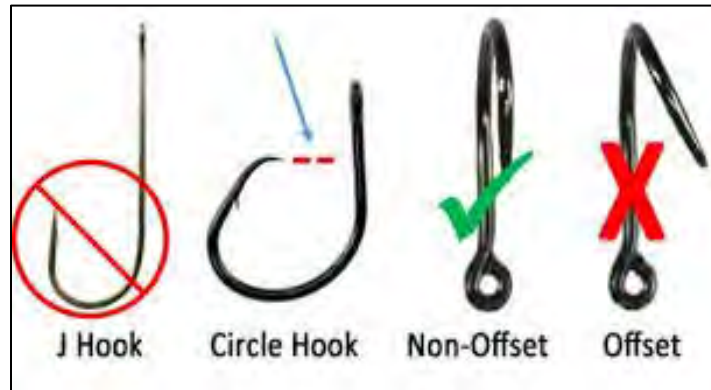


Figure 7. Approved in-line (Non-offset) hook type for use in the Delaware Estuary

\*Image courtesy of the Virginia Marine Resources Commission

Furthermore, be advised that New Jersey regulations apply if you cross the PA/NJ boundary line, which is delineated as the approximate middle of the channel. Also, in addition to possessing a valid Pennsylvania fishing license, anglers targeting Striped Bass in the Delaware River and Estuary below Trenton Falls are required to register through the [PFBC's free on-line Saltwater Angler Registry](#). Likewise, if fishing across the state line in New Jersey, Pennsylvania anglers must also register in the free [New Jersey Saltwater Recreational Registry Program](#).

Anglers wishing to consume Striped Bass are advised to consult the [fish consumption advisory information](#) provided in the [Pennsylvania Fishing Summary Booklet](#). There is currently a one meal per month advisory for Striped Bass 28 inches to less than 35 inches in TL. Slot-size Striped Bass (21 to less than 24 inches in length) are now covered by the general statewide advisory for recreationally caught sportfish of one meal per week.

*Tyler Grabowski  
Fisheries Biologist  
Area 6 – Southeastern Pennsylvania  
and  
Bryan Chikotas  
Area Fisheries Manager  
Area 7 – Southcentral Pennsylvania*

## FISHERIES PROPOSED RULEMAKING

A. Amendment to Section 61.2 (Delaware River, West Branch Delaware River, and River Estuary) to address the Striped Bass fishery.

Commentary:

The Atlantic States Marine Fisheries Commission's (ASMFC) management plan for Striped Bass calls for management actions when the coast-wide spawning stock biomass (SSB) or fishing mortality rates reach thresholds set within the management plan. The SSB threshold is 201 million pounds, and the current SSB is 151 million pounds. At the current fishing mortality rates, there is concern that the SSB will fall further below the threshold. Also, because catch and release practices contribute substantially to overall fishing mortality, states are also required to implement mandatory circle hook requirements when fishing with bait to reduce release mortality in recreational Striped Bass fisheries. The ASFMC Striped Bass Management Board, which includes the Commonwealth as a member, has directed all coastal states to reduce fishing mortality rates by 18% beginning in 2020 and require circle hooks by 2021. This Commonwealth is taking proactive measures to implement circle hook requirements beginning in 2020 to inform anglers and facilitate compliance with this important conservation measure ahead of the ASMFC mandate for implementation beginning in 2021. The amendments to 58 Pa. Code § 61.2 are designed to meet this objective.

ASMFC has directed that the reduction in harvest be implemented no later than April 1, 2020. To meet this deadline, the Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to amend 58 Pa. Code § 61.2 (relating to Delaware River, West Branch Delaware River and River Estuary). Specifically, the Executive Director has amended this section to change the minimum size limit for Striped Bass to a 28 inches to less than 35 inches slot limit in the Delaware Estuary (from the Pennsylvania line upstream to Calhoun Street Bridge) and Delaware River (from the Calhoun Street Bridge upstream) during the periods January 1 through March 31 and June 1 through December 31 (one fish daily limit), and to change the slot limit during the period April 1 through May 31 to 21 inches to less than 24 inches (two fish daily limit). The Executive Director also has amended the section to require the use of non-offset (in-line) circle hooks when fishing with bait for any species of fish in the tidal Delaware Estuary, including tributaries from the mouths of the tributaries upstream to the limit of tidal influence. These actions were taken to meet the requirements of the ASMFC and a notice of a Temporary Change to Fishing Regulations appeared in the *Pennsylvania Bulletin* at 50 Pa.B. 1625 (March 14, 2020). The temporary changes went into effect on April 1, 2020 and will remain in effect until the Commission, by appropriate action, amends 58 Pa. Code § 61.2.

Staff propose that 58 Pa. Code § 61.2 be amended as follows:

§ 61.2. Delaware River, West Branch Delaware River, and River Estuary.

\* \* \* \* \*

**(d) It is unlawful to fish with bait for any species of fish in the tidal Delaware Estuary, including tributaries from the mouths of the tributaries upstream to the limit of tidal influence using any hook type other than non-offset (in-line) circle hooks. The definition of a non-offset (in-line) circle hook is a non-offset hook where the point is pointed perpendicularly back towards the shank. The term “non-offset” means the point and the barb are in the same plane as the shank.**

**[(d)] (e)** The following seasons, sizes, and creel limits apply to the Delaware River, West Branch Delaware River, and Delaware Estuary and tributaries, from the mouths of the tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
* * * * *			
STRIPED BASS and HYBRID STRIPED BASS	From Pennsylvania line upstream to Calhoun Street Bridge: January 1 until March 31 and June 1 until December 31.	<b><u>[28] 28 to less than 35 inches</u></b>	1
	April 1 through May 31	21 to <b><u>[25] less than 24 inches</u></b>	2
	From Calhoun Street Bridge upstream: open year-round	<b><u>[28] 28 to less than 35 inches</u></b>	1
* * * * *			

**Briefer:**

Andrew L. Shiels, Deputy Director of Field Operations

**Recommendation:**

Staff recommend the Commission approve the publication of a notice of proposed rulemaking containing the amendment described in the Commentary. If approved on final rulemaking, the amendment will go into effect upon publication in the *Pennsylvania Bulletin*.

**Action:**

A motion was made by Commissioner Kauffman and seconded by Commissioner Gibney to approve the publication of a notice of proposed rulemaking containing the amendment described in the Commentary. If approved on final rulemaking, the amendment will go into effect upon publication in the *Pennsylvania Bulletin*. Motion carried.

Close Window

# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[58 PA. CODE CH. 61]

### Fishing; Seasons, Sizes and Creel Limits

[50 Pa.B. 3895]

[Saturday, August 1, 2020]

The Fish and Boat Commission (Commission) proposes to amend Chapter 61 (relating to seasons, sizes and creel limits). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments update the Commission's regulations concerning Striped Bass fishing in the Delaware River and Estuary.

#### A. *Effective Date*

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

#### B. *Contact Person*

For further information on this proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at [www.fishandboat.com](http://www.fishandboat.com).

#### C. *Statutory Authority*

The proposed amendments to § 61.2 (relating to Delaware River, West Branch Delaware River and River Estuary) are published under the statutory authority of 2102(b) of the code (relating to rules and regulations).

#### D. *Purpose and Background*

The specific purpose and background of the proposed amendments is described in more detail under the summary of proposal.

#### E. *Summary of Proposal*

The Atlantic States Marine Fisheries Commission's (ASMFC) management plan for Striped Bass calls for management actions when the coast-wide spawning stock biomass (SSB) or fishing mortality rates reach thresholds set within the management plan. The SSB threshold is 201 million pounds, and the current SSB is 151 million pounds. At the



current fishing mortality rates, there is concern that the SSB will fall further below the threshold. Also, because catch and release practices contribute substantially to overall fishing mortality, states are also required to implement mandatory circle hook requirements when fishing with bait to reduce release mortality in recreational Striped Bass fisheries. The ASMFC Striped Bass Management Board, which includes the Commonwealth as a member, has directed all coastal states to reduce fishing mortality rates by 18% beginning in 2020 and require circle hooks by 2021. This Commonwealth is taking proactive measures to implement circle hook requirements beginning in 2020 to inform anglers and facilitate compliance with this important conservation measure ahead of the ASMFC mandate for implementation beginning in 2021. The amendments to § 61.2 are designed to meet this objective.

The ASMFC has directed that the reduction in harvest be implemented no later than April 1, 2020. To meet this deadline, the Commission's Executive Director, acting under the authority of § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to amend § 61.2. Specifically, the Executive Director has amended this section to change the minimum size limit for Striped Bass to a 28 inches to less than 35 inches slot limit in the Delaware Estuary (from the Pennsylvania line upstream to Calhoun Street Bridge) and Delaware River (from the Calhoun Street Bridge upstream) during the periods January 1 through March 31 and June 1 through December 31 (one fish daily limit), and to change the slot limit during the period April 1 through May 31 to 21 inches to less than 24 inches (two fish daily limit). The Executive Director also has amended the section to require the use of non-offset (in-line) circle hooks when fishing with bait for any species of fish in the tidal Delaware Estuary, including tributaries from the mouths of the tributaries upstream to the limit of tidal influence. These actions were taken to meet the requirements of the ASMFC and a notice of a Temporary Change to Fishing Regulations appeared in the *Pennsylvania Bulletin* at 50 Pa.B. 1625 (March 14, 2020). The temporary changes went into effect on April 1, 2020, and will remain in effect until the Commission, by appropriate action, amends § 61.2.

The Commission proposes that § 61.2 be amended to read as set forth in Annex A.

#### F. *Paperwork*

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

#### G. *Fiscal Impact*

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

#### H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.



Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,  
Executive Director

**Fiscal Note:** 48A-299. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart B. FISHING**

**CHAPTER 61. SEASONS, SIZES  
AND CREEL LIMITS**

**§ 61.2. Delaware River, West Branch Delaware Riv- er and River Estuary.**

\* \_ \* \* \* \*

(c) It is unlawful to take, catch or kill more than 1 day's limit of any species of fish as specified in the following chart during 1 calendar day. It is unlawful to possess more than 1 day's limit of any species of fish as specified in the following chart except under the following circumstances:

\* \* \* \* \*

(5) Fish may be given to another person, but the fish shall be counted in the donor's creel limit and neither the donor nor the recipient may kill or possess (while in the act of fishing) more than the limit allowed.

**(d) It is unlawful to fish with bait for any species of fish in the tidal Delaware Estuary, including tributaries from the mouths of the tributaries upstream to the limit of tidal influence using any hook type other than non-offset (in-line) circle hooks. The definition of a non-offset (in-line) circle hook is a non-offset hook where the point is pointed perpendicularly back towards the shank. The term "non-offset" means the point and the barb are in the same plane as the shank.**

[(d)] (e) The following seasons, sizes, and creel limits apply to the Delaware River, West Branch Delaware River and Delaware River tributaries, from the mouths of the

tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
	* * * * *		
STRIPED BASS and HYBRID STRIPED BASS	From Pennsylvania line upstream to Calhoun Street Bridge: January 1 until March 31 and June 1 until December 31.	28 <u>to less than</u> 35 inches	1
	April 1 through May 31	21 to [25] <u>less than</u> 24 inches	2
	From Calhoun Street Bridge upstream: open year-round	28 <u>to less than</u> 35 inches	1
	* * * * *		

[Pa.B. Doc. No. 20-1032. Filed for public inspection July 31, 2020, 9:00 a.m.]

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STATE OF DELAWARE  
**DEPARTMENT OF NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL**

DIVISION OF FISH & WILDLIFE  
RICHARDSON & ROBBINS BUILDING  
89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

FISHERIES  
SECTION

PHONE  
(302) 739-9914

## **Delaware Implementation Plan for Atlantic Striped Bass Addendum VI Circle Hook Requirements**

### **I. Delaware's Proposed Circle Hook Regulation**

The new text that will be added to the current Striped Bass regulation includes:

#### *1.0 Definitions*

*The following words and terms, when used in this regulation, have the following meaning unless the context clearly indicates otherwise:*

*“Circle hook” means a non-offset hook where the point is pointed perpendicularly back towards the shank.*

*“Non-offset” means the point and barb being in the same plane as the shank.*

*7.0 It is unlawful for any person to fish for striped bass with natural bait using any hook other than a non-offset circle hook.*

The regulation will be implemented through Delaware's fisheries-specific regulatory process that allows Delaware to put regulations mandated by a FMP into effect 48 hours after issuance of a Secretary's Order by public notice of the order on its web site. The regulation will be in place by January 1, 2021.

### **II. Delaware's Outreach and Education Effort**

Delaware is developing circle hook and safe Striped Bass handling outreach material. Delaware is currently working with Mike Waine of the American Sportfishing Association (ASA) to incorporate Delaware's information into the ASA circle hook and safe handling material. Delaware will expand the circle hook information already included in its Fishing Guide and add information on safely handling Striped Bass for its 2021 issue. The circle hook and safe handling material, plus links to circle hook and safe handling informational videos will be put on the Delaware Division of Fish & Wildlife web site.

## ATLANTIC STATES MARINE FISHERIES COMMISSION

### IMPLEMENTATION PLAN TEMPLATE FOR ADDENDUM VI CIRCLE HOOK REQUIREMENTS

Addendum VI to Amendment 6 of the Atlantic Striped Bass Interstate Fishery Management Plan requires the mandatory use of circle hooks when fishing with bait to reduce release mortality in recreational striped bass fisheries. States must implement mandatory circle hook requirements by January 1, 2021.

Per Addendum VI, a 'circle hook' is defined as a non-offset hook where the point is pointed perpendicularly back towards the shank. The term 'non-offset' means the point and barb are in the same plane as the shank (e.g. when the hook is laying on a flat surface, the entire hook and barb also lay flat).

Please include the following elements, at a minimum, in state implementation plans for review by the Striped Bass Plan Review Team (PRT). The PRT will review all state implementation plans and recommend appropriate action to the Striped Bass Management Board:

1. A copy of final regulations, or proposed regulatory language. Regulations should:
  - a. Demonstrate intent to reduce recreational release mortality in striped bass fisheries;
  - b. Include a definition of 'circle hook' comparable to that cited above;
  - c. Include an effective implementation date; and
  - d. Specify any exemptions to mandatory circle hook requirements.

*Note: circle hook requirements should apply to as many recreational trips as possible that could interact with striped bass. However, states have flexibility to exempt certain fishing methods or angler groups to address specific needs of the state's fisheries. If allowing for certain exemptions, please provide sufficient justification including quantitative analysis (e.g., an estimate of the proportion (%) of striped bass live releases (B2s) that would not be subject to mandatory circle hook requirements). Please use 2016/2017 catch data for reference, which is consistent with bag and size limit analyses used in Addendum VI.*
2. Detailed description of public education materials and outreach campaigns that the state is developing to garner support and compliance with mandatory circle hook requirements. Please also highlight any outreach materials or programs that focus on safe practices when handling and releasing fish, or other fishing

considerations that could benefit striped bass populations (e.g., using barbless hooks, or avoiding fishing in warm waters).

### **Maryland's Proposed Circle Hook Regulations and Analysis**

Maryland currently has regulations in place that require non-offset circle hooks to be used when live-lining or chumming in Chesapeake Bay from May 16-December 15, no matter the target species. As these are some of the more popular methods to fish for striped bass in Maryland in the summer, these regulations were put in place to reduce striped bass discard mortality in 2018. These regulations initially sunset on December 15, 2019 but were put into permanent regulation in 2020 ([COMAR 08.02.25.03A\(7\)](#)). In order to comply with Addendum VI, Maryland is going through the regulatory process to additionally implement non-offset circle hook regulations that would apply to all anglers fishing with bait who target striped bass in tidal and coastal state waters throughout the year. Scoping documents were presented to our commercial and recreational advisory committees at their July meetings and posted [online](#) following the meetings for public comment. Public comment on the scoping documents closed on August 12, 2020 and after considering comments, proposed regulations will be written. Following the state's normal procedures, described in more detail in the scoping document linked above, the expected implementation date is January 1, 2021. The status of Maryland's circle hook regulatory process can be followed [online](#).

A circle hook is already defined in [COMAR 08.02.25.01B\(6\)](#) as “a non-offset hook with the point turned perpendicularly back to the shank.” Bait is defined in regulation ([COMAR 08.02.20.02](#)) as “an attractant to catch fish which includes: (1) the living or dead, whole body or part of body of an animal or (2) a processed product from an animal or vegetative source.” This is further clarified in the scoping documents as applying to anglers when they are using fish, crabs, or worms as bait or using processed baits.

For the Atlantic Ocean and coastal bays, the regulation being considered would require the use of a non-offset circle hook when targeting striped bass and using bait year round. While no exemptions will be allowed when targeting striped bass and using bait in the scoped regulations, anglers fishing with bait for other species may interact with striped bass. Little data is available on striped bass releases in Maryland's coastal bays and Atlantic Ocean waters. Between 2016-2017, only 32 Marine Recreational Information Program (MRIP) intercepts released striped bass in either ocean waters or inland coastal waters (e.g. inland intercepts not from the Chesapeake Bay (Area = “F”)). Targeted trips in the MRIP data were defined as those trips with striped bass named as either the primary or secondary target by the angler during the MRIP interview. Without other knowledge on gear usage in the coastal bays and Atlantic Ocean, we assumed all



releases were caught using bait though we acknowledge some fish could be caught on artificial lures. We also assumed 96% compliance with circle hook usage, based on the circle hook compliance estimated when anglers were chumming and live-lining in Chesapeake Bay from our self-reported angler interviews. Combining these assumptions with the targeted striped bass trip information, it's estimated that Maryland's proposed circle hook regulations would apply to 60% of striped bass releases on the coast (59% in 2016, 65% in 2017). This estimate is highly uncertain given the low number of MRIP intercepts and a lack of data on fishing methods used in coastal areas (i.e. bait usage vs. other fishing methods such as using artificial lures). However, striped bass releases from Maryland's Atlantic coast are a very small component of Maryland's overall striped bass releases. Releases from the ocean and coastal inland waters in 2016-2017 are estimated to be 0.85% of all striped bass released in Maryland in those years (1.00% in 2016 and 0.58% in 2017).

Within Chesapeake Bay and its tidal tributaries, circle hook regulations are already in place when anglers are live-lining or chumming, no matter what species is being targeted, from May 16 - December 15 annually. When using cut bait, crabs, worms, or other types of bait, a non-offset circle hook or a J hook must be used (no treble hooks) from March 1 - April 30 and May 16 - December 15. The regulations being scoped would expand the existing regulations so they apply year round and also require all targeted striped bass trips using bait to use circle hooks. As in the coastal areas, no exemptions are included in the scoped regulations when using bait to target striped bass however, anglers fishing with bait and targeting other species have the potential to interact with striped bass.

The best information available on current fishing methods used in the Chesapeake Bay come from the additional questions Maryland had our Access Point Angler Intercept Survey (APAIS) field interviewers ask anglers (as they had time) in May - December of 2018 and 2019. Private and shore based hook and line anglers, regardless of what species they were targeting, were asked whether they were primarily chumming, live-lining, or fishing with bait on their trip. If they were engaging in any of those three activities, they were additionally asked if they were using a circle hook. Of interviews conducted in Chesapeake Bay with known fishing methods, a total of 1,113 anglers were interviewed over 2018-2019. Most of the interviews were conducted in 2018 (78%) and 61% of the interviews over the two years were conducted in June, July, and November. These interviews suggest that 47.9% of anglers did not use bait, 8.4% were either chumming or live-lining, and 43.8% used a baited hook. Assuming these fishing methods are representative of the Chesapeake Bay fleet, the total number of striped bass released in the Chesapeake Bay (Area = "F") in 2016-2017 were partitioned, resulting in an estimate of the number of fish released by each fishing method. Fish estimated to be released by bait fishermen were further partitioned into those caught on

targeted and non-targeted trips. The proportion of striped bass released on a targeted trip was estimated using MRIP data where targeted trips were defined as those where the angler said his primary or secondary target species was striped bass. Compliance of circle hook usage for chumming and live-lining, based on anglers' self-reported answers, was estimated at 96%. In calculations to estimate compliance with circle hook usage when fishing for striped bass with bait, the same compliance level was assumed.

Using these methods, under the proposed circle hook regulations, we estimate that 78% of the striped bass released and subject to bait fishing (chumming, live-lining, and baited hooks) will be caught with a circle hook. Given the popularity of fishing without bait (i.e. trolling, using artificial lures, etc.) within the Chesapeake Bay, we estimate that 40.6% of all striped bass releases will be subject to circle hooks.

### **Public Education and Outreach Campaigns**

Maryland is planning to continue the public education and outreach campaigns regarding circle hooks that we previously conducted in 2018 and 2019, in order to garner support for circle hook usage and ensure compliance with the expanded circle hook regulations. This includes printed materials for outreach events and for APAIS field interviewers to hand out, public presentations at sportfishing shows and to fishing clubs, posts to our Facebook page, and continuing to distribute circle hooks to anglers (as available). In addition, circle hook usage and new regulations regarding their use were mentioned in our weekly fishing reports and on a weekly radio show the department participates in. While some of these activities have been reduced due to COVID-19 in 2020, we hope that most, if not all, of these methods will be available to us in 2021.

Regarding outreach specific to safe fish handling practices and other considerations that could improve striped bass discard mortality, Maryland has also developed websites describing the [use of circle hooks](#), [circle hook frequently asked questions](#), and best fish handling practices when [catch and release fishing](#). An important component of the new catch and release outreach has been the [development of our striped bass fishing advisory forecast](#). Depending on air temperatures throughout the summer months (mid-June through Labor Day), a green-yellow-red designation is used to highlight, respectively, whether conditions are normal for striped bass catch and release, if additional care should be used when catch and releasing striped bass, and when anglers should try to finish fishing for striped bass before 10 am and/or target other species. In addition to posting the advisory on the website and MD DNR Fishing and Boating Services Facebook page starting in 2020, flags of these colors will also be flown at state parks with boating access to notify anglers of current catch and release conditions.

08.02.25.01

## **.01 Gear Definitions.**

A. In this subtitle, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Archery equipment" means a vertical bow or a crossbow.

(2) "Bank pole" means a line and hook dangling into a river, stream, or lake that has the other end attached to a pole which is stuck into the ground.

(3) "Bush-bob" means a line and hook dangling into a river, stream, or lake that has the other end attached to an overhead tree or bush limb.

(4) "Cast net" means a circular monofilament or multi-ply net with weights distributed around its edge that is cast or thrown by hand in such a manner that it spreads out on the water and sinks.

(5) "Chumming" means placing fish, parts of fish, or other natural or manmade attractants upon which fish might feed, in the water, not attached to a hook, for the purpose of attracting fish to a particular area so that they might be caught.

(6) "Circle hook" means a non-offset hook with the point turned perpendicularly back to the shank.

(7) "Dip net" means a mesh bag of netting which is suspended from a circular, oval, or a rectangular frame attached to a long handle or rope.

(8) "Eel pot" means an enclosure constructed of wire having:

(a) A square mesh size not less than 1/2 inch; or

(b) If the mesh is smaller than 1/2 inch by 1/2 inch, an escape panel installed in an exterior wall of the retention chamber measuring at least 16 square inches made of 1/2 inch by 1/2 inch mesh.

(9) "Finfish trotline" means a length of rope or line, buoyed at both ends with one or more anchors, which is baited with hooks set at intervals for the purpose of catching finfish.

(10) "Fish pot" means a single, finfish entrapment net device, without associated wings or leads, consisting of:

(a) An enclosure of various shapes covered with mesh webbing of not less than 1-1/2 inch mesh size;

(b) One or more conical entrance funnels; and

(c) One or more unobstructed escape vents, in the holding chamber, of at least 2-1/2 inches in diameter, if circular, or 2-1/2 inches mesh size if square.

(11) "Fyke net" means a stationary finfish entrapment net device, without a pound or crib, consisting of:

(a) A series of hoops covered by mesh webbing of #12, or larger, twine of not less than 1-1/2 inch mesh size;

(b) No more than one set of wings;

(c) A leader or hedging not longer than 250 feet consisting of #12, or larger, twine and with a minimum mesh size of 3 inches;

(d) In nets with a mesh size less than 2-1/2 inches, a cull panel at least 1 foot by 1 foot with unobstructed escape meshes when set with a minimum mesh size of 2-1/2 inches;

(e) A single entrance funnel; and

(f) One or more internal funnel shaped throats.

(12) "Gig" means an implement with a shaft and three-pronged barbed point which is either thrust or thrown by hand.

(13) "Gill net" means a net which:



(a) Is maintained in a vertical position in the water with sinkers, floats, or stakes, or a combination of sinkers, floats, and stakes; and

(b) Captures fish by means of a mesh too small to permit passage of the body of the fish or withdrawal of the head once the posterior margin of the gill covers has passed through the mesh.

(14) "Gill net, anchored" means a gill net that is stationary in the water and secured to the bottom by weights on either end or along the bottom line which prevent the gill net from drifting freely with the tide or current.

(15) "Gill net, attended" means the licensee remains in the boat within 2 miles of the gill net while it is in waters of the Chesapeake Bay, or within 1 mile when the gill net is in waters of the Atlantic Ocean, its coastal bays and their tributaries, or a tributary of the Chesapeake Bay.

(16) "Gill net, drift" means a gill net not secured to or anchored to the bottom, designed to drift with the natural or prevailing tidal current, including a gill net rigged with up to 20 pounds of weight at each end, in addition to that weight required to achieve negative buoyancy.

(17) "Gill net, stake" means a gill net hung from or supported by stakes which are set in a row and driven into the bottom.

(18) "Hand" means a method of fishing whereby an individual uses their own hand to physically capture the fish.

(19) "Handline" means a fishing line attended primarily by hand.

(20) "Haul seine" means an encircling type of net with wings, brail lines and poles, and a bunt or pocket, and with the following characteristics:

(a) Made of at least #12 twine;

(b) Wings not greater than 15 feet in width at the attachment with the brail poles or brail line;

(c) A width or depth not exceeding 22 feet at the bunt or back; and

(d) A width of the bunt or back not greater than 100 feet.

(21) "Hook and line" means a line free of mechanical devices except for reels attached to a pole or rod or held in hand and attended in a manner that the fish is caught by the hook.

(22) "Hook unit" means a lure with multiple hooks.

(23) "Hoop net" means a single finfish entrapment net device consisting of:

(a) An enclosure formed by a series of hoops covered by mesh webbing of #12, or larger, twine, of not less than 1-1/2 inch mesh size;

(b) One or more internal funnel-shaped throats;

(c) A single entrance funnel;

(d) No wings and leader; and

(e) In nets with a mesh size less than 2-1/2 inches, a cull panel at least 1 foot by 1 foot with unobstructed escape meshes when set having a minimum mesh size of 2-1/2 inches.

(24) "J hook" means a hook having a point parallel to the hook shank.

(25) "Jug" means a method of fishing that uses lines suspended from floating containers or devices.

(26) "Landing net" means a mesh bag which is suspended from a circular, oval, or rectangular frame attached to a short handle which is operated by hand to capture a fish which is being caught by other means.

(27) "Live-lining" means using a live finfish on a hook for the purpose of catching other fish with:

(a) Hook and line;

(b) Rod and reel; or

(c) Handlines.

(28) "Lure" means an artificial bait used for catching fish.

(29) "Net" means a mesh webbing panel or multiple panels, whether continuous or discontinuous, which may be joined in various configurations for the capture of fish.

(30) "Noodling" means a method of catching fish using one's hands or feet while in the water.

(31) "Number 12 twine" means tightly twisted or braided nylon fibers, which are between 0.043 and 0.048 inches in diameter when compressed.

(32) "Offset hook" means a hook with the point and barb not in the same plane with the shank.

(33) "Pound net" means a fixed finfish entrapment net device consisting of:

(a) One or more pounds or cribs each measuring at least 16 feet long by 16 feet wide at the surface of the water with a netting floor and open top;

(b) Mesh webbing with a twine size of #12 or larger;

(c) At least one heart leading into the crib;

(d) A leader or hedging consisting of #12 twine or larger and with a minimum mesh size of 3 inches; and

(e) No other type of fishing device, netting, or wire within the pound or crib.

(34) "Rod" means a pole, cane, or stick to which a line can be attached directly.

(35) "Rod and reel" means a pole with a line and usually a line winding mechanism, attached at the bottom of the pole, and is turned by a crank so that the line is wound around a barrel.

(36) "Seine" means an encircling type of net with mesh.

(37) "Slat basket" means a wooden box that funnels fish down into a holding area that is usually baited.

(38) "Snagging" means actively fishing with a hook that intentionally foul-hooks the fish outside the mouth.

(39) "Spear" means a shaft with one sharp point and/or a barb for capturing a fish by piercing its body.

(40) "Spear gun" means any type of device used for propelling a spear under water by any means other than manual in order to catch fish.

(41) "Stinger hook" means any hook which trails another hook or hook unit, either by direct physical attachment to the lead hook or hook unit, or by a connective device such as a line, swivel or chain, and is part of the same bait or lure.

(42) "Tip up" means a device used in ice fishing in which a signal flag is raised when a fish takes the bait.

(43) "Trap" means a single, bait finfish entrapment device, without associated wings or leads, and consisting of:

(a) An enclosure of various shapes covered with mesh of not greater than 1/2-inch square mesh size for tidal waters and 1/4-inch square mesh for nontidal waters;

(b) One or more entrances with an opening not more than 2 inches in diameter in tidal waters or not more than 1 inch in diameter in nontidal waters; and

(c) No dimension greater than 24 inches in any direction.

(44) "Trip" means the duration which begins with departure of the fishing vessel from a shore-based location and which terminates with return to a shore-based location.

(45) "Trolling" means the method of angling during which fish are attracted to a lure or bait being trailed from a boat which is moving forward or backward by mechanical, manual, or wind power.

08.02.25.03

## **.03 Recreational Gear — Tidal Waters.**

### **A. Recreational Gear.**

(1) Recreational gear for catching clams, crabs and oysters is regulated elsewhere in Natural Resources Article, Title 4, Annotated Code of Maryland and COMAR 08.02 and is excluded from this regulation.

(2) An individual may only use the gear specified in this regulation to catch fish for recreational purposes from tidal waters.

(3) An individual using gear in accordance with this chapter shall comply with all seasons, creel limits, size limits, and other species-specific rules as specified under this subtitle and Natural Resources Article, Title 4, Annotated Code of Maryland.

(4) Chesapeake Bay and Its Tidal Tributaries — March 1 through April 30. A person recreationally angling in the Chesapeake Bay and its tidal tributaries during the period March 1 through April 30:

(a) When using fish, crabs, or worms as bait, or processed bait, shall only use a:

(i) Circle hook; or

(ii) “J” hook with a gap of less than or equal to 1/2 inch between the point and the shank; and

(b) May not use stinger hooks;

(5) Chesapeake Bay and Its Tidal Tributaries — March 1 through March 31. During the period March 1 through March 31:

(a) A person recreationally angling shall only use barbless hooks while trolling; and

(b) No more than six lines, regardless of the number of people on board a vessel, may be used for recreationally angling from a boat when trolling.

(6) Chesapeake Bay and Its Tidal Tributaries — April 1 through April 30. A person recreationally angling in the Chesapeake Bay and its tidal tributaries during the period April 1 through April 30 may not attempt to catch fish by trolling.

(7) Chesapeake Bay and Its Tidal Tributaries — May 16 through December 15.

(a) Except for chumming or live-lining, when using fish, crabs, or worms as bait, or processed bait, a person recreationally angling in the Chesapeake Bay and its tidal tributaries during the period May 16 through December 15 shall only use a:

(i) Circle hook; or

(ii) “J” hook.

(b) When chumming or live-lining, a person recreationally angling in the Chesapeake Bay and its tidal tributaries during the period May 16 through December 15 shall only use a circle hook.

### **B. Traps.**

(1) An individual may not use more than one trap.

(2) A trap shall be:

(a) Marked with the individual’s DNRid number; and

(b) Checked daily.

(3) A trap shall be set:

(a) Within 100 feet of the shore, and:

(i) Attached by a line to the property, pier or dock; or

(ii) Marked by a buoy or pole and sign; or

(b) By attaching the trap to a boat that is not docked.

(4) If a trap is set on private property, the trap owner shall obtain the landowner's permission prior to setting the trap.

(5) If a trap is set on public property, the trap shall be set within 100 feet of the owner.

#### C. Active Line Fishing Gear.

(1) Individuals catching fish in tidal waters may only use the following active line fishing gear:

(a) Hook and line;

(b) Rod and reel; and

(c) Handline.

(2) The gear listed in §C(1) of this regulation shall be used in a manner in which the individual is handling the gear or actively in control of the gear.

(3) No more than two hook units per line may be used on the gear listed under §C(1) of this regulation.

(4) Snagging is not legal in State waters.

(5) Additional restrictions on active line fishing gear may be found at COMAR 08.02.05.02.

#### D. Nonactive Line Fishing Gear.

(1) The only nonactive line fishing gear that an individual may use to catch fish in tidal waters is a jug.

(2) An individual may use up to 10 jugs.

(3) Jugs:

(a) Shall have no more than 2 hooks per line and no more than one line per jug;

(b) May only be used in tidal tributaries of the Chesapeake Bay;

(c) May only be used from July 1 through the last day of February;

(d) Shall be marked with the individual's DNRid number;

(e) Shall be attended between the hours of sunset and sunrise; and

(f) May be used to take any fish except for the following species:

(i) Largemouth and smallmouth bass;

(ii) Striped bass;

(iii) All shark species;

(iv) Snapping turtles; or

(v) Any species listed as threatened or endangered under COMAR 08.03.08.

#### E. Nets.

(1) Individuals catching fish in tidal waters may only use the following nets:

(a) Cast nets;

(b) Seines;

(c) Dip nets; and

(d) Landing nets.

- (2) Cast nets shall have a radius not exceeding 10 feet.
- (3) Seines in tidal waters:
  - (a) Shall have mesh no greater than 1/4 inch;
  - (b) May not exceed 50 feet in width and 5 feet in height;
  - (c) Shall only be used to catch minnows and other bait fish;
  - (d) May not be emptied from a boat; and
  - (e) May not be emptied on the shore or in water less than 12 inches deep.
- (4) An individual may use a landing net to land a fish which is being caught by other means.
- (5) A person may not bait a net.

#### F. Projectile Gear.

- (1) Individuals catching fish in tidal waters may only use the following projectile gear:
  - (a) Archery equipment;
  - (b) Gig;
  - (c) Spear; and
  - (d) Spear gun.
- (2) Except for a gig, projectile gear shall have a retrieval line attached to it.
- (3) A gig may only be propelled by hand.
- (4) An individual may use projectile gear to take any fish except for the following species:
  - (a) All trout species;
  - (b) Walleye;
  - (c) Striped bass;
  - (d) Striped bass hybrids;
  - (e) Northern pike;
  - (f) Muskellunge;
  - (g) Muskellunge hybrids, including tiger musky;
  - (h) Largemouth and smallmouth bass;
  - (i) Snapping turtles;
  - (j) All shark species;
  - (k) American lobster; and
  - (l) Any species listed as threatened or endangered under COMAR 08.03.08.
- (5) Additional Restrictions.
  - (a) Except as provided in §F(5)(b) of this regulation, a person may not shoot projectile gear within 100 yards of any:
    - (i) Human being;

(ii) Private or public swimming area;

(iii) International diving flag;

(iv) Occupied duck blind; or

(v) Vessel other than the vessel occupied by the individual using the projectile gear.

(b) The distance restriction in §F(5)(a) of this regulation does not apply:

(i) To the use of gigs; or

(ii) If the person using the projectile gear receives permission from all affected parties within that area prior to engaging in fishing activities.

G. Hand Gear. Individuals catching fish in tidal waters may only use the following hand gear:

(1) Hand; and

(2) Noodling.

# District of Columbia Atlantic Striped Bass Circle Hook Implementation Plan

DOEE is implementing new circle hook requirements in accordance with Atlantic States Marine Fisheries Commission (ASMFC) guidelines. This protective measure will decrease the amount of release mortality in our jurisdiction and improve the long-term health and sustainability of striped bass.

## The New Circle Hook Requirement

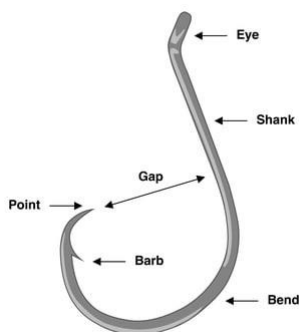
- The mandatory use of non-offset circle hooks will be required when fishing for striped bass with bait to reduce release mortality in recreational fisheries (*Addendum VI to Amendment 6 of the Atlantic Striped Bass Interstate Fishery Management Plan*).
- In addition to anglers targeting striped bass, a non-offset circle hook will be required regardless of the targeted species when recreationally fishing with bait of any kind (e.g., fish, worms, shrimp, chicken livers, corn, dough balls) and using a hook size of number two (#2) or greater.
- These mandatory circle hook requirements will take effect on January 1, 2021.

## Definitions

Bait – does not include artificial lures (bucktails, crankbaits, rigged soft plastics, etc.), but does include any other fresh, frozen, live, cut, scented moldable offering used to attract fish.

Circle Hook – is defined as a non-offset hook where the point is pointed perpendicularly back toward the shank. The word “non-offset” means the point and barb are in the same plane as the shank (e.g., when the hook is laying on a flat surface, the entire hook and barb also lay flat). See figures below:

### Anatomy of a Fish Hook



## Public Education and Outreach

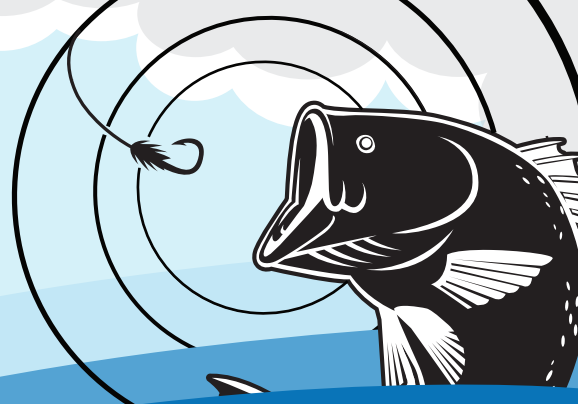
The District is disseminating the new circle hook regulations through several different platforms. The above information is posted on the District's website with all other fishing regulations (<https://doee.dc.gov/service/regulated-fishing-activities>). In addition to posting the information on the

## District of Columbia Atlantic Striped Bass Circle Hook Implementation Plan

website, the District created an informational handout to be given out to many different user groups. The handout will be given out at fishing license vendors, the District Aquatic Resource Education Center (where thousands of school children as well as adult groups receive educational programs and fishing clinics on the Districts aquatic resources), during angler creel surveys, and by law enforcement. Due to the global pandemic and the Districts mandatory telework policy several of these outreach opportunities have not taken place as of the writing of this plan. Currently, the circle hook information is posted on the website and the handout is available at the Aquatic Resource Education Center.



# FISHING IN THE DISTRICT



## NEW CIRCLE HOOK REQUIREMENTS WILL REDUCE FISH MORTALITY

DOEE is implementing new circle hook requirements in accordance with Atlantic States Marine Fisheries Commission (ASMFC) guidelines. The 2019 (ASMFC) Fishery Management Plan for Striped Bass estimates that 2.8 million striped bass were lost due to recreational hook and line release mortality in 2018, more than the number landed by the recreational fishery during that year. This protective measure will decrease the amount of release mortality in our jurisdiction and improve the long-term health and sustainability of striped bass.

## BENEFITS OF CIRCLE HOOKS

- Reduce the likelihood that a fish will be “gut hooked” or “deep hooked” (fish swallowing the hook); removing a hook in these situations could puncture vital organs, resulting in mortality.
- Designed to hook the fish in the corner of the mouth, making it easier to release while increasing the chances of fish survival.
- Have been used successfully with dead and live baits for many species.

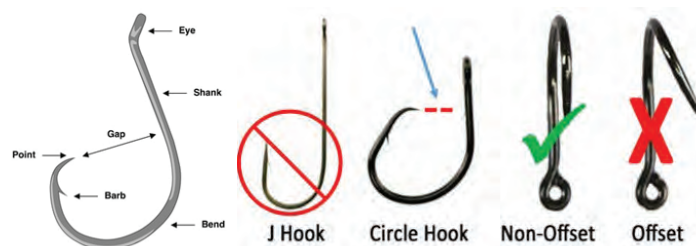
## THE NEW CIRCLE HOOK REQUIREMENT

- The mandatory use of non-offset circle hooks will be required when fishing for striped bass with bait to reduce release mortality in recreational fisheries (Addendum VI to Amendment 6 of the Atlantic Striped Bass Interstate Fishery Management Plan).
- A non-offset circle hook will be required regardless of the targeted species when recreationally fishing with bait of any kind (e.g., fish, worms, shrimp, chicken livers, corn, dough balls) and using a hook size of number two (#2) or greater.
- These mandatory circle hook requirements will take effect on January 1, 2021.

## DEFINITIONS

**BAIT** – does not include artificial lures (bucktails, crankbaits, rigged soft plastics, etc.), but does include any other fresh, frozen, live, cut, scented moldable offering used to attract fish.

**CIRCLE HOOK** – is defined as a non-offset hook where the point is pointed perpendicularly back toward the shank. The word “non-offset” means the point and barb are in the same plane as the shank (e.g., when the hook is laying on a flat surface, the entire hook and barb also lay flat). See figures below:



## HELPFUL HINTS

To use circle hooks effectively, do not pull back quickly on the fishing rod to set the hook when you detect a bite. Simply, let the fish run with the hook and apply steady and firm pressure against the rod tip. This resistance will allow the hook to move toward the back of the cheek and grab onto the inside corner of the mouth. Once the hook is set, maintain consistent pressure until you can land the fish.

Commercial fishermen have spoken to how effective circle hooks are at holding their catch, as long as you let the hook do what it is designed to do.

For more information on circle hooks please refer to: [ASMFC Special Report on circle hooks.](#)

**Atlantic Striped Bass Addendum VI to Amendment 6**  
**Circle Hook Implementation Plan for the Potomac River**

**Prepared for the**  
**Atlantic States Marine Fisheries Commission**  
**August 15, 2020**

**Potomac River Fisheries Commission**  
**P.O. Box 9**  
**Colonial Beach, VA 22443**  
**(804) 224-7148**

# Potomac River Fisheries Commission Circle Hook Implementation Plan for Atlantic Striped Bass

## Section A. Circle Hook Requirements - Proposed Regulatory Language:

### DRAFT ORDER #2021-XX

#### 2021 RECREATIONAL AND CHARTER FISHERIES STRIPED BASS CIRCLE HOOK RESTRICTIONS

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THE POTOMAC RIVER FISHERIES COMMISSION, having found it necessary for the preservation of the striped bass (rockfish) population to impose restrictions on fishing for striped bass, and pursuant to its authority under Regulation III, Section 10; **HEREBY DECLARES AND ORDERS:** the following restrictions shall apply to the recreational and charter striped bass fishery:

- Spring Season:**
- Open Dates: May 1 through May 15, 2021
  - Open Area: Downstream of Harry W. Nice Bridge (Rt. 301)
  - Creel Limit: One (1) fish per person per day (including charter capt.)
  - Minimum Size Limit: Thirty-five (35) inches TL
  - No High-Grading: Unlawful to return fish to the water after it is placed into a cooler or storage area.
  - Bait Restrictions: No live eel. **Non-offset (inline) Circle Hooks\* are required to be used when using cut or whole natural bait.** No more than two (2) hooks or sets of hooks for each rod or line may be used. Artificial lures or plugs with multiple hooks are considered one set of hooks.
- Summer/Fall Season:**
- Open Dates: May 16 thru July 6, 2021 and Aug. 21 thru Dec. 31, 2021
  - Closed Dates: July 7 thru August 20, 2021 (No Direct Targeting)
  - Open Area: Downstream of Woodrow Wilson Bridge (I-95)
  - Creel Limit: Two (2) fish per person per day
  - Minimum Size Limit: Twenty (20) inches TL
  - Bait Restrictions: **Non-offset (inline) Circle Hooks\* are required to be used when using cut or whole natural bait.** No more than two (2) hooks or sets of hooks for each rod or line may be used. Artificial lures or plugs with multiple hooks are considered one set of hooks.

\* A Circle Hook is defined as a non-offset or inline hook where the point is pointed perpendicularly back towards the shank. The term “non-offset” or “inline” means the point and barb are in the same plane as the shank (e.g. when the hook is laying on a flat surface, the entire hook and barb also lay flat).

**AND IT IS FURTHER DECLARED AND ORDERED:** this Order #2021-XX shall become effective, January 1, 2021 and remain in effect until further notice.

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## **Section B Public Education and Outreach:**

In order to comply with the circle hook requirement, the PRFC proposes to initiate angler education by providing resources to educate anglers on the technical benefits of circle hooks, and methodologies for their proper use, as well as safe practices when handling and releasing fish. Strategies to deliver this information to anglers will include (but not be limited to):

- Development of website content – flyers and videos developed in conjunction with American Sportfishing Association (ASA)
- Social media content (Facebook, Instagram and Twitter)
- Development and dissemination of flyers and brochures to our Charter Boat Captains, Sport Licensees, and our Licensing Agents
- Presentations at PRFC Finfish Advisory Committee meetings
- Presentations at PRFC Commission meetings
- Outreach to fishing clubs and events (fishing expositions and fairs), if they happen
- Providing samples of non offset circle hooks (contingent upon funding)
- Law Enforcement officers (Maryland Natural Resources Police and Virginia Marine Resources Commission) on the Potomac River will be provided with educational handouts and will begin interacting with fishermen on the water in 2020 to let them know the use of circle hooks, when fishing for striped bass with bait, will be mandatory in 2021.



# COMMONWEALTH of VIRGINIA

*Marine Resources Commission*  
380 Fenwick Road  
Building 96

Matthew J. Strickler  
Secretary of Natural Resources

Steven G. Bowman  
Commissioner

August 15, 2020

## MEMORANDUM

**TO:** Max Appelman, Striped Bass Fishery Management Plan Coordinator  
*Atlantic States Marine Fisheries Commission*

**FROM:** Olivia Phillips, Virginia Technical Committee Representative  
*Virginia Marine Resources Commission*

**RE:** Implementation Plan for Addendum VI Circle Hook Requirements

The attached document describes the Virginia implementation plan for the Addendum VI circle hook requirements.

cc: Pat Geer  
Adam Kenyon  
Shanna Madsen

*An Agency of the Natural Resources Secretariat*

[www.mrc.virginia.gov](http://www.mrc.virginia.gov)

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD

**ATLANTIC STATES MARINE FISHERIES COMMISSION**  
**IMPLEMENTATION PLAN TEMPLATE FOR ADDENDUM VI CIRCLE HOOK REQUIREMENTS**

*Addendum VI to Amendment 6 of the Atlantic Striped Bass Interstate Fishery Management Plan requires the mandatory use of circle hooks when fishing with bait to reduce release mortality in recreational striped bass fisheries. States must implement mandatory circle hook requirements by January 1, 2021.*

*Per Addendum VI, a ‘circle hook’ is defined as a non-offset hook where the point is pointed perpendicularly back towards the shank. The term ‘non-offset’ means the point and barb are in the same plane as the shank (e.g. when the hook is laying on a flat surface, the entire hook and barb also lay flat).*

**Purpose:** To provide the Atlantic States Marine Fisheries Commission with the implementation plan for circle hooks in Virginia per Addendum VI to Amendment 6.

**Regulatory history & language:** Virginia Marine Resources Commission staff presented the circle hook provision at a Fisheries Management Advisory Committee held on September 18, 2019. There was no opposition for circle hooks by the committee or members of the public. Regulatory language specific to the circle hook provision established in Addendum VI, was approved by the Virginia Marine Resources Commission on July 28, 2020 and implemented on August 1, 2020. VMRC implemented the circle hook provision prior to the Addendum VI deadline (January 1, 2021) as an additional conservation measure for the upcoming 2019 Fall recreational season (October 4 to December 31).

The regulatory language in the Virginia striped bass regulation, specific to circle hooks are provided here, and the full regulation is included at the end of this memo.

**4 VAC 20-252-20:** *“Circle Hook” means a non-offset, non-stainless steel hook with the point turned sharply and straight back toward the shank.*

**4 VAC 20-252-50B:** *Any person fishing recreationally shall use non-offset, corrodible, non-stainless steel circle hooks when fishing with bait, live or chunk.*

The Virginia definition of circle hooks specifies “non-stainless steel” because non-stainless steel hooks dissolve (i.e., rust away) much faster than stainless steel hooks. Further, inclusion of “non-stainless steel” provides consistent regulatory language pertaining to circle hooks among Virginia regulations (e.g., coastal sharks regulation).

There will be no exceptions to the circle hook provision for striped bass for any recreational sector, trips, or user groups.

**Education & Outreach:** To garner support and compliance with the mandatory circle hook requirements, VMRC staff developed the **Fish F.A.S.T. for Striped Bass** campaign. This campaign encourages anglers to **F**ocus on a quick release to increase chances of survival, **A**lways use appropriate tackle (non-stainless steel, non-offset circle hooks), **S**wim the fish to re-oxygenate before release, and **T**ry to remove the hook while the fish in the water.

Education materials for the **Fish F.A.S.T. for Striped Bass** campaign include an informational webpage (Figure 1; <https://mrc.virginia.gov/Notices/circle-hooks.shtm>) and free circle hooks with attached Fish F.A.S.T. cards (Figure 2). The webpage explains the Fish F.A.S.T campaign, includes a classification of circle hooks (including photos), the benefits of circle hooks, and provides techniques to use circle hooks effectively. The free circle hooks and Fish F.A.S.T. cards have been provided to anglers by APAIS staff since the 2019 fall fishing season, and are available in lobby areas of the VMRC offices. Unfortunately, due to the current COVID-19 office closure, the free circle hooks and Fish F.A.S.T. cards may not be available to as many anglers as staff had originally hoped. However, VMRC staff have advertised the informational Fish F.A.S.T webpage on the VMRC Facebook page ([www.facebook.com/MRCVirginia](http://www.facebook.com/MRCVirginia)) and on the VMRC homepage (<https://www.mrc.virginia.gov/>). Staff forwarded the information to the major Virginia recreational fishing organizations, which yielded collaborations among the groups to develop more education and outreach materials. As a result, the Fish F.A.S.T. webpage now features materials created by On The Water and the American Sportfishing Association, which explain circle hook use and best handling practices.

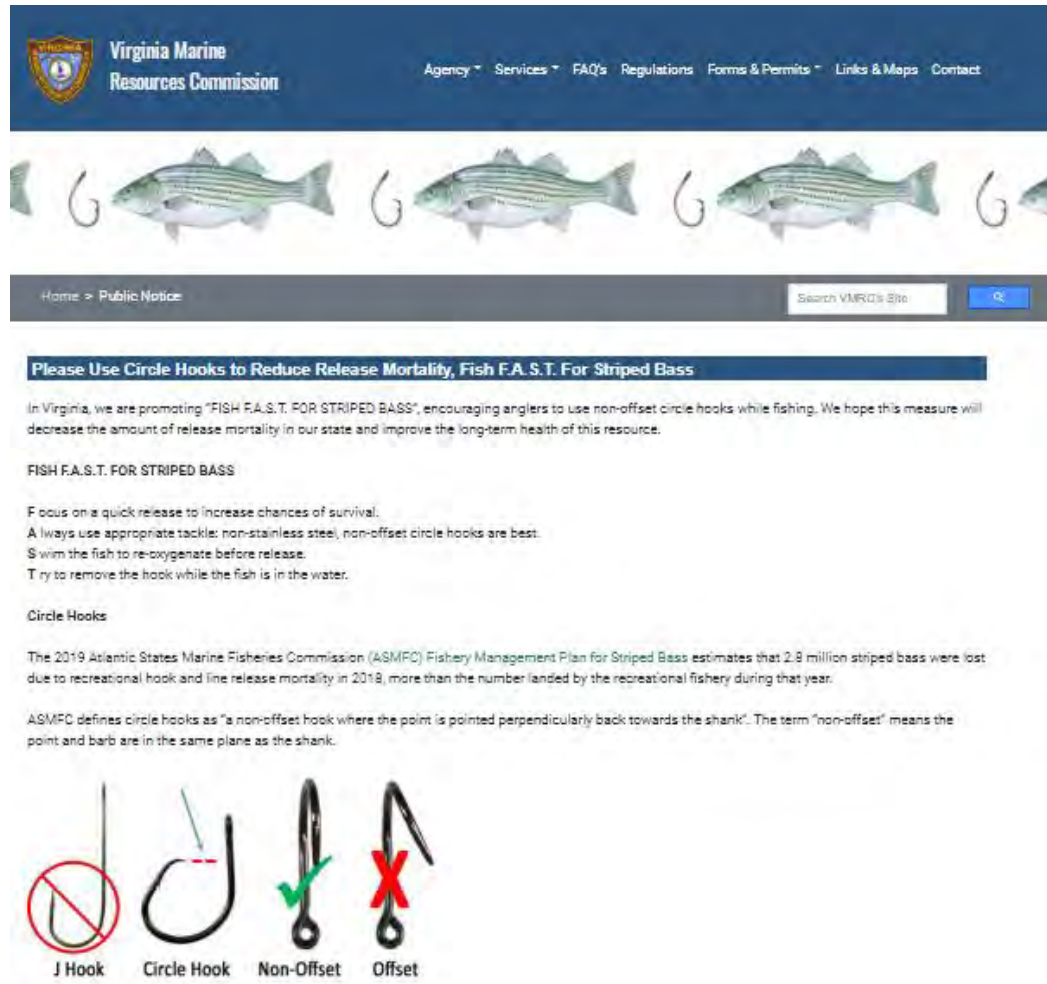


Figure 1. Screenshot of the Fish F.A.S.T. campaign webpage.

VMRC ASKS YOU TO

## FISH F.A.S.T.

FOR STRIPED BASS

### FISH F.A.S.T. FOR STRIPED BASS

**F**ocus on a quick release to increase survival.

**A**lways use appropriate tackle: non-stainless steel, non-offset circle hooks are best.

**S**wim the fish to re-oxygenate before release.

**T**ry to remove the hook while fish is in water.

For more information on circle hooks and striped bass, visit our website:

[www.mrc.virginia.gov](http://www.mrc.virginia.gov)



Figure 2. Example of the Fish F.A.S.T. campaign card (and includes a free circle hook).



**VIRGINIA MARINE RESOURCES COMMISSION**  
**“PERTAINING TO THE TAKING OF STRIPED BASS”**  
**CHAPTER 4 VAC 20-252-10 ET SEQ.**

**PREAMBLE**

This chapter establishes a limited commercial and recreational fishery for striped bass in Virginia. The provisions of this chapter are intended to comply with all Federal and interstate requirements for fishing for striped bass. This chapter also authorizes the aquaculture of striped bass and hybrid striped bass and sets forth the conditions required for their culture.

This chapter is promulgated pursuant to the authority contained in §§ 28.2-201 and 28.2-204.1 of the Code of Virginia. This chapter amends and re-adopts, as amended, previous Chapter 4 VAC 20-252-10 et seq., which was promulgated November 26, 2019 and made effective December 1, 2019. The effective date of this chapter, as amended, is August 1, 2020.

**4 VAC 20-252-10. Purpose.**

The purpose of this chapter is to provide for the continued sustained yield from the recovered striped bass stocks in Virginia and to limit the growth of the number of commercial participants in this fishery. The provisions pertaining to aquaculture serve to prevent the escape of cultured hybrid striped bass into the natural environment and to minimize the impact of cultured fish in the market place on the enforcement of other provisions of this chapter.

This regulation is not intended to create any property right in anyone, and the commission reserves the right to change this regulation at any time it deems it necessary because of biological conditions and to change the regulation in all other respects at any time it deems it necessary to carry out its statutory mission.

**4 VAC 20-252-20. Definitions.**

The following words and terms when used in this chapter shall have the following meaning unless the context clearly indicates otherwise:

"Chesapeake Bay area" means the commercial fishing area that includes the Chesapeake Bay and its tributaries and the Potomac River tributaries.

"Chesapeake Bay and its tributaries" means all tidal waters of the Chesapeake Bay and its tributaries within Virginia, westward of the shoreward boundary of the Territorial Sea, excluding the coastal area and the Potomac River tributaries as defined by this section.

“Circle Hook” means a non-offset, non-stainless steel hook with the point turned sharply and straight back toward the shank.

"Coastal area" means the area that includes Virginia's portion of the Territorial Sea, plus all of the creeks, bays, inlets, and tributaries on the seaside of Accomack County, Northampton County (including areas east of the causeway from Fisherman Island to the mainland), and the City of Virginia Beach (including federal areas and state parks, fronting on the Atlantic Ocean and east and south of the point where the shoreward boundary of the Territorial Sea joins the mainland at Cape Henry).

"Commercial fishing," "fishing commercially," or "commercial fishery" means fishing by any person where the catch is, or is intended for sale, barter, trade, or any commercial purpose.

"Great Wicomico-Tangier Striped Bass Management Area" means the area that includes the Great Wicomico River and those Virginia waters bounded by a line beginning at Dameron Marsh at NAD 83 North Latitude 37-46.9535, West Longitude 76-17.1294; extending to the southernmost point of Tangier Island, and north to a point on the Virginia–Maryland state boundary at NAD 83 North Latitude 37-57.0407, West Longitude 75-58.5043, and then westerly along the Virginia–Maryland state boundary to Smith Point.

"Potomac River tributaries" means all the tributaries of the Potomac River that are within Virginia's jurisdiction beginning with, and including, Flag Pond extending upstream to the District of Columbia boundary.

"Recreational fishing," "fishing recreationally," or "recreational fishery" means fishing by any person, whether licensed or exempted from licensing, where the catch is not or is not intended for sale, barter, trade, or any commercial purpose.

"Recreational Vessel" means any vessel, kayak, charter vessel, or headboat participating in the recreational striped bass fishery.

"Share" means a percentage of the striped bass commercial harvest quota.

"Spawning reaches" means sections within the spawning rivers as follows:

1. James River from a line connecting Dancing Point and New Sunken Meadow Creek upstream to a line connecting City Point and Packs Point.
2. Pamunkey River from the Route 33 Bridge at West Point upstream to a line connecting Liberty Hall and the opposite shore.
3. Mattaponi River from the Route 33 Bridge at West Point upstream to the Route 360 bridge at Aylett.
4. Rappahannock River from the Route 360 Bridge at Tappahannock upstream to the Route 1 Falmouth Bridge.

"Snout" means the most forward projection from a fish's head that includes the upper and lower jaw.

“Spear” or “spearing” means to fish while the person is fully submerged under the water’s surface with a mechanically aided device designed to accelerate a barbed spear.

"Striped bass" means any fish or any hybrid of the species *Morone saxatilis*.

“Total length” means the length of a fish measured from the most forward projection of the snout, with the mouth closed, to the tip of the longer lobe of the tail (caudal) fin, measured with the tail compressed along the midline, using a straight-line measure, not measured over the curve of the body.

#### **4 VAC 20-252-30. General prohibitions and requirements.**

A. It shall be unlawful for any person while aboard any boat or vessel or while fishing from shore or pier to alter any striped bass or to possess any altered striped bass such that its total length cannot be determined.

B. It shall be unlawful for any person to gaff or attempt to gaff any striped bass at any time.

C. It shall be unlawful to place, set, or fish any gill net within 300 feet of any bridge, bridge-tunnel, jetty, or pier during any open recreational striped bass season in the Chesapeake Bay and its tributaries, except during the period midnight Sunday through midnight Wednesday.

D. During the period April 1 through May 31, inclusive, it shall be unlawful for any person to set or fish any anchored gill net or staked gill net, for any purpose, within the spawning reaches of the James, Pamunkey, Mattaponi, and Rappahannock Rivers. Drift or float gill nets may be set and fished within the spawning reaches of these rivers during this period, provided that the person setting and fishing the net remains with the net during the time it is fishing and all striped bass that are caught shall be returned to the water immediately.

E. Any license or permit issued by the commission to fish for striped bass, recreationally or commercially, shall authorize any commission personnel or their designees to inspect, measure, weigh, or take biological samples from any striped bass in possession of the licensee or permittee.

F. Nothing in this chapter shall preclude any person, who is legally eligible to fish, from possessing any striped bass tagged with a Virginia Institute of Marine Science (VIMS) tag. Possession of VIMS-tagged striped bass shall not count towards the personal recreational possession limit. Permitted commercial striped bass individual transferable quota (ITQ) holders shall not be required to apply a tamper evident, numbered tag provided by the commission, in order to possess any striped bass tagged with a VIMS-inscribed tag. It shall be unlawful for any person to retain any VIMS-tagged striped bass except to provide the VIMS-tagged striped bass to a VIMS representative. Under no circumstance shall any VIMS-tagged striped bass be stored for future use or sale or delivered to any person who is not a VIMS representative.

#### **4 VAC 20-252-40. Severability.**

Any provision of this chapter that is held invalid by a court of competent jurisdiction shall not affect the validity of other provisions of this chapter which can be given effect without the invalid provision.

**4 VAC 20-252-50. Concerning recreational fishing: general.**

A. It shall be unlawful for any person fishing recreationally to take, catch, or attempt to take or catch any striped bass by any gear or method other than hook-and-line, rod and reel, hand line, or spearing.

B. Any person fishing recreationally shall use non-offset, corrodible, non-stainless steel circle hooks when fishing with bait, live or chunk.

C. When fishing from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by the applicable personal possession limit. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit.

D. When fishing from a boat or vessel where the entire catch is held in a common hold or container, the captain or operator of the boat or vessel shall be responsible for any minimum or maximum size limits.

E. It shall be unlawful to combine possession limits when there is more than one area or season open at the same time.

F. It shall be unlawful for any person while actively fishing pursuant to a recreational fishery to possess any striped bass that are smaller than the minimum size limit or larger than the maximum size limit for the area and season then open and being fished.

G. It shall be unlawful for any person fishing recreationally to transfer any striped bass to another person, while on the water or while fishing from a pier or shore.

**4 VAC 20-252-55. (Repealed.)**

**4 VAC 20-252-60. (Repealed.)**

**4 VAC 20-252-70. (Repealed.)**

**4 VAC 20-252-80. Chesapeake Bay and its tributaries spring/summer striped bass recreational fishery.**

A. The open season for the Chesapeake Bay and its tributaries spring/summer striped bass recreational fishery shall be May 16 through June 15 inclusive.

B. The minimum size limit shall be 20 inches total length.

C. The maximum size limit shall be 28 inches total length.

D. The daily possession limit shall be one fish per person.

**4 VAC 20-252-85. [Repealed]**

**4 VAC 20-252-90. Chesapeake Bay and its tributaries fall striped bass recreational fishery.**

A. The open season for the Chesapeake Bay and its tributaries fall striped bass recreational fishery shall be October 4 through December 31, inclusive.

B. The minimum size limit shall be 20 inches total length.

C. The maximum size limit shall be 36 inches total length.

D. The daily possession limit shall be one fish per person.

**4 VAC 20-252-100. Potomac River tributaries summer/fall striped bass recreational fishery.**

A. The open season for the Potomac River tributaries summer/fall striped bass recreational fishery shall correspond to the open summer/fall season as established by the Potomac River Fisheries Commission for the mainstem Potomac River.

B. The minimum size limit shall be 20 inches total length.

C. From May 16 through June 15 the maximum size limit shall be 28 inches total length.

D. From June 16 through December 31 the maximum size limit shall be 36 inches total length.

E. The daily possession limit shall be one fish per person.

**4 VAC 20-252-110. Coastal area striped bass recreational fishery.**

A. The open seasons for the coastal area striped bass recreational fishery shall be January 1 through March 31 and May 16 through December 31, inclusive.

B. The minimum size limit shall be 28 inches total length.

C. The maximum size limit shall be 36 inches total length.

D. The daily possession limit shall be one fish per person.

**4 VAC 20-252-115. (Repealed.)**

**4 VAC 20-252-120. Concerning commercial fishing: general.**

A. It shall be unlawful for any person to engage in the commercial fishery for striped bass without first having the necessary commercial fisherman's registration license and appropriate gear license as required by Title 28.2 of the Code of Virginia, and the special permit to fish for striped bass established in 4 VAC 20-252-130, except as provided in subsection G of 4 VAC 20-252-160.

B. It shall be unlawful for any person fishing commercially to possess any striped bass taken outside any open commercial season or area, or with gear inapplicable to the season and area, as specified in 4 VAC 20-252-140. Any striped bass caught contrary to this provision shall be returned to the water immediately.

C. It shall be unlawful for any person while actively fishing pursuant to a commercial fishery to possess any striped bass that is less than the minimum size limit applicable for the area and season then open and being fished. Any striped bass caught that does not meet the applicable minimum size limit shall be returned to the water immediately.

D. All striped bass in the possession of any person for the purpose of sale must be identified with a tamper-evident sealed tag that has been approved and issued by the appropriate authority in the jurisdiction of capture. Whole striped bass shall have tags attached directly to the fish. Processed or filleted striped bass must be accompanied by the tags removed from the fish when processed. Any person who possesses any amount of striped bass in excess of the maximum number allowed for a licensed recreational fisherman as described in 4 VAC 20-252-60 through 4 VAC 20-252-110, inclusive, shall be considered as possessing all striped bass for the purpose of sale. When any person possesses striped bass in excess of the maximum number allowed a licensed recreational fisherman, all striped bass of said person shall be tagged, and the possession of any untagged striped bass shall be prima facie evidence of a violation of this chapter and subject to the provisions of 4 VAC 20-252-160 H and I and 4 VAC 20-252-230.

E. When the striped bass are in the possession of any person, other than the original harvester, for the purpose of resale, the striped bass shall be accompanied by a bill of sale which shall include the name of the seller, the permit or license number of the seller if such permit or license is required in the jurisdiction of harvest, the date of sale, the pounds of striped bass in possession, the location of catch and the gear type used to harvest the striped bass. If the striped bass product for sale is fillets, the bill of sale shall also specify the number of fillets.

F. It shall be unlawful for any person fishing commercially to harvest striped bass by any method other than gill net, pound net, haul seine, fyke net, or commercial hook-and-line.

**4 VAC 20-252-130. Entry limits, permits, and reports.**

A. There is established a special permit for engaging in either the Chesapeake Bay area commercial fishery for striped bass or the coastal area commercial fishery for striped bass. It shall

be unlawful for any person to engage in either commercial fishery for striped bass without first having obtained the permit from the commission and meeting the following conditions:

1. The person shall be a licensed registered commercial fisherman.
2. The person shall have reported all prior fishing activity in accordance with 4VAC20-610 and shall not be under any sanction by the Marine Resources Commission for noncompliance with the regulation.

B. Permits for the commercial harvest of striped bass in the Chesapeake Bay area or coastal area shall be issued to any registered commercial fishermen holding striped bass quota shares issued under the provisions of 4VAC20-252-150 and 4VAC20-252-160.

C. Permits shall be in the possession of the permittee while catching, harvesting, selling or possessing striped bass. Failure to have the appropriate permit in possession shall be a violation of this chapter.

D. It shall be unlawful for any person, business, or corporation, except for licensed restaurants, to purchase from the harvester any quantity of striped bass greater than 10 pounds in total weight taken from Virginia's tidal waters for the purpose of resale without first obtaining a striped bass buyer's permit from the commission, except as described in subsection E of this section. Such permit shall be completed in full by the permittee and kept in possession of the permittee while selling or possessing striped bass. Failure to have the appropriate permit in possession shall be a violation of this chapter.

E. Restaurants shall not be required to obtain a striped bass buyer's permit from the commission but shall be required to certify and maintain a record of any striped bass purchased from any harvester for a period of not less than one year.

F. All permitted commercial harvesters of striped bass shall report to the commission in accordance with 4VAC20-610. In addition to the reporting requirements of 4VAC20-610, all permitted commercial harvesters of striped bass shall record and report daily striped bass harvest by specifying the number of tags used on striped bass harvested for each day in either the Chesapeake Bay area or coastal area and reporting the daily total whole weight of striped bass harvested in either the Chesapeake Bay area or coastal area. Daily striped bass tag use on harvested striped bass and daily total whole weight of harvested striped bass from either the Chesapeake Bay area or coastal area, within any month, shall be recorded on forms provided by the commission and shall accompany the monthly catch report submitted no later than the fifth day of the following month.

G. Any permitted commercial harvester of striped bass who self markets his striped bass to a restaurant, person, or out-of-state market shall be required to prepare a receipt describing each sale greater than 10 pounds in total weight. Each receipt shall be a record and report of the date of transaction, name and signature of buyer, address and phone number of buyer, number and total weight of striped bass sold, and name and signature of harvester. Copies of each receipt shall be forwarded to the commission in accordance with 4VAC20-610.

H. Any buyer permitted to purchase striped bass harvested from Virginia tidal waters shall provide written reports to the commission of daily purchases and harvest information on forms provided by the Marine Resources Commission. Such information shall include the date of the purchase, buyer's name, and harvester's Commercial Fisherman Registration License number. In addition, for each different purchase of striped bass harvested from Virginia waters, the buyer shall record the weight of whole fish and number and type of tags (Chesapeake Bay area or coastal area) that applies to that harvest. These reports shall be completed in full and submitted monthly to the Marine Resources Commission no later than the fifth day of the following month.

I. Failure of any person permitted to harvest, buy, or sell striped bass, to submit the required written report for any fishing day shall constitute a violation of this chapter.

#### **4 VAC 20-252-135. Gill net mesh size and tending restrictions: exemptions.**

A. Any registered commercial fisherman who is permitted to harvest striped bass from the coastal area in accordance with 4 VAC 20-252-130 A and C and sets or fishes any gill net in the coastal area shall be prohibited from using a gill net mesh size greater than nine inches in stretched mesh.

B. Any registered commercial fisherman who is permitted to harvest striped bass from the coastal area in accordance with 4 VAC 20-252-130 A and C and sets or fishes any gill net in the coastal area shall be exempt from the maximum gill net mesh size requirements during November and December as described in 4VAC20-430-65 A and B.

C. Any registered commercial fisherman who is permitted to harvest striped bass from the coastal area in accordance with 4VAC20-252-130 A and C and sets or fishes any gill net seven inches or greater in stretched mesh in the Coastal area shall be exempt from the tending requirements described in 4 VAC 20-430-65 E and F during the months of November and December.

D. Any registered commercial fisherman who is permitted to harvest striped bass from the coastal area in accordance with 4VAC20-252-130 A and C shall display an optic yellow flag issued by the commission while fishing for striped bass in the coastal area and while transiting the coastal area before and after a striped bass fishing trip. This flag shall be prominently displayed on the starboard side of the vessel.

E. Any registered commercial fisherman who is permitted to harvest striped bass from the Chesapeake Bay area in accordance with 4VAC20-252-130 A and C and sets or fishes any gill net in the Chesapeake Bay area shall be prohibited from using a gill net greater than seven inches in stretched mesh with the exception of restricted areas as defined in 4VAC20-751-20.

#### **4 VAC 20-252-140. Commercial seasons, areas, and size limits.**

Except as may be adjusted pursuant to 4VAC20-252-150, the open commercial striped bass fishing seasons, areas, and applicable size limits shall be as follows:



1. In the Chesapeake Bay area, the open commercial season shall be from January 16 through December 31, inclusive. The minimum size limit shall be 18 inches total length during the periods of January 16 through December 31. The maximum size limit shall be 28 inches from March 15 through June 15.

2. In the coastal area, the open commercial season shall be January 16 through December 31, inclusive. The minimum size limit shall be 28 inches total length.

#### **4 VAC 20-252-150. Individual commercial harvest quota.**

A. The commercial harvest quota for the Chesapeake Bay area shall be determined annually by the Marine Resources Commission. The total allowable level of all commercial harvest of striped bass from the Chesapeake Bay and its tributaries and the Potomac River tributaries of Virginia for all open seasons and for all legal gear shall be 983,393 pounds of whole fish. At such time as the total commercial harvest of striped bass from the Chesapeake Bay area is projected to reach 983,393 pounds, and announced as such, it shall be unlawful for any person to land or possess striped bass caught for commercial purposes from the Chesapeake Bay area.

B. The commercial harvest quota for the coastal area of Virginia shall be determined annually by the Marine Resources Commission. The total allowable level of all commercial harvest of striped bass from the coastal area for all open seasons and for all legal gear shall be 125,034 pounds of whole fish. At such time as the total commercial harvest of striped bass from the coastal area is projected to reach 125,034 pounds, and announced as such, it shall be unlawful for any person to land or possess striped bass caught for commercial purposes from the coastal area.

C. For the purposes of assigning tags to a person for commercial harvests in the Chesapeake Bay area as described in 4VAC20-252-160, the individual commercial harvest quota of striped bass in pounds shall be converted to an estimate in numbers of fish per individual harvest quota based on the average weight of striped bass harvested by the permitted person during the previous fishing year. The number of striped bass tags issued to each person will equal the estimated number of fish to be landed by that individual harvest quota, plus a number of striped bass tags equal to 10% of the total allotment determined for each person.

D. For the purposes of assigning tags to a person for commercial harvests in the coastal area of Virginia as described in 4VAC20-252-160, the individual commercial harvest quota of striped bass in pounds shall be converted to a quota in numbers of fish per individual commercial harvest quota, based on the reported average coastal area harvest weight of striped bass harvested by the permitted person during the previous fishing year, except as described in subsection E of this section. The number of striped bass tags issued to each person will equal the estimated number of fish to be landed by that individual harvest quota, plus a number of striped bass tags equal to 10% of the total allotment determined for each person.

E. For any person whose reported average coastal area harvest weight of striped bass in the previous fishing year was less than 12 pounds, a 12-pound minimum weight shall be used to

convert that person's harvest quota of striped bass, in pounds of fish, to harvest quota in number of fish.

**4 VAC 20-252-155. Individual transferable shares monitoring and penalties.**

A. Any initial overage by any person of an individual commercial harvest quota during any calendar year shall be considered a first offense, with penalties prescribed according to the severity of the overage as described in subdivisions 1 through 5 of this subsection.

1. Any overages that are less than 76 pounds shall result in a warning being issued.
2. Any overages that range from 76 to 250 pounds shall result in a one-year deduction of that overage from that individual commercial harvest quota during the following calendar year.
3. Any overages that range from 251 to 475 pounds shall result in a one-year deduction of two times that overage from that individual commercial harvest quota during the following calendar year.
4. Any overages that range from 476 to 725 pounds shall result in that overage being permanently deducted from that individual commercial harvest quota and a one-year suspension of that person from the commercial fishery for striped bass.
5. Any overages that are greater than 725 pounds shall result in the revocation of that individual striped bass permit, and that person shall not be eligible to apply for a like permit for a period of two years from the date of revocation.

B. Any second overage by any person of an individual commercial harvest quota within five years of a previous offense shall result in penalties prescribed according to the severity of the overage as described in subdivisions 1 through 4 of this subsection.

1. Any overages that are less than 76 pounds shall result in a one-year deduction of the overage from that individual commercial harvest quota during the following calendar year.
2. Any overages that range from 76 to 250 pounds shall result in a one-year deduction of two times the overage from that individual commercial harvest quota during the following calendar year.
3. Any overages that range from 251 to 475 pounds shall result in the overage being permanently deducted from the individual commercial harvest quota and a one-year suspension of that person from the commercial fishery for striped bass.
4. Any overages that are greater than 475 pounds shall result in the revocation of that individual striped bass permit, and that person shall not be eligible to apply for a like permit for a period of two years from the date of revocation.

C. Any third overage by any person of an individual commercial harvest quota within five years of two previous offenses shall result in penalties prescribed according to the severity of the overage as described in subdivisions 1 through 3 of this subsection.

1. Any overages that are less than 76 pounds shall result in a one-year deduction of two times the overage from that individual commercial harvest quota during the following calendar year.

2. Any overages that range from 76 to 250 pounds shall result in the overage being permanently deducted from that individual commercial harvest quota and a one-year suspension of the person from the commercial fishery for striped bass.

3. Any overages that are greater than 250 pounds shall result in the revocation of that individual striped bass permit, and that person shall not be eligible to apply for a like permit for a period of two years from the date of revocation.

D. Any fourth overage by any person of an individual commercial harvest quota within five years of three previous offenses shall result in penalties prescribed according to the severity of the overage as described in subdivisions 1 and 2 of this subsection.

1. Any overages that are less than 76 pounds shall result in the overage being permanently deducted from that individual commercial harvest quota and a one-year suspension of the person from the commercial fishery for striped bass.

2. Any overages that are greater than 75 pounds shall result in the revocation of that individual striped bass permit, and that person shall not be eligible to apply for a like permit for a period of two years from the date of revocation.

#### **4 VAC 20-252-160. Individual transferable shares; tagging.**

A. For each person permitted under the provisions of 4VAC20-252-130 to harvest striped bass commercially, a weight quota shall be issued to permitted fishermen in amounts equal to the percentage share of the Chesapeake Bay area and coastal area striped bass harvest quota they hold. Tags issued for Chesapeake Bay area harvest quota shall only be used for striped bass harvests in the Chesapeake Bay area, and tags issued for the coastal area harvest quota shall only be used for striped bass harvests in the coastal area.

B. It shall be unlawful for any person, onboard any vessel, to possess any striped bass tags, in Virginia waters, according to the following provisions:

1. It shall be unlawful for any person, onboard any vessel, to set, place or fish any gear that can harvest striped bass, in the Chesapeake Bay area, when in possession of coastal area striped bass tags issued by the Marine Resources Commission or striped bass tagged with coastal area tags.

2. It shall be unlawful for any person to possess Virginia coastal area striped bass tags in the Chesapeake Bay area, or striped bass tagged with coastal area tags, except when transiting the Chesapeake Bay area.

3. It shall be unlawful for any person to possess striped bass tags issued for previous years for the Chesapeake Bay area, coastal area, or any other jurisdiction.

4. It shall be unlawful for any person to possess Potomac River Fisheries Commission striped bass tags in Virginia waters, except when transiting the Virginia tributaries of the Potomac River to land in Virginia and as provided by 4VAC20-252-160C.

5. It shall be unlawful for any person to possess any non-Virginia jurisdictional striped bass tags, in Virginia waters, or striped bass tagged with any non-Virginia jurisdictional striped bass tags, except as provided by 4VAC20-252-160B.4 and 4VAC20-252-160C.

6. Any violation of this subsection shall result in the confiscation and impoundment of all striped bass tags or striped bass on the vessel.

C. It shall be unlawful for any person, onboard any vessel, to possess any striped bass tags in the Great Wicomico-Tangier Striped Bass Management Area, except current year striped bass tags issued by the jurisdictions of the Virginia Marine Resources Commission, State of Maryland or the Potomac River Fisheries Commission and according to the following provisions:

1. It shall be unlawful for any person, onboard any vessel, to possess more than one jurisdiction's tags, or more than one jurisdiction's tagged striped bass, in the Great Wicomico-Tangier Striped Bass Management Area.

2. It shall be unlawful for any person, onboard any vessel, to place, set or fish any gear that can harvest striped bass, in the Great Wicomico-Tangier Striped Bass Management Area, when in possession of any striped bass tags not issued by the Virginia Marine Resources Commission.

3. Any violation of this subsection shall result in the confiscation and impoundment of all striped bass tags or striped bass on the vessel.

D. Shares of the commercial striped bass quota held by any permitted fisherman may be transferred to any other person who is a licensed registered commercial fisherman; such transfer shall allow the transferee to harvest striped bass in a quantity equal to the share transferred. Any transfer of striped bass commercial shares shall be limited by the following conditions:

1. Shares of commercial striped bass quota shall not be permanently transferred in any quantity less than 500 pounds, or 100% of unused permanent shares, in any year, from February 1 through October 31. Permanent transfers of shares of commercial striped bass quota shall be prohibited during the period of November 1 through January 31.

2. Shares of commercial striped bass quota shall not be temporarily transferred in any quantity less than 500 pounds, from February 1 through October 31, or less than 200 pounds, from November 1 through December 15. Temporary transfers of shares of commercial striped bass quota shall be prohibited from December 16 through January 31.

3. No licensed registered commercial fisherman shall hold more than 2.0% of the total annual Chesapeake Bay area commercial striped bass harvest quota or more than 11% of the total annual coastal area commercial striped bass harvest quota.

4. No transfer of striped bass commercial harvest quota shall be authorized by the commission unless transferor and transferee provide up-to-date records of all commercial landings of striped bass and striped bass tag use to the commission prior to such transfer.

5. No transfer of striped bass commercial harvest quota shall be authorized unless such transfer is documented on a form provided by the Virginia Marine Resources Commission, notarized by a lawful Notary Public, and approved by the commissioner.

E. Transfers of Chesapeake Bay area or coastal area striped bass commercial quota from one person to another may be permanent or temporary. Transferred quota from the Chesapeake Bay area striped bass commercial quota shall only be used by the transferee for striped bass harvested from the Chesapeake Bay area, and transferred quota from the coastal area striped bass commercial quota shall only be used by the transferee for striped bass harvested from the coastal area. Permanent transfers of commercial quota shall grant to the transferee that transferred percentage of the quota for future years, and the transferor loses that same transferred percentage of the quota in future years. Temporary transfers of individual striped bass commercial harvest quota shall allow the transferee to harvest only that transferred percentage of the quota during the year in which the transfer is approved. Transferors are solely responsible for any overage of the transferred percentage of the quota by the transferee. Thereafter, any percentage of the transferred striped bass commercial quota, less any overage incurred by the transferee, reverts back to the transferor.

F. The commission will issue striped bass tags to permitted striped bass commercial fishermen as follows: those fishermen permitted only for Chesapeake Bay area or coastal area harvests of striped bass will receive their allotment of tags prior to the start of the fishing season. Any permitted fisherman eligible for both Chesapeake Bay area and coastal area tags shall receive only one type of area-specific tag allotment, of his choosing, prior to the start of the fishing season, and his other type of area-specific tags will be distributed when it has been determined from the commission's mandatory harvest reporting program that the fisherman has used all of his first allotment of tags and has not exceeded his individual harvest quota. The commissioner may authorize the distribution of the second allotment of area-specific tags to a fisherman eligible for both Chesapeake Bay area and coastal area tags prior to that fisherman's complete use of his first allotment of tags, provided that fisherman surrenders any remaining tags of his first allotment of tags.

G. Striped bass tags are valid only for use by the permittee to whom the tags were allotted. The permittee shall be on board the boat or vessel when striped bass are harvested and tags are applied. Nothing in this subsection shall prevent a permitted commercial hook-and-line fisherman from

using three crew members who are not registered commercial fishermen to assist in the harvest of his allotment of striped bass.

H. At the place of capture, and before leaving that place of capture, tags shall be passed through the mouth of the fish and one gill opening, and interlocking ends of the tag shall then be connected such that the tag may only be removed by breaking. Failure to comply with these provisions shall be a violation of this chapter.

I. It shall be unlawful to bring to shore any commercially caught striped bass that has not been tagged at the place of capture by the fisherman with a tamper evident, numbered tag provided by the commission. It shall be unlawful to possess striped bass in a quantity greater than the number of tags in possession. If a permittee violates this section, the entire amount of untagged striped bass, as well as the number of tags equal to the amount of striped bass in his possession, shall be confiscated. Any confiscated striped bass shall be considered as a removal from that permittee's harvest quota. Any confiscated striped bass tags shall be impounded by the commission. Upon confiscation, the marine police officer shall inventory the confiscated striped bass and may redistribute the catch by one or a combination of the following methods:

1. The marine police officer shall secure a minimum of two bids for purchase of the confiscated striped bass from approved and licensed seafood buyers. The confiscated fish will be sold to the highest bidder, and all funds derived from such sale shall be deposited to the Commonwealth pending court resolution of the charge of violating the possession limits established in this chapter. All of the collected funds and confiscated tags will be returned to the accused upon a finding of innocence or forfeited to the Commonwealth upon a finding of guilt.

2. The marine police officer shall provide the confiscated striped bass to commission staff for biological sampling of the catch. Upon receipt of confiscated striped bass, commission staff will secure a minimum of two estimates of value per pound for striped bass from approved and licensed seafood buyers. The confiscated tags and the estimated value of confiscated striped bass provided for biological sampling will be reimbursed to the accused upon a finding of innocence or retained by the commission upon a finding of guilt.

J. Altering or attempting to alter any tag for the purpose of reuse shall constitute a violation of this chapter.

K. Prior to receiving any commercial season's allotment of striped bass tags, a permitted commercial harvester shall be required to have returned all unused tags from the previous commercial season to the commission within 30 days of harvesting their individual harvest quota, or by the second Thursday in January, whichever comes first. Any unused tags that cannot be turned in to the commission shall be accounted for by the harvester submitting an affidavit to the commission that explains the disposition of the unused tags that are not able to be turned into the commission. Each person shall be required to pay a processing fee of \$25, plus \$0.13 per tag, for any unused tags that are not turned in to the commission.

L. Any person with remaining unused striped bass commercial quota in the current year requesting additional commercial season striped bass tags shall provide up-to-date records of landings and account for all previously issued tags prior to receiving an additional allotment of tags. The harvester shall submit an affidavit to the commission that explains the disposition of the tags that are not accounted for and shall be required to pay a processing fee of \$25, plus \$0.13 per tag, for such tags to the commission.

M. For the commercial fishing season, one type of tag shall be distributed to Chesapeake Bay area permittees and one type of tag shall be distributed to coastal area permittees. For the Chesapeake Bay area, the tag shall only be used on striped bass 18 inches or greater in total length. For the coastal area, the tag shall only be used on striped bass 28 inches or greater in total length. The possession of any improperly tagged striped bass by any permitted striped bass fisherman shall be a violation of this chapter.

#### **4 VAC 20-252-170. Aquaculture of striped bass; permit required.**

A. It shall be unlawful for any person to operate a striped bass aquaculture facility without first obtaining a permit from the commission. Such permit shall authorize and define the limits of activities concerning the purchase, possession, sale, giving, receiving, and transportation of striped bass or hybrid striped bass in accordance with the other rules contained in this chapter.

B. The application for a striped bass aquaculture facility shall state the name and address of the applicant, the type and location of the facility, type of water supply, location of nearest tidal waters or tributaries to tidal water, and an estimate of production capacity. All aquaculture permits shall expire on December 31 of the year of issue and are not transferable. Permits shall be automatically renewed by the commission provided no structural changes in the facility have been made, the facility has been adequately maintained, and the permittee has complied with all of the provisions of this chapter.

C. The original of each permit shall be maintained and prominently displayed at the aquaculture facility described therein. A copy of such permit may be used as evidence of authorization to transport striped bass or hybrid striped bass or to sell the fish away from the permitted facility under the conditions imposed in 4VAC20-252-210.

#### **4 VAC 20-252-180. Water supply; outfall; prevention of entry and escapement.**

A. A striped bass or hybrid striped bass aquaculture facility may consist of one or more ponds, artificial impoundments, closed recirculating systems or a combination of the above.

B. No pond or impoundment used for striped bass or hybrid striped bass aquaculture may be constructed or situated on a natural water course that originates beyond the boundaries of private land upon which the pond or impoundment is located.

C. There shall be no direct and unscreened discharge from any facility to any natural watercourse. Except as provided in subsection D of this section, outfall from any pond or impoundment shall be processed according to one of the following systems:

1. The outfall shall pass over a dry ground percolation system in which ground absorption of the water is sufficient to prevent the formation of a watercourse which is capable of reaching any natural watercourse. The outfall shall pass through a screened filter box prior to entering the percolation area.

2. The outfall shall pass through a chlorination process and retention pond for dechlorination. The outfall shall pass through a filter box prior to entering the chlorination system.

3. Such facilities must also comply with regulations of the State Water Control Board.

D. If the outfall from an aquaculture facility does not conform to the systems described in subdivision C 1 or C 2 of this section, then all of the following conditions shall be required:

1. The aquaculture of striped bass or hybrid striped bass shall be restricted to the use of cage culture. Such cages shall be constructed of a vinyl coated wire or high density polyethylene mesh material sufficient in size to retain the fish, and all cages must be securely anchored to prevent capsizing. Covers shall be required on all cages.

2. The outfall from the pond or impoundment shall pass through a screened filter box. Such filter box shall be constructed of a mesh material sufficient in size to retain the fish and shall be maintained free of debris and in workable condition at all times.

3. The outfall from the screened filter box shall pass into a containment basin lined and filled with quarry rock or other suitable material to prevent the escapement of the fish from the basin.

E. Those facilities utilizing embankment ponds shall maintain sufficient freeboard above the spillway to prevent overflow.

#### **4 VAC 20-252-190. Acquisition of fish, fingerlings, fry, and eggs.**

Striped bass or hybrid striped bass fingerlings, fry, or eggs, may be obtained only from state permitted fish dealers and must be certified by the seller as having a disease free status. Each purchase or acquisition of striped bass or hybrid striped bass must be accompanied by a receipt or other written evidence showing the date, source, species, quantity of the acquisition and its destination. Such receipt must be in the possession of the permittee prior to transportation of such fish, fingerlings, fry, or eggs to the permitted facility. All such receipts shall be retained as part of the permittee's records. The harvesting of striped bass from the tidal waters of Virginia for the purpose of artificially spawning in a permitted aquaculture facility shall comply with all of the provisions of this chapter and state law including minimum size limits, maximum size limits, and closed harvesting seasons and areas.

#### **4 VAC 20-252-200. Inspection of facilities; diseased fish.**



A. Inspections. Agents of the commission and the Department of Wildlife Resources are authorized to make periodic inspection of the facilities and the stock of each operation permitted under this section. Every person engaged in the business of striped bass aquaculture shall allow such inspection at any reasonable time.

B. Diseased fish. No person permitted under this chapter shall maintain in the permitted facility any fish which shows evidence of any contagious disease listed in the most current list by the United States Fish and Wildlife Service as "certifiable diseases," except for the period required for application of standard treatment procedures or for approved disposition.

C. Disposition. No person permitted under this chapter shall sell or otherwise transfer possession of any striped bass or hybrid striped bass which shows evidence of a "certifiable disease" to any person, except that such transfer may be made to a fish pathologist for examination and diagnosis.

#### **4 VAC 20-252-210. Sale, records, importation, release.**

A. All striped bass or hybrid striped bass except fingerlings, fry, and eggs, which are the product of an aquaculture facility permitted under this section shall be packaged with a printed label bearing the name, address, and permit number of the aquaculture facility. When so packaged and labeled such fish may be transported and sold at retail or at wholesale for commercial distribution through normal channels of trade until reaching the ultimate consumer. Every such sale must be accompanied by a receipt showing the date of sale, the name, address and permit number of the aquaculture facility, the numbers and species of fish sold, and the name of the purchaser. Each subsequent resale must be accompanied by a receipt clearly identifying the seller by name and address, showing the number and species of the fish sold, the date sold, the permit number of the aquaculture facility and, if the sale is to other than the ultimate consumer, the name and address of the purchaser. The purchaser in possession of such fish must exhibit the receipt on demand of any law enforcement officer. A duplicate copy of each such receipt must be retained for one year by the seller as part of the records of each transaction.

B. Each permitted aquaculture facility operator shall maintain a chronological file of the receipts or copies thereof showing the dates and sources of acquisitions of striped bass or hybrid striped bass and quantities thereof, and a chronological file of copies of receipts of his sales required under subsection A of this section. Such records shall be segregated as to each permit year, shall be made available for inspection by any authorized agent of the commission or Department of Wildlife Resources, and shall be retained for at least one year following the close of the permit year to which they pertain.

C. Striped bass or hybrid striped bass which are the product of an approved and state permitted aquaculture facility in another state may be imported into Virginia for the consumer market. Such fish shall be packaged and labeled in accordance with the provisions contained in subsection A of this section. Any sale of such fish also shall be accompanied by receipts as described in subsection A of this section.

D. Release of live fish. Under no circumstance shall striped bass which are the product of an aquaculture facility located within or outside the Commonwealth of Virginia be placed into the waters of the Commonwealth without first having notified the commission and having received written permission from the Commissioner of Marine Resources.

**4 VAC 20-252-220. Penalty.**

As set forth in § 28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

**4 VAC 20-252-230. Sanctions.**

A. Any person failing to submit any report required by this chapter shall be denied any striped bass permit for the following year.

B. It shall be unlawful for any person with a pending violation of this chapter or found guilty of violating any provision of this chapter to receive or transfer striped bass commercial harvest quota as described in 4VAC20-252-160.

C. It shall be unlawful for any person with a pending violation of this chapter or found guilty of violating any provision of this chapter to receive additional tag distributions as described in 4VAC20-252-160.

D. Any person found guilty of violating any provision of this chapter may have his permit or license revoked at any time upon review by the commission as provided for in § 28.2-232 of the Code of Virginia. If the commission revokes any person's permit for an aquaculture facility, then that person shall not be eligible to apply for a like permit for a period of two years from the date of revocation.

\*\*\*\*\*

This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by § 28.2-201 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Hampton, Virginia, on July 28, 2020.

**COMMONWEALTH OF VIRGINIA  
MARINE RESOURCES COMMISSION**

**BY:** \_\_\_\_\_

**Steven G. Bowman  
Commissioner**

Subscribed and sworn to before me this \_\_\_\_\_ day of July 2020.

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Notary Public

**ATLANTIC STATES MARINE FISHERIES COMMISSION  
IMPLEMENTATION PLAN TEMPLATE FOR ADDENDUM VI CIRCLE HOOK REQUIREMENTS**

**North Carolina's Atlantic Striped Bass Addendum VI Circle Hook Requirements  
Implementation Plan**

*Addendum VI to Amendment 6 of the Atlantic Striped Bass Interstate Fishery Management Plan requires the mandatory use of circle hooks when fishing with bait to reduce release mortality in recreational striped bass fisheries. States must implement mandatory circle hook requirements by January 1, 2021.*

*Per Addendum VI, a 'circle hook' is defined as a non-offset hook where the point is pointed perpendicularly back towards the shank. The term 'non-offset' means the point and barb are in the same plane as the shank (e.g. when the hook is laying on a flat surface, the entire hook and barb also lay flat).*

Please include the following elements, at a minimum, in state implementation plans for review by the Striped Bass Plan Review Team (PRT). The PRT will review all state implementation plans and recommend appropriate action to the Striped Bass Management Board:

- A copy of final regulations, or proposed regulatory language. Regulations should:
  - a. Demonstrate intent to reduce recreational release mortality in striped bass fisheries;

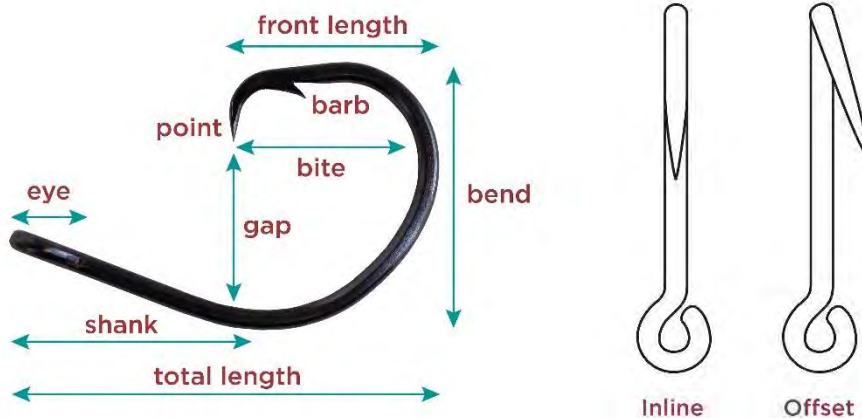
Proposed Intent Language in a news release:

The circle hook requirement complies with the Atlantic States Marine Fisheries Commission's Striped Bass Fishery Management Plan and is designed to minimize harm to striped bass that are released after being caught.

- b. Include a definition of 'circle hook' comparable to that cited above;

Proposed Regulatory Language:

**It is unlawful to fish for or possess striped bass from the Atlantic Ocean for recreational purposes using hook and line gear with natural bait unless using a non-stainless steel, non-offset (inline) circle hook, regardless of tackle or lure configuration. Natural bait is defined as any living or dead organism (animal or plant) or parts thereof. Non-offset circle hook is defined as a hook with the point pointed perpendicularly back towards the shank and the point and barb are in the same plane as the shank. (See Diagrams)**



Diagrams also found at <http://portal.ncdenr.org/web/mf/circle-hook-diagrams>

c. Include an effective implementation date; and  
Implementation Date:

No later than January 1, 2021

d. Specify any exemptions to mandatory circle hook requirements.

*Note: circle hook requirements should apply to as many recreational trips as possible that could interact with striped bass. However, states have flexibility to exempt certain fishing methods or angler groups to address specific needs of the state's fisheries. If allowing for certain exemptions, please provide sufficient justification including quantitative analysis (e.g., an estimate of the proportion (%) of striped bass live releases (B2s) that would not be subject to mandatory circle hook requirements). Please use 2016/2017 catch data for reference, which is consistent with bag and size limit analyses used in Addendum VI.*

No exemptions. The circle hook requirements will apply to all recreational anglers fishing for or harvesting striped bass using natural bait in the Atlantic Ocean

- Detailed description of public education materials and outreach campaigns that the state is developing to garner support and compliance with mandatory circle hook requirements. Please also highlight any outreach materials or programs that focus on safe practices when handling and releasing fish, or other fishing considerations that could benefit striped bass populations (e.g., using barbless hooks, or avoiding fishing in warm waters).

The NC Division of Marine Fisheries (NCDMF) will continue to distribute ethical angler **and circle hook** information to the public through its brochure on Best Practices for the Ethical Angler

([http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_l\\_id=1169848&folderId=4426632&na](http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=4426632&na))

[me=DLFE-141479.pdf](#) ) and its annual Coastal Recreational Fishing Digest ([http://portal.ncdenr.org/c/document\\_library/get\\_file?p\\_l\\_id=1169848&folderId=20886841&name=DLFE-143012.pdf](http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=20886841&name=DLFE-143012.pdf) ). NCDMF will also distribute circle hooks to anglers when available. These outreach efforts include information booths at boat and fishing shows, presentations to fishing clubs, and NC Marine Fisheries Commission meetings. NC Marine Patrol also routinely communicates regulation changes to the public. These efforts will be used to broadcast and explain the circle hook requirements for recreational striped bass fishing in ocean waters and to explain the benefits of circle hooks when striped bass fishing with natural bait.



# Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201  
703.842.0740 • 703.842.0741 (fax) • www.asmf.org

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## MEMORANDUM

October 2, 2020

**To: Atlantic Striped Bass Management Board**  
**From: Atlantic Striped Bass Technical Committee**  
**RE: Factors Limiting Recreational Release Mortality Calculations for Stock Assessment**

In August, the Atlantic Striped Bass Board (Board) initiated development of Draft Amendment 7 to the Atlantic Striped Bass Fishery Management Plan (FMP). During its deliberations, Board members discussed the importance of addressing release mortality in recreational striped bass fisheries, given it contributes significantly to total fishing mortality for the species. As a result, the Board tasked the Technical Committee (TC) to review factors limiting the accuracy of release mortality estimates for stock assessment purposes, and to identify potential actions that could improve understanding or help reduce release mortality in the fishery.

The TC met on September 17<sup>th</sup> to address the Board task. This memo summarizes the current methods used to estimate release mortality, reviews the current and historical levels of live releases across the coast, and identifies ways to improve the estimates of release mortality and reduce the mortality associated with fish that are released alive.

### **Estimates of Release Mortality in Striped Bass**

The stock assessment currently uses an estimate of 9% for recreational hooking mortality; that is, 9% of striped bass that are caught recreationally and released alive die afterwards as a result of that fishing interaction. This estimate is from the work of Diodati and Richards (1996), which was based on a study conducted in a saltwater impoundment in Massachusetts. They found that depth and location of hooking, gear type, and angler experience were the most significant factors in determining the rate of hooking mortality. Their estimates ranged from 3% under the best conditions to 26% under the worst conditions. These estimates are consistent with other studies on striped bass hooking mortality. Caruso (2000) conducted a study in Massachusetts waters where estimates ranged from 3% to 15%. Millard et al. (2005) conducted a study in the Hudson River and estimated that 14% of striped bass released alive died. RMC (1990) and Lukacovic and Uphoff (2007) conducted studies in Chesapeake Bay under a range of salinity, temperature, and gear conditions. RMC (1990) estimates ranged from 1.87% under moderate salinity in the mid-Bay area to 70% mortality in the freshwater conditions in the Susquehanna Flats in the upper Bay. Lukacovic and Uphoff's (2007) estimates for the upper Bay ranged from 2.8% to 26.7%, with the highest mortality occurring during June and July. It's difficult to compare across studies because of differences in design. However, the range of estimates in

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brackish to saltwater are fairly consistent, from 2-3% at the lower limit to 26-27% at the higher limit; RMC's (1990) estimates from freshwater were extreme outliers. These studies identified a number of different factors that affected release mortality, including temperature, salinity, fish length, hook type, hooking location, and angler experience. The TC elected to use the Diodati and Richards (1996) overall estimate of 9% because it was conducted in saltwater, as opposed to estuarine conditions, and the majority of releases occur in saltwater. In addition, Diodati and Richards (1996) used anglers with a wide range of experience levels and was more representative of the general angling population, unlike some of other studies that used only experienced anglers. The use of the 9% rate does not mean that every time a fish is released it has a 9% chance of dying. Under some conditions, the fish has a higher or lower probability of dying, but overall, coastwide, it is assumed that 9% of all striped bass released alive die.

For the 2013 benchmark assessment, the TC explored using different mortality rates under different conditions. The main challenge with this approach is the mismatch of scale; these studies collect data on a finer scale than the Marine Recreational Information Program (MRIP) estimates for live releases. These studies record the temperature and salinity of the location where the study fish were caught, whereas MRIP estimates are aggregated into total numbers by state and two-month periods (waves). In addition, many of the factors that influence hooking mortality are not captured by MRIP at all, such as hook type, hooking location, and angler experience. The TC developed a regression tree from the studies described above to identify thresholds of temperature and salinity beyond which mortality would increase. The highest mortality condition occurred at low salinity (<7.9 ppt); above 7.9 ppt, water temperature under 25.65°C (78.2° F) was associated with the lowest mortality, while mortality was higher above that temperature threshold (Figure 1). Average water temperature by state and wave, and average salinity by wave for the middle of Chesapeake Bay, was calculated in order to apply the regression tree to the MRIP estimates. The average water temperature for all states was only greater than the temperature threshold in Chesapeake Bay and North Carolina during Wave 4, and the average salinity never declined below the 7.9 ppt (Figure 2). As a result, the coastwide estimate of release mortality calculated with this method was not significantly different from the 9% estimated by Diodati and Richards (1996).

### **Live Releases in the Striped Bass Fishery**

Since the stock was rebuilt in 1995, approximately 90% of striped bass that are caught recreationally are released alive; although the MRIP calibration increased the magnitude of striped bass catch (due to changes in estimates of fishing effort), it did not affect the percent of striped bass that were released alive (Figure 3). The percentage declined from 2005 – 2010, to a low of about 77%, during a period of low recruitment when fewer small fish were available to the fishery. With the appearance of the strong 2011, 2014, and 2015 year classes, the percent of striped bass released alive coastwide increased again to 93% for 2017-2019.

There are some differences in the percent of fish released alive by region, although all regions release the majority of their catch (approximately 90% in recent years). The north Atlantic region (CT-ME) generally released a higher percent of striped bass in the fishery, while the mid-Atlantic region (NY-DE, ocean waters of MD, VA, and NC) and the Chesapeake Bay (MD and VA)



released a lower percentage of their total catch. Over the last five years, the **total number** of releases was highest in Massachusetts, Maryland, New York, and Connecticut, while New Jersey, New York, and Maryland released the lowest **percentage of their total catch** (Figure 5). Note, however, that the lowest release rate of any state in this time period was 81%.

Although there is some variability across regions, the majority of the striped bass catch in all states and for all years since 1995 has been released alive.

### **Next Steps to Improve Estimates of Release Mortality**

The TC discussed several options to improve estimates of release mortality used in the stock assessment, including short- to long-term methods.

1. Short-term (next 1-2 Board meetings): the TC could conduct sensitivity runs of the current model using different estimates of release mortality based on incorporating seasonality, salinity, and regionally specific release mortality rates to examine changes in total removals and effects on model results. This would allow the Board and TC to examine the potential impacts of more refined release mortality estimates on the stock assessment with the current model.
2. Medium-term (next benchmark assessment): the TC will continue to refine the regression tree approach described above to produce estimates of release mortality rates at a finer scale for incorporating into the assessment.
3. Long-term (next benchmark or beyond): the TC discussed the benefit of a comprehensive and strategically designed striped bass release mortality study along the coast. Details of the design of such a study that could provide these release mortality estimates, whether it would be carried out by state/federal agencies coast wide or by universities and research institutions, and how the funding would be allocated and awarded were beyond the scope of this initial task. However, the TC agreed that one of the key design elements would be ensuring that the factors considered (e.g., temperature, salinity, angler experience, hook type) be linked to data collected through MRIP or ancillary surveys so that the estimated release mortality rates could be applied to the MRIP estimates for use in the assessment.

### **Next Steps to Reduce Total Removals Due to Release Mortality**

The mortality due to recreational releases can be reduced in two ways: (1) reduce the percent of fish that die as a result of being released, through angler education on best handling practices and/or regulations that mandate the best practices (e.g., circle hook regulations), and (2) reduce the number striped bass that are caught and released through effort controls. A more accurate release mortality rate or regional/seasonal mortality rates, applied to released fish in future assessments is important to provide the best data going into the model, but it does not address the fact that 90% of striped bass caught in the recreational fishery are released alive. Reducing releases would require the consideration of management measures to reduce fishing effort in the striped bass fishery, including seasonal closures, as well as angler education and outreach efforts to reduce effort in seasons and regions that may be associated with higher release mortality rates.

The TC also commented that the level of concern warranted when considering the proportion of total removals accounted for by release mortality as opposed to harvested fish depends on the management objectives for this fishery. While there are local fisheries with relatively higher harvest rates, the striped bass fishery in many regions can be characterized as an intentional catch-and-release fishery. In these regions, anglers take trips and direct effort towards striped bass with no intention of harvesting, regardless of size. The approach of converting discards into harvest may not be desired or beneficial to the fishery.

### **Literature Cited**

- Caruso, P. 2000. A Comparison of Catch and Release Mortality and Wounding for Striped Bass (*Morone saxatilis*), Captured With Two Baited Hook Types. Sportfisheries Research Project (F-57-R), Completion Report for Job 12. 16pp.
- Diodati, P.J. and R.A. Richards. 1996. Mortality of Striped Bass Hooked and Released in Salt Water. Transactions of the American Fisheries Society 125:300-307.
- Lukacovic, R. and J. Uphoff. 2007. Recreational Catch-and-Release Mortality of Striped Bass Caught with Bait in Chesapeake Bay. FISHERIES TECHNICAL REPORT SERIES No. 50. Maryland DNR Fisheries Service. Annapolis, Maryland. 21 pp.
- Millard, M.J., Mohler, J.W., Kahnle, A. and Cosman, A. 2005. Mortality associated with catch-and-release angling of striped bass in the Hudson River. North American Journal of Fisheries Management, 25(4): 1533-1541.
- RMC, Inc. 1990. An evaluation of angler induced mortality of striped bass in Maryland. Completion Report (P.L. 89-304, AFC-18-1) to National Marine Fisheries Service, Gloucester, Massachusetts.

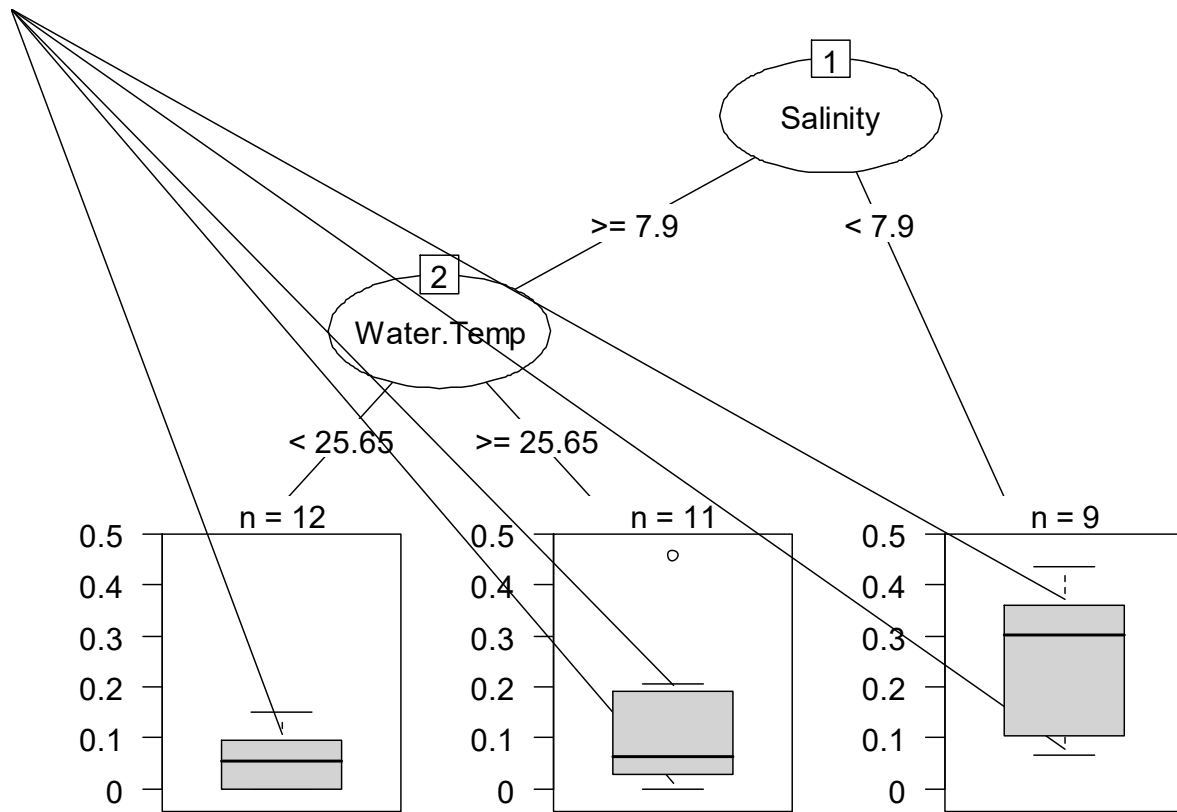


Figure 1: Regression tree to predict hooking mortality by temperature and salinity. Source: developed by the Striped Bass TC during the 2013 benchmark assessment.

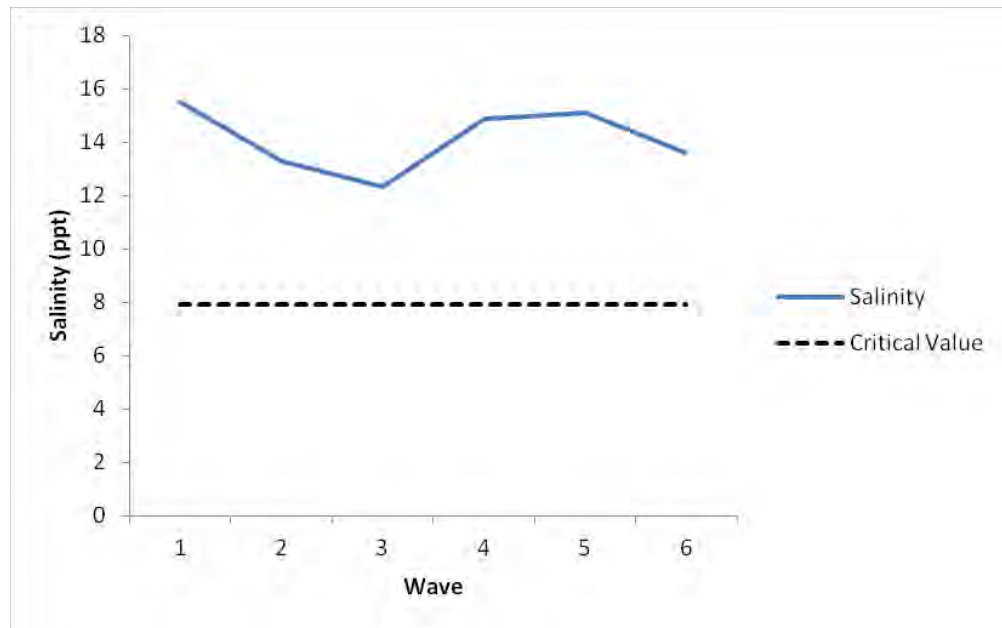
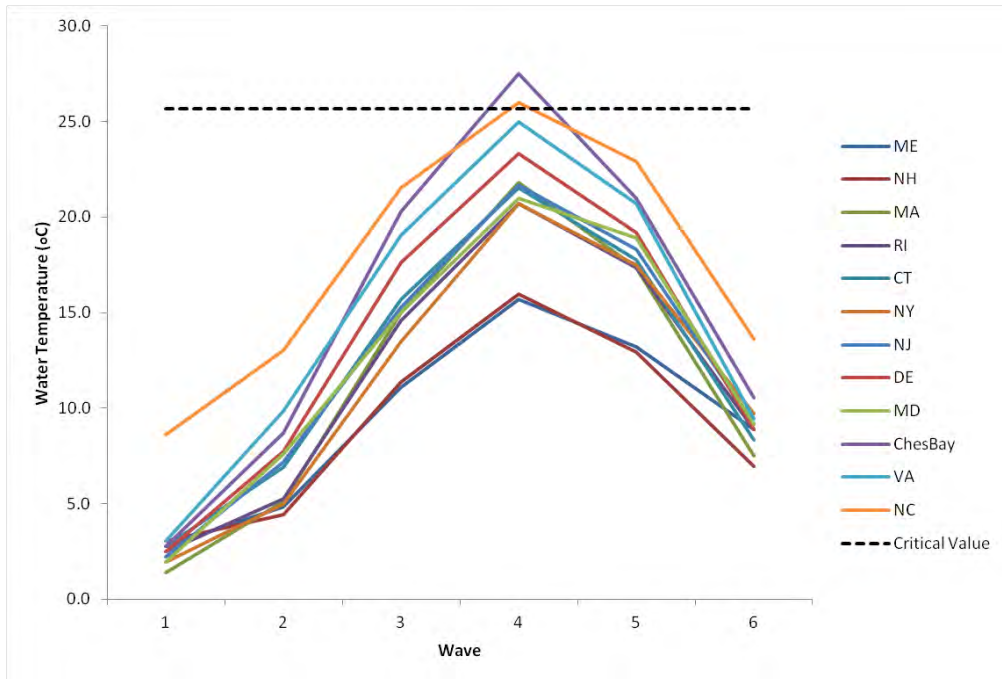


Figure 2: Long-term mean coastal water temperature by state and wave (top) and mean mid-Chesapeake Bay salinity by wave (bottom) with critical values from regression tree analysis. Source: developed by the Striped Bass TC during the 2013 benchmark assessment.

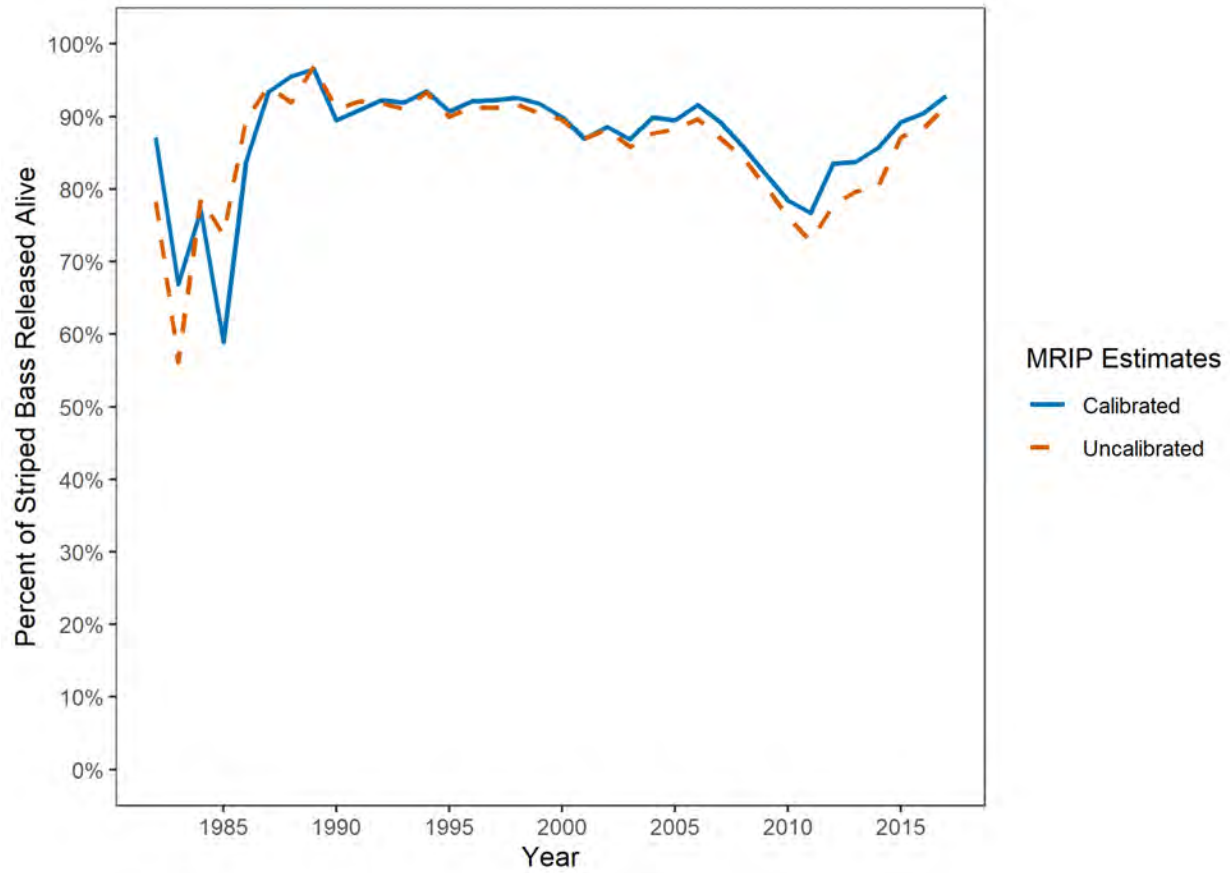


Figure 3. Comparison of the percent of striped bass released alive, 1982-2017, from Marine Recreational Information Program (MRIP) estimates before and after calibration for revised fishing effort estimates.

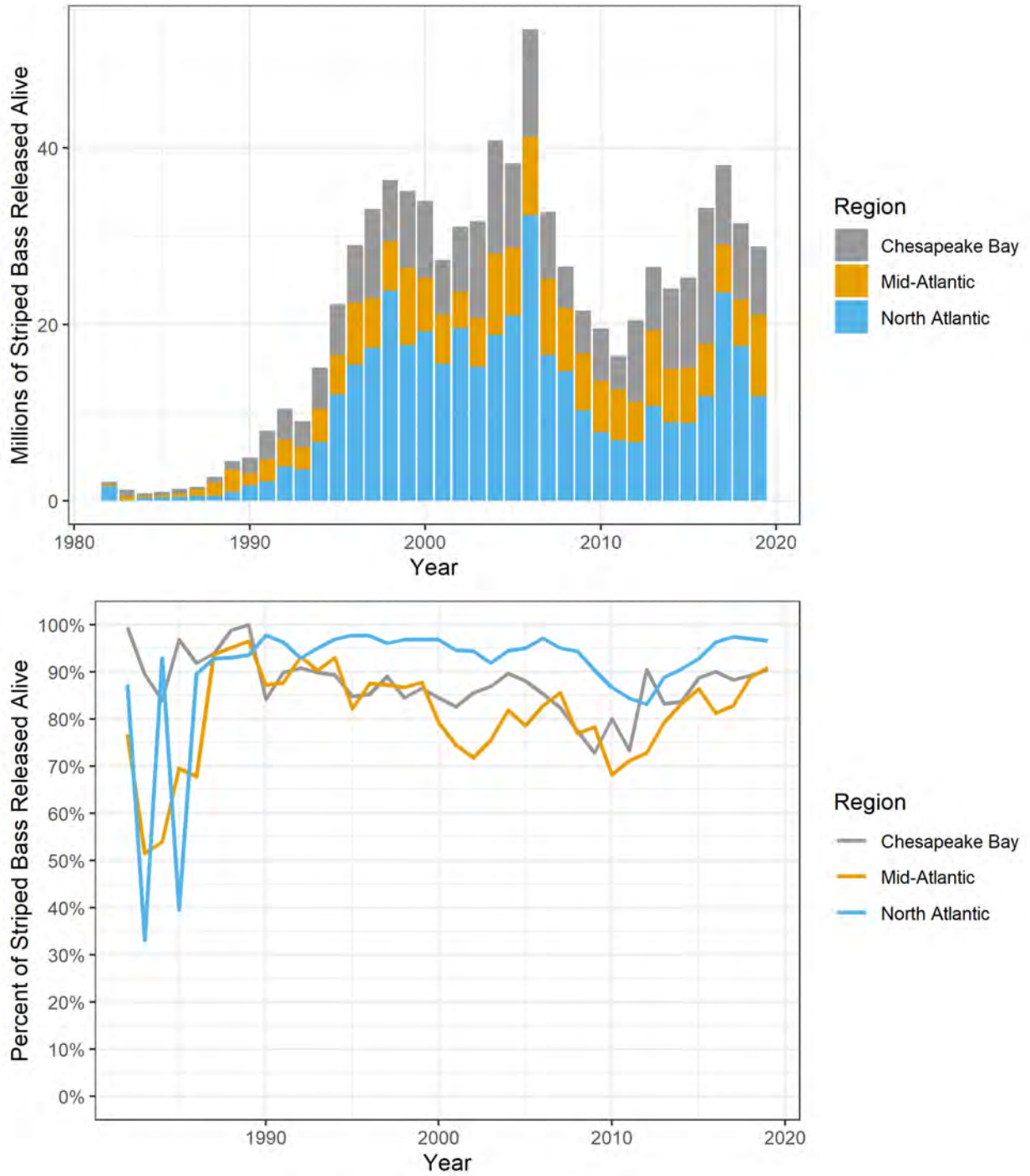


Figure 4. Total striped bass released alive (top) and percent of total striped bass catch released alive (bottom) by region, 1982-2019.

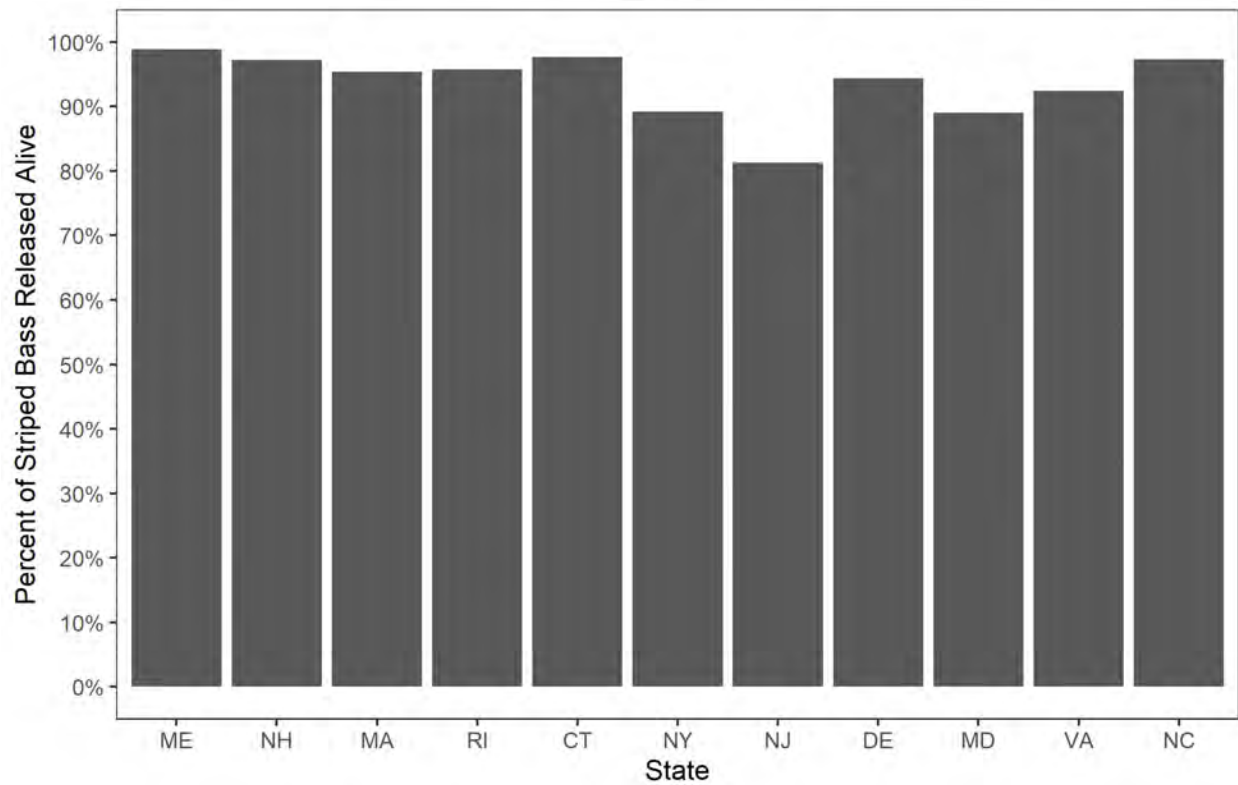
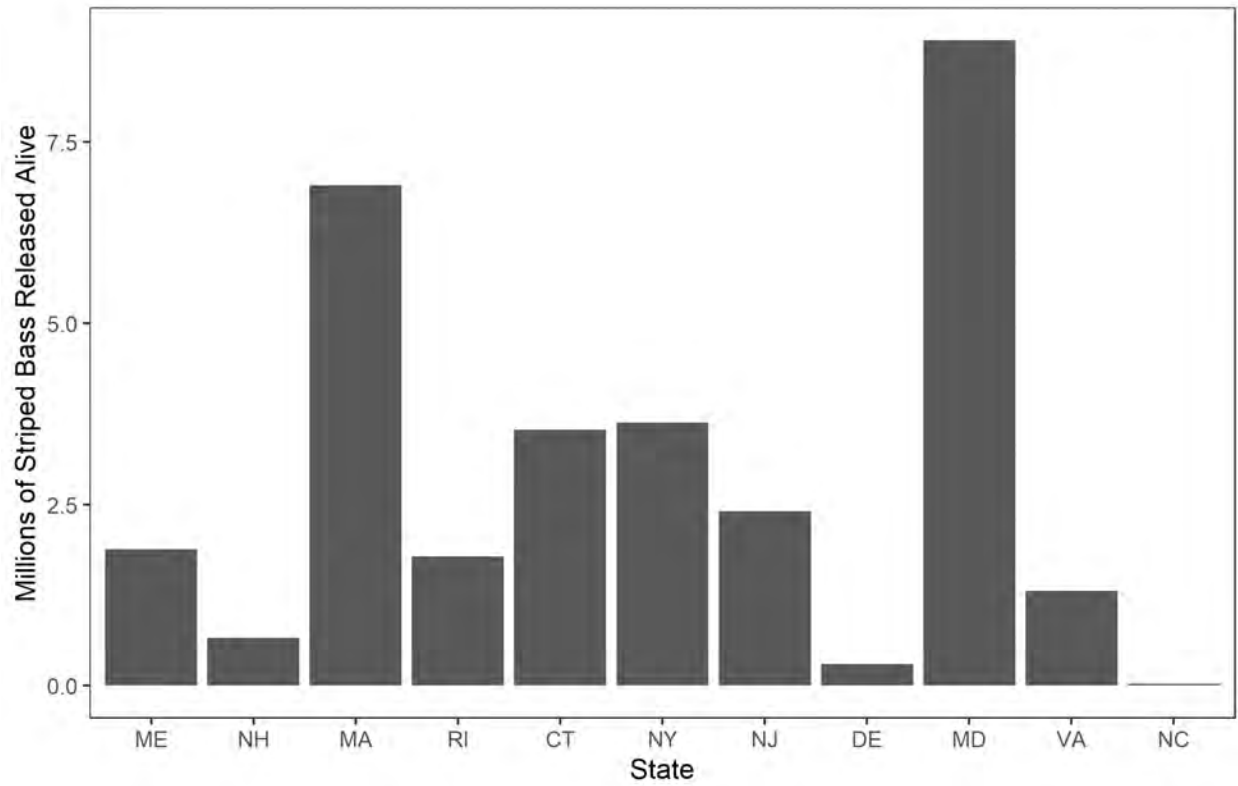


Figure 5. Average number of striped bass released alive (top) and average percent of striped bass released alive (bottom) by state, 2015-2019.