

Atlantic States Marine Fisheries Commission

Atlantic Striped Bass Management Board

*March 16, 2021
1:00 p.m. – 3:00 p.m.
Webinar*

Draft Agenda

Webinar: <https://attendee.gotowebinar.com/register/1442897219080155404>

Phone: 914-614-3221

Access Code: 187-843-855

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>) | 1:00 p.m. |
| 2. Board Consent | 1:00 p.m. |
| • Approval of Agenda | |
| 3. Public Comment | 1:05 p.m. |
| 4. Consider Recommendations from the Circle Hook Ad Hoc Committee
(<i>E. Franke</i>) Action | 1:15 p.m. |
| 5. Other Business/Adjourn | 3:00 p.m. |

MEETING OVERVIEW

Atlantic Striped Bass Management Board

Tuesday, March 16, 2021

1:00 p.m. – 3:00 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: February 3, 2021
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

3. 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 Recommendations from the Circle Hook Ad Hoc Committee (1:15 – 3:00 p.m.) Action

Background

- In February 2021, the Board created the Circle Hook Ad Hoc Committee to address and provide recommendations on the following tasks related to the Addendum VI circle hook requirements: 1) develop a definition of bait that would require the use of circle hooks; 2) identify methods of fishing that would require the use of circle hooks; 3) discuss how to handle incidental catch of striped bass when targeting other species with non-circle hooks.
- The Ad Hoc Committee met on February 19 and March 3, 2021 to address these tasks and develop recommendations for the Board's consideration (**Briefing Materials**). The Committee recommendations are included in the briefing materials as well as the meeting summary from the February 19 webinar.

Presentations

- Committee Report by Emilie Franke.

Board Actions for Consideration

- Consider Circle Hook Ad Hoc Committee guidance for state implementation.

5. Other Business/Adjourn



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Atlantic Striped Bass Management Board

FROM: Circle Hook Ad Hoc Committee

DATE: March 10, 2021

SUBJECT: Recommendations from the Circle Hook Ad Hoc Committee

Addendum VI mandates the use of circle hooks when fishing for striped bass with bait to reduce release mortality in recreational striped bass fisheries. Addendum VI includes the following language:

The use of circle hooks, as defined herein, is required when recreationally fishing for striped bass with bait...

The use of circle hooks by anglers targeting striped bass with bait, live or chunk, has been identified as a method to reduce the discard mortality of striped bass in recreational fisheries.

In October 2020, the Striped Bass Management Board (Board) approved state circle hook implementation plans with the caveat that no exemptions to the requirement would be permitted. Since then, the Board and several states have received questions and comments from the public about differing interpretations of the circle hook requirement, as well as concerns that requiring circle hooks for some fishing methods that incorporate bait would be unnecessarily restrictive and provide little conservation benefit.

In February 2021, the Board created the Circle Hook Ad Hoc Committee (Committee) to address and provide recommendations on the following tasks related to the Addendum VI circle hook requirements:

- 1) develop a definition of bait that would require the use of circle hooks;
- 2) identify methods of fishing that would require the use of circle hooks;
- 3) discuss how to handle incidental catch of striped bass when targeting other species with non-circle hooks.

The Committee met via webinar on February 19 and March 3, 2021 to address these tasks and this document outlines the Committee's recommendations for the Board's consideration at the March 16, 2021 Board meeting.

OVERVIEW OF RECOMMENDATIONS

On the definition of bait and methods of fishing tasks, the Committee reached consensus on and recommends the following language:

Circle hooks are required when fishing for striped bass with bait, which is defined as any marine or aquatic organism live or dead, whole or parts thereof. This shall not apply to any artificial lure with bait attached.

The Committee agrees this language reflects the original intent of the circle hook requirement. Recreational fisheries vary significantly along the coast and the Committee concluded the recommended language captures most of the scenarios when circle hooks should and should not be required while also providing clear standards for enforcement and for public communication. The Committee noted that states could request exemptions for specific fishing methods (e.g. rigged eels) that would not be exempted by this recommended language, and it would be at the Board's discretion to approve such exemptions.

On the question of how to address incidental catch of striped bass when targeting other species with non-circle hooks, the Committee could not reach consensus and was split between two options:

- Option A: Allow anglers to keep striped bass caught incidentally when targeting other species with non-circle hooks with bait attached. For this option, no additional language is necessary for state circle hook regulations.
- Option B: Require anglers to release striped bass caught incidentally when targeting other species with non-circle hooks with bait attached. For this option, additional language would be necessary for state circle hook regulations. The Committee proposes the following language for this option: *Striped bass caught on any unapproved method of take must be returned to the water immediately without unnecessary injury.*

The following sections summarize the Committee's discussion on each task and outlines the two perspectives on the incidental catch issue. Throughout the discussions, the Committee emphasized the importance of continued angler outreach and education to increase the effectiveness of the circle hook provision in reducing recreational release mortality.

TASK #1: DEFINITION OF BAIT

The Committee came to relatively quick consensus that the use of any aquatic or marine organism (live or dead, whole or part) as bait should require the use of circle hooks. It was noted the term "aquatic" was important to encompass any freshwater organisms used as bait.

Two definitions of bait were proposed on the first Committee webinar that included the terms "natural bait" or "bait in its natural state". The Committee considered if the term "natural" could help clarify that bait requiring circle hooks is bait which has not been biologically modified. However, after further discussion, the Committee determined the term "natural" was not necessary for the definition, and the simple definition of a marine or aquatic organism was sufficient when used in conjunction with the exemption for artificial lures. The Committee also considered whether the definition of bait should be extended to all organisms, rather than just aquatic or marine organisms. After discussion, there was consensus that there is low incidence of non-marine/aquatic organism use as bait in the striped bass fishery; there was also agreement that extending the definition to include terrestrial organisms creates additional complications around use of materials such as bucktail and pork rinds in artificial lure presentations.

To fully reflect the intent of the circle hook requirement, the Committee noted the definition of bait must be accompanied by the language exempting artificial lures (related to active fishing methods), as discussed in the next section. The final recommended language defining bait is as follows:

Circle hooks are required when fishing for striped bass with bait, which is defined as any marine or aquatic organism live or dead, whole or parts thereof.

TASK #2: METHODS OF FISHING

The Committee agreed the circle hook requirements were not originally intended to apply to actively fished artificial lures with bait attached to the hook. The Committee first considered slightly modified language from Massachusetts' 2020 circle hook regulation¹ that provided an exemption for artificial lures that are actively fished: *This [mandatory use of circle hooks] shall not apply to any artificial lure that is trolled, cast and retrieved, or vertically jigged with natural bait attached.*

Law enforcement noted including the terms “trolled, cast and retrieved, or vertically jigged” could create potential complexity for enforcement officers who would have to define each of these actions and by removing that language it simplifies the focus to artificial lures, which still captures the intent of exempting active fishing methods. The Committee considered using the term “actively fished” in the regulatory language, but determined the phrase could also create enforcement complexities and is not necessary for the exemption language. The Committee also considered defining “artificial lure”, but members ultimately determined the modifier “artificial” provided sufficient clarity.

After continued discussion, the Committee agreed the following final recommended language is simple, clear, and provides an exemption for artificial lures with bait attached:

Recommendation: This [circle hook requirement] shall not apply to any artificial lure with bait attached.

The Committee noted this recommended language does not preclude a state from adding additional language specifying active fishing methods (e.g. “trolled, cast and retrieved, or vertically jigged”).

Rigged Eels and Future Exemption Requests

There was extensive discussion about the use of rigged eels, a whole dead eel with hooks threaded through its body, which is a popular striped bass fishing method in some areas. A Committee member described how rigged eels are actively fished and are not prone to gut-hooking striped bass. However, under the Committee's recommended language, a rigged eel would require a circle hook because it is a marine organism (bait) and although it functions as a lure, it is not artificial and so the exemption for artificial lures with bait attached would not apply.

A Committee member proposed adding an exemption for rigged eels to the recommended language. After discussion, the Committee agreed their recommended language should not include specific exemptions beyond the artificial lure exemption. The Committee noted because recreational fisheries vary widely among the states, the recommended language should be clear and simple guidance that covers the majority of scenarios when circle hooks should and should not be required. In the future, states could pursue exemptions for fishing methods not covered by the guidance if they deem it necessary. If states pursue an exemption for other fishing methods that are not exempted by the recommended language, states would need to request the exemption and propose additional specific language via the state implementation plans which would be reviewed by the Striped Bass Plan Review Team and considered for approval by the Board. It was noted that states requesting additional exemptions should consider working with industry and conducting scientific studies to determine if the exemption request aligns with the intent of the circle hook requirement.

¹ <https://www.mass.gov/doc/322-cmr-6-regulation-of-catches/download>

TASK #3: INCIDENTAL CATCH

The Board has raised questions about how to address incidental catch of striped bass when targeting other species with non-circle hooks with bait attached. After extensive discussion, the Committee could not reach a consensus recommendation on this question, and provided two options for the Board to consider: a) allow anglers to keep striped bass that are incidentally caught or b) require anglers to release striped bass that are incidentally caught.

Option A: Allow anglers to keep striped bass that are caught incidentally when targeting other species with a non-circle hook with bait attached. Committee members who support this option noted that requiring anglers to release striped bass in this situation would be essentially requiring discards, which does not align with the goal of reducing discards in the fishery. Committee members also noted that requiring release of injured or gut-hooked fish that have little probability of surviving may not seem reasonable to anglers. One committee member noted that justifying the necessity of releasing incidentally caught striped bass to anglers was difficult without information on rates of incidental capture of striped bass in other fisheries, and the expected conservation benefit of requiring release of incidental captures. Finally, it was noted requiring use of circle hooks as a necessary pre-requisite for all take of striped bass goes beyond the mandate language in Addendum VI, which predicates the circle hook requirement on targeting of striped bass.

Option B: Require anglers to release striped bass that are caught incidentally when targeting other species with a non-circle hook with bait attached. Committee members who support this option noted that requiring a release is the only means to provide enforceability of the circle hook mandate. Enforcement cannot prove angler intent or target species, so without a requirement to release all striped bass that are caught on non-circle hooks with bait (except for those with artificial lures), it was noted that the circle hook mandate would not be enforceable. Committee members also noted although there is a chance of release mortality, keeping the fish would guarantee mortality. Requiring release of incidentally-caught striped bass could send a consistent message about the importance of circle hooks and may encourage anglers to use more circle hooks when targeting other species.

Option A would not require any additional regulatory language. Option B would require states implement additional regulatory language. New York included language in their proposed circle hook regulation² specifying that striped bass should be returned if incidentally caught without a circle hook. The Committee slightly modified this language and proposes the following language if the Board decides to pursue Option B:

Striped bass caught on any unapproved method of take must be returned to the water immediately without unnecessary injury.

The Committee noted this a policy decision for the Board to consider and encourages the Board to consider the importance and benefit of coastwide consistency when discussing this issue.

² <https://www.dec.ny.gov/regulations/104195.html>

WEBINAR PARTICIPANTS: FEBRUARY 19 AND MARCH 3, 2021

Ad Hoc Committee Members

Andy Dangelo (RI)
Bill Gorham (NC)
Bob Danielson (NY)
Brendan Harrison (NJ)
David Sikorski (MD)

Lt. Delayne Brown (NH)
Justin Davis (CT, Chair)
Kurt Blanchard (RI)
Lewis Gillingham (VA)
Mike Armstrong (MA)

Public

Chris Batsavage
Greg Kenney
James Jewkes
Jerry Morgan
Jessica Best
Martin Gary
Max Appelman
Michael Toole

Mike Waive
Nichola Meserve
Nicole Lengyel Costa
Nick Popoff
Paul Haertel
Peter Leary
Rudy Lukacovic

Staff

Toni Kerns
Emilie Franke
Maya Drzewicki
Katie Drew

Striped Bass Circle Hook Ad Hoc Committee
Meeting Notes – February 19, 2021

ATLANTIC STRIPED BASS CIRCLE HOOK AD HOC COMMITTEE

Webinar #1 – February 19, 2021

Meeting Summary

Ad Hoc Committee Members:

Andy Dangelo (RI)	Lt. Delayne Brown (NH)
Bill Gorham (NC)	Justin Davis (CT, Chair)
Bob Danielson (NY)	Kurt Blanchard (RI)
Brendan Harrison (NJ)	Lewis Gillingham (VA)
David Sikorski (MD)	Mike Armstrong (MA)

Public:

Chris Batsavage	Max Appelman
Greg Kenney	Michael Toole
James Jewkes	Mike Waine
Jerry Morgan	Nicole Lengyel Costa
Jessica Best	Nick Popoff
Marty Gary	Peter Leary

Staff:

Toni Kerns	Maya Drzewicki
Emilie Franke	Katie Drew

Introduction

The Striped Bass Management Board created the Circle Hook Ad Hoc Committee (Committee) in February 2021 to address the following tasks related to the Addendum VI circle hook requirements:

- 1) develop a definition of bait that would require the use of circle hooks;
- 2) identify methods of fishing that would require the use of circle hooks;
- 3) discuss how to handle incidental catch of striped bass while targeting other species with non-circle hooks.

The Committee met via webinar on February 19, 2021 for their first meeting to address these tasks and start developing recommendations for the Management Board.

Task #1: Definition of Bait

There are varying definitions of “bait” and “natural bait” in states’ current or proposed circle hook regulations, as outlined in a table of definitions compiled by MA Division of Marine Fisheries in advance of the February 2021 Management Board meeting.

Committee members recognized that determining what should be included or excluded from the definition of bait related to circle hook requirements is closely tied to the method of fishing. Multiple Committee members commented that the circle hook requirements were not originally intended to apply to artificial lures that are actively fished with bait attached (e.g.

Striped Bass Circle Hook Ad Hoc Committee
Meeting Notes – February 19, 2021

trolled lure with pork rind attached) but were targeted toward static gear (e.g. hook on bottom with chunk mackerel). Committee members noted this connection between bait and method of fishing throughout the discussion and some Committee members suggested potentially using flow chart/decision tree/tier framework to illustrate when circle hooks are required considering the type of bait and type of fishing method.

Individual Committee members started the bait discussion with the following comments:

- Eel skin on artificial lures, bucktail with pork rinds, and rigged eels should be excluded from the definition of bait.
- Bait should be defined as anything marine-based, which would exclude bucktails and feathers.
- Live bait should require a circle hook.
- Processed fur, feathers, skin or hide of non-marine species should not require a circle hook.
- A clean, uncomplicated definition of bait is important for enforcement and compliance.
- Angler education is still a critical component to promote circle hook use.

After some discussion, one Committee member put forward the following proposed definition of bait (in blue) along with clarifying definitions of key terms:

Proposed #1: The use of a marine organisms as food in its natural biological (molecular) state is considered natural bait for the purpose of catching or attempting to catch striped bass.

Marine Organism, Marine life, or sea life, in the plants, animals and other organisms that live in the salt water of the sea or ocean, or the brackish waters of coastal estuaries...

Food, a substance consisting essentially of protein, carbohydrate, fat, and other nutrients used in the body of an organism to sustain growth...

Natural State - No longer is its natural state means that an article of food has been made from one or more ingredients or synthesized, prepared, treated, modified, or manipulated.

Multiple Committee members expressed support for this first proposed definition since the term “natural state” captures the original intent of the requirements and includes live or chunk bait (e.g. mackerel). There was some concern from several Committee members about the interpretation of the term “modified” as describing bait that is no longer in its natural state. Members expressed concern that cutting or rigging a bunker with hooks could be considered “modified” and therefore not a natural bait, for example. There was also concern that brined fish could be considered “modified” and therefore not a natural bait. One Committee member also noted that the definition should be all aquatic organisms to include potential bait of freshwater origin.

Striped Bass Circle Hook Ad Hoc Committee
Meeting Notes – February 19, 2021

One Committee member suggested a second proposed definition of bait in response to the discussion:

Proposed #2: Bait - The use of an attractant to catch striped bass which includes: 1. A live or dead aquatic organism in its natural state or modified from its natural state or a part thereof, (i.e.: chunk of dead aquatic organism). 2. A processed product from an aquatic organism...[asked group for input on this part]

The Committee agreed to consider the language from both proposed definitions and revisit the definitions via email and on the next Committee webinar (early March).

Overall during the discussion, Committee members noted the importance of enforceability and education. From the enforcement perspective, one Committee member noted that the circle hook requirement is inherently difficult to enforce and that the Law Enforcement Committee originally recommended that it not be a compliance requirement but rather an educational component. Since it is now a compliance requirement, enforcement officers need a clear definition of bait and fishing method exemptions to work with. From the education perspective, a few Committee members noted that a clear message and education for the public is critical to get most anglers to comply with the circle hook requirements.

Regarding the use of rigged eels specifically, multiple Committee members noted that it will be difficult to exclude rigged eels from the definition of bait since they are natural marine organism. However, rigged eels could potentially be excluded from circle hook requirements if there was an exemption addressed in the Methods of Fishing task (see below).

Committee Next Steps: Committee Chair and staff will reach out to the Committee via email for further consideration of the two proposed definitions and the Committee will discuss their final recommendation on the next webinar (early March).

Task #2: Methods of Fishing

All Committee members agreed that the circle hook requirement was not originally intended to apply to actively fished artificial lures with bait attached. Massachusetts had language in their previous circle hook regulation for this type of exception¹. There was general agreement among Committee members in support of the Massachusetts language with a slight modification as follows:

Modified MA language: *This [mandatory use of circle hooks] shall not apply to any artificial lure ~~designed to be~~ that is trolled, cast and retrieved, or vertically jigged with natural bait attached.*

¹ <https://www.mass.gov/doc/322-cmr-6-regulation-of-catches/download>

One Committee member suggested potentially removing “artificial” from this language. After discussion, the Committee agreed that keeping “artificial” was important for clarity. One Committee member also suggested removing “with natural bait attached”. After some discussion, the Committee agreed to keep that language to maintain the focus on natural bait and to avoid potential confusion with anglers.

Committee Next Steps: The Committee will confirm on the next webinar if the language that was discussed is their final recommendation. Additionally, the Committee will discuss whether the tube and worm gear would be covered by this exemption.

Task #3: Incidental Catch

The Striped Bass Management Board has raised questions about how to address incidental catch of striped bass when targeting other species with non-circle hooks with bait. Committee members were split on this issue and discussed two different perspectives:

- Some Committee members were in support of allowing anglers to keep striped bass caught in this situation. Committee members noted that requiring anglers to release striped bass when there is already a high chance of release mortality when caught with a non-circle hook may not seem reasonable to anglers.
- Some Committee members were not in support of allowing anglers to keep striped bass in this situation and instead supported regulatory language specifying that striped bass should be released in the instance of incidental catch with a non-circle hook with bait. This requirement would give the circle hook mandate enforcement “teeth”, especially since enforcement cannot prove intent and species targeting. Although there is a chance of release mortality, requiring release if caught incidentally would send a consistent message about the importance of circle hooks.

New York included language in their proposed circle hook regulation² specifying that striped bass should be returned if incidentally caught without a circle hook. One Committee member proposed a slight modification to the New York language as follows:

*Modified NY language: Striped bass caught on any ~~other type of hook baited with natural bait~~ **unapproved method of take** must be returned to the water immediately without unnecessary injury.*

One Committee member noted that Maryland requires circle hooks for all live bait fishing in the Chesapeake Bay which helps address the issue of species targeting and enforcement. Another member referenced Atlantic HMS regulations that requires sharks be released if caught on a non-circle hook unless using flies or artificial lures³.

² <https://www.dec.ny.gov/regulations/104195.html>

³ https://media.fisheries.noaa.gov/2020-12/HMS%20Recreational%20Compliance%20Guide_01_01_2020.pdf?nul=

Striped Bass Circle Hook Ad Hoc Committee
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Committee Next Steps: The Committee will revisit this issue during the next Committee webinar. If there is not agreement among Committee members, the Committee could choose to provide the Board with both options for the Board’s consideration.

Next Committee Meeting

The Committee will meet again via webinar in early March (date TBD) to continue discussions and finalize their recommendations to the Striped Bass Management Board.



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION MARINE FISHERIES
Three Fort Wetherill Road
Jamestown, Rhode Island 02835

February 19, 2021

Robert E. Beal
Executive Director
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200A-N
Arlington, VA 22201

Dear Bob,

I am writing to convey the Rhode Island Department of Environmental Management's interest in contributing to the research endeavors titled "A Proposal to Study the Tube Rig Fishery and Consider Its Exemption from the Circle Hook Provision" presented by the states of Massachusetts and Maine at the 2021 Striped Bass Winter Board Meeting. We believe the resulting data will be of great interest to anglers of Rhode Island and is a critical data stream for the sustainable management of striped bass. As such, we would like to assist where possible. We hope to provide complimentary data to the Angler Survey, Angler Logbook, and/or At-sea Data Collection where our resources will allow and as needed by the research team. Thank you for considering us for inclusion in this effort and please let me know if you have further questions.

Sincerely,

M. Conor McManus, Ph.D.
Deputy Chief
RI DEM Division of Marine Fisheries
3 Ft. Wetherill Rd., Jamestown, RI, 02835
401-423-1941
conor.mcmanus@dem.ri.gov

cc: Toni Kearns, ASMFC
Emilie Franke, ASMFC
Jason McNamee, RI DEM
Megan Ware, ME DMR
Pat Keliher, ME DMR
Mike Armstrong, MA DMF
Nichola Meserve, MA DMF
Dan McKiernan, MA DMF

From: Paul Single [<mailto:psing1@hotmail.com>]
Sent: Tuesday, February 9, 2021 10:21 AM
To: info <info@asmfc.org>
Subject: [External] 2021 MD Rockfish Regulations

Hello!

I apologize for the long email. If you do not have the time to read it in entirety, my bottom line is how can we prevent MD DNR from continuing to allocate twice the recommended daily limit for individuals on charter boats?

And here is the long version...

I have a concern that the Maryland Department of Natural Resources is going to be allowed to unfairly allocate a higher daily limit for anglers fishing on charter boats versus private boats.

Last year MDNR accepted public comment and asked us to vote between having all anglers, regardless of the boat that they were on be allowed one fish only OR allow anglers on charter boats be allowed two and private boats one fish and a 15-day closure to compensate for charter boats being allowed the two fish limit.

Public record shows that an overwhelming majority preferred one fish for all. MDNR went against public majority and allocated an additional fish if fishing on a charter boat along with the closure for everyone.

They are once again proposing the closure and intending to allow charter boat anglers to harvest two fish per day.

My stance is this, MDNR has acknowledged the rockfish stock is in decline, consequently reducing the recreational angler limit to one fish and proposing summer closures. At the same time, they are allowing charter captains to incentivize clients by offering that they can keep two fish on their boats. In my opinion what they are doing is giving away a public resource that is in decline to private parties for financial benefit.

I do not believe that you would support a measure that benefits a business at the expense of state citizens and a public resource.

I feel compelled to address this with your office in the hopes that greater scrutiny of the MDNR will occur in this decision-making process in order for there to be transparency of the outcome.

I am by no means opposed to any restriction that is necessary to protect our rockfish or any other public resource. What I am unable to fathom is why our DNR would be permitted to allow a for profit group to harvest twice the limit of private recreational anglers.

This decision is not about restriction, is it about unfair allocation. That is what happened last year due to a body of decision makers that did not agree with the popular choice of the citizens that voted.

Please verify that whatever decision will be made, will be reviewed by a group that does not permit the DNR to act without a system of checks and balances.

Very Respectfully,
Paul Single

Jersey Coast Anglers Association

Working for Marine Recreational Anglers

1594 Lakewood Road, Unit 13, Toms River, NJ 08755

TEL.: 732-506-6565 - FAX: 732-506-6975



1/29/21

ASMFC Striped Bass Board,

The Jersey Coast Anglers Association is composed of approximately 75 clubs throughout New Jersey. Many of our members are avid striped bass fishermen who support striped bass conservation and the mandatory use of inline circle hooks when fishing for stripers with natural bait. That being said we would recommend a coastwide definition of natural bait. We understand that States may have more restrictive measures but we believe that the following would be a good definition for the ASMFC's striped bass board to adopt as it would be easy to understand and enforce.

“Natural bait means any bait that in its live, preserved or original form or parts thereof that would normally be consumed by striped bass.”

Defining natural baits as any living or dead organism or parts thereof as New Jersey is considering doing would actually prohibit feathers or bucktails being tied to flies, jigs and teasers. The above definition we suggested would allow pork rind, bucktails and feathers to be used as stripers to not eat birds, deer or pigs. Stripers do not normally eat things like corn or doughballs like catfish do so there is no need to include plant life in the definition.

We are also concerned that there may be discussion about a stipulation that would require that all striped bass caught on bait while fishing with anything other than an inline circle hook would have to be released. We are opposed to that idea because it would penalize those who are legitimately fishing for other species and happen to luck into a nice striper. Examples include those fishing for bluefish with a mullet rig and those bottom fishing for fluke. Many of these people are hoping to bring home a fish to eat and they should be able to do just that if the fish is of legal size and in compliance with any other regulations.

We also recommend that there not be any exceptions for certain states or different regulations for private fishermen or the for-hire fleet. If exceptions are made, they should be made for all fishermen in all states.

We also urge you to establish rules that are easy to understand and can be fairly and easily enforced by our conservation officers. Sound fisheries management depends on fishermen being compliant so let's not make this too confusing.

Respectfully submitted,

John Toth, President

Jersey Coast Anglers Association

PLUM ISLAND SURFCASTERS

www.plumislandsurfcasters.org



To: Atlantic Striped Bass Advisory Panel

I am the legislative representative for the Plum Island Surfcasters, a 400-member North Shore Massachusetts fishing club. After listening in on the two Circle Hook Ad Hoc Committee meetings I am submitting the following comments for the board's consideration:

We support the simple definition the committee developed for bait based on it resolved the questions our members had with the term natural baits. Using the term "marine" resolved questions on pork rind, feathers, and bucktail hair.

We have issues with the definition of "method" which was being developed to try to resolve the issue around methods that use bait that have little risk of deep hooking fish, such as, rigged eels and eel skin plugs. The committee spent much of their time on this with little success and the last method definition they developed, to us, just added more confusion. We think it would be better to just make specific exception like what was done with tube and worm. We do not think the number will be too high since during the original board meeting only a few exceptions were requested. Our members do support exceptions for rigged eels and eel skin plugs since from our experience they rarely ever result in deep hooking.

We do not support allowing striper by-catch caught on J hooks to be kept. The argument that requiring them to release the fish will increase release mortality make no sense to us. Releasing the fish may result in a 9% mortality but keeping them results in 100% mortality. Plus, in our opinion if you allow keeping them you may as well throw out the circle hook requirement.

From a personal opinion, I don't think the ability to enforce the regulation against every technical challenge should play a major role. At the 2019 annual ASMFC meeting I attended the law enforcement committee meeting. One key point I got from the meeting was that if a law is made, we will get 80% compliance because for the most part people will follow the rules. In my case in 50-years of surf fishing from Maine to New Jersey I have never been approached by law enforcement. I follow the rule because it is the right thing to do.

Michael Toole – Plum Island Surfcasters Legislative Representative

toolem@hotmai.com

3.2 Circle Hook Provision

Regarding mandatory use of circle hooks when fishing with bait for striped bass, please revise the provision to allow the proper use of J-hooks. The stated goal of requiring the use of circle hooks is to prevent/lower release mortality. My studies prove properly rigging j-hooks is more likely to prevent release mortality than improperly rigging circle hooks. Specifically, I am asking you to allow the use of J-hooks with bait when they are attached by a 2" line perpendicular to the main line. Such as a high/low rig with 5/0 J-hooks attached to 2" dropper loops.

For 25 years I have conducted my own extensive j-hook study surf fishing with bait. The problem is not with the shape of the hook but with the way the hook is rigged, specifically when the hook is attached to a long leader. My research finds the new provision requiring the use of circle hooks and prohibiting the use of j-hooks with bait is fundamentally flawed in several ways.

First, circle hooks attached to a long leader are gulped into a fishes internal organs and subsequently ripped back out again before engaging in the lip of the fish. The provision requiring circle hooks incorrectly assumes success by observing the desired end result of a lip hooked fish has been accomplished while completely ignoring the action of ripping the hook back out of a fishes internal organs. The action of ripping the circle hook back out of a fish's internal organs after it has been gulped into them, is more likely to cause fatal injuries than if the hook never entered the fish's internal organs in the first place. Use of circle hooks does not solve this issue. A better solution is one where the hook never enters the fish's internal organs at all.

Second, it ignores proper rigging of j-hooks always results in lip hooked fish and does prevent the hook from ever entering the fish's internal organs. The problem is not with j-hooks but rather with attaching j-hooks to a long line that is gulped directly into a fishes internal organs. Use of a high/low rig tied with 5/0 j-hooks attached to two inch dropper loops should be allowed, because it is the best way to prevent fish mortality. This rig prevents a hook from ever entering the fish's internal organs, because the main line catches on the sides of the fishes lips. 25 years surf fishing with j-hooks in this manner I have always had lip hooked fish and NEVER HAD A GUT HOOKED FISH REGARDLESS OF SIZE OR SPECIES (e.g. striped bass, blue fish, drum, trout, fluke, sea robin, sand shark, skate, star gazer, king fish, bunker, spot, etc.).



Lip hooked fish on J-Hook is not a Fluke

From: [John Longberg](#)
To: [Comments](#)
Subject: [External] "in line" circle hooks?
Date: Monday, March 8, 2021 9:46:52 AM

My name is John Longberg and I fish for stripers in the Arthur Kill and back of Raritan Bay. I have been using circle hooks for a number of years already, long before F&G considered them for mandatory use, for both bass and fluke, with excellent success at lip hooking of both species. This has likely greatly reduced released fish mortality, which I assume is the whole object of this. Why are you mandating the use of only "inline" circle hooks? I have been using "offset" circle hooks for years with great success, and now I am being told I can no longer use them for stripers? I have invested in 100's of dollars in purchasing the offset style circle hooks and now I am being mandated to spend who knows how much on "inline" hooks. I am retired and the cost of these hooks is insane to begin with. Not to mention the fact that the vast majority of circle hooks readily available right now are the offset variety. I did extensive research on circle hooks before switching years ago, and at that time there was no perceivable difference in the effectiveness of one vs. the other. I have boxes and boxes of baitholder and Octopus style hooks collecting dust since I no longer have a use for them, which is by choice. I'd like someone to show me evidence of a substantial difference in release rates between the inline and offset style of circle hooks to justify my needing to shelve the offset hooks I have, and invest considerable cost in purchasing all new inline style circle hooks. If, as I suspect, the difference is minimal, if at all, why are we being forced into inline only? I buy hooks online, and I would estimate that 90% or more of the circle hooks available are of the offset variety, making them more readily available to fisherman. I see no logic in restricting the use of circle hooks to only the inline style. John Longberg

Sent from [Mail](#) for Windows 10

From: [Kyle Schaefer](#)
To: [Comments](#)
Subject: [External] ASB Board
Date: Wednesday, March 3, 2021 9:43:01 AM

Good Morning,

I am all for fairness in regulations surrounding tackle and access for different fishing disciplines as long as these approved tactics work within FMP and support a sustainable fishery.

However, the commission overlooked these circle hook caveats back in October which was a mistake in hindsight. The overall fishing community understands the tube and worm rigs make sense to build an exception around.

But, I must note that an awful lot of conversation is being dedicated to a niche exemption when striped bass are in peril and the stock is still well below the threshold. We all tuned into the recent ASMFC meeting and were baffled by the lack of discussion surrounding striped bass recovery and the round and round conversation about the mistake of not previously addressing a simple niche exemption. Everyone that I am chatting with in the industry and also with recreation anglers are very concerned where focus is being put when our population of striped bass is still at risk of over harvest and depletion.

I'm all for meaningful and appropriate exceptions but confidence in the commission is at risk. I hope we'll see laser focus on rebuilding the striped bass population in the coming months within the prescribed timeline of ASMFC's management plan.

Thank you.

Best,

Kyle Schaefer
603.969.3050

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From: [Alfred](#)
To: [Comments](#)
Subject: [External] Circle Hook Regulations
Date: Tuesday, March 9, 2021 7:45:18 AM

I fish for striped bass in Rhode Island waters almost exclusively with a tube and worm rig. I can't recall ever hooking a striped bass while fishing this way that wasn't hooked in the mouth making for an easy release and high probability of survival.

Alfred Ingulli
Charlestown, Rhode Island

Sent from my iPad

From: [USA](#)
To: [Comments](#)
Subject: [External] Circle hooks
Date: Tuesday, March 9, 2021 8:02:00 AM

I think personally and by experience that you have absolutely OVER regulated the striped bass population and it is the direct cause of the decline in bluefish and lobsters in LI Sound.

If you go in the Housatonic river, there are literally millions of bass in there right now.

This circle hook requirement is government overreach at its best. Who's to say an angler is targeting another species?

Between striped bass and Black Sea bass, nothing will be left in the sound in the next few years. I and many other anglers are simply baffled over the striper regulations There are too many of them. People just don't know how to fish. I can and have caught stripers 12 months a year successfully.

Enough of these regs that are useless and thought of sitting around a conference table.

Jim

From: [Nigro, Carl](#)
To: [Comments](#)
Subject: [External] Pork rinds used for bucktails in surfcasting and jetty fishing
Date: Tuesday, March 9, 2021 3:25:16 PM

Will there be an exemption?

No practical difference between natural pork rinds and synthetic in fishing from beach or jetty with bucktails

<http://www.nigroteamhamptons.com/the-hamptons-hub-helping-you-find-everything-you-need-in-the-hamptons/>

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From: westpointangler@gmail.com
To: [Comments](#)
Cc: [Capt. PETER FALLON](#)
Subject: [External] Striped Bass Hook Exemption
Date: Friday, January 29, 2021 12:12:45 PM

Dear Board,

Sorry for the lateness of my comment as I just reread the comprehensive email from our president, Pete Fallon, of the Maine Association of Charter Boat Captains (MACC) on the subject of the J hook exemption while using the tube configuration. I've been a MAAC member and guide for Tidewater species for 13 years and fishing with the tube and worm for over 25 years. I was one of the early proponents of the hook exemption for several key reasons and still am strongly in favor of it.

1. As my DMR log books will attest for the last 20 years, my boat has caught an average of 300-500 striped bass per year with 80-90% hooked via the tube and worm technique. Of those several thousand caught, I can recall only a COUPLE being deep hooked which in my opinion renders the change in exemption being in the Not Needed category.

2. I take many families out fishing on my charters and I've found the passive approach to this type of fishing very effective with young and inexperienced anglers.

3. I also view it as a safety issue whereas I don't have anglers of any sort throwing hooks overhead in attempts at casting for that wonderfully entertaining specie. Which as you know are truly the only specie of fish of late we seem to have a chance at boating in Maine mid coast waters. I've done considerable ground fishing, but, that pursuit has been very limited of late.

Anyway, I do hope you consider my comments and those of the Maine DMR and MACC.

R/ Capt Brian Beckman
207 841-9557

Sent from my iPhone

I have even caught double header blue fish on this rig because they are lip hooked and chomping on the hook shank and not the monofilament line. On the other hand I have lost countless fish using circle hooks on long leaders that fail to hook up. Those fish are likely injured, when the hook is ripped back out of its internal organs, without being caught with the chance of being kept.

Third this provision completely ignores the use of treble hooks on plugs and metals. Treble hooks are nothing more than 3 J hooks welded together. It is unbelievable the use of 3 treble hooks on a plug is allowed when fish mortality is a concern and indicates how little thought was put into the circle hook provision

Fourth, there is no consideration in this provision about when it will be undone. Will bait fishing with j-hooks be banned forever?

Thank You in Advance for Your Help,

A handwritten signature in black ink that reads "Craig A. McIlrath". The signature is written in a cursive, slightly slanted style.

Craig A. McIlrath

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