

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 42 Striped Bass Slot Limit; Option B

ADOPTED RULE NUMBER:

CONCISE SUMMARY: At their October 2014 meeting, the Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission (ASMFC) approved Addendum IV to Amendment 6 to the Interstate Fishery Management Plan for Atlantic Striped Bass. The Addendum establishes new fishing mortality (F) reference points, as recommended by the 2013 benchmark stock assessment. In order to reduce F to a level at or below the new target, coastal states are required to implement a 25% harvest reduction from 2013 levels. . Maine advanced two options for public comment to achieve that reduction. This rulemaking (Option B) would establish a new minimum size for Maine's striped bass fishery. Specifically, this rule would allow a person would be able to take one striped bass each day 28 inches or more in total length. A second option (Option A) with a 24"-26" slot limit was also proposed in a separate concurrent rule-making, however based on consideration of comments received, that proposed rule was not advanced.

As authorized by 12 M.R.S. § 6171, the Commissioner of Marine Resources adopts this regulation.

EFFECTIVE DATE: May 13, 2015

AGENCY CONTACT PERSON: Bruce Joule (207) 633-9505
AGENCY NAME: Department of Marine Resources
ADDRESS: 21 State House Station
Augusta, Maine 04333
WEB SITE: <http://www.maine.gov/dmr/rulemaking/>
E-MAIL: dmr.rulemaking@maine.gov
TELEPHONE: (207) 624-6573
TTY: (711) Maine Relay

DEPARTMENT OF MARINE RESOURCES

Chapter 42 - Striped Bass

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.
- D. Any striped bass legally taken from the territorial waters shall be immediately released alive into the water from which it was taken, or killed at once. Any striped bass killed becomes part of the daily bag limit in accordance with Chapter 42.02.

2. Size Restrictions.

It is unlawful to take or possess striped bass which are less than ~~20~~ 28 inches long ~~or greater than 26 inches total length but less than 40 inches total length~~. It is unlawful to possess striped bass unless the fish are whole with head on and are ~~between 20~~ 28 ~~and 26 inches~~ or greater total length ~~or 40 inches and greater total length~~.

42.02 Striped Bass - Limits, Personal Use

It is unlawful for any person to fish for, take or possess striped bass in or from territorial waters, except for personal use. The sale of wild striped bass caught for personal use or by commercial fisheries in other States or jurisdictions is prohibited in the State of Maine.

It is unlawful for any person to take or possess more than one (1) striped bass each day which may be ~~between 20~~ 28 ~~and 26 inches in total length or 40 inches or greater in total length~~.

Exception for Hybrid Striped Bass:

This Section shall not apply to the possession and sale of hybrid striped bass under the following conditions:

1. Hybrids (*Morone saxatilis* x *Morone chrysops*). Whole aquaculture raised striped bass shall have a tag or label affixed to each fish container holding fish.
2. Fillets. Fillets from aquaculture-raised hybrid striped bass shall have the skin attached.
3. Tags and Labels. All tags and labels affixed to containers of whole aquaculture-raised hybrid striped bass and filets from aquaculture-raised hybrid striped bass shall be clearly marked "Hybrid Striped Bass" and provide the following information:
 - a. State of origin
 - b. Name and address of shipping and receiving dealers
 - c. Permit number of shipping and receiving dealers

- d. Date shipped
 - e. Net weight of container
4. Nomenclature. It is unlawful for any person to market, promote, advertise, or sell whole hybrid striped bass or hybrid striped bass fillets as "striped bass." Only the term "hybrid striped bass" shall be used when marketing, promoting, advertising, or selling at retail hybrid striped bass and hybrid striped bass fillets.

Basis Statement

Chapter 42 Striped Bass Minimum Size; Option B

At their October 2014 meeting, the Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission (ASMFC) approved Addendum IV to Amendment 6 to the Interstate Fishery Management Plan for Atlantic Striped Bass. The Addendum establishes new fishing mortality (F) reference points, as recommended by the 2013 benchmark stock assessment. In order to reduce F to a level at or below the new target, coastal states are required to implement a 25% harvest reduction from 2013 levels. Maine advanced two options for public comment to achieve that reduction. This rulemaking (Option B) would establish a new minimum size for Maine's striped bass fishery. Specifically, this rule would allow a person would be able to take one striped bass each day 28 inches or more in total length. A second option (Option A) with a 24"-26" slot limit was also proposed in a separate concurrent rule-making, however based on consideration of comments received, that proposed rule was not advanced. Comments received in support of the 24'-26" slot were considered comments in opposition to the 28" minimum, and are addressed within this rule-making.

This management action is deemed necessary to respond to the results of the 2013 Atlantic striped bass benchmark assessment indicating F (Fishing Mortality) in 2012 was above the new F target, and female spawning stock biomass (SSB) has been steadily declining below the target level since 2006. This means even though the stock is not overfished and overfishing is not occurring, SSB is approaching its overfished threshold and stock projections show SSB will likely fall below the threshold in the coming years. In addition, a similar decline has been observed in total harvest.

Summary of Comments

Chapter 42 Striped Bass

A public hearing was held on March 9, 2015 in Wiscasset and March 11, 2015 in Scarborough. Notice of this proposed rulemaking was given on February 18, 2015 on the following: the DMR website, the DMR rulemaking interested parties e-mail list, the DMR Advisory Council via e-mail, the Secretary of State's proposed rulemaking website, five daily newspapers, and via postcard to all Maine licensed pelagic license holders.

Comments in Favor of Minimum Size (28"); Option B

Don Kleiner, Executive Director, Maine Professional Guides Association; comment received via mail:

"I am writing to comment on the Chapter 42 Striped Bass Slot Limit proposal. The Maine Professional Guides Association is made up of 1100 working Maine Guides including many Tidewater guides working along the coast. As you know the loss of the striper fishery has devastated the operations of many guides. We are pleased to see that some action is being taken to help the striper population recover and in turn our members' businesses.

Our first obligation is always to the resource and as explained the options proposed are nearly equal in advancing the recovery of our striper population by reducing the harvest by twenty-five percent in the coming years. As I am sure you are aware the catch and release ethic is very strong among Maine anglers and guides with many implementing their own strict no kill rules.

After some discussion we decided that Option B establishing a new minimum size for keeping one fish per day of at least 28 inches in length is the best choice. Our discussions centered on keeping as many fish as possible in the fishery through our season and which option would best accomplish that goal. Hopefully keeping a few more fish available to provide opportunities for more clients and guides as the season progresses. Thank you for passing along our thoughts as the rulemaking progresses."

Donald Swanson, President Coastal Conservation Association of New Hampshire; comment received via e-mail:

"The Coastal Conservation Association of New Hampshire would like to comment on the upcoming striper regulations in Maine. We are representing a substantial number of anglers who fish in both New Hampshire and Maine waters along our coasts and the Piscataqua River boundary waters. New Hampshire has decided, thru the public hearing process, to establish a 1 fish @ 28 inches bag limit as favored by both recreational and charter boat anglers. The reduced bag limit represents over a 30% reduction in catch and is in compliance with the technical committee recommendations at Atlantic States Marine Fisheries.

The feedback from our membership over the years regarding the current slot limit in Maine waters has not been positive due to the confusion caused during fishing outings and enforcement issues created along the Piscataqua River corridor.

The current requirement to change regulations to cut striper mortality is a chance to unify the regulations on the Piscataqua River to 1 fish @ 28 inches as recommended by the Atlantic States marine Fisheries Commission. Such a change would eliminate any confusion in the waters of both states giving residents clear direction on size and bag limits on the Piscataqua River and alleviating any law enforcement issues.

We also recognize that a 1 fish @ 28 inches would represent the most conservative bag limits along the coast and allow our smaller fish to reach spawning age which is critical to the management of our striped bass given the current age distribution of the stock. Thank you for your consideration of our comments on this issue."

Rob Speirs; comment received via e-mail:

"I sent an earlier email regarding the proposed Striper regs. I just now saw Option B which is the one fish 28 " and above. I favor this option. It is reminiscent of the regs in the late 80's and early 90's when the rule was one fish 36 inches and above. It later dropped to 33 inches and above, etc

Option B gets my vote.”

Steve Rubicam, East Boothbay; comment received via e-mail:

“We live on Linekin Bay and have enjoyed fishing for striped bass for years. While we have watched the stocks both rise and fall we are always proud that Maine is in the forefront of conservation measures.

We favor the 28" and above alternative over the reduced slot/over 40" rule. Because angling is a large income producer for Maine guides, tackle shops, and marine related businesses it is important to choose the most economically beneficial alternative if the conservation results would be similar. Most anglers find gratification in "catching the big one" and the 28" up alternative will satisfy this desire and stimulate the economic side of the equation while achieving conservation goals.

The circle hook rule has some issues in our experience. While circle hooks seem to be extremely effective with live bait such as smaller mackerel they are lethal with chunks/cut bait which are easily swallowed this resulting in gut hooks. In the later season we switch to cut pieces because we can no longer find small mackerel. The bass tend to run off without swallowing the larger mackerel and don't hook up so we prefer cut bait, sea worms, etc. J hooks with cut bait would allow the angler to set the hook upon a strike and reduce gut hook mortality. Thank you for your consideration of these issues.”

Gregory Kidd, Old Orchard Beach; comment received via e-mail:

“I am providing written comments on the proposed striper limit:

The options are: a) a slot limit allowing the harvest of one striper per day between 24 and 26 inches in length, or b) a daily harvest of one striper 28 inches or larger.

1. First off I think it is absurd that in Maine we are held to the 25% reduction when we only allow one fish day vs. all the other States that allow more and even allow commercial fishing. I think we should stand our ground and point out Maine is not the problem and we have more conservative limits than the other States. Let's bring the other States in line with Maine.
2. The way I read Option a as written above there will be a 2 inch slot limit, yes? I am against Option A because it won't be consistent with the other States.
3. If we cave on the limits I think Option b would be preferable because it will be consistent with what has been proposed, 28 inches or larger, for the rest of the Atlantic seacoast.
4. The problem with any length or slot is the discard of dead/ or soon to dead fish. I think it should be a one fish per day limit period. Of, course I know this won't be accepted but we should at least have this discussion.
5. Circle hooks: I know this is a bit off topic but I've been using circle hooks for a while (the hooks provided by CCA at their annual meeting), when the circle hooks works as promoted, hooked in the corner of the mouth, the hooks are great but when the circle hook gets swallowed by a striper as far as I can tell that fish is as good as dead by the damage caused by the circle hook. It has been my experience that when fishing for stripers circle hooks are not the panacea as promoted. According to my records for the past 6 years using circle hooks it is 50/50 on whether the striper is gut hooked or jaw hooked when using circle hooks just about the same when I used to use J hooks. From what I've observed circle hooks do far more damage than J-hooks when the fish is hooked in the gullet.”

Dan Beetz, York Harbor; comment received via e-mail:

“I think Maine should comply with the rest of east coast. The slot limit would make it nearly impossible for a charter captain to boat a keeper sized fish for a client. Very few anglers even keep a bass.”

Ken Smith, Raymond; comment received via e-mail:

“My name is Ken Smith, I am a resident of Raymond, ME and have fished for striped bass in Southern Maine for the last 5 years. I wanted to provide feedback on the proposed rules covering size limits for 2015.

I support conservation of striped bass and feel that commercial fishing should be eliminated throughout the migratory range for this specie until the stocks rebound.

I feel option A (24-26") is too stringent and impractical. Maine already has the strongest limits on striped bass and requiring such a narrow slot limit penalizes Maine fisherman disproportionately. This will have a serious impact on the guides, tackle shops and recreational striper fisherman. I can envision several scenarios where a good intentioned fisherman is punished because the game warden's measure is different than the fisherman's - either plus or minus. Also, this is such a narrow slot that good fisherman could fish for most of the season without boating a legal fish.

I support Option B because it is practical and would still reduce the harvest. Option B would allow smaller, previously legal slot limit fish to grow to a larger size and become more prolific breeders before they could be harvested.

Please allow Maine fisherman the opportunity to bag an occasional meal. Most Maine fisherman are good stewards of the ecosystem and would enjoy the opportunity to keep a fish without concern of interpretation and measurement differences of the Marine Resource enforcement people.”

Barry Gibson, charter boat captain, East Boothbay; comment received via mail and at Wiscasset public hearing:

“I run a charter boat out of Boothbay Harbor for the last 44 years. I do a lot of striped bass fishing and I fish a lot in the Boothbay area and in the Linekan Bay system, the Sheepscot River and I fish the Kennebec River a lot and I fish in the waters west of the Kennebec. I’m here to support one fish at 28 inches. I think that from the perspective of the for-hire fleet—at least in Boothbay—I’ve talked with everybody there and six out of the seven captains there are for the one at 28. We feel we would be at a competitive disadvantage to New Hampshire and Massachusetts with the two inch slot. While I do think that is a good thing, I do support slot limits as such but I think that it is going to be difficult for the guys in Maine to compete—especially the guys in the southern part of the state—more directly with New Hampshire and Massachusetts. We catch a lot of fish at 28 inches and a lot of fish into the 30’s and low 40’s. A lot of places where we fish, a lot of days we can’t catch fish that we can keep. They are all over the limit. I usually only take up to four people. Normally, if they want to take a fish they only want to take enough for a meal and if we were able to take one at 30, 32 or 34 inches, that’s enough fish for three people to take home. We don’t have to kill three or four 20 to 26 inch fishes in the slot like we have had to do before. So, I think by going at one at 28, the total mortality numbers are going to be less. You can see a better benefit from that. I understand those that fish in areas where they don’t get fish over 28 inches. I fish all that time in the Kennebec from the Bath area and on up above, and you’ll go 20-25 fish in that slot or more for every fish over 26 that you catch. They’re up there and you can catch them. You generally have to fish along the shorelines where there are plenty of big fish there and that’s where we catch them. And I guess in closing I would like to say for a lot of us, we have gone through the slot limit thing and it’s been good for Maine. But I think we can get the same conservation benefit from one at 28. I think that’s going to add some excitement to the fishing year. I think it’s going to put us on a level playing field. Massachusetts just voted for that. It’s a step towards having some parity amongst all the states by having the same regulations. On behalf of myself and the other five guys in Boothbay that are charter skippers, we would all like to support that...”

...A 24"-26" slot is simply going to drive more charter customers to NH and MA. We cannot compete with those states if our slot is that small, that would reduce (as least perception-wise for anglers) the chances of catching a fish to take home by 66%.

All the charter operators in Boothbay fish the beaches as well as the river, and we catch decent numbers of fish over 28". It's high time Maine got on a level playing field with NH and MA, especially in light of the new zero-cod retention, and perhaps zero haddock. I have already had to cancel the offshore cod trips I had booked for this season.

We need a reasonable opportunity to retain at least one good-size fish for our customers. If we cannot at least offer a 28" striped bass, our customer base will simply shift to states that can.

The charter fleet in Boothbay Harbor -- Russ, Danny, George, Mark, Pete, Nick, myself, plus crewmen -- all support 1 fish @ 28", and VIGOROUSLY OPPOSE a slot of 24" to 26."

Michael Polakowski, Lisbon; comment received via e-mail:

“I just wanted to support option B of changing the recreational striped bass laws. I support Option B, that would be 1 fish per day per angler of 28" minimum. Unfortunately I could not attend tonight's hearing at Cabela's to voice my opinion in person. Please take this email in consideration.

Personally I believe that since the striped bass is a migratory fish, that all states should have the same restrictions. In fact, should Maine approve the 28" minimum, New Jersey will be the only state with different restrictions. In fact New Jersey still has a 2 fish allotment. The rest of the states should pressure, this most densely populated state, to change.”

Zak Robinson, charter boat captain; comment received via e-mail and at Scarborough public hearing:

"I would like to speak in favor of Option B. I'm a charter boat captain on my boat as well as other boats in Portsmouth on the Piscataqua. I think that 28 is the right option..."

...I'm writing in support of our Striped Bass and I'm in favor of 1@28. I attended the Scarborough meeting and spoke briefly but felt I needed to put it in writing. This option makes the most sense for the health of the species, law enforcement and to make stock monitoring as simple as possible. Please ensure that we don't start the 2015 season on 2014 regulations as well, hearing that at the Scarborough meeting was a surprise.

I guide for Stripers in Maine and New Hampshire on my own boat as well as other boats, I don't believe that eliminating the small slot will affect my business in the slightest way but I do believe that having more stripers will affect my business positively.

I care about quality fisheries and I hope you will do all you can to protect them."

Peter and Nick Ripley, charter boat captains, East Boothbay; comment received via e-mail and at Wiscasset public hearing:

"I also have run a charter boat in Boothbay since the late 1980s. I've been fishing in Boothbay for 50 years. We are at the end of the swim and I think we ought to be on a level playing field with Massachusetts and New Hampshire especially as a charter boat captain. We don't just compete with other boats in Maine. We are competing with all boats along the east coast with Facebook and the internet and all that. It would be nice to have a level playing field. The idea of being able to catch a trophy fish is a wonderful thing. I also question whether you are going to be really able to enforce a two-inch slot. That's just ridiculous. It will be hard on the wardens and that's another can of worms. I also don't believe that unless you know exactly what size striped bass is swimming you don't know what you have in the Kennebec River. We had a hearing a few years ago and we were told there is absolutely no science for the fish in the Kennebec River. So you can't have it both ways and you don't have the money to research it and you can't hang your hat on that. I would just like to see an even playing field..."

...I would (as a Charter boat Captain) like to see Maine mirror the other states and go with one fish at 28" or larger. It has been difficult to explain the slot to potential customers. As a result many anglers have chartered in other states and not bothered to fish in Maine waters at all. That has a direct impact on my annual sales in what is already a short season. Maine is at the end of the swim for striped bass and charter boat customers. A large majority of my trips are catch and release but the 28" fish option would be nice to have.

I would be opposed to any changes in the Kennebec River regulation other than to remove them entirely. There is and never has been any science behind the restrictions in such a large zone. Small Point to the Cuckholds? Seriously? The DMR has admitted at one of their own recent hearings that there are NO spawning striped bass in the Kennebec watershed. There is absolutely NO conservation benefit at all.

Fishermen can't fish for cod and might not get to fish for haddock. It would be nice to have a chance at putting something on the table from the Kennebec all season. The small schoolie population in the Kennebec River would turn the area into catch and release for 75% of the fish anyway (with the 28" limit).

The two inch slot would hurt the charter boat industry in Maine. Times are tough enough in that business. It is time for the State of Maine to do the right thing and give some good news to fishermen. We have had enough bad news lately."

Parker Simmonds, Waldoboro; comment received at Wiscasset public hearing:

"This will be short and sweet. I agree with the charter boat captains and I think the one fish at 28 inches will accomplish what your goal is."

Arthur Mooney, Biddeford; comment received via mail:

"I was at the 6:00 p.m. hearing on March 11, 2015 at the Cabela's store in Scarborough, Maine. I am a recreational striped bass fisherman. I listened to questions from the audience and answers from Bruce Joule. I listened to the public hearing comments from various people in the audience. I have reflected on what I heard and I have read the two rulemaking proposals.

Based on what I heard and read and my own opinion, I am in favor of Option B which is one striper per day at a length of 28 inches or more in total length.”

Kevin McGrath, Yarmouth; comment received at Scarborough public hearing:

“I’m in favor of the 28 inch minimum. One of the things that Pat Keliher said at the meeting was that the way that the fisheries guys were looking at it, a dead fish is a dead fish whether you kill it before it spawns or after it spawns. So why not give all the chance a fish to spawn before being taken out of the biomass? I also think there’s a benefit to having the same regulation all up and down the coast in terms of not only what it is now but also down the road applying pressure to the southern states like New Jersey which has taken more.”

Barry Welch, Shapleigh; comment received at Scarborough public hearing:

“I’m a volunteer angler surveyor, log book keeper. I’ve lost two of my old books and they haven’t returned my 2014 one yet but I did look at four years covering 2010-2014 and I’ve noticed certain things about lengths. Of all the sizes caught of all the different fish, the size that was most prevalent was 17 inches. There was more 17 inches caught than any other size these four years. We primarily catch and release. So we measure the fish real quickly and we put it back in the water because we are concerned about the resource. That being said, there was a lot of 17 inch fish being caught. There was also a lot of 15’s and quite a few 16’s. Seventeen was outstanding and then there was a lull at 18 and then there was a sharp increase in the 19 inch. Fish that were over 28 inches, averaging about 15 trips per year, amounted to less than one fish per trip. Not one fish per person but less than one fish per trip. So my point is this: my understanding is that the optimum spawning type for stripers is below 28 inches. Am I correct on that? the 28 inch limit would not affect the spawning. It seems with the number of small fish that were caught, we didn’t catch a lot of small fish on them so I don’t know if the spawning isn’t taking place in good stead. My records show that there is a lot of fish below so I’m in favor of the 28 and above. I think that would suffice in covering that 25 percent reduction. According to these four years, we didn’t get many.”

Steve Richard, South Portland; comment received at Scarborough public hearing:

“The rules have been 20 to 26 and anything over 40 and we have been depleting the 20’s and I say leave the smaller fish alone so that they will get bigger so my opinion on it is 28 and above. That gives a person if they get a nice big fish to bring it home as trophy fish and they do that for tuna recreationally and it seems to be working for that.”

Peter Whelan, Portsmouth, N.H., charter boat operator; comment received at Scarborough public hearing:

“I’m in favor at the one at 28 and the reason why is that New Hampshire has already decided to go along with that. Massachusetts is one at 28. Connecticut is one at 28 and New York went one at 28. So it would be nice if everyone up and down the coast was one at 28 so we aren’t killing the smaller fish before they have a chance to spawn. I do practice catch and release. I can count on two hands the number of fish that I have killed in a year of my charters. Most of them are fly charters and I realize with these slot fish and these 2011 class of fish we want to let them grow and get up there. So we don’t want to let them be targeting these smaller fish. The other reason is that on the Piscataqua River where one half is in Maine and the other half is in New Hampshire, we’ve had these split regulations for a couple of years which has been a nightmare because if you start in Maine and you kill a slot fish and then you come across into New Hampshire, you get a ticket. And if you start in New Hampshire and you get a 28 inch fish and you cross the river you are going to get a ticket in Maine. It’s just a nightmare. And then the other issue is that a two inch slot for law enforcement is a nightmare. How are they going to measure? Are they going to put the tape across the top? It’s just very impractical going forward. I think from a biologist and a conservation standpoint, the one at 28 makes more sense up and down the coast and it gives the biologists a chance to measure and figure out what’s really going on.”

Mike Lord; comment received at Scarborough public hearing:

“I think I’m in favor of one at 28 and over. Everybody seems to see the same thing in the spring. Most of those fish are probably 32 and over die anyway. So let them have it and a lot of people that are catching fish in the 38 and over range, they don’t revive them all that well and a dead fish is a dead fish just like Pat says. If he says one at 28 is good, he’s pretty sharp. He’s been around a long time then I think that is the best way.”

John Hyland, Cape Elizabeth; comment received at Scarborough public hearing:

“I go along with the 28 and above because I think that the whole east coast should be the same regulation. I’m in favor of 28.”

Ritchie White, Rye, N.H.; comment received at Scarborough public hearing:

"I spend about half of my fishing season in Maine waters in Kittery and York. I'm in favor of the one fish at 28 inches. The Atlantic States Marine Fisheries Commission's Technical Committee (ASMFC) favors the one at 28 and over slot limits because it provides more consistent data for them to analyze. The ASMFC Law Enforcement Committee favors one fish at 28 and over for the slot limit and they favor the same regulations all up and down the coast because that is more enforceable. As the previous speaker talked about, the regulations on the Piscataqua River are a nightmare going back and forth. You have Maine fishermen coming over to New Hampshire and New Hampshire fishermen coming over to Maine. It's been very difficult and it's been that way for quite a few years so solving that would be good."

Lou Tirado, charter boat captain, South Portland; comment received at Scarborough public hearing:

"I'm also in favor of Plan B; the 28 inches and over. I would like to see some uniformity up and down the coast as well. I do about a hundred charters a year for striped bass and I would like to say that maybe we kept three fish. Most of our customers are in a hotel and they are going out to dinner every night so they aren't going to be keeping fish. As for the herring run, there is nothing saying we can't do a catch and release fishery just like they do in the Kennebec in June. But right now, I think the 28 and above is the way to go."

Connor Roelke, comment received at Scarborough public hearing:

"I'm in favor of Option B as a recreational fisherman. Consistency I think is the most important consideration especially with Maine and New Hampshire sharing the same water and I think that is the best thing for conservation."

Bradley Junkins, Old Orchard Beach; comment received via e-mail:

"My personal feelings on the minimum length change is this. We should be going the same way as the other states one fish 28 or over (option B). I remember back years ago when it was 36 and it worked, there were a lot of fish around. Then the slot came around and here are again, fighting to save our striped bass fisheries one more time. At least this time all the coastal states are on board. Hopefully we do the right thing."

Comments in Favor of Slot Limit; Option A (Opposed to Option B)

Bob Chapin; comment received via e-mail:

"My name is Bob Chapin, Vice President of Sebago Lake Anglers' Club. We are a 60-person strong group of Maine anglers. We vote for option A because we feel that it is most important for folks who make the effort to go fishing ought to be able to bring a fish home for dinner. Given the current state of the fishery, the chances that they will catch one greater than 28 inches is slim. We will watch with interest how this slot limit plays out over the next 3-5 years."

Tom Whittle, West Boothbay; comment received via e-mail:

"I am in favor of Option A with a new slot limit of one fish per day between 24 and 26 inches."

Justin Spencer; comment received via e-mail:

"While I don't live in Maine anymore, I do still come back to visit and I travel to fish regularly. I want the striper fishery restored in Maine. If it does come back, I'll be more likely to visit and spend money in Maine during the summer. I'm writing today in favor of option A, allowing people to take a smaller fish for the table while protecting the large breeding stock. I think this offers the best chance to restore the striper fishery in Maine.

Here's why:

1. Big fish produce other big fish. We should protect our big breeders so that we can grow more large fish. We want the fish that are equipped to live longer and better survive in a changing marine ecosystem to get the chance to make more of the same sort of fish and rebuild our stock. We need to protect our big fish.
2. We should let people bring the occasional fish home. A 24 inch striper is outstanding table fare, much better than a much larger fish. It's lower in mercury, easier to cook, etc. It's just about the perfect size. A 36 inch striper winds up mostly freezer burned and thrown out. A 24 inch striper get filleted and thrown on the grill and served fresh, to the delight of all who get a chance to dine on such a fish. "

Patrick Michaud, Old Orchard Beach; comment received via e-mail:

"I am an avid Striped Bass fisherman and fish anywhere from 40 to 60 trips a season. I also keep a DMR fish catch log book so I know exactly what's going on with the Striper fishery. I've gone from catching 1285

Stripers in 2006 and seen a dramatic decline to about 65 fish caught last year. I've seen the reduction in available fish. We've gone from world class fishing to fishery collapse. Even under ideal conditions now the fish are just not there to be caught. It's a disgrace and tragedy that commercial fishing is allowed on the only available saltwater sport fish in Maine.

If the goal is to reduce harvest the best option would be a slot limit between 24 and 26 inches. From my experience these past three seasons most Stripers I catch are over 28 inches and very few 26" or under. If you allow those 28" fish to now be harvested, the Striper population will actually be more depleted, not less. If the real goal is to increase the Striper population then there should be a moratorium on commercial fishing. That's not going to happen until years after the fishery is proven to be collapsed. It's a shame ASMFC does not realize the much greater economic impact and benefit that recreational fishing has on the economy compared to commercial fishing."

Gene McKeever, Camden; comment received via e-mail:

"My choice for possible regulations changes is to reduce the slot limit to between 24 and 26 inches. I'm totally against the proposed one fish per day of over 28 inches. That would reduce breeding stock too far in my opinion. I'm also in total favor of making the Striped Bass a sport fish and thus eliminate all commercial harvesting of the species no matter what size.

I'm also in favor of banning all menhaden/pogy harvesting to aid many different fishes food supplies. I'd like to serve on any committee that you deem I might be helpful on also. I'm an avid coastal fisherman and have my Federal Atlantic Highly Migratory Species permit as well as my inland permanent fishing/hunting license in Maine."

Harvey Wheeler; comment received via e-mail:

"If we are serious about protecting the breeding stock, we'll vote for the slot limit. Those big females are too precious to harvest at this time."

John Boland; comment received via e-mail:

"I'm unable to attend either hearing, but would like to voice my support for the "one fish between 24 and 26 inches" proposal."

Chester Rowe, charter boat captain; comment received via e-mail;

"Please no harvest of spawners in Maine. Slot limit is the best option. After fishing stripers in Maine since 1966 the fishery needs every spawner in can get. One slot fish can feed four people one meal. Then if they want more they can catch one another day."

Ben Emery; comment received via e-mail:

"Firstly, I commend the Maine DMR for advocating strict and stringent decisions regarding the protection of striped bass, and wish that all the states along the migration route were on the same page. I attended last night's hearing on the rule making proposal for striped bass at Cabella's in Scarborough and I have a few comments and a concern to voice. I DID voice my "vote" at the meeting so this is not an attempt to "stuff the ballot box"...my vote was for the 24-26 slot. I believe this is the better of the two choices as it protects the sexually mature females and, in my opinion, closes a loophole allowing an open-ended 28+" option...I used to fish a lot on Cape Cod and am aware that a number of 30" fish were sacrificed if the angler continued fishing and landed a bigger fish...I think the 28" + option invites a potential "bending" of the rule.

Also, there were a couple of New Hampshire residents in attendance who voiced their opinions - and although I didn't notice if their votes were recorded, if they were, is this kosher?... Their main concern was consistency between neighboring states - I think that copying a bad rule for the sake of consistency is a bad idea."

Dana Eastman, Tackle Shop owner, Westbrook; comment received via e-mail:

"First let me apologize for not standing up and saying this at the meeting last night I am a horrible public speaker, didn't want to upset anyone with what I was about to say and I may have been a bit long winded once I got started. To make this official Dana Eastman I live in Westbrook, Maine and I run The Tackle Shop in Portland.

First thing I want to put on the table is I am for Option A the 24-26" slot. My reasons for being for option A and against option B are as follows.

- The early season herring run up in the rivers would be a slaughter. I know many of the people at these hearings say we let most of the fish go, but it's the people not at the meetings that do most of the harvesting.

- The ASMFC does their very best with numbers but we know that they are not perfect (Cod Fish) so I feel

like going 100% with the recommended 28" option may not be all that smart. If this decision was a was made five years ago as a preventive measure and not now as reactionary decision to a declining fishery I may feel a bit differently about this 28" size limit. I'm thinking that after a few years of every state having the same size limit and the commercial limit being over 28" that we will be hard pressed to catch many fish over the 28" size limit much like when we had the 36" limit.

- The being consistent with New Hampshire for law enforcement I can understand, however there is no reason that two states that share a common border can't come up with a simple plan to fix the law enforcement issue. Something as simple as, if you launched your boat in New Hampshire then you can have a fish of that size in your boat and vice versa for Maine. ONLY while in boundary waters of the Piscataqua River. Just a suggestion... Or how about if you want to take a fish home than stay in your home state waters... In all honesty and no offense to anybody but if you have to roam up the coast into Maine because the regulations are allowing you to catch more fish than in New Hampshire then perhaps it's time to look at your regulations, and instead of "falling in line" try a more conservative approach. On that note as far as consistency goes since when do Mainer's do things like everybody else? We're Mainer's and being different is what we do. Let's think about the regulations we have put in place that no other state has adopted at least to my knowledge. 1. We are the only state with a circle hook law. 2. Only state to limit number of trebles on a lure. 3. Only state to put a size regulation in place that DOESN'T put pressure on the same size fish that everyone else has for many years. Not to mention we are one of the few states than bans commercial fishing for Stripers and we are the only state that's been increasing the river herring run numbers as a reliable food source.

- We want this fishery to grow and not crash or even just sustain the current numbers. If we can cut the mortality numbers on these fish by even 5% it's the best option. If memory serves me right at the meeting when we were first introduced to the new options (I know the numbers needed a bit of adjusting). But I think the slot killed something like 15% less fish than the 28"option.

- I also like the slot option because it is different. Much like the current slot it puts pressure on a size range of fish that nobody else is harvesting. The argument that was made last night was that we would be targeting fish that haven't had a chance to spawn yet. If we are the only state, not to mention such a small percentage of fish mortality on the east coast, will the few fish we harvest really effect the overall numbers off the 24-26"yr class, or will we be having a bigger impact on spawning fish numbers if we follow the consistency theory and go with the 28" size limit? Seems to me like the slot would have far less of an impact on the overall fish numbers."

Doug Jowett, charter boat captain, Brunswick; comment received via e-mail:

"Please be advised I am in favor of Option A – 24" to 26" slot limit with no trophy fish allowed."

Carle Hildreth, charter boat captain, Portland; comment received via e-mail:

"I had a couple questions about the proposed new regulations. Specifically who makes the decision? A commission of people? When? How is the decision made? What are the pros and cons of each option? As a member of the Maine Assoc. of Charterboat Captains I was told they were supporting the 28"+ (Option B) in part because:

"If we, as MACC members, demand that our "slot with no trophy" position stand, and if that position is accepted as our state's position, then the state will be required by ASMFC to do an expensive study that proves that the slot meets the reduction requirements." This is troublesome to me. Would an "expensive study" stop us from making the appropriate conservation decision? The cost of a study should not be a factor in making the proper conservation decision. The biggest argument I see against Option B is that every fish harvested is most likely a breeding fish. Why would we harvest breeding fish? As a striped bass fishing guide I refuse to harvest breeding size fish. I believe Option A will result in less fish harvested and will be better for the fishery.

Another point, and this is arguably a topic for another day, is the lack of enforcement of these regulations. I have figured in the last 10 years I have fished from shore for striped bass over 1000 times (conservatively) and have not even seen a single game warden or marine patrol officer checking recreational catches. These are in well-known striper hot spots too! In the past 3 years as a guide I have operated over 350 striper fishing trips by boat and only ONCE did a marine patrol officer approach me. When he did all he inquired about was safety gear. There is virtually no enforcement of the regulations as they are. No reporting, no tagging, just an honor system. In a perfect world this would work but I have seen people harvesting illegal fish time and time again because there is no enforcement around."

Dominick Pucci, Bristol; comment received via mail and at Wiscasset public hearing:

"As an avid striped bass fisherman for over 50 years, I'm writing to express my thoughts regarding the pending two options for Chapter 42 Striped Bass Limits in Maine. I fish the waters of Midcoast Maine from the Damariscotta River up to Muscongus Bay and am very concerned that in the interest of conformity

Maine may be coerced by the Atlantic States Fisheries Marine Commission (ASFMC) into accepting "Option B," whereby an angler can retain a single striped bass at twenty eight inches or larger. Maine has gone its own way before by establishing a slot and unique striped bass management policies. This tradition of Yankee individualism should be continued by approving "Option A," a single fish within a twenty four to twenty six inch slot.

My strong feelings in favor of the slot are twofold. The primary reason I'm strongly against the retention of 28+ inch fish is that fish of that size are all mature breeders, and are usually female. Maine is unique among many of the other ASFMC member states in that its policy of dam removal has the potential to bring about the reestablishment of native Maine striped bass spawning in Maine waters. We all know that the Kennebec, which once hosted a considerable striped bass population, is now seeing a resurgence of spawning, native fish since the 1999 removal of the Edwards Dam. Therefore every time a person keeps a 28 inch or greater striped bass in the Midcoast region they are potentially removing one of our native breeding fish, a tragic loss. You must ask yourselves if a policy that targets breeders is worth the risk to the detriment of spawning, native fish populations. As more and more rivers rid themselves of dams there will more opportunities for native populations to reestablish themselves. As the stewards of this important resource it is your duty to ensure that you provide both the environmental and regulatory conditions to foster the reestablishment of these native striped bass populations.

I will admit that my second reason for desiring a slot is a bit selfish, but in my fishing area we see few larger fish, if we even see fish at all in a particular year since I fish on the Northern Limit of the migratory fish. I've lived and fished in this area for 5 years now and have only had sizeable catches of striped bass in 2013 and 2014. Of the 160+ striped bass I've caught over the past 2 seasons, only 3 were 28 inches or larger. On the other hand, I caught over 50 fish in the current 20 – 26 inches slot limit. I enjoy eating striped bass so I do keep my legal catch whenever I'm lucky enough to be able to.

Maine must also keep in mind that the fishing pressure on striped bass is sure to be stepped up in 2015 and beyond with the recreational cod fishing closure in the Gulf of Maine, along with the expected severe reduction in haddock bag limits, which will spell doom for groundfish charters. To keep themselves alive, charter captains will divert much of their fishing efforts to striped bass, which will *de facto* become the premier game in town. I'm sure that you and your colleagues are keeping this in mind during your deliberations.

I've heard the arguments of Charterboat Captains saying a slot puts them at a "competitive disadvantage" since they can't keep larger fish for their clients. The fact that they run a Maine-based striped bass charter operation IS their competitive disadvantage. No serious striped bass fisherman would charter a boat in Maine if they seek to catch a trophy; those folks charter out of Cape Cod, Pt. Judith and the eastern end of Long Island, NY, where the big fish reside. The vast majority of the charter clients in Maine are vacationing families and for the youngsters on board the excitement of catching any fish is key to the "success" of an outing. It's a great idea to plant the seeds of conservation into the minds of young aspiring anglers as they release any large fish they may catch, telling them it's important to let the breeding fish go back so we can have more fish in the future.

As you're all well aware Maine has the smallest striped bass catch of ASFMC member states by far, being nothing more than a rounding error in the total catch. If we were able to foster a robust, self-sustaining population in multiple river systems, our percent of the total Atlantic striped bass catch would increase and we can help the other member states see the benefits of increases in their native populations. A coast-wide explosion of additional striped bass populations would be the best gift we could give to this noble fish. The species genetic diversity would be increased and a significant population buffer pool would be established against the periodic poor spawning results on the current key spawning rivers like the James, lessening the impact of a poor year class in a particular river system.

Maine has championed many regulations that help striped bass thrive: 1) The circle hook for bait fishing rule, 2) The limitation of treble hooks to 2 per lure, 3) The no gaff rule and 4) The Kennebec River special regulations. ASFMC has given us little credit for these actions because of our low catch numbers, making us the "Rodney Dangerfield" of the commission. WHEN we have multiple native breeding populations in Maine, we can use this new found influence to help other states give us our due respect and see how some of our fishery management techniques might help them.

In summary, Maine's management of striped bass over the years clearly demonstrates how important this fish is to Maine and this tradition of holding it special must not be discarded. Please consider this and approve Option A to Chapter 42, the 24 – 26 inch slot limit for striped bass."

Fred Cichocki, Bath; comment received at Wiscasset public hearing:

"I would like to echo what that gentleman just said. If you want to rebuild the stock of fish, you want to keep the big breeders in the system. The chances that it may not get caught and rebuilding the resident spawning population is big and I think you want to start encouraging people to release trophy fish. It's happening all over down in Florida. Big fish are being released all the time. The economic value of a

single bonefish caught in Florida several times is \$10,000. That is the economic spinoff. It's a matter of education to start getting people to understand that releasing large fish is good for the small fish."

Stephen DeWick, Woolwich; comment received via e-mail:

"I am writing in support of Option A Striped Bass Slot Limit. Although the slot of 24 to 26 inches, will be tight, it will afford the greater protection to spawning fish which are sexually mature. It is especially important to protect the larger egg-carrying females. That protection will be severely diminished by Option B, which will allow the harvesting of bass, 28 inches and larger.

It has been frustrating to know that our neighboring states have allowed the harvesting of 28 inch and larger bass for a considerable time. I believe Maine should not copy their Rules, in the interest of conformity.

It makes little sense to protect only juvenile fish which will compete with the adult fish and will subsequently reduce the number of larger spawning bass. Many of our freshwater lake are now encouraging the harvest of small fish, which have reduced population of larger fish. Thank you for providing the opportunity to comment on your Rule-Making Proposal."

David Walsh, Wellesley, MA; comment received via e-mail:

"I am writing in support of Option A Striped Bass Slot Limit. A 24 to 26 inch slot limit will afford good protection to spawning fish which are sexually mature. If we are to preserve the fishery it is especially important to protect the larger egg-carrying females.

Option B which will allow the harvesting of bass, 28 inches and larger will seriously diminish the needed protections. I believe the State of Maine should be a leader in preserving the fishery and rather than "joining in" should advocate in neighboring states for the positive aspect reflected in Option A.

I am a Massachusetts resident and fish in Maine waters, fresh and salt. My visits provide me with a great deal of relaxation and pleasure and go some ways in supporting the state economy and tax revenues. I appreciate the work you are doing to ensure the long term health of the striped bass population and all the work you do throughout the State."

Steve King, Bath; comment received at Wiscasset public hearing:

"I feel similar to the last two gentlemen. I would like the big fish to be released and hopefully that will keep the stocks from declining even more. For the last several years off of Popham where I fly fish mostly, I haven't caught much of anything. And I have been there when others have caught some but it used to be tremendous fishing down there fly fishing off the shore. You used to be able to go out and get 20 fish from right down in the sand with my fly road and those days are gone unless somehow we can rebuild them. I do think that if we were going to go out and go fishing, you can take great pride in catching those fish. You can take great pride in it like I know a lot of people do and you can release them."

Matt Boutet, Biddeford; comment received at Scarborough public hearing:

"I'm in favor of the slot limit. I like the fact that it has an even larger reduction in mortality. That's the way I would like to see it go. From what I read out of the technical committee, the best case scenario it seems like this is a coin toss for avoiding reaching the threshold anyways so we should be killing as few fish as possible. Another point is, I fish in the Biddeford/Saco area and the herring run is a popular fishery and that is almost exclusively big fish and very few of those fish go back. So I would like to see as many of those larger fish kept in the water as possible."

Mark Driscoll, Wells; comment received at Scarborough public hearing:

"I run a small charter boat out of Wells and have for a lot of years. I kinda like Option A. The reason I like it is based on what the old lady said which is it seems like the only fish we have caught the last couple of years are between 28 and 36 inches. Right in there. Sometimes we get the big ones. Sometimes we get the small ones. Occasionally, someone will take a fish home but not usually. I normally like to see those fish going back and what this gentleman said was kind of my question when he said that the pre-spawn is 28 and below. I really didn't know that. I think those are the fish that could be taken without hurting the fishery. I really think the 24 to 26 inch option is the best but then again I do like the consistency up and down the coast. That should weigh into it also."

Wayne Tanguay, Scarborough; comment received at Scarborough public hearing:

"If the breeder fish are going to be above 28 inches, why would we want to get rid of that stock? I guess based on what I have heard so far, I would go for the slot size."

Ben Emery, Old Orchard Beach; comment received at Scarborough public hearing:

"I think the 24 to 26 makes more sense than a 28 plus because I think that it invites cheating on the bigger fish size. That's all."

Jerry Rideout, Westbrook; comment received at Scarborough public hearing:

"I'm concerned with the herring run just as this gentleman is so I'm going to go along with the slot limit. If the stock is in trouble and it obviously is then we need people at the management level who can stand up and say that this needs to be 36 inches and let them recover again. I don't want to see a slot in the springtime at the river heads so I would go along with a slot limit."

General Comments

Marco Lamothe, charter boat captain, Saco; comment received via e-mail:

"Please allow the scientific community to decide on this matter. We pay a great deal of money to our state and federal biologists to study these fisheries. I am not an expert so I defer to your agency and the federal level decision makers to make these important decisions."

From a practical lens, last season I had very few charter customers who were interested in harvesting fish. I filleted a half dozen fish on a total of twenty charter trips. Based on personal observations and discussions with local recreational anglers, I believe catch and release has become the norm with this fishery. Let's ride this tide of catch and release.....with very limited harvest. Having fish to pursue is best for charter boats and recreational anglers."

Ethan DeBerg, Phippsburg; comment received at Wiscasset public hearing:

"I don't like either one of these options to be honest. I think the slot limit is great thing that we get up here. We don't get a lot of big fish here in Maine. They are down on the Cape or in southern states. The bigger ones in the 26 to 40 slot, we don't get a lot of those fish. I remember fishing in the Kennebec and down around Popham, we will catch some of those fish but if they keep all of those 28 and above south of here, we will never see them before they get up here. It makes me question them all because you are telling me that 24 to 26 inches is the same equivalent as the 28 and above range."

John Holmes, Yarmouth; comment received at Scarborough public hearing:

"I think the 20 to 26 was a Pat Keliher suggestion years ago but things have changed and I understand what we need to do. I agree with this gentleman that enforcement would be very difficult but 28 and above and super breeders which are 32 or 35, I don't think we want to injure those fish just as we don't want to injure the smaller fish. Is there consideration for another slot limit which would be 28 inches to 35 inches and call it quits there? Or 34 and let those larger fish continue to breed predominately as they do."

DMR Response:

Comments in support of Option B (28" and greater)

- In response to comments that one fish at 28" would provide NH/ME border equality and consistency with other states

The Department agrees it would be a benefit to have all Mid-Atlantic and New England states using the same regulations. Sharing a common minimum size with New Hampshire would ease enforcement confusion and enable better public awareness of the regulations. Maine Marine Patrol has faced a consistent challenge enforcing a different set of rules on the border with New Hampshire. Residents of both states launch boats and fish within the other state's boundaries. The water boundary between the states is difficult to follow and the courts have sometimes dismissed cases when these issues become too cloudy, which is frustrating to officers.

The ASMFC Striped Bass Tech Committee and Stock Assessment Sub-Committee recommended nine potential management options and 1 fish 28" or greater was one of the recommended options. The ASMFC Law Enforcement Committee also favors 1 fish 28" or greater.

Finally, the Department notes that Maine's charter industry has expressed that they favor one fish at 28" so that they are not at a competitive disadvantage with other states for clients who want the chance to catch a trophy fish.

- In response to comments that one fish at 28" is preferable to a small (2") slot that would result in a higher discard mortality due to more handling

With the increase in handling of numerous fish to ascertain if they are a slot fish, it is also the Department's expectation that mortality rates would increase.

- In response to comments that one fish at 28" is preferable because having a 24-26 inch slot would kill fish before they could spawn

The Department agrees that removing smaller fish before they can reproduce is counterproductive to stock sustainability for the future. The harvesting of fish 28 inches or greater should allow many of these fish to reach spawning potential.

Comments in opposition to Option B (In favor of Option A, a 24-26" slot limit)

- In response to comments regarding the fact that the chance of catching a fish "greater than 28 inches is slim":

This may be true in some parts of the state, but varies by region. Volunteer Angler Logbook data show that fish 28 inches and over are not uncommon west of the Kennebec River. Historically large (over 28") striped bass have been taken as far east as the Penobscot. Because striped bass are migratory, the size distribution that we observe varies from year to year, depending on the strength of previous year classes.

Voluntary logbook data (data from NH border to Port Clyde) shows that striped bass >28" were common in 2013 (as they were from 2010). These large fish were less common in 2014, but should be available in 2015 as the former "slot fish" grow. Please see the attached length frequency graphs for years 2010-2014.

- In response to comments regarding the importance of a slot limit to protect the breeding stock:

Having a slot less than 28" would mean these fish are being removed from the population before they have a chance to reproduce. Therefore a slot limit will not automatically provide better protection for the breeding stock. In addition, because the other Atlantic states are at one fish at 28 inches or greater, the potential is that fish that are not harvested in Maine could be taken in other jurisdictions, so we really have not protected them in the long-term.

Approximately 25% of female striped bass spawn at age 4, 75% at age 5, and 95% at age 6. Length at age varies, but the average length of a 4 year old female is 23", a 5 year old female is 26", and a 6 year old female is 28". To allow females to spawn at least once, fish less than 28" should not be harvested.

In response to the comment that slot fish provide good table fare:

This is an angler's opinion or preference.

In response to the comments that if the goal is to reduce harvest the best option would be a slot limit between 24 and 26 inches, and that not going with the slot would mean more fish harvested over 28":

Yes, more fish would be harvested that are over 28", however, the ASMFC models show that the stock could sustain this level of harvest and still protect the spawning stock. Maine is the northern range for these fish, therefore we are a small component of the overall Atlantic coast harvest.

The ASMFC Technical Committee (TC) and Stock Assessment Subcommittee determined from the Statistical Catch At Age model (used for the stock assessment) that any one of the following options would result in at least a 25% reduction from the 2013 harvest:

Option	Bag Limit	Size limit	Trophy fish	% reduction from 2013 harvest
B1	1	28" min	n/a	31%
B2	1	30" min	n/a	greater than 31% ³
B3	1	32" min	n/a	greater than 31% ³
B4	1	28-40" slot	n/a	greater than 31% ³
B5	2	33" min	n/a	29%
B6	2	28-34" slot	n/a	28%
B7	2 (1 slot, 1 trophy)	1 fish 28-34" slot	1 fish 36" min	28% ³
B8	2 (1 slot, 1 trophy)	1 fish 28-36" slot	1 fish 38" min	26% ³
B9	2 (1 slot, 1 trophy)	1 fish 28-37" slot	1 fish 40" min	26% ³

The TC stipulated that if deviating from options in the table, states need to submit a state specific analysis using state specific data that demonstrates their proposal meets at least a 25% reduction in total recreational removals. The TC created the following standards for treatment of datasets:

- o Data years: pool three years of data, 2011-2013.*
- o Treatment of sublegal harvest or trips that exceed the bag limit: Assume perfect compliance for 2015, but imperfect for 2013 (this is what the TC used for the coastwide analysis to create the B table options).*
- o Post release mortality: Use 9% as default or an alternative if data exist to estimate it.*

Analysis of the MRIP data for Maine for the years 2011-2013 resulted in an estimated 122,071 recreational removals under the old regulation (20-26 and >40"). Since 1989 in Maine, dead releases have always exceeded the harvest. A new slot of 24-26" would result in an estimated 85,974 recreational removals (a 29.6% reduction); this is the only variation on the old slot that would achieve the required reduction.

1) Old harvest	52,676
2) Old releases	781,908
3) Old dead releases	69,395
4) Old total removals (1+3)	122,071
5) New harvest	13,009
6) New dead releases	3,570
7) New total removals (3+5+6)	85,974
% Total reduction	0.296

In response to the comments that the harvest of more fish at 28 inches and up would reduce the breeding stock

If fish are taken from within the slot, they are also removed from the population before they can reproduce. So, both a slot limit and one fish at 28" will impact the breeding stock in some fashion. Again, the ASMFC models show that the stock could sustain this level of harvest at 28 inches and up and still protect the spawning stock.

In response to the comment that having a slot limit different from the other states puts the harvest on different age classes than the rest of the coast:

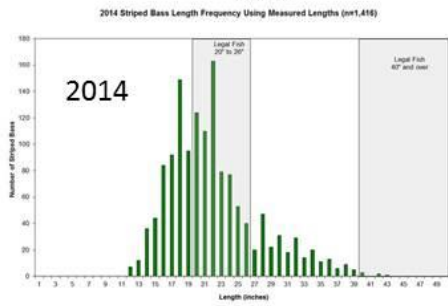
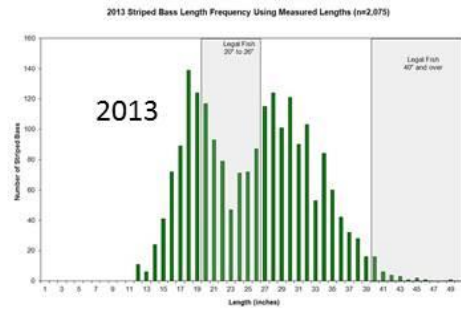
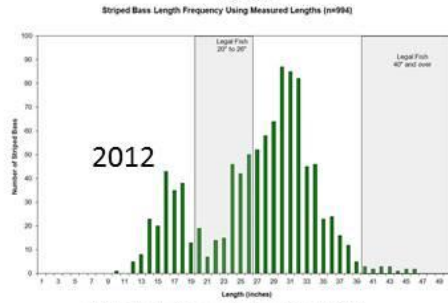
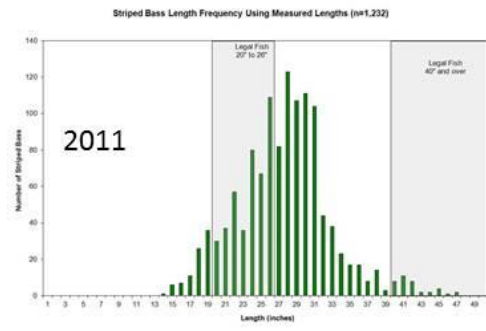
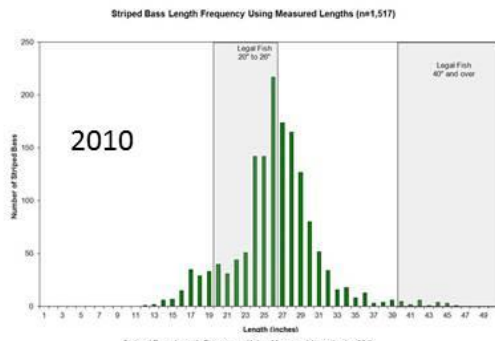
The ASMFC model shows no strong upcoming year classes. There is a need to protect the smaller fish for future spawning. From a management and stock assessment prospective, uniform coastal regulations are preferred.

In response to the comment that every fish harvested over 28" is a potential breeder:

Removing smaller fish before they can reproduce is counterproductive to stock sustainability for the future. With a 1 fish limit there will be an overall reduction in the harvest of breeders coastwide. Again, the ASMFC models show that the stock could sustain this level of harvest at 28 inches and up and still protect the spawning stock.

In response to the comment that the slot limit should be enforceable.

Maine Marine Patrol is concerned that when a slot limit is so narrow (2 inches) it becomes exponentially more difficult to enforce and more difficult for the angler to decipher. The officers take the approach of giving the recreational harvesters the benefit of the doubt. Generally that will mean a ½" of discretion. That leaves only 1" enforce. Measuring live fish especially by a novice with such a small slot makes it more difficult to be accurate and in many cases will require fish to be examined more closely and for a longer period of time, which is not healthy for the fish.



Rule-Making Fact Sheet

(5 M.R.S.A., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Deirdre Gilbert, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021
Telephone: (207) 624-6576; web address: www.maine.gov/dmr/rulemaking; e-mail
dmr.rulemaking@maine.gov

CHAPTER NUMBER AND RULE: Chapter 42 Striped Bass Slot Limit; Option B

STATUTORY AUTHORITY: 12 M.R.S. §6171

DATE AND PLACE OF PUBLIC HEARINGS:

Monday March 9, 2015 Lincoln County 911 Communications Center, 34 Bath Road, Wiscasset. 6 p.m.
Wednesday March 11, 2015 Cabela's Sportsmen Meeting Room, 100 Cabela Blvd, Scarborough. 6 p.m.

DEADLINE FOR COMMENTS: March 23, 2015

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE: At their October 2014 meeting, the Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission (ASMFC) approved Addendum IV to Amendment 6 to the Interstate Fishery Management Plan for Atlantic Striped Bass. The Addendum establishes new fishing mortality (F) reference points, as recommended by the 2013 benchmark stock assessment. In order to reduce F to a level at or below the new target, coastal states are required to implement a 25% harvest reduction from 2013 levels. Maine is advancing two options for public comment to achieve that reduction. This rulemaking (Option B) would establish a new minimum size for Maine's striped bass fishery. Specifically, this rule would allow a person would be able to take one striped bass each day 28 inches or more in total length. A second option (Option A) with a 24"-26" slot limit was also proposed in a separate concurrent rule-making.

This management action is deemed necessary to respond to the results of the 2013 Atlantic striped bass benchmark assessment indicating F (Fishing Mortality) in 2012 was above the new F target, and female spawning stock biomass (SSB) has been steadily declining below the target level since 2006. This means even though the stock is not overfished and overfishing is not occurring, SSB is approaching its overfished threshold and stock projections show SSB will likely fall below the threshold in the coming years. In addition, a similar decline has been observed in total harvest.

ANALYSIS AND EXPECTED OPERATION OF THE RULE: Persons participating in the striped bass fishery will be required to adhere to the amended length limits established through the rule.

FISCAL IMPACT OF THE RULE:

Enforcement of these proposed amendments would not require additional activity in this Agency. Existing enforcement personnel will monitor compliance during their routine patrols.