



The Commonwealth of Massachusetts

Division of Marine Fisheries

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MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)
FROM: Daniel McKiernan, Director *Daniel J. McKiernan*
DATE: December 12, 2024
SUBJECT: Future Public Hearing Item—2025 Recreational Black Sea Bass Season

Proposal

I am proposing to go out to public hearing this winter to modify the 2025 recreational black sea bass season so it opens one day earlier—on Saturday, May 17 as opposed to Sunday, May 18—and a conservationally equivalent adjustment to the end of the season. A preliminary estimate of the season end date is two days prior to current, on Monday, September 1 rather than Wednesday, September 3. This is based on the exchange rate of harvest between days in Wave 3 to days in Wave 5 that was used to similarly adjust the season in 2024; this method has not yet been approved by the ASMFC and the closure date associated with a May 17 opening is subject to change prior to public comment and/or final rule-making.

Background

On December 10, the Atlantic States Marine Fisheries Commission (ASMFC) and Mid-Atlantic Fishery Management Council (MAFMC) voted in favor of status quo recreational black sea bass measures, with an allowance for states to make minor adjustments to their season through conservation equivalency. Massachusetts' existing regulations include a 4-fish possession limit, 16.5" minimum size limit, and May 18–September 3 open season. In keeping with the tradition of a Saturday opening, DMF seeks to consider moving the season start to Saturday, May 17 in 2025. We anticipate that this will require one or more days to be removed from the end of the season. Ideally, we will be able to maintain Labor Day within the open season, which occurs on Monday, September 1 in 2025. The exact method to calculate the allowed season adjustment is still pending ASMFC consideration but should be known by mid-winter. Due to the simplicity of the change, DMF is able to include this seasonal modification in our typical winter rule-making schedule, rather than undertake emergency rule-making in the spring as has been routine.

The status quo management measures decision results from a series of somewhat complicated and unexpected events. Earlier this year it was anticipated that the 2024 black sea bass stock assessment would provide the basis for establishing the 2025 fishery specifications, and the Percent Change Approach would then be used to establish the recreational management outcome (liberalization, reduction, or status quo) using the resulting 2025 Recreational Harvest Limit (RHL). However, the ASMFC's Summer Flounder, Scup, and Black Sea Bass Management Board ("Board") had serious reservations about the assessment's projected decline in biomass and the resulting Acceptable Biological Catch (ABC) recommendation (-20%) from the MAFMC's Scientific and Statistical Committee (SSC). The Board consequently determined to break ranks with the MAFMC and vote for a status quo RHL of 6.27 million pounds rather than the 4.46-million-pound RHL adopted by the MAFMC (which is bound to its SSC's recommendation for ABC). Using a provision in the federal regulations about a disconnect

between interstate and federal measures that may cause disproportionate impacts to federal permit holders, NOAA Fisheries adopted the higher Commission-approved RHL¹. Their action also considers that the black sea bass stock is well above the fishery management plan's (FMP) definition of the biomass capable of producing maximum sustainable yield.

Based on the outcome of a status quo RHL, the Summer Flounder, Scup, and Black Sea Bass Monitoring Committee further recommended—and the Council and Commission supported—maintaining status quo recreational measures for 2025. The rationale included that the Percent Change Approach is intended to be used to adjust measures in sync with the setting of catch and landing limits in response to updated stock assessment information. While there was new stock assessment information for black sea bass this year, it was not used to set the RHL, and although the Percent Change Approach was intended to generally set measures for two years at a time, it does not prohibit the use of the same measures across more than two years, such as the three years of stable measures that now results from a status quo determination for black sea bass in 2025. It is anticipated that an updated management track assessment will be available in 2025 to inform the specifications for 2026–2027, and that the questioned projection methodology will garner more scrutiny during the update. As is typical, “status quo measures” for black sea bass allows for minor seasonal adjustments that are not expected to increase harvest subject to ASMFC approval.

Other Updates

Summer flounder and scup recreational measures were revised in 2024 in response to their 2023 stock assessments and the application of the Percent Change Approach using the resulting RHLs.² As anticipated, those measures will stay unchanged for 2025, as they were intended to be two-year measures prior to the next round of scheduled assessments in 2025 that will inform 2026–2027 management. At that point, all three species—including black sea bass—will be on the same assessment and management timeline.

It is also expected that the Recreational Measures Setting Process Framework/Addenda (which may modify or replace the Percent Change Approach) will be voted on in April 2025 and implemented in time for setting 2026 measures. Public hearings on the draft framework/addenda have been scheduled for mid-to-late January, with a joint webinar for Maine, New Hampshire, and Massachusetts on January 14³. The next potential FMP revision for recreational management is also underway via the Recreational Sector Separation and Data Collection Amendment. A Plan Development Team was populated this fall, and the Council and Commission approved a scoping document at their December 10 meeting. Public hearings are anticipated to occur in early 2025.

¹ Federal register notice: <https://www.federalregister.gov/documents/2024/12/10/2024-28845/fisheries-of-the-northeastern-united-states-2025-specifications-for-the-summer-flounder-scup-black>. The coastwide commercial quota for 2025 will also remain status quo at 6.00 million pounds, although Massachusetts' quota is declining 15% based on a shift in the regional biomass that is factored into the allocation formula.

² This included a 28% reduction for summer flounder and 10% reduction for scup in 2024.

³ ASMFC hearing schedule: https://asmfc.org/uploads/file/6753258epr38RecreationalMeasureSetting_PublicHearings.pdf