

# Atlantic States Marine Fisheries Commission

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John I. Nelson, Jr. (NH), Chair  
Preston Pate, Jr. (NC), Vice-Chair



John V. O'Shea  
Executive Director

*Working towards healthy, self-sustaining populations for all Atlantic coast fish species, or successful restoration well in progress, by the year 2015.*

September 9, 2003

Mr. Bradley M. Campbell  
Commissioner  
Department of Environmental Protection  
State of New Jersey  
P.O. Box 402  
Trenton, New Jersey 08625-0402

Dear Commissioner Campbell,

Thank you for your letter of August 24, 2003 regarding Amendment 6 to the Striped Bass Fishery Management Plan. Your letter was provided to the Commission's ISFMP Policy Board. The Board also heard from Director Martin McHugh regarding New Jersey's concern for the protection of striped bass spawning areas on a coastwide basis. The Policy Board has referred this issue to the Atlantic Striped Bass Management Board for their consideration.

The Commission applauds your efforts to ensure the protection of striped bass in their vital spawning habitat. The Commission's Management Plan acknowledges the return of striped bass to spawning areas as a critical part of striped bass life history and thus includes a recommendation discouraging the development of striped bass fisheries on spawning grounds during spawning season. As you may be aware, any state may implement more conservative measures than those in Amendment 6 to protect the striped bass in spawning areas.

The Atlantic Striped Bass Management Board will receive a copy of your letter when it meets during the Commission's Annual Meeting in December. Thank you for your comments and participation in the Commission's Atlantic Striped Bass Management Program.

Sincerely,

John I. Nelson

cc: Atlantic Striped Bass Management Board  
Joanna Dunn Samson, NJ DEP Deputy Commissioner  
John V. O'Shea

L03-106

September 11, 2003

Fred Schwab  
3735 Deep Hole Drive  
Mattituck, N.Y. 11952

Anne Lange, Chief  
State/Federal Fisheries Division  
Office of Sustainable Fisheries  
National Marine Fisheries Service  
1315 East West Highway, Room 13317  
Silver Spring, Md. 20910



Re: Proposed Rulemaking-Striped Bass Regulations for Exclusive Economic Zone (EEZ)

Dear Ms. Lange;

The undersigned has never mastered the art of brevity, particularly when a proposed action is inadvisable. Having said that I and those whom I speak for are opposed to any form of a reopening of a striped bass fishery in the EEZ.

The NOTICE of PROPOSED RULEMAKING for the EEZ states that it is "...in response to recommendations from the Atlantic STATES Marine Fisheries Commission...". Please note the emphasis placed on the word STATES. The fact of the matter is that the States did not vote in favor of change, 5 opposed, 4 favored, 3 null votes and 1 abstention. Thus the Notice conveys inaccurate information inasmuch as the votes cast by the 2 Federal agencies, the NMFS and the Fish and Wildlife Service, altered the outcome and thus the position taken by the voting States.

In the process of adopting Amendment 6 to the Striped Bass Management Plan the ASMFC's Striped Bass Board had to take action on a number of specific issues contained therein. Relative to fishing mortality the more, if not most significant of these were Allocation, Fishing Mortality Target and the question of the EEZ.

Because fishing effort and the availability and therefore likelihood of catching striped bass is both unpredictable and largely uncontrollable the "collective impact of those three factors on fishing mortality is unknown. But the Board chose to increase allocation, not implement a significantly conservative fishing mortality target and, with the two votes cast by the services, to seek a reopening of the EEZ. In addition, the Board approved increases in the commercial allocation for Massachusetts and the recreational bag limits for that state and New Hampshire. From a collective standpoint those five actions were glaringly unwise choices.

The Board's actions were taken despite the fact that there is not and, for at least several more years, will not be hard or even moderately soft data on the magnitude of commercial discard mortalities within state or federal waters, and of course what would occur were targeting of striped bass in part or all of the EEZ legitimized. On that last point, to state the obvious, advanced data pertaining to the EEZ would not and could not be reliable since the degree of targeted effort on striped bass would be subject to unknown shifts in fishing effort and user behavior by both user groups.

Whatsmore, eliminating or even easing the prohibition on the

NMFS, A.Lange....EEZ

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possession of striped bass in the EEZ will increase discard mortality as a result of the known practice of "high grading" and in all likelihood result in an increase in unrecorded landings and the black marketing of striped bass flesh. Those practices are not controlled through specific quotas!

A partial or even total reopening of the EEZ raises, as the NMFS 2/1/02 letter to the ASMFC points out, a very complex problem in terms of enforcement and it's impact on effective management.

Another factor which must not be overlooked and which the NMFS speaks of under issue 3 of that 2/1/02 letter is the question of mortality on older/larger fish were the EEZ reopened. Expanding the age/size distribution of striped bass was an often repeated topic of discussion prior to and throughout the development of Amendment 6. In fact, under the heading of Goals and Objectives Amendment 6 contains the following objective, "Establish a Fishing Mortality Target that will result in a net increase in the abundance (#) of age 15 and older striped bass in the population....".

In adopting Amendment 6 the ASMFC implemented a Fishing Mortality Target of  $F=0.30$  which is essentially status quo it having been  $F=0.31$ . The Board felt that over time at  $F=0.30$  the abundance of age 15 and older fish in the population would increase. Over time that "might" have been the case but in the opinion of many the increasing pressure on this fishery resource and a reopening of part or all of the EEZ places that viewpoint under the category of extremely unsound reasoning.

A reopening of the EEZ will result in a totally unknown increase in fishing mortality on older/larger striped bass!

With respect to the age/size structure having not expanded to that seen in the past one might argue that growth takes time and that the catch of some large striped bass, most notably from New York waters several weeks ago, is contradictory. A local fishing publication has stated as much. (During the development of the original management plan (1978-81) claims of there not being a problem were voiced whenever a notable catch occurred). Of course such events hardly qualify as being scientific evidence.

In this year's case one must take into consideration the north-east's cold and wet spring and early summer which probably did delay and alter the northward migration of some and perhaps many large fish which summer-over in New England waters. Colder than normal and fluctuating water temperatures and currents would also effect the abundance, movement and disbursement of prey species.

An analysis of public comment focused on the EEZ question cannot and should not be ignored. Attachment number 1 is based on an ASMFC Summary Report distributed during the Board's 12/19/02 meeting while Attachment 2 is the result of an exhaustive review of well over 200 copies of letters and E-mails, also furnished during that meeting.

Regardless of which listing one chooses to review it is obvious that the votes for a reopening of the EEZ by two Board member states (New York and Rhode Island) dismissed the overwhelming opinion expressed by their constituency. With respect to the two (2) remaining

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states which voted for a reopening (Massachusetts and North Carolina), neither state could claim overwhelming public support for their vote and in the case of Attachment 2 both states received public support by the very slimmest of margins.

Public input, whether voiced verbally or in written form, varies in terms of both detail and eloquence for that is the nature of human beings, we are not all the same. How one expresses their thoughts should not be the yardstick by which their opinion is measured. What is significant is that they have an opinion and are concerned enough to take the time to attend and speak at a hearing or express their position in written form.

The July/August 2003 issue of the ASMFC's by-monthly publication "Fisheries Focus" states that "Public comment is a key part of the Commission's fishery management process". It also points out, and understandably so, that ASMFC Commissioner's must reach decisions based on a number of factors. One of those which is, or should be, the most important is that Commissioner's must act in the best interest of the resource.

That is as it should be, but reopening the EEZ in part or totally does not translate into being "in the best interest of the resource". On the contrary, such change in the management of this resource, now or for several years to come, may and probably would jeopardize the process of building a healthy age structure and consequently the future well being of the coastal migratory stock.

Two final points relative to input to the Striped Bass Board. During it's 12/18/02 meeting the ASMFC's Striped Bass Advisory Panel restated, for at least the third time through the years, strong opposition to a reopening of the EEZ. What'smore, the ASMFC's Law Enforcement Committee in reviewing both a partial and total reopening has expressed objection to such actions (see attachments 3 and 4).

Having used and observed the use of this fishery for over 50 years it is my belief that it is being more heavily exploited than ever before. During the years leading up to the collapse of the coastal migratory stock there were no commercial quotas, no recreational bag limits and no meaningful minimum size limits. Today those measures are in place along with "somewhat" more significant area and seasonal restrictions.

But we also have more fishermen and targeted fishing effort on striped bass and in the case of the Chesapeake Bay jurisdictions the maximum size limits of the past have been eliminated. Both user groups use more effective gear and techniques; have the means to fish in areas rarely fished before, have fish finders and depth recorders and so on.

While it is understood that Amendment 6 allows for adjustments in management measures should stock assessments raise a red flag, such assessments are understandably not based on real time. Furthermore, the Board must evaluate the data and struggle to agree on what actions to take before the many involved jurisdictions go through their process of implementation. These various steps take time and it is not a stretch to say that close to 2 years can pass from the time that a problem

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began to the time full implementation of corrective or more conservative measures by all jurisdictions are in place. Appropriate include the time needed for the process of once again closing the EEZ should it be determined that it's reopening had been a mistake.

The undersigned has served as a New York representative on the ASMFC's Striped Bass Advisory Panel since it's inception during 1994. And to the best of my knowledge, with the exception of just one Board member, I am the only present participant who can claim direct involvement, start to finish, in the development of the original Striped Bass Management Plan (1978-81). So I was on board at a time when species specific marine finfish management on a regional basis began and when this fishery was in steady decline and on the verge of total collapse

While it would serve no purpose to describe in detail the struggle that it was to develop what at that time seemed to be a "somewhat" effective management plan, it was a frustrating and often emotionally draining experience.

The closure of the EEZ has been and continues to be a major contributor to the striped bass becoming, once again, a viable fishery and that closure should be continued to achieve the goal of full and hopefully sustained restoration.

Sincerely,



Member-ASMFC Striped Bass  
Advisory Panel

**AMENDMENT 6 - PUBLIC INPUT (BASED ON ASMFC SUMMARY REPORT)**



EEZ (ASMFC SUMMARY REPORT)	STATUS QUO OR KEEP CLOSED		NEW YORK (ONLY)	
	OR KEEP CLOSED	OPEN	STATUS QUO	OPEN
ALL PUBLIC HRG'S	99	38	27	1
WRITTEN COMMENT	83	12	43	3
	182	50	70	4

BY JURISDICTION

MAINE	12	1	
NEW HAMPSHIRE	10	*	* ONE(I) INDIVIDUAL STATED FOR REC'S ONLY.
MASSACHUSETTS	10	23	
RHODE ISLAND	13	0	
CONNECTICUT	5	0	
W YORK	70	4	
NEW JERSEY	21	0	
PENNSYLVANIA	2	0	
DELAWARE	2	2	
MARYLAND	9	7	
PREC.	1	1	
D.C.	0	0	
VIRGINIA	20	0	
NORTH CAROLINA	7	12	
	182	50	

NOTE: OF THOSE FAVORING A RE-OPENING 18 CHOSE OPTION 2 (TERRITORIAL SEA PORTION) 3-12 MILES  
 32 " " 3 (EEZ IN TOTAL)

(2)

AMENDMENT 6 - PUBLIC INPUT (DATA DOES NOT INCLUDE ASMFC REPORT OF WRITTEN AND E-MAIL INPUT, BUT RATHER A REVIEW OF LETTERS AND E-MAILS FURNISHED BY ASMFC)

	STATUS QUO		NEW YORK (ONLY)	
	(KEEP CLOSED)	OPEN	STATUS QUO	OPEN
ALL PUBLIC HRG'S (ASMFC)	99	38	27	1
WRITTEN COMMENT	88	6	31	1
E-MAILS	85	0	13	0
	272	44	71	2

BY JURISDICTION

MAINE	20	1	
NEW HAMPSHIRE	12	*	* ONE (1) INDIVIDUAL STATED FOR RECS ONLY.
MASSACHUSETTS	18	19	
RHODE ISLAND	13	0	
CONNECTICUT	22	0	
NEW YORK	71	2	** NOTE: THE CATEGORY OF "UNKNOWN" RELATES TO
NEW JERSEY	36	0	LETTERS AND E-MAILS CONTAINED IN THE ASMFC'S
PENNSYLVANIA	4	0	12/18/02 HANDOUTS OF COPIES WHICH DID NOT CONTAIN
DELAWARE	3	2	A MAILING ADDRESS, THE MAJORITY OF THESE WERE
MARYLAND	11	7	E-MAILS.
P.R.E.C.	1	1	
DC	0	0	
VIRGINIA	21	0	
NORTH CAROLINA	11	12	
WYOMING	1	0	
MEMBER, NEFMC ADVISORY PANEL	1	0	(COPY ATTACHED)
FEDERAL LAW ENFORCEMENT	1	0	
REB	1	0	
UNKNOWN **	26	0	
	272	44	

October 16, 2001

Mr. John H. Dunnigan  
Executive Director  
Atlantic States Marine Fisheries Commission  
1444 Eye Street, N.W., Sixth Floor  
Washington, D.C. 20005

Re: Law Enforcement issues relating to the opening of the EEZ

Dear Mr. Dunnigan,

The Law Enforcement Committee (LEC) was requested to discuss and evaluate the feasibility of implementing and enforcing state striped bass regulations in the territorial sea (3-12 miles). At the LEC meeting held in Rockport, Maine, this issue was discussed and the LEC came to consensus on the following two issues as they relate to striped bass fishery in the territorial sea.

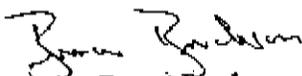
The first issue discussed was under the premise that state jurisdictions be required to enforce state regulations out to twelve miles. Many concerns were raised in evaluating this concept. First and foremost, where does the legal authority come from that would allow states to have jurisdiction in federal waters? Would this authority have to come from changes in both state and federal law? Other issues raised were funding, manpower concerns and definition of boundaries in these extended state jurisdictions.

The second scenario discussed was under the premise that the federal prohibition on the possession of striped bass was lifted and no regulations existed in federal waters. Our understanding is that the authority vested under the Magnuson-Stevens Fishery Conservation and Management Act would recognize state authority in federal waters. At least one jurisdiction has been advised by their state Attorney General that they will not enforce any regulations outside of three miles. The LEC still recognizes the funding and manpower concerns as being problematic under this scenario.

An example was given of what would prevent a vessel fishing in federal waters and landing an excessive amount of striped bass in a state that has no regulations or that has claimed de minimis status. How would this type of activity affect a fully restored stock?

In closing, the LEC does not believe that the concept of increasing state jurisdiction from three to twelve miles is a prudent measure for one species.

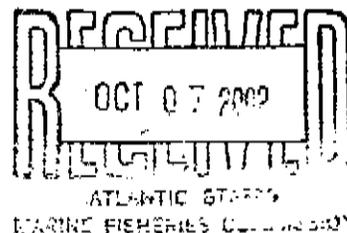
Respectfully submitted,



Major Bruce Buckson

Chairman

Law Enforcement Committee



October 1, 2002

Mr. Robert Beale  
 Director  
 Interstate Fisheries Management Program  
 Washington, DC

Dear Mr. Beale:

I attended the hearing on Amendment 6 in Dedham, MA in September. I am submitting some thoughts and suggestions for your consideration.

RE: Recreational By-Catch of Striped Bass

The proposed regulations include the assumption that the mortality rate of striped bass released from hook and line is 8%. Clearly, this is an unacceptable impact on the striped bass population. This is especially true for the recreational sector as the number of recreational anglers increases and the recreational access to other species dwindles.

To counteract the impact of the hook and line by-catch, the mandatory use of circle hooks for bait fishing and the prohibition of the treble hooks with bait must be enacted as part of Amendment 6.

While few will argue that such gear changes will not have a positive effect on by-catch mortality, ASMFC currently has no evidence on the magnitude of the reduction. Neither does Amendment give credit in its statistics for any reduction from the gear change.

As part of this change, ASMFC must include an estimate of the reduction in striped bass mortality resulting from this change. Ideally, this estimate should be based upon scientific testing of these measures. To my knowledge, protocols and assumptions made for the original testing was not submitted for peer-review. Thus, consulting new studies and validating their results via peer-review would both prove the impact of gear change and prevent any future challenge to the Amendment, such as we've recently seen in ground fisheries.

Given the lack of financial resources or time necessary to conduct these studies, ASMFC must make an estimate of the reduction that this gear change will have and include those reductions in Amendment 6.

RE: Enforcement of Circle Hook Requirement

The NEMFC Law Enforcement Panel recently discussed gear changes in the long-line sector in September. Industry representatives stated in that meeting that there is no statutory or de facto standard which defines a circle hook or even such a definition for a specific size hook. Concomitant to enacting the change in gear for bait fishing, ASMFC must define that hook type within Amendment 6. To do otherwise, makes enforcement of such a change impossible.

RE: Opening the EEZ - Option 1

There are some in both the recreational sector and the commercial sector who argue for the opening of the EEZ to striped bass fishing. At the recent hearing in Dedham, Massachusetts, positions were offered that stated that there are large, healthy striped bass in those waters and that those same stripers were starving due to lack of bait. Upon hearing the varied opinions, one can conclude that even those most familiar with those waters have no conclusive data on the status of that portion of the fishery.

October 1, 2002

● Page 2

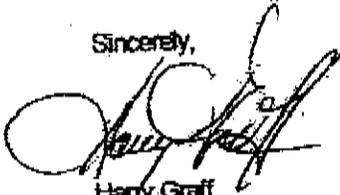
My recommendation is to maintain the closure until biological studies can accurately determine the status of the breeding population in those waters.

RE: Enforcement Panel Recommendation

The ASMC Law Enforcement Panel recommended against opening the EEZ to striped bass fishing. The advice of this panel must be a compelling argument for maintaining the closed status. If a given portion of the recreational and commercial sector will knowingly violate the current law for personal pleasure and/or profit, this same percentage will violate other regulations with similar rationalization. If the EEZ is opened, current enforcement resources will be stretched even more thinly than they currently are. The EEZ must remain closed until an adequate enforcement plan is developed.

Thank you for your consideration.

Sincerely,



Harry Graff  
Member, NEFMC Advisory Panel for Law Enforcement

CC: NEFMC Advisory Panel on Law Enforcement

Untitled



To whom it my concern.

I am writing in regards to the proposed rules for the striped Bass

in NJ. I think the marine Fisheries sev. must be on the commercial

fishermens payroll.

We here in NJ have had the first fairly good year of catching stripers. There were a lot of shorts but at least we were catching some. There was also a few ~~was some~~ nice size fish caught. But not like it was 10 or 15 years ago. I think it needs at least 5 more years to get close to what we had. If the commercial people are allowed to start again we may as well forget fishing for them. Plus the commercial people will have them extinct in no time. When I was a kid just starting to fish for them there was a lot of them from 30 to 50 lbs now if you catch a 20 lb fish thats good. I don,t think that the commercial fishermen should be allowed to catch stripers. there are plenty of other fish they can get. leave the stipers alone. I think that commercial fishermen should only be allowed to drag in there own state waters. giving the fish a chance to breed as they migreat. Let the commercial people catch fish only in there own home waters instead of cleaning them out up here in the New England states.

I don.t understand what they are going to do with them seeing as how according to you they carry PCPs and are not healthy to eat. except if you want to take a chance and cook one a week. Do the people they sell them to know that.

Tony Cianci

900 D Street

Belmar NJ 07719



Rec'd  
9/17

September 9, 2003

Anne Lange, Chief  
State-Federal Fisheries Division  
Office of Sustainable Fisheries  
NOAA Fisheries  
1315 East-West Highway - Room, 13317  
Silver Spring, MD 20910

Dear Chief Lange:

I appreciate the opportunity to add my comments to the record on reopening the EEZ to striped bass fishing. I am a two trip per week recreational fisherman who targets striped bass most of the summer. I am also a member of CCA and the RFA. I believe that they are both already on record as opposing this proposed change. I agree; it is not consistent with long term, sustainable fisheries management to open the EEZ to fishing for stripers. There would be short term rewards for pursuing this policy -- a bunch of people would catch a bunch of big spawners. However, fisheries management policy for stripers should be finding ways to get more big spawners in the stock, not on increasing the harvest of those few that now migrate off the coast. The long term risks of opening the EEZ are simply too great.

I believe the State of Maine is also opposed to this change. The striped bass is a game fish in our waters and opening the federal waters just three miles off our coast to commercial fishing would punch a giant loophole in our laws. Federal policy should not facilitate poaching.

Sincerely,

Eric Root  
5 Hemlock Cove Rd.  
Falmouth, Maine 04105

# Angler

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## ADVENTURES

September 11<sup>th</sup>, 2003

Anne Lange, Chief  
 State-Federal Fisheries Division  
 Office of Sustainable Fisheries  
 National Marine Fisheries Service  
 1315 East West Highway, Room 13317  
 Silver Spring, MD  
 20910



Dear Ms. Lange,

I spend hundreds of hours a year fishing for striped bass with rod and reel. Please do not open the EEZ to the taking of striped bass. As it is, the striped bass population is in serious decline due to the reinstatement of an inshore commercial fishery. The biggest mistake NMFS ever made was to allow the reinstatement of commercial fishing for striped bass after the 13 year moratorium.

More than 3,000,000 recreational anglers, as well as a huge guiding and tackle industry along the East Coast, depend on the continued availability of good striped bass fishing. We do not need more pressure on the resource.

The ASMFC petition to open the EEZ was spearheaded by representatives of a few coastal states to make it easier for their commercial fisherman to catch more striped bass. In fact this measure passed the ASMFC as the result of a 6 to 5 vote, hardly a mandate. Every measure of public comment has consistently been against reopening the EEZ. That increase in commercial harvest comes at the expense of the recreational fishing public who are being deprived of a public resource.

The EEZ has been off limits to all fishing for stripers, and serves as a refuge for striped bass. The fish need this refuge. There is no valid, scientific reason to reopen the EEZ. NMFS is constantly attacked as anti recreational fishing, and for having poor conservation ethic. Here is a chance for NMFS to do the right thing. **DO NOT REOPEN THE EEZ TO STRPIED BASS FISHING!!!**

Sincerely,

Chip Bates  
 271-1 McCurdy Road  
 Old Lyme, CT 06371  
 Telephone: 860-434-9624

Angler Adventures, LLC  
 P.O. Box 872, 80 Halls Rd., Old Lyme, CT 06371  
 Phone (860) 434-9624 • (800) 628-1447 • Fax (860) 434-8605  
 E-Mail: info@angleradventures.com • Web Site: angleradventures.com

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FROM : FRANCES FLEET

PHONE NO. : 401 782 8520

Sep. 19 2003 03:27PM P1

# FRANCES FLEET

September 19, 2003

Anne Lange, Chief, State Federal Fisheries Division  
Office of Sustainable Fisheries, NOAA Fisheries  
1315 East West Highway, Room 13317  
Silver Spring, MD 20910

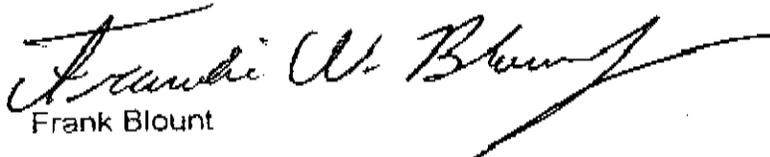
Dear Chief Lange,

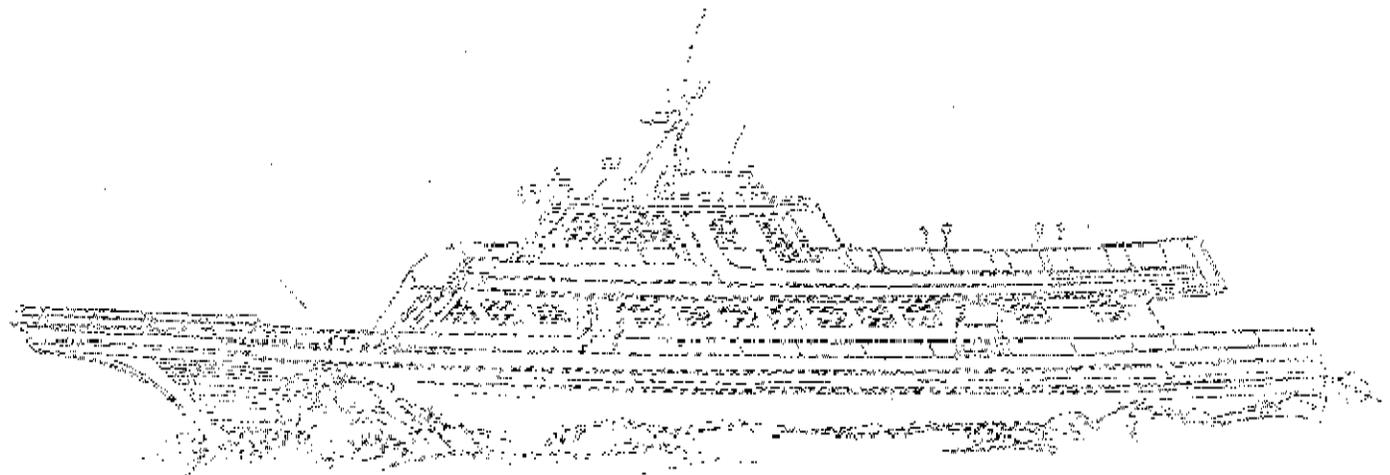
I am writing to express my support of the opening of the EEZ to commercial and recreational striped bass. Both commercial and recreational fishermen have contributed to the recovery of the bass populations. It is only fair that both sectors share in the benefits of a rebuilt stock. Far too often we hear that there should be NO closed areas for the recreational sector. I find it disturbing that in this instance the recreational sector is willing to close the entire EEZ.

The commercial harvest is very tightly controlled, so what difference does it make where they are caught? The S.F.A. Act says that we should limit regulatory discards and by catch. If fish are currently being caught in the EEZ and discarded dead, doesn't it make sense to have them landed and count toward the quota?

I trust you will use the common sense approach to this matter and open the EEZ so all sectors can participate in one of our fisheries' success stories.

Sincerely,

  
Frank Blount



P.O. Box 3724 • Peace Dale, RI • 02883 • 401-783-4988

Lew Deery  
520 Chestnut St.  
Royersford, Pa  
19468

Dear Ms. Lergei

Sep. 19, 2003

As a point of information,  
last November I caught a 26"  
striped bass that was tagged. (Delaware coast)

I reported the information and  
to my amazement, the fish had  
been released exactly one year  
prior and had grown only 1".

It would be a real shame to  
decimate the bass population again  
after waiting so many years for a  
recovery.

Thanks for your time.

Sincerely yours,

Lew Deery



# Gary A. Caputi

Outdoor Journalist & Offshore Editor - *Salt Water Sportsman*

September 15, 2003

Anne Lange  
Chief, State-Federal Fisheries Division  
Office of Sustainable Fisheries  
National Marine Fisheries Service  
1315 East-West Highway, Room 13317  
Silver Spring, MD 20910  
Fax (301) 713-0596



Dear Ms. Lange:

Of all the issues that have galvanized recreational fishermen in recent years none drew more opposition than the last time NMFS requested public comment on reopening the EEZ to fishing for striped bass. I clearly remember attending public hearings in my home state that had upwards of a thousand very unhappy recreational fishermen in attendance voicing their strong opposition to the plan. Bill Hogarth was there and should remember these meetings vividly. While the striped bass stocks have continued to improve since then, there is still strong opposition to the reopening and with good reason.

While stocks are at high levels of abundance, it has yet to be proven by the ASMFC that the population levels are sustainable or that they can support the increased levels of harvest recently granted in an over 40% increase in commercial harvest just last year. The last thing that is needed at this time is for another variable, the reopening of the EEZ, to be put into the management equation to further muddy the waters.

I believe that the closure has been a far more important factor in the rebuilding of this fishery than many managers might think. The closure has kept the brunt of commercial pressure off the large breeder fish that are most often found in federal waters, especially during their annual migration periods in the spring and fall. There is a burgeoning bycatch problem in the EEZ in the menhaden reduction fishery, the herring fishery, large mesh gillnet and even some trawl fisheries. The threat of increased directed trawl fishing for striped bass is increased as a result of the increase and the problems associated with such a fishery are extreme. In North Carolina, where there is a short trawl season in state waters, the incidences of high-grading is already rampant and opening the EEZ will allow trawling to expand and with it high-grading and more bycatch. These problems have yet to be quantified let alone addressed.

The larger the population of stripers the more will be found in the EEZ and NMFS better think long and hard before open the EEZ to legalize commercial harvest. The increased landings, bycatch and high-grading that will occur promises to be dramatic and will undoubtedly increase the pressure on the stocks in both harvest and harvest-related mortality.

118 Harding Drive, Brick Township, NJ 08724

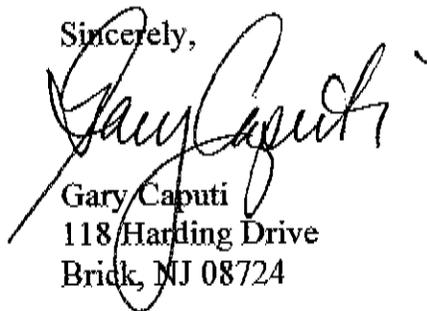
Phone: 732-899-9988 ♦ Mobile: 732-740-9982 ♦ Fax: 732-899-9977 ♦ Email: Caputifish@Comcast.net.com

Recreational fishermen realize that reopening the EEZ will make it easier for them to catch more striped bass. Most know that numerous areas outside state waters are visited by migrating stripers and that they can catch them there when they might not be able to catch them in state waters. However, most anglers also realize what NMFS seems to want to ignore—that the EEZ closure has had a highly beneficial affect on the rebuilding process and will continue to exert a positive effect on protecting the stock structure in future years. I find it hard to imagine NMFS and the ASMFC wanting to abandon a management practice that has produced such strong results at a time when the FMP is dramatically expanding harvest levels. Now is not the time to make striped bass more accessible.

There are also questions concerning what effect reopening the EEZ will have to states that currently have striped bass game fish or no-sale laws in effect. These have yet to be adequately addressed by NMFS or ASMFC.

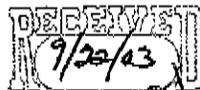
Striped bass are far too valuable to coastal communities to be compromised by opening the EEZ at this time. I strongly urge NMFS to continue the striped bass harvest moratorium in the EEZ until such a time as we more clearly understand the consequences of easing this important regulation.

Sincerely,



Gary Caputi  
118 Harding Drive  
Brick, NJ 08724

cc: Mr. Bill Hogarth, Assistant Administrator NMFS  
Mr. Vince O'Shay, Executive Director ASMFC



9/15/03

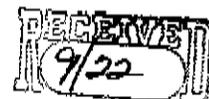
Dear Mrs Lange

My home residence is in Towson, MD. My summer residence is in Phippsburg, ME. I do most of my striped bass fishing in the State of Maine where we very much appreciate the conservation efforts in Maryland, and fully recognize that most of the stripers we catch here are due to what has been done in Maryland. I am distressed to learn that the EEZ may be reopened. After virtually losing all of our bottom fishing here such as the winter flounder, the return of the stripers has been the one bright light for recreational fishing on the Maine Coast. I am concerned that reopening of the EEZ will dim that light significantly not only here in Maine, but in the other States along the East Coast which prohibit the sale of stripers caught in their waters. Please do not reopen the EEZ.

Sincerely

James D. Pearce  
5 Pearce Cove  
Phippsburg ME 04562

Maryland address  
105 Bonnie Hill Rd  
Towson MD 21204



Sept 16, 2003

Office of Sustainable Fisheries  
National Marine Fisheries Service

Att: Anne Lange

Dear Anne Lange:

I am a recreational fisherman and am definitely in favor of keeping the EEZ in place. I believe the striped bass need this area for their self preservation. I have fished for this wonderful fish for over 50 years and have seen their coming and going over the years and hope they will be around long after I am gone. Keep the EEZ for them to do so.

Sincerely,

Robert M. Brown

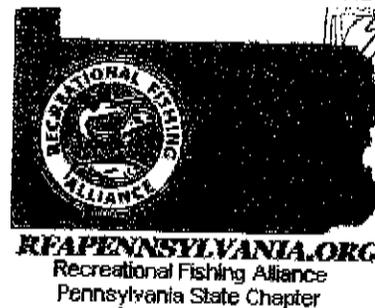
8 Chapel Ave.

Brookhaven, NY 11719

9/22/03

# RFA PA

## THE PENNSYLVANIA CHAPTER OF THE RECREATIONAL FISHING ALLIANCE



September 13, 2003

Anne Lange, Chief  
State-Federal Fisheries Division  
Office of Sustainable Fisheries  
National Marine Fisheries Service  
1315 East West Highway, Room 13317  
Silver Spring, Md. 20910

Dear Ms. Lange,

We are opposed to the opening of the EEZ for the following reasons:

1. It is generally agreed that there are larger striped bass in the EEZ and therefore this action is not consistent with the stated goal of ASMFC of increasing the numbers of ten year or older stripers.
2. These waters serve to protect a significant portion of the migrating population, as well as the overwintering population off the Virginia Cape and North Carolina.
3. One of the reasons for the recovery of the striped bass fishery, is the haven the EEZ waters represent.
4. The issue requires additional study to consider the impact this action may have on the biomass of the striped bass fishery.
5. The Advisory Panel and Technical committee voted against it.
6. The public has been opposed to opening the EEZ, at hearings in most if not all states.
7. The vote of ASMFC taken in February in Crystal City was: 6 yes, 5 no, 3 nul, 1 abstention. The majority of states [including Pennsylvania], voted against the opening, but the votes of USFWS and NMFS swung the vote. When this was up for a vote in Providence in December it failed with both of these agencies abstaining.

Our organization represents over 1200 Pennsylvania saltwater anglers, who fish the waters of New Jersey, Delaware and Maryland.

Thank you for your consideration.

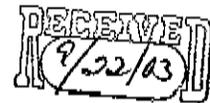
Sincerely yours,

Dr. Gene Kray  
Chairman

**Pennsylvania Office:** RFA PA, 325 Staghorn Way, West Chester, PA 19380

**National Headquarters:** RECREATIONAL FISHING ALLIANCE, P. O. Box 3080, New Gretna, NJ 08224

Phone: 888-JOIN RFA ♦ Fax: 609-294-3816 ♦ Website: www.savefish.com



**John F. Hitchcock**  
**PO Box 48**  
**14 Pine Hill Road**  
**Sergeantsville, NJ 08557**  
**hitch38@blast.net; fax: 908-782-3057**  
**Phone: 908-782-2558**

---

16 September 2003

Ms. Ann Lange, Chief  
State-Federal Fisheries Division  
NMFS  
1315 East-West Highway  
Silver Spring, MD 20910

Ms. Lange:

I am an avid recreational/sport fisherman who abides by the New Jersey bonus Striped bass program and the various fishing limits/slot regulations.

Opening an EEZ to striped bass will devastate their population comeback in one year. Greedy commercial fisherman will find loopholes to increase their catch while taking increasing numbers of large spawners. If commercial fishermen continue to operate as those in North Carolina did on January 20 and 21, 2003, no bass will be available for any one. The trawlers will blatantly disregard OUR mutual resource. Will law enforcement agents be able to enforce regulations?

It's annoying to be force-fed restrictive limits without any recreational representation involved in the decision making process. We, recreational fishermen, always get a fishing pole rigged with line and lure or bait; but when reeling in, terminal tackle and fish always disappear at the water's surface.

We must nourish and protect this most important inshore Atlantic game fish. The dollar value of recreational fishery far surpasses the commercial striped bass fishery. Public interest in striped bass conservation must take precedence.

Sincerely,

John F. Hitchcock

Anne Lange  
 Chief State-Federal Fisheries Division  
 1315 East West Highway RM13317  
 Silver Spring, Md. 20910

Baltimore Md. 21212  
 September 21, 2003

Dear Ms. Lange:

Shame on the National Marine Fisheries Service. I gave up five years of striped bass fishing in the Chesapeake Bay to help bring back that fishery.

I do not see the public suffering from lack of striped bass provided by the commercial interest. I do see by perpetuating the commercial interest by opening up the exclusive economic zone you will hurt a majority of hook and liners (taxpayers) who contribute substantially to the economy.

I urge NMFS to keep the EEZ closed  
 If it aint broke don't fix it.

Sincerely,

Paul E. McHarris  
 115 Glen Argyll Rd  
 Baltimore, Md. 21212

Please let me know your  
position on this subject 9/23/03

From John Shipley  
291 Elkwood Ave  
New Providence, NJ, 07974  
#(908) 790-1960

Anne,

I hope you realize how  
absolutely ridiculous the proposal  
to open the EEZ to striped bass  
fishing is.

When will we ever learn that  
some fisheries simply cannot sustain  
the slaughter?

Have you ever seen the  
carnage that a commercial net  
boat causes when it pulls up its  
nets? Please, please do what  
you can to prevent this legislation  
from going through.

Respectfully,  
John Shipley

# MANASQUAN FISHING CLUB

PO Box 513

MANASQUAN, NEW JERSEY 08736

MEETINGS HELD THE FIRST FRIDAY OF EACH MONTH  
AT THE MANASQUAN WOMANS CLUB

SEP 23

Ed Plaskon President  
Paul Ward, 2nd Vice President  
Herman Pfeifer, Assistant Treasurer  
Ed Walsh, Director

Greg Jewell, Vice President  
Al Lake, Recording Secretary  
Frank Richetti, Director

Thomas Siciliano, Corresponding Secretary  
Richard Volz, Treasurer  
Howard Stroger, Director

September 5, 2003

Anne Lange, Chief  
State-Federal Fisheries Division, Office of Sustainable Fisheries  
National Marine Fisheries Service  
1315 East West Highway, Room 13317  
Silver Spring, Maryland 20910

Dear Ms. Lange,

As a member of the Manasquan Fishing Club and its 140 members I am writing in opposition to opening the EEZ to striped bass fishing. We have many concerns about the possible opening of the EEZ there is currently no information available that would cause us to change that position. I am providing comments prior to the consideration of any public hearing. The reasons I oppose an opening are as follows:

1. Opening the EEZ to striped bass fishing will increase the overall mortality rate. Amendment 6 allows for the relaxing of the regulations both recreationally and commercially. We are not sure what the consequences will be. No decision on the EEZ should be made until data for 2004 and 2005 has been thoroughly analyzed.
2. New Jersey and New York both have PCB closure areas for the harvesting of striped bass. Our states have been enforcing this ban in state waters. If the EEZ is open and striped bass can be harvested in federal waters, the states will not be providing the enforcement. Given the current pressure on the Coast Guard, we have no faith that the federal government can provide enforcement of any PCB related closure. The health of the consumers must be paramount.
3. Frequently the proponents of opening the EEZ state that this would allow for the use of the by catch of striped bass. They say these fish are being caught anyway and opening the EEZ to striped bass fishing would simply end the waste. With trip limits and other limits in place the by catch does not disappear. Quite the contrary, this encourages high grading and higher mortality. This was clearly demonstrated by what happened when the commercial quota in the winter fishery was increased in North Carolina.

I believe that the opening of the EEZ should not even be considered. If however public hearings were held in New Jersey many members of the Manasquan Fishing Club would like to attend the meeting and be heard.

Sincerely,

*C. Lynn Jewell DVM.*  
U.S. Manasquan Fishing Club

# FRANCES FLEET

September 19, 2003

Anne Lange, Chief, State Federal Fisheries Division  
Office of Sustainable Fisheries, NOAA Fisheries  
1315 East West Highway, Room 13317  
Silver Spring, MD 20910

RECEIVED  
SEP 23 2003

BY: .....

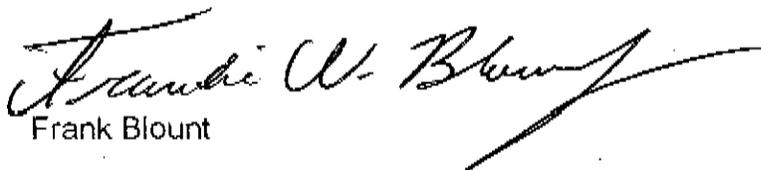
Dear Chief Lange,

I am writing to express my support of the opening of the EEZ to commercial and recreational striped bass. Both commercial and recreational fishermen have contributed to the recovery of the bass populations. It is only fair that both sectors share in the benefits of a rebuilt stock. Far too often we hear that there should be NO closed areas for the recreational sector. I find it disturbing that in this instance the recreational sector is willing to close the entire EEZ.

The commercial harvest is very tightly controlled, so what difference does it make where they are caught? The S.F.A. Act says that we should limit regulatory discards and by catch. If fish are currently being caught in the EEZ and discarded dead, doesn't it make sense to have them landed and count toward the quota?

I trust you will use the common sense approach to this matter and open the EEZ so all sectors can participate in one of our fisheries' success stories.

Sincerely,

  
Frank Blount



P.O. Box 3724 • Peace Dale, RI • 02883 • 401-783-4988

RECEIVED  
SEP 23 2003

BY:.....

To:  
Anne Lange,  
Office of Sustainable fisheries  
NOAA fisheries  
1315 East-West Highway-room 13317  
Silver Spring, MD 20910

I am writing you to voice my opposition to the re-opening of the EEZ to commercial harvest of striped bass. I am currently a recreational fisherman, and I just sent in my application for the OUPV license from the USCG. This will enable me to take people fishing for hire. My main fish to catch is the striped bass. If the EEZ is opened and large amounts of large female striped bass (which are your most successful spawners because of the large amount of eggs they produce) are taken and/or wasted and thrown back dead by commercial fishermen this will hurt the bass stocks in a big way. That could hurt my future charter business, and the business of all the charter, bait and tackle shops, tackle and boat manufacturers, not to name the motels and hotels and other economic benefits of having lots of striped bass for the millions of recreational and charter fishermen along the coast to catch. Without these fish this huge industry of recreational fishing will suffer. You must make your decision based on the facts. The economic benefits of the striped bass as a game fish is a land slide bigger than the economic benefit when bass are killed commercially. Therefore, striped bass must never be allowed to be commercially fished from EEZ waters. Too many big females (which are crucial to spawning) which migrate in these waters would be destroyed.

On a side note, let's get with the times and allow electronic comments to be entered!

Sincerely,  
Brian Bishop  
1426 Gardiner Drive  
Bay Shore, NY 11706  
Brianb1426@optonline.net

Brian Bishop 9-18-03

SEP 23 2003

BY:.....

9-16-03

GEORGE W. PYLE  
1406 PARK ST.  
ATL. BEACH NY. 11509

ANNE LANGE  
CHIEF STATE-FEDERAL-  
FISHERIES DIVISION  
OFFICE OF SUSTAINABLE FISHERIES

IM A 59 YEAR OLD. FATHER AND  
GRAND FATHER.

AS A CHILD, I FISHED WITH MY FATHER  
& GRAND FATHER, FOR STRIPPED BASS IN THE  
N.Y. AREA. WE ENJOYED GREAT MEMORIES  
WHILE CATCHING TROPHY BASS. HOWEVER  
FISHING WITH MY SON'S AS CHILDREN  
NEVER PRODUCED THE SAME MEMORIES.

IN RECENT YEARS THERE HAS  
BEEN A TOTAL TURN AROUND. STRIPPED BASS  
FISHING IS GREAT.

DON'T CHANGE WHAT'S WORKING  
HELP MY FAMILY AND OTHERS ENJOY  
STRIPPED BASS FISHING.

THANK YOU

George Pyle

September 16, 2003

Anne Lange, Chief, State Federal Fisheries Division  
Office of Sustainable Fisheries, NOAA Fisheries  
1315 East West Highway, Room 13317  
Silver Spring, MD 20910

RECEIVED  
SEP 23 2003

BY: .....

Dear Chief Lange,

I am distressed to hear that there is even a possibility that the EEZ will be reopened to commercial fishing for striped bass. Having participated in moratoriums designed to replenish the numbers of striped bass on the Atlantic coast, I feel that it is much too early in the rebuilding of this fishery to allow the reopening of the EEZ.

I attended last year's ASMFC hearings held in Warwick, Rhode Island and was appalled at the conduct of that board. While the advisory committee attempted to honor the public's comments and opinions, the board completely disregarded public comment and opinion. That board went so far as to completely disregard the wording and intent of proposals that had been circulated for months in advance to gain public input. That board was obviously hell bent on increasing commercial quotas no matter what recommendations came forward from the advisory committee. Compare the written agenda and the "public survey" to the actual transcripts for those hearings and you will see this for yourself.

Maybe the EEZ can be reopened to the fishing of striped bass at some point in the future. This decision should not be based on any recommendations of the ASMFC for the above reasons. I think we should error on the side of caution and keep the EEZ closed to all commercial fishing until there is no possibility that present commercial quotas will start the striped bass fishery into a downward spiral once again. Recreational anglers will readily participate in the continued closure of the EEZ as well.

Robert Moeller  
Board of Directors,  
Rhode Island Saltwater Anglers Association



RHODE ISLAND  
SALTWATER  
ANGLERS  
Association

Robert Moeller  
Board of Directors

(401) 539-3047

e-mail: moeller@risaa.org

145 Skunk Hill Road, Exeter, RI 02822

NEW JERSEY MARINE FISHERIES COUNCIL  
501 EAST STATE STREET, 3RD FLOOR  
P.O. BOX 400  
TRENTON, NJ 08625  
609-292-7794  
609-984-1408 FAX

COUNCIL MEMBERS  
OLBERT H. EWING, JR. CHAIRMAN  
ROBERT ABEL  
ERLING BERG  
TOM FRANK  
PATRICK DONNELLY  
EDWARD GOLDMAN  
DECK HERB  
JOHN MAXWELL  
FRANCES E. PUSKAS  
JOE REZZO  
NANCY SITTNER

September 22, 2003

Ms. Anne Lange, Chief  
State-Federal Fisheries Division  
National Marine Fishery Service  
1315 East West Highway  
Room 13317  
Silver Spring, MD 20910

Dear Ms. Lange:

I am writing you as chairman of the New Jersey Marine Fisheries Council concerning the Advance Notice of Proposed Rulemaking for striped bass as published in the August 26, 2003 edition of the Federal Register. You indicate that the purpose of the notice is to request comment on the possible opening of the EEZ to the harvest of striped bass.

Your agency considered opening the EEZ in 1995 with size and bag limits and with state landing laws applied when vessels land their catch. In your proposal, you indicated that the regulations of states where landings occurred would have applied no matter where striped bass were taken in the EEZ. You reported that states with striped bass gamefish status did not support the proposal because they did not want commercial vessels fishing in the EEZ off their states and landing in other states. Further, you indicate that this issue has not been resolved and would likely persist in any opening of the EEZ. Has anything changed relative to your formal position?

We believe there are a number of other issues that should be considered in any fact finding prior to opening the EEZ. They are as follows:

1. What is the ability of your agency to enforce and prosecute violations of Federal striped bass regulations? Information from the Marine Recreational Fishery

Statistical Survey indicates that during certain seasons and in some states a sizable portion of striped bass are recorded as being taken from EEZ waters, which by Federal law are closed. Does your agency have the enforcement and prosecution capabilities to control the harvest in the EEZ at the present time? We believe there is need for an explanation by your agency of any increased enforcement efforts towards striped bass.

2. If harvest is allowed in the EEZ, especially opening more productive grounds, will it lead to increased striped bass mortality?
3. If the availability of large-sized striped bass is greater in Federal waters than state waters, will fishing in Federal waters lead to substantial high grading, i.e., catching and retaining a legal size fish but later during the same fishing trip throwing back the smaller fish to keep an even larger-size fish? What impact will the harvest of larger fish from the EEZ have on future recruitment?
4. The Atlantic Striped Bass Conservation Act requires that the Federal government promulgate regulations governing striped bass fishing in the EEZ that are consistent with national standards, are necessary to ensure effectiveness of state regulations, and achieve conservation and management goals for the resource. If Federal rules are different than state rules, will they supercede state regulations?
5. Amendment 6 to the Interstate Fishery Management Plan will result in a number of substantial changes in the harvest of striped bass. We believe it would be unwise to contemplate opening the EEZ until the impact of these new measures is evaluated.

As stated above it would be very helpful if your agency could address these issues in your documentation leading up to your conclusion whether or not to allow the harvest in the EEZ.

Sincerely,



Gilbert H. Ewing, Jr.  
Chairman, New Jersey Marine Fisheries Council

**EDWARD E. HEINEMANN**

ATTORNEY AT LAW  
169 Merritt Drive  
Oradell, N.J. 07649  
Tel.: (201) 501-0813  
Cellular: (201) 310-0717  
Fax: (201) 501-8921

MEMBER OF NEW YORK AND FLORIDA BARS

E-MAIL EEHESQ@AOL.COM

September 24, 2003

Anne Lange  
Chief, State-Federal Fisheries Division  
Office of Sustainable Fisheries  
National Marine Fisheries Service  
1315 East-West Highway, Room 13317  
Silver Spring, MD 20910

Dear Ms Lange:

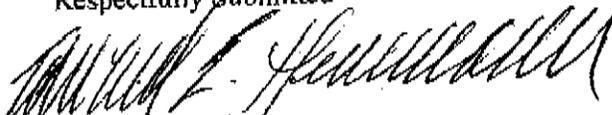
I respectfully urge NMFS to keep the EEZ closed to striped bass fishing.

First, NMFS must address the commercial bycatch of striped bass that is already occurring in the EEZ before opening these waters to directed fisheries. Extensive coastal migration of striped bass occurs annually in the Mid-Atlantic EEZ and many of these fish are large breeders. During these migrations, stripers aggregate on bottom features that hold forage and use these areas as winter-feeding grounds. This makes large numbers of bass vulnerable to commercial fishing gear such as gillnets, small and large mesh trawls, mid-water trawls and pair trawls. On the water observations have shown that there is already a significant amount of striped bass mortality in the EEZ due to commercial bycatch. It would not be appropriate to remove the moratorium until this is addressed.

Second, as Amendment 6 of the Atlantic Striped Bass Fisheries Management Plan states, there are concerns about the relative lack of larger fish in the stock. Many of the striped bass in the EEZ are larger females. Lifting the moratorium would place an increased pressure on the stock of older, larger fish, which, Amendment 6 seeks to enhance. Thus, the long-term sustainability of the stock would be threatened.

Striped bass are far too valuable to the recreational fishing sector and coastal communities to be compromised by opening the EEZ at this time. I strongly urge NMFS to continue the striped bass harvest moratorium in the EEZ indefinitely or until such time in which the consequences of its removal are more clearly understood.

Respectfully Submitted



Edward E. Heinemann

SEP 24 2003

Mickey Downes  
1100 Newton Ave.  
W. Collingswood, NJ 08107  
856-854-3276

Ms. Anne Lang  
Chief, State-Federal Fisheries Division  
Office of Sustainable Fisheries  
1315 East-West Highway, Room 13317  
Silver Spring, MD 20910

Dear Ms. Lang:

I'm a sport fisherman, I love to fish, I pray that you will please keep EEZ closed to Striped Bass Fishing. I has taken a long time to build the stock's to where the Striped Bass are today.

Please first have the NMFS address the by catch of Stbipedbass that is already occurring in Mid Atlantic.

Counting on you to vote NO:

Sincerely,



Mickey Downes,

September 24, 2003

Anne Lange  
Chief, State Federal Fisheries Division  
Office of Sustainable Fisheries  
National Marine Fisheries Service  
1315 East-West Highway, Room 13317  
Silver Spring, MD 209

RECEIVED  
SEP 24 2003  
BY: \_\_\_\_\_

Dear Ms. Lange,

We are writing to express our concern about the opening up of the Exclusive Economic Zone to commercial and recreational striped bass fishing.

As a family of fishermen: each child (3) and each grandchild (totaling 10) has been taught to fish and at the same time taught to respect the limitations imposed that would preserve fishing for the generations to come.

A look at history, demonstrates the effects of overfishing. It has taken many years to bring the population of adult, striped bass BACK to acceptable (not yet plentiful) levels. To permit commercial fishing in this zone would certainly have a negative effect on this existing stock and its reproduction.

We are urging you not to open the EEZ zone, at this time.

Sincerely,



Robert J. Lambert

RECEIVED  
L SEP 24 2003  
DM

September 18, 2003

Anne Lange  
Chief, State-Federal Fisheries Division  
Office of Sustainable Fisheries  
National Marine Fisheries Service  
1315 East-West Highway, Room 13317  
Silver Spring, MD 20910

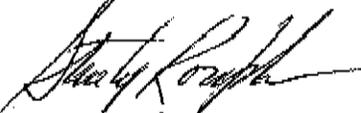
Dear Ms. Lange:

As a member of the Recreational Fishing Alliance, I respectfully urge The NMFS to keep the Exclusive Economic Zone closed to striped bass fishing.

Amendment 6 states a concern about the lack of large breeder fish in the total striped bass population. Opening the EEZ to commercial nets would put increased pressure on breeder stocks that already suffer significant mortality rates due to commercial bycatch, thereby threatening the long term sustainability of the striped bass population.

I would like to thank and congratulate the Office of Sustainable Fisheries NMFS for the current striped bass recovery. Please do not undo this recovery.

Sincerely,



Stanley Koropka  
6021 Ditman St.  
Philadelphia, PA 19135

Lew Deery  
520 Chestnut St.  
Royersford, Pa  
19468

Dear Ms. Linger

Sep. 19, 2003

RECEIVED  
SEP 24 2003

As a point of information,  
last november I caught a 26"  
striped bass that was tagged. (Delaware coast)

I reported the information and  
to my amazement, the fish had  
been released exactly one year  
prior and had grown only 1".

It would be a real shame to  
decimate the bass population again  
after waiting so many years for a  
recovery.

Thanks for your time.

Sincerely yours,

Lew Deery

SEP 24 2003



Ann Loage, Chief  
State-Federal Fisheries Division  
Office of Sustainable Fisheries  
National Marine Fisheries Service  
1315 East West Highway, Room 13317  
Silver Spring, Md. 20910

Dear Mr. Loage:

I am a recreational sport fisherman who enjoys fishing for Atlantic striped bass in the Hudson River.

I am opposed to removing the moratorium on the harvest of striped bass in federally managed waters 3 miles from shore to 200 miles out.

To allow commercial fishing in these waters will destroy the resource. The waters within the EEZ are like a refuge for the striped bass.

I urge you not to open the EEZ to striped bass fishing.

Sincerely,

John M. Gillen

SEP 24 2003

September 23, 2003

Ms. Anne Lange, Chief  
Federal Fisheries Division  
Office of Sustainable Fisheries  
National Marine Fisheries Service  
1315 East-West Hwy, Room 13317  
Silver Spring, MD 20910

Dear Ms. Lange,

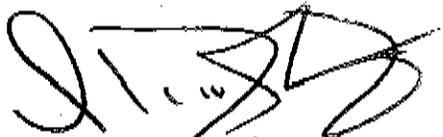
I am an old fellow and I can remember back in the 1940's, 1950's and 1960's, terrific and almost unbelievable striped bass (rockfish) populations and migrations. And then I saw updated technology in use by commercial fisherman and the striped bass populations plummeted!!!

I am well aware the recreational fisherman caught many stripers. But, only a tiny fraction of commercial fisherman using gill nets, large mesh trawls, etc. In 1980, the striped bass population was in serious trouble.

If the EXCLUSIVE ECONOMIC ZONE (EEZ) is opened to commercial fishing, it will happen again! No matter what restrictions or whatever, if you open the EEZ to commercial fishing, you would be making as serious, serious mistake!

**PLEASE** take a lesson from the past. **PLEASE** do not repeat the mistakes of the past. Keep the EEZ closed to rockfish fishing.

Yours truly,



Douglas E. Jackson, Jr.  
1125 Leeds Manor Ln.  
Bluemont, VA 20135

RECEIVED  
SEP 24 2003

Pitman, NJ  
Sept. 17, 2003

BY: .....

My dear Ms. Fange:

I'm well aware form letters of the type I've enclosed are not well-received by those in charge of the operations for the which they're intended - even though they usually "tell it like it is."

Nonetheless, I would like you to know that this one is very important to me and to thousands of other anglers, not only only here in New Jersey, but up-and-down the seaboard as well.

All we can do is hope you'll understand and take appropriate action so that all concerned can be sure the EEZ becomes a genuine safe haven for striped bass which is, after all, an extremely important fishery for recreation.

Thank you for your consideration,

Sincerely,

Daniel K. Boregard

RECEIVED  
SEP 24 2003

BY: .....

Dear Anne

I am 55 years old and do about 75 boat fishing trips per year. This year the weak fish fishing was dead and the Marinas and fishermen hope the bass run will happen. Now is a very bad time to let the commercial fishing of the striped bass species. During the spring every year I do the catch and release of the striped bass and 03 wasn't a good year. Numbers are down. I did over 25 trips to the Delaware River in Penns Grove - Carneys Point area in Spring 03.

Please use common sense and listen to honest feed back on the future of these bass. Please feel free to call me if you need any feed back.

Thank you  
Jan Bittner  
856 299 3133  
6-9 PM



## State of New Jersey

Department of Environmental Protection  
PO Box 402  
Trenton, NJ 08625-0402

James E. McGreevey  
Governor

Bradley M. Campbell  
Commissioner  
Tel. # (609) 292-2885  
Fax # (609) 292-7695

September 25, 2003

Ms. Anne Lange, Chief  
State-Federal Fisheries Division  
National Marine Fishery Service  
1315 East West Highway  
Room 13317  
Silver Spring, Maryland 20910

Dear Ms. Lange:

Please accept the New Jersey Department of Environmental Protection's (Department) comments in response to the Advance Notice of Proposed Rulemaking to open the Exclusive Economic Zone (EEZ) to the harvest of striped bass, as published in the August 26, 2003 edition of the Federal Register.

Initially, I would like to clarify that, contrary to the statement in the Federal Register notice, a majority of the coastal states have not supported reopening the EEZ. During the past eight years, the policy of the National Marine Fishery Service (NMFS) has been to consider reopening the EEZ only after a majority vote by the coastal states. No such vote has occurred. We recognize the NMFS's authority to hold public hearings on opening the EEZ, but there is currently no basis on which to assert that reopening the EEZ is supported by a majority of coastal states.

Fishing for striped bass in the EEZ has been controversial for many years. Public hearings held by NMFS on this issue in the early 1990's demonstrated the large public concern with this issue.

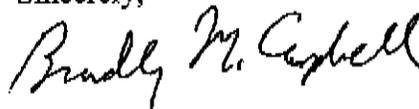
The rulemaking proposal raises the following concerns:

1. There are obvious difficulties in controlling the harvest of striped bass in the EEZ. A detailed explanation is necessary of any proposed enforcement effort, including prosecution of violators and the resources available for such efforts.
2. If harvest is allowed in the EEZ, it may increase the catch of large-size striped bass in late summer and early fall. On the average, large-size striped bass tend to frequent deeper, offshore water in the fall. If the EEZ is opened, this would result in a substantial increase in the catch of these large-sized fish, impacting egg production in the spawning areas.

3. The proposal raises the question that if the availability of large-sized striped bass is greater in Federal waters than State waters, recreational fishing in Federal waters may lead to substantial high grading, i.e.- catching and retaining a legal-size fish but later during the fishing trip throwing back that fish for another of even larger size.
4. Currently, state fisheries are able to harvest adequately the commercial quotas. If the EEZ is opened, a shift in fishing grounds from inshore to offshore may lead to a high incidental catch in state waters. Fishing gear that is set for other species may also result in a high by-catch of striped bass, especially if a State's striped bass quota is quickly reached. It may be that opening the EEZ will not decrease the incidental mortality of striped bass, but increase it. A good example of this is the high incidental catch of striped bass in the Delaware shad fishery in Delaware Bay.
5. Large concentrations of striped bass occur in the fall in specific areas, usually on offshore shoals. If the commercial fishery and recreational fisheries are directed to these areas, there is a potential for conflict, since large amounts of gear will be concentrated in a relatively small area.

Unless the substantial concerns raised by New Jersey and other coastal states are addressed, New Jersey will oppose reopening the EEZ to the harvest of striped bass.

Sincerely,



Bradley M. Campbell  
Commissioner