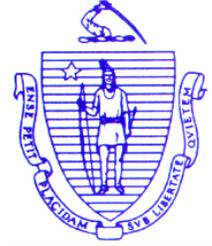




**Paul J. Diodati**  
*Director*

*Commonwealth of Massachusetts*  
**Division of Marine Fisheries**  
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May 25, 2006

Tom Meyer  
State-Federal Fisheries Division  
Office of Sustainable Fisheries, NMFS  
1315 East West Highway, Room 13317  
Silver Springs, MD 20910

Dear Dr. Meyer:

I have prepared these comments on behalf of the Massachusetts Division of Marine Fisheries in support of NOAA's Advance Notice of Proposed Rulemaking (ANPR) to re-establish a controlled harvest of Atlantic Striped Bass within the Exclusive Economic Zone (EEZ).

By offering my support, I don't ignore the concerns of those who advocate for a continued closure of the EEZ. It is my understanding that those who support a continued closure feel it provides an important conservation measure to protect larger and older striped bass. They also believe that directed commercial fisheries should not be allowed to operate off the shores of those states that prohibit commercial fishing for striped bass in their waters; they feel this latter activity may cause higher discard mortality.

While I don't agree that general protection of striped bass should be practiced by implementing massive area closures offshore, I also cannot support allowing fisheries to be conducted in federal waters under regulations that differ substantially from state regulations in adjacent waters. For instance, states that restrict commercial striped bass harvest in their waters should not be subjected to federally authorized commercial fishing activity in waters 3+ miles from their shorelines. Likewise, a state like Massachusetts that restricts striped bass harvest by netting and the possession of striped bass if netting is aboard a vessel should not have striped bass netted in federal waters adjacent to its waters.

To regain fishing access in the EEZ and to preserve the regulatory approach of individual states, I recommend that the Secretary of Commerce defer to state regulations for striped bass management out to 12 miles, i.e. within the territorial sea. Removing the federal harvest moratorium within the territorial sea would allow a fishery to occur in this area under regulatory limits (e.g., size limit, bag limit, season, etc...) set by the states with enforcement applied shore-side when fish are landed, as it is now.

The Atlantic States Marine Fisheries Commission Interstate Fisheries Management Plan for Atlantic Striped Bass Stocks (Amendment 6) provides a proven dynamic approach to manage for sustainable striped bass fisheries. An EEZ closure is not a striped bass conservation measure, it's simply an allocation tool that restricts some sectors of the public from gaining access to the resource. In closing, I reiterate my support for an approach to partially re-open the EEZ to striped bass fishing that preserves the rights of states to extend their authority to manage this fishery.

Sincerely,

A handwritten signature in black ink that reads "Paul J. Diodati". The signature is written in a cursive style with a prominent initial "P".

Paul Diodati  
Director

Cc: Massachusetts Marine Fisheries Advisory Commission