



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

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Director

May 24, 2023

### **Notice of Public Hearing and Comment Period: Recreational Slot Limit for Striped Bass**

Under the provisions of G.L. c. 30A and pursuant to the authority found at G.L. c. 130 § 17, the Division of Marine Fisheries (DMF) is taking public comment on recently enacted emergency regulations amending 322 CMR 6.07 to adjust the recreational striped bass slot limit. Effective May 26, 2023, the emergency regulations decreased the maximum length limit from 35 inches to 31 inches resulting in a new slot size of 28 inches to less than 31 inches. Full text of the emergency regulations may be found on [DMF's website](#) along with additional relevant background information.

### **Public Hearing and Comment Schedule**

DMF will host a virtual public hearing on Wednesday, June 21, 2023 at 6PM. To attend the virtual public hearing you must pre-register here: <https://shorturl.at/uCLW1>. Additionally, DMF will accept written public comment through 5PM on Friday June 30, 2023. Please submit written comments to Director Daniel McKiernan by e-mail ([marine.fish@mass.gov](mailto:marine.fish@mass.gov)).

## Initial Small Business Impact Statement

*(As required by M.G.L. c. 30A §§ 2, 3 & 5)*

**CMR No: 322 CMR 6.00**

**Estimate of the Number of Small Businesses Impacted by the Regulation: There were 828 for-hire permit holders in Massachusetts in 2022 and DMF anticipates a similar number of permits will be issued in 2023. These entities may be affected by this adjustment to the recreational striped bass maximum size.**

### Select Yes or No and Briefly Explain

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? <b>This rule adjusts the state's recreational striped bass maximum size for 2023. This will not result in additional paperwork or reporting.</b>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? <b>This rule adjusts the state's recreational striped bass maximum size for 2023. This will not result in additional record keeping.</b>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? <b>This rule adjusts the state's recreational striped bass maximum size for 2023. This will not result in additional administrative oversight.</b>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? <b>This rule adjusts the state's recreational striped bass maximum size for 2023. This will not result in having to hire additional employees for purposes of compliance.</b>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, etc.)? <b>This rule adjusts the state's recreational striped bass maximum size for 2023. This will not result in having to hire professional services for purposes of compliance.</b>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? <b>This rule adjusts the state's recreational striped bass maximum size for 2023. This will not require capital investment.</b>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective? (Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.)  <b>Not applicable. The prescribed regulations are required by and designed to comply with interstate mandates and overarching federal law at 16 U.S.C. 5100.</b>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? <b>No. There are no other duplicative or conflicting state regulations.</b>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? <b>All audits and inspections are done in accordance with M.G.L. c. 130. No additional inspections are required under this emergency amendment.</b>

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? <b>This rule adjusts the state's recreational striped bass maximum size for 2023. This will not result in having to provide educational services.</b>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? <b>Recreational fishing rules are one of a number of limiting factors that may impact the formation of new for-hire fishing businesses in Massachusetts. Accordingly, this action alone does not discourage the formation of new for-hire businesses.</b>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? <b>Recreational fishing rules are one of a number of limiting factors that may impact the formation of new for-hire fishing businesses in Massachusetts. Accordingly, this action alone will not encourage the formation of new for-hire businesses.</b>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? <b>Not applicable. The prescribed regulations are required by and designed to comply with interstate mandates and overarching federal law at 16 U.S.C. 5100.</b>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? <b>Not applicable. The prescribed regulations are required by and designed to comply with interstate mandates and overarching federal law at 16 U.S.C. 5100.</b>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? <b>Not applicable. The prescribed regulations are required by and designed to comply with interstate mandates and overarching federal law at 16 U.S.C. 5100.</b>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? <b>Not applicable. The prescribed regulations are required by and designed to comply with interstate mandates and overarching federal law at 16 U.S.C. 5100.</b>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? <b>Not applicable. The prescribed regulations are required by and designed to comply with interstate mandates and overarching federal law at 16 U.S.C. 5100.</b>