Brief statement of Reason for Finding Imminent Peril:

Proposal: File an emergency amendment to the Division's regulations "Part 3 – Finfish" to implement a change to the maximum size limit for the striped bass recreational fishery from < 35" to < 31", and to eliminate the fin clipping requirement for recreationally harvested fish 34" and greater as it is no longer applicable and now obsolete.

Background: The ASMFC is the management authority for the striped bass resource in state waters (0-3 miles) along the East Coast of the United States. The striped bass stock is currently in a rebuilding status where spawning stock biomass (SSB) must be at or above the SSB target by a rebuilding deadline of 2029. A 2022 stock assessment update found that the striped bass stock was overfished but not experiencing overfishing. Short-term projections provided with the 2022 assessment update found that there is a 97.5% chance the stock would be rebuilt by that deadline. The ASMFC Striped Bass Board tasked the Technical Committee with updating those projections with preliminary 2022 removal estimates to determine if those removals were at a level consistent with the 2021 fishing mortality rate from the assessment update. The Board met on May 2, 2023, where they were presented with updated stock rebuilding projections that showed the probability of the stock being rebuilt by the 2029 deadline had been reduced to 15% based on the inclusion of 2022 removals data. As a result, and in an abundance of caution for maintaining the health of the striped bass resource, ***the ASMFC Striped Bass Management Board passed an emergency action for all coastal states to implement a maximum size limit of < 31" for their recreational fisheries.***

Need for Emergency Action: To be compliant with the ASMFC Striped Bass Fishery Management Plan, the State of Rhode Island must implement the newly approved maximum size limit of < 31" for their recreational fisheries as soon as possible. Failure to implement these rules will result in a non-compliance finding by the ASMFC, which would be deemed a violation of the interstate fisheries compact and may therefore jeopardize Rhode Island's fisheries interstate commerce. Additionally, this regulatory amendment has been classified as an emergency by the ASMFC to avoid irreparable damage to the striped bass resource, as continued overharvest of this resource will result in a reduced probability of successful stock rebuilding efforts and in turn adversely impact current and future recreational and commercial striped bass harvesters relying on the resource. As such, failing to act could result in imminent peril to the welfare of Rhode Island residents. Lastly, not implementing this required action could threaten federal funding to the State that is provided to implement fisheries management plans enacted by the ASMFC.

The Board stipulated that these regulatory amendments should be implemented as soon as possible, and no later than July 2, 2023. Atlantic states, including those adjacent to Rhode Island, are also taking emergency action to file these measures ahead of the July 2 date; their anticipated rulemaking is expected to occur in mid - late May of 2023. As such, we are seeking an effective date of mid - late May to align with neighboring states.