

MARCH/APRIL 2005 PRESIDENT'S MESSAGE

We finally made it through another winter. Our hibernation period is over. It seemed like spring would never arrive with all the snow we had, but it has, like it always does. We are now on the cusp of another fishing season and if it's anything like last year it should be a great one. The osprey and herring are back and soon our waters will be filled with schoolie bass. There's something special about feeling that first hit from a striper no matter what its size. I can't wait to pull on my waders and hit the surf for the first time.

Spring also marks the beginning of another busy season for the MVSA. Once again, we will kick it off this month by taking the Safe Haven kids fishing at Duarte's Pond as well as meeting for our annual Earth Day beach clean up. As the season progresses, we will conduct a casting clinic, sponsor trips aboard the *Skipper* for Island kids, and hold our annual beach picnic. And don't forget about the Chappy Shark Tournament which keeps getting bigger and better every year. As always, all these events require planning and participation. It is important to get as much involvement from our membership as possible no matter how small or how great.

We are fortunate to have been very successful in our fund raising efforts over the past few years and we are always looking for different ways to give back to our community. If anyone has any new thoughts or ideas on how we can accomplish this please bring them to the attention of the club.

I'm excited to work with everyone again towards the goal of having another safe and successful season for the MVSA! Good luck to all of you in 2005!

Tight Lines,
Jeff Sayre

Awards Ceremony & Banquet

On January 29th, a sunny break in a cold bleak winter provided a wonderful opportunity for almost 100 MVSA members and their guests to gather for our Annual Awards Ceremony & Banquet at the Old Whaling Church in Edgartown. Even the thick ice in Edgartown harbor parted long enough to allow many of our Chappy members to attend.

This very popular event celebrates the accomplishments of our top anglers by awarding handsome plaques for outstanding achievement during the past year. Plaques were presented to more than fifteen members in a number of different categories in both the open and senior divisions. The event also serves as our primary fundraiser for the year. A record \$3300 was raised and will be donated back to the community through the MV Rod & Gun Club Trout Derby, The Boys & Girls Club, the MV Big Brothers/Big Sisters program, and this year the newly formed MVRHS Fishing Club.

In what has rapidly become a looked forward to event, the afternoons entertainment was provided by MVSA webmaster Phil Cronin who once again put together a terrific power point presentation highlighting the activities of club members during the previous year.

Our special thanks go out to Chuck Hodgkinson who ably picked up the reins as raffle chairman succeeding Arnie Ziemian who stepped aside after three years at the helm. Chuck did a great job of obtaining some highly coveted items that took our silent auction to a new level and accounted for the big increase in event proceeds. Bidding was spirited on items including an autographed Tim Wakefield baseball, Cape Air tickets, Vineyard Propane fuel, and hand carved game-fish sculptures by Strong Woodworking of NH.

Our thanks also go out to Paula Sullivan, Ralph Peckham, Ron & Barbara Domurat, Fran & Bob Clay, Jeff & Dawn Sayre, Phil Cronin, Walter & Jane Lison, Gary Mirando, Phil Upham, Paul Schultz, Arnie Ziemian, Will & Sue

Geresy, Ebba Hierta, the Digiantommaso family, Karen Kukulich, Janet Messineo, Chris Israel, Mark Wrabel, Jim Jackson, our “shuckers”: Thor Farrish, Bob Lane and Bob Oczyz, Jack Livingston, all of our food donors and anyone else we may have unintentionally omitted.

Shark Night.

On February 16th, members were treated to pizza and soft drinks prior to an informative and entertaining presentation by the Vineyards own marine biologist, Dr. Greg Skomal.

As one of the first on the scene, Skomal described his elation at the sight of the great white shark in a shallow Woods Hole estuary. Having spent time around great whites in Australia, Skomal knew immediately that it was in fact, a great white after initially discounting the sighting as another wild “great white” rumor.

Using slides that included photos of the shark as well as supporting graphs and illustrations, Greg described the fish as an almost mature female about fourteen feet long and weighing about 1700 lbs. Skomal also described his concern for the fish and how comfortable it appeared to be in it’s surroundings despite the crowds and numerous attempts to lure it out into open water. Skomal said it is still a mystery as to why it went in there in the first place and dispelled the notion that it went in to birth pups after determining that it was not sexually mature. He also discounted the fact that it went in there to feed as there was a school of large striped bass in the estuary that the shark paid little attention to and who likewise, were undisturbed by its presence. Also, an attempt to lure it out with a dead seal sent it scurrying away in the opposite direction.

While in the estuary Skomal had attached an expensive “pop up” tag that was designed to release and start transmitting data via satellite on April 1. But the tag, sensing only small up or down movements over a few days indicating the shark might be dead, released shortly after the sharks escape to open water and tag data was lost. Ironically, it washed up on a Nantucket beach the day before our event but Greg had not yet downloaded the data.

EARLY SPRING BEACH REPORT 4-02-05

Bob and Fran Clay

As we write, we are watching heavy winds and rains so that what we saw Friday may already have changed. Certainly the calm, clear water and cloudless sky of yesterday are gone, but yesterday we were able to see the osprey at the Dike Bridge (and the osprey pair at Caleb’s Pond) and two oystercatcher couples at Tom’s Neck and Simon’s Point.

After crossing the Dike Bridge and turning right at East Beach, we headed towards the new Schifter house on the Leland bluff. The part of the beach to the first crossover was narrower and not as flat as in the late fall, but the next section until about 200 yards before the fence at Leland’s Pt. was as wide. The inside road to the senior parking area was closed because there is almost no area left after the winter storms. The Schifter house is growing and it manages to dominate the bluff.

As we traveled on the inside trail towards the Dike Bridge, we realized that TTOR hasn’t rerouted that trail yet. On the Cape Pogue road headed north after Simon’s Pt., we stopped to chat with Paul Schultz who reported that the Lighthouse beach was closed because it is so skinny. He also said that several piping plover pairs have returned to some of their usual nesting spots so we will follow that situation closely.

Aruda is closed for lack of beach although from the Jetties to the “shipwreck”, the width is about the same as in the late fall. From the first crossover on the way to the Windmill house to the third crossover, the amount of rocks is as bad as we have seen that stretch so watch your tires. North Hole beach was at least smooth and inviting.

We then drove on county beach from Metcalf’s to Katama.

Last fall we parked 2 abreast at the Metcalf chain. We were restricted by a dune from parking 3 or 4 abreast. That dune is essentially gone. Last fall we looked down into Metcalf's Hole from where we parked. Today the chain is about 50-60 feet behind where it was last fall and the drop to the ocean is very much flatter. Looks like a different place. West of Metcalf's for almost a half a mile, the ocean has taken almost all of the vegetation off the beach. The beach is very flat and we wondered if a break might not come soon. As we got closer to Katama we noticed in several places that the beach seemed not narrower, but flatter from water washing up to the peak of the dune.

Oystercatchers seem to like County Beach this season; there were a lot of them.

Fran and I just got back from driving the coast of California. The amount of public access to the beaches appears to be remarkable compared to the privatized East Coast. Once again we have to say thank you to TTOR for keeping their beaches as open as the staff possibly can.

Norton Point

Driven by rising fees and interminable waits for the Chappy Ferry, the MVSA formed a committee to seek alternatives to the problem of access to Chappaquiddick fishing locations. Committee members include, Charlie Barr, Bob Clay, Ron Domurat, Will Geresy, Walter Lison and Jeff Sayre.

The long-range goal of the committee is to obtain year round angler & public access to Chappaquiddick via the County Beach at Norton Point. Short-range goals include improvements to the Norton Point beach and trails including improved maintenance and signage, ranger relations and the addition of a tire inflation station in Katama. This winter, the committee had numerous meetings with various groups including officials from the Trustees of the Reservations (TTOR), the Dukes County Manager, the Dukes County Recreation Dept., the Chairman of the Dukes County Commissioners, Edgartown Parks Dept. officials & Commissioners as well as other individuals.

While there is reason for optimism that a cooperative arrangement between the TTOR and the County can be worked out, it does not appear likely that a resolution will take place this season. However it is reasonable to expect that some improvements will be made, including the addition of the air station at Katama.

Public Rights/Private Property

Member Russ Lawrence ran down this information regarding the rights of anglers below the high tide line. The following information comes from a pamphlet published by the MA Office of the Attorney General and is reprinted without permission. We are providing a brief background and only the information that pertains to fishing. For more information about these issues, anglers should call the MA Office of Coastal Management at 617-727-9530.

"Few issues in Massachusetts can be counted on as such a regular source of conflict. One reason for this is that in the face of the overwhelming desire for people to use our beaches, our laws are not very "friendly" toward beach access. This is because 350 years ago, our forefathers gave away much of the public's right to use the coastline in an attempt to spur the development of wharfs and maritime commerce. On top of that, our laws in this area are complex, confusing, and-to a certain extent that is surprising in light of centuries of court battles-uncertain.

The result is conflict. Those who own property along the coast clash with those who want to walk along it, even without either of them really knowing what their rights are. Indeed, sometimes police officers and other public officials called in to deal with this conflict are themselves unclear about the respective rights and responsibilities.

We have tried to provide simple answers to commonly asked questions about the ownership of the coast. Our hope is that by informing the public of the law, we can move beyond needless conflicts and toward more consensual solutions to the beach access issue."

Q. "Someone told me that beaches are privately owned in Massachusetts all the way down to the low tide line. How can that be?"

A. Each state has its own laws regarding who owns the land seaward of the high tide line, and in some states public ownership extends even higher. Massachusetts is different, however. The Massachusetts courts have consistently ruled that in the 1640's we gave away title to the land between the mean high tide line and the low tide line to the adjacent upland owners. Therefore, this area-known as the 'inter tidal zone' or 'wet sand area'-is generally privately owned in Massachusetts.

Q. "What are the rights that were reserved for the public?"

A. The original laws that granted private ownership reserved the rights of "fishing, fowling, and navigation."

Q. "Since members of the public have the right to fish, fowl and navigate in the wet sand area, then they can do whatever fishing, fowling, and navigation they want to do there, right?"

A. So far, we've just been talking about ownership issues. Just as a private property owners rights are subject to reasonable regulation, the same is true of the public's reserved rights. Thus, for example, the government may require shell fishermen to obtain all applicable state and local permits and to comply with applicable shell fishing regulations. And, of course, members of the public who exercise their public rights to use wet sand area must comply with other laws, such as the prohibition on littering.

Q. "I've heard people say that all I really need to do to 'be legal' is to carry a fishing line in my pocket?"

A. Carrying a fishing line or a fishing pole would render your walking along the wet sands legal only if you actually intended to fish.

Q. Does the public have a right to use off road vehicles in the wet sand areas to gain access for fishing?"

The Supreme Judicial Court has never ruled on whether driving an off road vehicle across private wet sand areas for the purpose of gaining access to fishing areas is included within the public's right to fish. In any event, the use of off-road vehicles may be regulated by the government.

Boys & Girls Club/Big Brothers Big Sisters

Our very successful winter fundraising event will once again allow us to fund trips aboard the Skipper party fishing boat for children from the MV Boys and Girls Club. This marks the fourth consecutive of our participation. In addition, this year we will also fund trips for the MV Big Brothers/Big Sisters participants. Thank you all for your efforts and support.

High School Fishing Club

At the request of students, a fishing club has been formed at the Martha's Vineyard Regional High School. Under the able direction of shop teacher and charter captain Jeff Canha, the club currently has more than fifteen members who are being taught various skills in all forms of fishing both salt and fresh water. During the winter the club spent over 100 hours ice fishing at various Island locations and had excellent success. Catches included a four lb. largemouth bass and 4 ½ lb pickerel as well as numerous yellow perch. The club is currently running a spring fresh water tournament and plans include saltwater fishing on board Canha's boat the "Done Deal". MVSA members recently attended a meeting of the club and presented the organization with a donation that will be spent on personal floatation devices and related start up equipment. Plans also call for a joint spring surf fishing outing with MVSA members.

BE A WINNER IN THE 2005 MVSA IN-HOUSE DERBY

The rules are easy and the challenge among members is a lot of fun whether you're fishing from shore or boat for blues, bass, bonito, or albies.

HOW TO ENTER -----

You must be a paid in full member before catching and weighing in any fish.

1. Use the enclosed weigh-in slip as a master and make as many copies as you need.
2. When you catch a fish you want to enter, bring the fish to any island tackle shop and have the weigher sign and date the slip.
3. To be eligible for consideration fish must conform to the minimum sizes below:

Striped bass 32"
Bluefish 22"
Bonito 21"
False Albacore 25"

4. **Boundaries:** To be eligible, a fish must be caught in or around the waters of Martha's Vineyard. MVSB & BF Derby Boundaries will prevail.
5. **Mail the slip to:**

Paul Schultz
PO Box 1245
Edgartown, MA 02539

Must be received before the fifth of the following month.

During the fall MV Bass & Bluefish Derby, there is no need to fill out our weigh-in slip; simply **mail** in the official MV Derby weigh-in slip or a copy of it to Paul.

DIVISIONS AND AWARDS

Divisions are the following: Junior (under 16), Adult (16 through 64), Senior (65 & up). The categories for the four species are as follows: All Tackle Shore, All Tackle Boat, Fly Rod Shore, Fly Rod Boat, and our special Release Award for both All Tackle and Fly Rod. Record the **overall length of your released fish, not the weight**, in the weight section of the slip and be sure to mark it clearly: **RELEASE**

New Category: This year a *Grand Slam* category has been added. Plaques will be awarded to the boat & shore anglers who, over the course of the season, weigh in the heaviest aggregate (total weight) of all four eligible species. Anglers must catch all of their fish in the division entered. (i.e. all boat or all shore)

And don't forget the First Fish Award. A certificate suitable for framing will document that member's first ever fish in each species. Please print in large letters "First Ever" on the weigh-in slip, and if you release it, write in the measurement.

GOOD LUCK AND HAVE FUN!

Calendar

April 13, 2005, Monthly Meeting

7:00PM, American Legion Hall, Vineyard Haven

Jeff Sayre, 508-693-4841

April 23, 2005

Earth Day Beach Clean up

Norton Point, 10:00AM, Bring work gloves

Jeff Sayre, 508-693-4841

May 7, 2005

MV Rod & Gun Club Kids Trout Derby

Duarte's Pond, 6:30AM

Jeff Sayre, 508-693-4841

June 15, 2005, Monthly Meeting

7:00PM, Site TBA

Jeff Sayre, 508-693-4841

July 9, 2005, Summer Picnic

5:00PM, Bend in the Road Beach, Edgartown

Phil Horton, 508-693-6979

July 23-August 7, 2005, MVSA Chappy Shark Tournament

Russ Lawrence, 508-627-9670

Short Casts

Last Issue-We are purging our membership list, which in this case means if you have not paid your 2005 dues, this will be your last newsletter. *Please renew your membership now!!!!* Our 2005 dues schedule is: Families \$35, Individual \$25, Senior Individual (over 65) \$15, Senior Family \$25, Junior (under 16) \$10.

Membership List-Up to date membership lists are available by calling or e-mailing Ron Domurat @ 508-627-4956 or rd_bjr@msn.com. Membership lists will also be available at the April meeting.

Photos-If you attended the Annual Awards banquet you were treated to an outstanding presentation by our web-master, Phil Cronin. The show highlighted club and member activities over the last few years. We need photos for next year's presentation. If you have a club or fishing related photo you would like to submit please forward to: Phil Cronin at RFD 361, Lamberts Cove Road, Tisbury, MA 02568 or e-mailed to phil.cronin@capawock.com.

Line Boxes-Tom Kowalski has volunteered to construct new line recycling boxes. In addition to the boxes already in place at Wasque, Eastville and the Dike Bridge, plans call for the installation at new sites including Leland Point, both sides of the Gut, Tashmoo, Chappy Beach, and the Big Bridge. .

Used Tackle Wanted-The newly formed MVRHS Fishing Club is accepting donations of used but serviceable fishing rods and reels. Equipment donations may be dropped off at Larry's Tackle Shop.

Volunteers-Help is needed for the Annual MV Rod & Gun Kids Trout Derby that will be held on Saturday May 7, at Duarte's Pond beginning at 6:30AM. The MVSA has donated \$500 to help with stocking efforts but adult volunteer help is also appreciated. Contact Jeff Sayre @508-693-4841.

Web-Site Poll Results

Current Question-When will the first migrating striped bass be caught from Vineyard Shores? Seventeen votes to date-Earlier than April 1-7, 1 vote, April 12-13, 1 vote, April 14-15, 3 votes, April 16-17, 4 votes, April 18-19, 5 votes, April 20-21, 3 votes.

3/2/05-What is your favorite natural bait for striped bass? Squid 7%, Eel 50%, Mackerel 10%, Herring 10%, Scup 23%. Total Votes-30

2/10/05-What is your favorite tide to fish from shore? Incoming 48%, Outgoing 40% Doesn't matter 12%. Total Votes-25

1/12/05-Do you think construction of a wind farm on Horseshoe Shoal will affect fishing in a positive or negative way? Positive Way 30%, Negative Way 50%, No Effect 20% Total Votes-20

Events and Meetings

Earth Day The Annual Earth Day beach clean up will be held on Saturday, April 23. As in the past, MVSA will be assigned the task of cleaning Norton Point beach from the left fork at Katama to Metcalf Hole on Chappaquiddick. Members are requested to meet at the left fork parking lot in Katama at 10:00AM. Trash bags will be provided but bring your own work gloves. The event will be held rain or shine. For additional information call Jeff Sayre at 508-693-4841.

Summer Picnic The annual MVSA summer picnic is scheduled for Saturday July 9 at Bend in the Road beach. We think Phil Horton has volunteered to run this event again and we will be fortunate to have him and his famous ribs. More details to follow but mark your calendars and plan to attend. Phil Horton hortonnh@attbi.com

Shark Tournament Mark your calendar now for the MVSA Shark Tournament, which has been expanded to a full two weeks this year! The dates are July 24-August 7. Details will follow at a later date. Russ Lawrence-508-627-9670, captain.russ@marthasvineyardfishing.com

Blitz Proof Your Fishing

We've been down this road before but with the arrival of hungry stripers and bluefish rapidly approaching our shores, it bears repeating.

There comes a time in every surf anglers life when he or she encounters an all out "blitz"! Cast after cast will produce a striper or more likely a bluefish. Lure shape or color matter little in situations like this, as the fish will hit just about anything that resembles food. When in this blissful state what matters the most to the angler is staying in the action and not spending an extraordinary amount of precious fishing time removing hooks from locked jaws, or worse still, a finger or other body part. You can prepare in advance for this situation by "blitz proofing" yourself. All it takes is a little foresight and planning.

With the exception of our Island made Roberts Rangers, Spofford's Missles and a few others, most lures today come with multitude of hooks, which in most cases are really unnecessary. The removal of at least one set of trebles will not alter your hook-up capabilities but will certainly reduce your hook removal time. Striped bass are head-hunters and like to take their bait headfirst. Many experienced surf jocks remove the middle set of trebles completely and replace the rear set with a single, feathered bucktail. Should Mr. Striper decide to sneak up from the rear, there is still a hook to catch him and hook removal is definitely easier. It is certainly easier than trying to remove a treble from a stripers body, or from a bluefish with two of the three hooks of a treble through the upper and lower lips. That occurrence will cost you a minimum of ten minutes so forget fishing for a while as you struggle to remove the hook. Maybe even the rest of the blitz, which may be over by the time you return to the action. The addition of a bucktail also adds a little more "wiggle" to the lure.

Also, if you anticipate even the slightest possibility of a blitz, it's a good idea to bring along a few old lures that you would be willing to sacrifice. And crush the barbs on any lure you might be fishing with. The use of barbless hooks will rapidly increase your release time and decrease your time away from the hot action. A side benefit is easy removal from clothing or flesh should that unfortunate occurrence take place. Another key to a quick release is a good set of well-oiled needle nose pliers-readily accessible on a belt or in a pocket and not thirty yards up the beach in your buggy.

Finally, take it easy on the fish! When the action gets wild, anglers sometimes lose their ability to think clearly or rationally. How many times have we seen bluefish get stepped on, kicked back in the water or had lures yanked recklessly from their mouths and bodies? All of these actions can cause permanent damage or even mortality to the fish. Please try to maintain a healthy respect for the resource and the future of our great sport.

Barometric Pressure-The Effect on Fish

Over the last year, we've read at least three different articles regarding the effect of barometric pressure on fish. All had a different take on the issue, which sparks much discussion among saltwater anglers everywhere. Most anglers swear that a rising or falling barometer has a profound effect on the fishing. The scientists tell us otherwise! Here's an over simplification as to why!!

Air carries a certain amount of weight, which in turn exerts some pressure on the surface of the water-14.70 lbs per square inch (psi) to be exact. It's called "one atmosphere". When a strong low-pressure weather front or even a hurricane moves in, the barometer can drop a full two points. However, even that big a drop in the barometer and consequently the air pressure, creates only a minor decrease in the weight of the atmosphere on the water - about 9/100 of "one atmosphere" reducing it slightly to 14.61 lbs. psi. A slower moving front or storm, which is what we normally encounter, reduces the weight even less about 3/100, to around 14.67 lbs psi. And that's over a period of time. Insignificant amounts when transmitted down through the water column and one that a fish normally experiences naturally and adjusts to easily.

The bottom line is this: even at times of severe low pressure, the difference in weight on the water surface is not great enough to have an affect on the fish below!

So then why do anglers swear that the fishing gets better just before and during the early stages of a storm? In all likelihood, it's not the atmospheric pressure but the conditions that accompany it. The clouds arrive and wind picks up as well as the seas. Visibility drops and rain starts falling, cooling the surface temp and increasing oxygen levels, triggering feeding instincts. Fish become more active. The rain on the surface and low light conditions also make it harder to see shadows above. Bait ventures out of hiding places and gets jostled around, which in turn provides easy pickings for predators.

Just the opposite occurs once the front moves through and things settle down. The sun comes out and the wind subsides. Visibility also improves. Fish turn cautious and dormant and the bait returns to cover. Catching fish under these conditions becomes difficult and requires totally different techniques. Anglers that understand these conditions will increase their hook-up percentage and be more successful than those that don't.

FISHERIES

More on Bunker (Or Lack Of Them)

Despite the critical role that menhaden play in the ocean food web, currently no conservation measures-including fishing limits-are in place to ensure that menhaden remain at healthy levels within Chesapeake Bay, an ecosystem critical to the survival of fish along the entire Atlantic Coast.

- Menhaden are filter feeders and feed on plankton and decaying plant matter. They are especially important where water quality is compromised because of excess nutrients from agricultural and storm drain runoff as well as sewage disposal.
- Menhaden have been called the “most important fish in the sea”.
- The overall number of Atlantic menhaden is near historic lows.
- The population of young menhaden has been at an all time low for more than a decade.
- The industrial scale menhaden fishery is concentrated in the Virginia waters of the Chesapeake Bay, taking 75% of the coastwide catch from the bay and nearby waters. One Virginia based fishing fleet annually takes more than 100,000 metric tons of fish.
- In a healthy fishery, juvenile menhaden account for between 70% & 80% of a diet for a mature striped bass.
- A high proportion of striped bass in Chesapeake Bay are suffering from malnutrition and poor body condition.
- More than half the striped bass sampled in Chesapeake Bay are infected with mycobacteriosis, a sometimes fatal disease, which typically appears in fish under stress.
- The average adult menhaden is only a foot long and weighs about a pound but is a vital source of food for a wide range of other fish as well as marine mammals, sea turtles, ospreys and other birds.
- More menhaden are landed on the East Coast than any other species.
- The only East Coast states that permit industrialized menhaden harvesting are Virginia & North Carolina.
- Fish meal made from menhaden is a major source of feed for cattle, swine, poultry and other fish raised through aquaculture. It’s oil contains Omega 3 fatty acids.
- The market for menhaden products is diverse and growing.
- The industry fishery employs “spotter planes” that scout coastal waters for schools of menhaden. When a school is located vessels circle the fish with a giant net called a purse seine. A string at the bottom is pulled to “purse” the catch. Once trapped the fish are literally vacuumed into a refrigerated hold, which then delivers them to a processing plant for reduction to fish oil & meal.
- Based on the commercial industries own information, the number of young menhaden-fish in their first year of life-has reached historic lows.

- Fishery data from 2003 indicate that 90% of the menhaden taken were caught before their 3rd birthday, which means that 9 out of 10 fish never live to reproduce.

The information above was taken from the web-site of “Menhaden Matter” (www.menhadenmatter.org) a cooperative effort of concerned conservation groups and recreation organizations including the Chesapeake Bay Foundation, Coastal Conservation Association, Environmental Defense Fund and the National Coalition for Marine Conservation.

(There is some good news! At a recent meeting, the ASMFC agreed to advance a cap on the industrial harvesting of menhaden in Chesapeake Bay. If the regulation is finalized by the 15 state member body, menhaden would be treated similar to every other fish caught for commercial purposes by setting catch limits. The draft will be available for public comment in May and if enough support is generated for the cap, the regulation could be finalized as early as August.)