



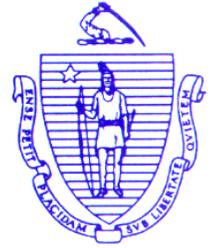
Daniel J. McKiernan
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February 21, 2020

Jason McNamee, Ph.D.
Chief of Marine Resource Management
Rhode Island Division of Marine Fisheries
3 Ft. Wetherill Road
Jamestown, RI 02835

Dear Jason,

As you know, striped bass rules for 2020 and beyond are being promulgated by all participating states to reduce fishery removals by 18% along the coast and end overfishing on the resource. We have serious concerns about the unintended consequences that inconsistent regulations among neighboring partner states will create. When considering what regulations to adopt for Rhode Island's recreational fishery, we urge you to choose Addendum VI's standard measure of a 28–35" slot limit for all modes (private/rental vessel, shore, and for-hire vessel).

We believe that having a consistent recreational size limit among as many coastal states as possible is an optimal approach for conservation of the resource as well as angler education, compliance, and enforcement. We in Massachusetts plan to adopt the standard 28–35" limit as does Maine, New Hampshire, Connecticut, and New York. Based on the outcome of the recent ASMFC Striped Bass Management Board meeting where conservation equivalencies to implement Addendum VI were reviewed, Rhode Island was approved to enact a different slot limit (32–40") with the added possibility of another distinct slot limit (30–40") for your for-hire fishery.

Rhode Island's adoption of either of these alternatives would surely erode the conservation benefit of slot limit management in our region given how striped bass migrate between states during their spring and fall migrations. Fish of 35–40" length that will be protected in ME–MA and CT–NY, will be open to harvest in RI; while fish of 28–32" (or 28–30") length that will be protected in RI, will be open to harvest in ME–MA and CT–NY. The conservation associated with any regulation also relies on how effectively it is complied with and enforced. The Law Enforcement Committee and the Striped Bass Technical Committee have both expressed concern about the compliance and enforcement challenges that will result from different minimum and maximum sizes among neighboring states. These issues suggest that the projected reduction in fishery removals associated with Rhode Island's conservation equivalency options will not be realized.

Our respective law enforcement agencies collaborate to inspect all fishermen—both residents and non-residents, including those anglers fishing in one state's waters and destined to land the fish in the other state's ports. Consider the productive fishing grounds adjacent to our two states such as along the Elizabeth Islands, around Martha's Vineyard, and off Block Island that are frequently shared by vessels leaving port in both our states. Many anglers from the southern and western parts of our state also drive to Rhode Island ports to launch boats or fish from shore. These anglers that fish across state

lines would be subject to the most restrictive rules of the combined states and would therefore have just a 30–35” slot. As you know, it is substantially easier to improve compliance when the rules are uniform and less complex.

We foresee potential education, enforcement, and compliance problems as a consequence of our recreational permitting reciprocity agreements as well. While there are benefits to anglers from our neighboring states (New Hampshire, Rhode Island, and Connecticut) not needing to obtain a Massachusetts permit to recreationally fish in our waters, one detriment is that they are less likely to receive information about Massachusetts’ fishing rules and may not know how they differ from their permitting state. Violations of Massachusetts rules by Rhode Island permit holders are also more difficult to deter and penalize when the individual does not have a Massachusetts permit that DMF can sanction. These issues have been aided by MA DMF and RI DEM working to make our two states’ regulations as consistent as possible in recent years.

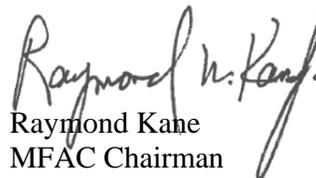
As for the potential for Rhode Island to adopt a different size slot for the for-hire fishery, we think the Enforcement Committee’s concerns should be heeded. The Committee noted that it is often difficult to ascertain whether a vessel is fishing under private or for-hire rules, and this would create challenges when enforcing rules shore-side at docks or at marinas. They cautioned that sector-specific rules are more difficult to enforce. We also note that the courts may be more lenient toward law breakers when magistrates or judges discover how complex and uneven the rules are.

For these reasons, on behalf of the Division of Marine Fisheries and the Massachusetts Marine Fisheries Advisory Commission (MFAC), we respectfully request you to adopt the default 28–35” slot limit for all recreational fishing in Rhode Island. This will result in consistent coastal fishery recreational rules from Maine to New York.

Sincerely,



Daniel J. McKiernan
Acting Director



Raymond Kane
MFAC Chairman

cc: Janet Coit, Peter Duhamel, RI DEM
Robert Ballou, RI DEM and Chair, RI Marine Fisheries Council
Massachusetts Marine Fisheries Advisory Commission