Black Sea Bass 2025 Specifications
Supplemental Information Report

DRAFT
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Prepared by the
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Acronyms and Abbreviations

ABC	Acceptable Biological Catch
ACL	Annual Catch Limit
ACT	Annual Catch Target
Board	Commission's Summer Flounder, Scup, and Black Sea Bass Board
CAMS	Catch Accounting and Monitoring System
Center	Northeast Fisheries Science Center
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
Commission	Atlantic States Marine Fisheries Commission
Council	Mid-Atlantic Fishery Management Council (MAFMC)
CZMA	Coastal Zone Management Act
EA	Environmental Assessment
EFH	Essential Fish Habitat
ESA	Endangered Species Act
F	Fishing mortality rate
FMP	Fishery Management Plan
F_{MSY}	Fishing mortality rate at maximum sustainable yield
GARFO	Greater Atlantic Regional Fisheries Office
ISFMP	Interstate Fishery Management Plan
MAFMC	Mid-Atlantic Fishery Management Council
MMPA	Marine Mammal Protection Act
MRIP	Marine Recreational Information Program
MSA	Magnuson-Stevens Fishery Conservation and Management Act
NEFSC	Northeast Fisheries Science Center
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service (also known as NOAA Fisheries)
NOAA	National Oceanic and Atmospheric Administration
OFL	Overfishing Limit
RHL	Recreational Harvest Limit
SIR	Supplemental Information Report
SSB	Spawning Stock Biomass
SSC	Scientific and Statistical Committee

1.0 Introduction

This document supports the implementation of an overfishing limit (OFL), acceptable biological catch limit (ABC), recreational and commercial annual catch limits (ACL), annual catch targets (ACT), a commercial quota, and a recreational harvest limit (RHL) for black sea bass for 2025. As described in Section 2.0, all catch and landings limits are the same as in 2024. This document also supports the implementation of a 5-percent commercial in-season closure buffer. This is the first time an in-season closure buffer can be used for black sea bass due to changes made through Amendment 23 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP; MAFMC 2022b).[1] The proposed measures are described in more detail in Section 5.0.

The proposed catch and landings limits for 2025 are expected to have similar impacts as those analyzed in the following previous specifications documents:

- The 2020-2021 Scup and Black Sea Bass Specifications Environmental Assessment (EA; MAFMC 2020a; 85 FR 29345);
- The 2021 Summer Flounder, Scup, and Black Sea Bass Specifications Revisions Supplemental Information Report (SIR; MAFMC 2020b; 85 FR 82946);
- The Summer Flounder, Scup, and Black Sea Bass 2022-2023 Specifications SIR (MAFMC 2021; 86 FR 72859); and,
- The Summer Flounder, Scup, and Black Sea Bass 2023 Specifications SIR (MAFMC 2022c; 88 FR 11);
- Black Sea Bass 2024 Specifications SIR (MAFMC 2023b, 88 FR 88266).

These documents were prepared using the 1978 Council on Environmental Quality (CEQ) NEPA Regulations and are collectively referred to hereafter as "the previous specifications documents."

This Supplemental Information Report (SIR) demonstrates compliance with the National Environmental Policy Act (NEPA). As described in Section 2.0, a SIR is used to determine whether a proposed action will require further analysis beyond a prior NEPA analysis for a related action.

2.0 Purpose of this Supplemental Information Report

The purpose of this SIR is to determine if the recommended 2025 black sea bass commercial and recreational catch and landings limits and the 2025 commercial in-season closure buffer (Section 5.0) require further analysis beyond that presented in the previous specifications documents.

The proposed commercial and recreational catch and landings limits and commercial in-season closure buffer are within the range of limits analyzed in the 2020-2021 Scup and Black Sea Bass Specifications EA (hereafter referred to as the 2020-2021 Specifications EA). A review of recent fishery and stock assessment information indicates there have been no substantial changes that would alter the range of impacts considered in the previous specifications documents (see Section 6.0).

In determining the need for additional analysis under NEPA, we have considered and have been guided by the CEQ NEPA regulations and applicable case law. The CEQ's regulations state that

[1] On August 2, 2023, the NOAA Fisheries Greater Atlantic Regional Fisheries Office sent a letter to the Council announcing approval of these changes through Amendment 23. A final rule implementing the change was published on October 1, 2024 (89 FR 79778).

"[a]gencies should supplement environmental assessments if a major Federal action is incomplete or ongoing, and: (i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (ii) There are substantial new circumstances or information about the significance of the adverse effects that bear on the analysis to determine whether to prepare a finding of no significant impact or an environmental impact statement." 40 Code of Federal Regulations (CFR.) 1501.5(h)(1) (2024); *see also* NOAA's Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities, at 7-8 (effective Jan. 13, 2017).

3.0 Original Action

The original action for the purposes of this SIR focuses on the 2020-2021 specifications, which were analyzed in the 2020-2021 Specifications EA (MAFMC 2020a). Subsequent revisions to the 2021 specifications, implementation of 2022-2023 specifications, subsequent revisions to the 2023 specifications, and implementation of the 2024 specifications were analyzed through SIRs, which built off the analysis in the previous EA (MAFMC 2020a, MAFMC 2020b, MAFMC 2021, 2022c, MAFMC 2023b).

The 2020-2021 specifications were based on the results of an operational stock assessment that was peer-reviewed and accepted in August 2019 (NEFSC 2020). This assessment incorporated fishery catch information, including revised recreational catch data for 1989-2018, and fishery-independent survey data through 2018. Implemented measures included a 5.58-million lb commercial quota and a 5.81-million lb RHL for both 2020 and 2021, as reflected in Alternative 2B in the 2020-2021 Specifications EA. The 2020-2021 Specifications EA also analyzed the potential impacts of implementing the 2018-2019 catch and landings limits in 2020-2021 (Alternative 2A, the status quo alternative), as well as commercial quotas and RHLs that were 25 percent higher than the preferred alternative (Alternative 2C) and 25 percent lower than the status quo alternative (Alternative 2D). These alternatives are summarized in Table 1. No major changes to the stock or fisheries were anticipated for upcoming years; therefore, a moderate range above and below the status quo and preferred alternatives was considered reasonable.

Table 1: 2020-2021 black sea bass commercial quota and RHLs analyzed through the 2020-2021 Scup and Black Sea Bass Specifications EA. All values are in millions of pounds.

Alternative	**Commercial quota** (both years)	**RHL** (both years)
Alternative 2A (status quo)	3.52	3.66
Alternative 2B (preferred)	5.58	5.81
Alternative 2C (least restrictive)	6.98	7.26
Alternative 2D (most restrictive)	2.64	2.74

The 2021 black sea bass specifications were later revised to account for changes to the Council's risk policy and an improved method for calculating expected dead discards. The method used to predict commercial and recreational black sea bass dead discards was revised because frequent ACL overages in both sectors occurred under the prior method (Table 3 and Table 4 in section 4.0). The revised method is described in detail in MAFMC 2020b and was expected to better predict discards in upcoming years and reduce the frequency and degree of ACL overages. The revised 2021 commercial quota was 6.09 million lb and the revised 2021 RHL was 6.34 million

lb, both within the range of quotas and RHLs analyzed through the 2020-2021 Specifications EA (Table 1).

Specifications for 2022-2023 were set based on the 2021 black sea bass management track stock assessment (NEFSC 2021). The 2022-2023 ABCs used stock projections that assumed total dead catch in 2020 and 2021 would be equal to the respective ABCs with an adjustment for a 2020 recreational harvest overage and an assumed 2021 recreational harvest overage as described in more detail in the 2022-2023 Specifications SIR (MAFMC 2021). No other changes were made to the method used for setting black sea bass specifications. The implemented specifications were all within the range of quotas and RHLs analyzed through the 2020-2021 Specifications EA, resulting in commercial quotas of 6.47 million lb in 2022 and 5.71 million lb in 2023 and an RHL of 6.74 million lb in 2022 and 5.95 million lb in 2023 (Table 1).

The 2023 specifications were later revised to account for revisions to the commercial/recreational allocations implemented through Amendment 22 (MAFMC 2022a; 87 Federal Register 49573). The revised allocations use the same base years as the original allocations (i.e., 1983-1992), but with updated landings data using methodologies to better estimate discard data. In addition, these allocations now apply directly to the ABC rather than to the amount of the ABC expected to be landed as opposed to discarded. Due to this change from a landings-based allocation to a catch-based allocation, the revised allocations (45 percent commercial, 55 percent recreational – catch-based) are not directly comparable to the prior allocations (49 percent commercial, 51 percent recreational – landings-based).

The revised 2023 specifications also accounted for a change in the method for projecting recreational dead discards to derive the RHL. This method is described in detail in the SIR supporting the revised 2023 specifications (MAFMC 2022c). The revised method was thought to better account for recent trends in the fishery and changes in the recreational measures setting process implemented through Framework 13/Addenda XXXIV (MAFMC 2022d). The new method does not rely as heavily on the previous method's assumption that recreational catch will equal the ACL. The method for projecting commercial discards remained unchanged. The revised 2023 commercial quota was 4.80 million lb and the revised 2023 RHL was 6.57 million lb, both within the range of quotas and RHLs analyzed through the 2020-2021 Specifications EA (Table 1).

The Council and Board made no changes to the 2024 ACLs or ACTs compared to 2023. They approved a 2024 commercial quota of 6.00 million lb, a 25-percent increase from 2023, and a 2024 RHL of 6.27 million lb, a 5-percent decrease from 2023. These values were based on the same methodology used to set the 2023 measures. The differences between the 2023 and 2024 commercial quota and RHL are due only to the use of the most recent three years of catch data (2020-2022) to calculate projected dead discards in each sector. The 2023 specifications used 2017-2019 discards data.

4.0 New Information/Circumstances

Determining whether a supplemental NEPA analysis is required involves a two-step process. First, one must identify new information or circumstances. Second, if there is new information, one must analyze whether it is significant to the analysis of the action and relevant to environmental concerns and bearing on the action or its impacts.

As described in more detail in the following sections, the following new information and circumstances, compared to the information considered in the previous specifications documents, are relevant to this action:

- Completion of a new management track stock assessment in 2024 for black sea bass, incorporating data through 2023.
- Approval of changes to the commercial in-season closure regulations through Amendment 23 (MAFMC 2022b, 89 FR 79778), effective January 1, 2025.
- Reinitiation of the 2021 biological opinion on the authorization of eight FMPs, including the Summer Flounder, Scup, and Black Sea Bass FMP, and two Interstate Fishery Management Plans (ISFMP).

4.1 Fisheries Catch Data

Table 2 shows the black sea bass OFLs and ABCs from 2013 through 2024. As shown in Table 2, ABC overages occurred in many years; however, OFL overages have been rare. Depending on the year, the ABC overages were driven by higher than anticipated discards in one or both of the commercial and recreational sectors and/or recreational harvest exceeding the RHL (Table 3, Table 4). It is important to note that ABC and even OFL overages do not necessarily correspond to overfishing, and do not always represent a conservation issue. For example, in 2023 the black sea bass OFL was exceeded, however, the recently completed 2024 management track assessment determined that fishing mortality was 23 percent below the fishing mortality target in 2023 (NEFSC 2024).

Table 2: Total dead black sea bass catch compared to the OFL and ABC, 2013-2023. All values are in millions of pounds. The recreational contribution to total dead catch is based on data in the "old" Marine Recreational Information Program (MRIP) units through 2019 and the revised MRIP data starting in 2020. Catch limits did not account for the revised MRIP data until 2020.

Year	Total dead catch[a]	OFL[b]	OFL overage/underage	ABC[b]	ABC overage/underage
2013	**5.99**	**NA**	**NA**	**5.50**	**+9%**
2014	**7.92**	**NA**	**NA**	**5.50**	**+44%**
2015	**7.92**	**NA**	**NA**	**5.50**	**+44%**
2016	10.66	NA	NA	6.67	+60%
2017	11.70	12.05	-3%	10.47	+12%
2018	9.97	10.29	-3%	8.94	+12%
2019	9.64	10.29	-6%	8.94	+8%
2020	17.33	19.39	-11%	15.07	+15%
2021	21.35	17.68	+21%	17.45	+22%
2022	18.46	19.56	-6%	18.86	-2%
2023	17.12	17.01	+1%	16.66	+3%
2024	--	17.01	--		--

[a] See Table 3 and Table 4 for the commercial and recreational data contributing to the total catch estimates.

[b]An OFL was not used and the ABC was set based on a constant catch approach for 2013-2015 due to the lack of a peer-reviewed and accepted stock assessment. The 2016 ABC was set based on a data-limited methodology. Since 2017, the ABC has been set based on a peer-reviewed and approved stock assessment.

4.1.1 Commercial Catch

In 2023, about 4.67 million lb of black sea bass were landed in the commercial fishery, a 13-percent decrease compared to 2022. This decline was likely largely driven by a 26-percent decrease in the coastwide commercial quota (Table 3). Commercial ACL overages occurred each year during 2014-2019 due to higher than expected commercial dead discards. The method for calculating projected dead discards was revised starting with the 2021 specifications in an attempt to address this issue. In addition, the commercial ACL increased by about 60 percent from 2019 to 2020 (Table 3). Likely due to a combination of these factors, the commercial ACL has not been exceeded since 2019.

Table 3: Black sea bass commercial landings, dead discards, and dead catch compared to the commercial quota, projected commercial dead discards, and commercial ACL, 2014-2023. All values are in millions of pounds.

Year	Com. landings[a]	Com. quota[b]	Quota over/ under	Com. dead discards[c]	Projected com. dead discards	Disc. over/ under	Com dead catch	Com. ACL	ACL over/ under
2014	2.40	2.17	+11%	1.01	0.36	+181%	3.41	2.60	+31%
2015	2.38	2.21	+8%	0.93	0.39	+138%	3.31	2.60	+27%
2016	2.59	2.71	-4%	1.67	0.44	+280%	4.26	3.15	+35%
2017	4.01	4.12	-3%	2.26	0.97	+133%	6.27	5.09	+23%
2018	3.46	3.52	-2%	1.59	0.83	+92%	5.05	4.35	+16%
2019	3.48	3.52	-1%	2.20	0.83	+165%	5.68	4.35	+31%
2020	4.20	5.58	-25%	1.03	1.40	-27%	5.22	6.98	-25%
2021	4.77	6.09	-22%	1.08	3.43	-69%	5.84	9.52	-39%
2022	5.35	6.47	-17%	1.39	3.63	-62%	6.74	10.10	-33%
2023	4.55	4.80	-6%	1.11	1.26	-14%	5.66	7.50	-24%
2024	--	6.00	--	--	--	--	--	--	--

[a] NMFS commercial dealer data through 2018. Catch Accounting and Monitoring System (CAMS) data for 2019-2023.

[b] The 2014 commercial quota reflects a 3% deduction for Research Set Aside.

[c] Estimates through 2018 are based on NEFSC data as provided in the 2021 management track assessment (NEFSC 2021). CAMS data for 2019-2023.

4.1.2 Recreational Catch

According to the most recent data from the Marine Recreational Information Program (MRIP), between 1981 and 2023, recreational catch (landings and live and dead discards) of black sea bass from Maine through Cape Hatteras, North Carolina, was lowest in 1984 at 4.73 million fish and was highest in 2021 at 42.67 million fish. Recreational harvest in weight was highest in 2016 at 12.05 million lb;[2] however, harvest in numbers of fish was highest in 1986 at 19.28 million fish. Recreational harvest in weight was lowest in 1981 at 1.53 million lb, while harvest in numbers of fish was lowest in 1998 at 1.56 million fish. A recent time series of recreational harvest and discards is shown in Table 4.

Recreational harvest in 2023 was estimated at 7.46 million lb, about 14 percent above the 2023 RHL of 6.57 million lb. As shown in Table 4, there have been frequent RHL and recreational ACL overages in recent years. When considering the scale of these overages, it is important to note that the catch and landings limits for both sectors were not set based on a peer-reviewed and accepted stock assessment until 2017. Previous RHLs were likely lower than they could have been had an approved stock assessment been available to set catch and landings limits that were reflective of biomass levels at that time. In addition, the notable 2020 and 2021 RHL overages were the result of the Council and Board leaving the bag, size, and season limits unchanged despite expected overages. This was a short-term approach to prevent major negative impacts to the recreational sector while changes to management were considered through the Commercial/Recreational Allocation Amendment (87 FR 68925) and the Recreational Harvest Control Rule Framework/Addenda (88 FR 14499).

Preliminary MRIP estimates are available through June 2024. These data do not provide meaningful insights into the 2024 recreational black sea bass fishery, and are therefore not included in Table 4, given that the recreational fishery was closed through at least May 15 in all states except New Hampshire.

[2] The coastwide 2016 and 2017 MRIP estimates for black sea bass are viewed as outliers by the Monitoring and Technical Committees and the SSC due to the influence of very high estimates in individual states and waves (i.e., New York 2016 wave 6 for all modes and New Jersey 2017 wave 3 for the private/rental mode).

Table 4: Black sea bass recreational landings, dead discards, and dead catch compared to the RHL, projected recreational dead discards, and recreational ACL, 2014-2023. Values are provided in the "old" MRIP units for 2014-2019 and the "new" MRIP units for 2020-2023, as the ACLs and RHLs did not account for the revised MRIP data until 2020. Therefore, overage/underage evaluations must be based in the old MRIP units through 2019 and the new MRIP units starting in 2020. All values are in millions of pounds.

Year	Version of MRIP data	Rec. harvest[a]	RHL[b]	RHL over/ under	Rec. dead disc.[c]	Projected rec. dead discards	Rec. discards overage/ underage	Rec. dead catch	ACL	ACL over/ under
2014	Old MRIP (pre-revision)	3.67	2.26	62%	0.84	0.50	+68%	4.51	2.90	+56%
2015		3.79	2.33	63%	0.82	0.57	+44%	4.61	2.90	+59%
2016		5.19	2.82	84%	1.21	0.57	+112%	6.40	3.52	+82%
2017		4.16	4.29	-3%	1.27	0.57	+123%	5.43	5.38	+1%
2018		3.82	3.66	4%	1.10	0.70	+57%	4.92	4.59	+7%
2019		3.46	3.66	-5%	0.5	1.09	-54%	3.96	4.59	-14%
2020[d]	New MRIP (post-revision)	9.05	5.81	56%	3.06	0.93	+229%	12.11	8.09	+50%
2021		11.97	6.34	89%	3.54	0.93	+280%	15.51	7.93	+96%
2022		8.14	6.74	21%	3.59	2.02	+78%	11.73	8.76	+34%
2023		7.82	6.57	19%	3.64	2.59	+40%	11.45	9.16	+25%

[a] Based on MRIP data. Values for 2018 and 2019 were provided by GARFO.

[b] The 2014 RHL reflects a 3% deduction for Research Set Aside.

[c] Estimates for 2014-2017 are from a data update provided by the NEFSC in 2018 (most recent data from NEFSC in "old" MRIP units; available at https://www.mafmc.org/ssc-meetings/2018/july-17-18). Values for 2018 and 2019 were provided by GARFO. Estimates for 2020-2023 were provided by the NEFSC.

[d] Recreational harvest estimates for 2020 were impacted by a temporary suspension of shoreside intercept surveys due to COVID-19. NMFS used imputation methods to fill gaps in 2020 catch data with data collected in 2018 and 2019. For black sea bass, the 2020 harvest estimate for Maine-Virginia relied on approximately 17% imputed data. For more information on imputation methods see: https://www.mafmc.org/s/1-2020-Marine-Recreational-Catch-Estimates-QA-52121.pdf.

4.2 Protected Species

Section 6.3 of the 2020-2021 Scup and Black Sea Bass Specifications EA (MAFMC 2020a) provides a complete and comprehensive identification and description of all protected species that may occur in the affected environment of the FMP. Additionally, new information since the 2020-2021 Specifications EA is summarized in Section 4.2 of the 2024 Black Sea Bass Specifications SIR (MAFMC 2023b). These species are afforded protection under the Endangered Species Act of 1973 (ESA; i.e., for those designated as threatened or endangered) and/or the Marine Mammal Protection Act of 1972 (MMPA).

In addition to the information considered in the previous specifications documents referenced above, the following new information and circumstances for protected species are relevant to this action:

- On May 27, 2021, the National Marine Fisheries Service (NMFS) completed formal consultation pursuant to section 7 of the ESA of 1973, as amended, and issued a Biological Opinion on the authorization of eight Federal FMPs, two ISFMPs, and the implementation of the New England Fishery Management Council's Omnibus Essential Fish Habitat (EFH) Amendment 2[3]. The 2021 Opinion considered the effects of the authorization of these FMPs, ISFMPs, and the implementation of the Omnibus EFH Amendment on ESA-listed species and designated critical habitat, and determined that those actions were not likely to jeopardize the continued existence of any ESA-listed species or destroy or adversely modify designated critical habitats of such species under our jurisdiction. An Incidental Take Statement (ITS) was issued in the 2021 Opinion. The ITS includes reasonable and prudent measures and their implementing terms and conditions, which NMFS determined are necessary or appropriate to minimize impacts of the incidental take in the fisheries assessed in the 2021 Opinion.

  On January 10, 2024, NMFS issued a 7(a)(2)/7(d) memorandum that reinitiated consultation on the 2021 Opinion. The Federal actions to be addressed in the reinitiation of consultation include the authorization of the Federal fisheries conducted under the aforementioned eight Federal FMPs (see footnote 3). The reinitiated consultation will not include the American lobster and Jonah crab fisheries, which are authorized under ISFMPs[4].

[3] The eight Federal FMPs considered in the May 27, 2021, Biological Opinion include: (1) Atlantic Bluefish; (2) Atlantic Deep-Sea Red Crab; (3) Mackerel, Squid, and Butterfish; (4) Monkfish; (5) Northeast Multispecies; (6) Northeast Skate Complex; (7) Spiny Dogfish; and (8) Summer Flounder, Scup, and Black Sea Bass. The two ISFMPs are American Lobster and Jonah Crab.

[4] On December 29, 2022, President Biden signed the Consolidated Appropriations Act, 2023, which included the following provision specific to NMFS' regulation of the American lobster and Jonah crab fisheries to protect North Atlantic right whales, "Notwithstanding any other provision of law ... for the period beginning on the date of enactment of this Act and ending on December 31, 2028, the Final Rule ... shall be deemed sufficient to ensure that the continued Federal and State authorizations of the American lobster and Jonah crab fisheries are in full compliance with the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)." Given this, the American lobster and Jonah crab fisheries remain in compliance with the ESA through December 31, 2028; this determination was documented in a memorandum issued by the Greater Atlantic Regional Fisheries Office's Sustainable Fisheries Division on June 15, 2023.

5.0 Proposed New Action

The proposed new action would implement 2025 specifications for black sea bass. The 2025 OFL and ABC would be set equal to the 2024 OFL and ABC. This approach will only be used for 2025 as a new management track stock assessment is anticipated to be available for setting 2026 specifications.

The most recent management track assessment (NEFSC 2024) indicated that spawning stock biomass was 218 percent of the target level and fishing mortality was 23 percent below the fishing mortality reference point in 2023. In addition to the 2024 management track stock assessment, the Northeast Fisheries Science Center ran additional projections using status quo catch in 2025 and 2026, the results of this projection are below. The projection methodology is the same as that used in the 2024 management track assessment projections. A comparison of the two projections for 2025 shows a 5-percent difference in spawning stock biomass (SSB) when status quo catch is maintained in 2025. Further, the estimated SSB remains above the SSB reference point in both cases. While projections were run to include 2026, this action is only setting specifications for fishing year 2025. Projections for 2026 are included for comparison purposes only. Specifications for 2026 will be set following a new management track assessment.

Table 5: Results and projections from the 2024 management track stock assessment, including stock assessment projections and status quo projections.

	Year	Catch (mt)	SSB (mt)	SSB / SSB_{MSY}	F_{full}
2024 Assessment Results	2023	7,683	24,572	2.18	0.825
2024 Assessment Projection	2024	7,557	20,987	1.87	1.036
	2025	6,193	17,442	1.55	1.071
	2026	*4,916*	*14,024*	*1.25*	*1.071*
2024 Status Quo Catch Projection	2024	7,557	20,987	1.87	1.04
	2025	7,557	16,680	1.48	1.87
	2026	*7,557*	*11,369*	*1.03*	*1.49*

No changes to the ACL, ACT, commercial quota, or RHL are being proposed compared to 2024, resulting in a 2025 commercial quota of 6.00 million lb and an RHL of 6.27 million lb (Table 6).

The Council and Board also recommended a black sea bass commercial in-season closure buffer using the recently approved methodology of Amendment 23 (MAMFC 2022b). Previously, the commercial black sea bass fishery was required to close in-season once the coastwide quota was projected to be landed. Amendment 23 changed this in-season accountability measure such that the commercial fishery will now close when the quota plus an additional buffer of up to 5 percent is projected to be landed. The intent of this buffer is to minimize negative economic impacts when the coastwide quota is reached before all states have fully harvested their allocations. Under the implemented revisions, the Council and Board should agree to the appropriate buffer for each year through the specifications process. For 2025, the Council and Board agreed to use a 5-percent commercial in-season closure buffer. Given recent patterns in the fishery, an in-season closure is not expected for 2025; however, the Council and Board agreed that in the unlikely event it is needed, a 5-percent buffer could have socioeconomic benefits with little risk to the stock status.

The Council and Board agreed that no changes are needed to the other commercial measures that can be modified through the specifications process. Recreational bag, size, and season limits for 2025 will be discussed during the December 2024 Council and Board meeting, but no changes are anticipated. If changes are made, they would be evaluated through a separate action.

Table 6: Recommended 2025 specifications for black sea bass. Numbers may not add precisely due to unit conversions and rounding.

Measure	Mil lb	MT	Basis
OFL	17.01	7,716	Based on 2021 management track assessment projections and Council risk policy
ABC	16.66	7,557	
Com. ACL	7.50	3,401	45% of ABC (commercial allocation)
Com. ACT	7.50	3,401	Equal to the ACL; no deduction for management uncertainty
Projected com. dead discards	1.50	680	3-year average proportion of commercial dead catch that was discarded applied to the commercial ACL (i.e., 20% based on 2020-2022)
Com. quota	6.00	2,721	Com. ACT minus projected com. dead discards
Rec. ACL	9.16	4,156	55% of ABC (recreational allocation)
Rec. ACT	9.16	4,156	Equal to the ACL; no deduction for management uncertainty
Projected rec. dead discards	2.89	1,311	The average of the following two estimates: ● 3-year avg. proportion of rec. dead catch that was discarded applied to the rec. ACL (i.e., 26% based on 2020-2022) ● Most recent 3-year average of rec. dead discards
RHL	6.27	2,845	Rec. ACT minus projected rec. dead discards

6.0 NEPA Compliance and Supporting Analysis

In this section, the expected impacts of the proposed 2025 catch and landings limits are compared to those considered through the previous specifications documents. The methods, assumptions, and data sources used in this analysis are consistent with those applied in the previous specifications documents.

CEQ requirements indicate that a supplemental NEPA analysis must be prepared if a new proposed action is substantially different from a previously completed but related action. However, not every change to a proposed action, including the presence of new information, necessitates the development of a new or supplemental NEPA analysis. NOAA Fisheries provided guidance to the councils on the use of "non-NEPA documents" to help determine whether a new or supplemental NEPA document is necessary or if a non-NEPA document (i.e., a SIR) may be used to demonstrate that an original NEPA document sufficiently considered and analyzed the proposed actions and its effects. At this time, we have determined a SIR is appropriate given the information below.

The proposed 2025 specifications fall within the range of those analyzed in the 2020-2021 Specifications EA for both the commercial and recreational fisheries. The proposed 2025 quota of 6.00 million lb for the commercial fishery falls between Alternative 2B (preferred at the time, 5.58 million lb) and Alternative 2C (least restrictive, 6.98 million lb). It is closest to Alternative 2B, at 8 percent above the quota associated with that alternative. As described above, the proposed 2025 specifications would also modify the commercial in-season closure such that the fishery would close if 105 percent of the quota is projected to be landed prior to the end of the

year. Given recent trends in the fishery (Table 3), it is not expected that an in-season closure will be needed in 2025. However, if it is needed, it would occur when landings are projected to reach 6.30 million lb, the quota with the additional 5-percent buffer. This is closer to Alternative 2C than Alternative 2B (i.e., 10 percent below Alternative 2C and 13 percent above Alternative 2B). As it is very unlikely that this in-season closure buffer will be needed in 2025, the impacts of the proposed 2024 commercial quota focus on a comparison to Alternative 2B rather than Alternative 2C.

Under all black sea bass alternatives in the 2020-2021 Specifications EA, it was assumed that commercial landings would be close to the commercial quota based on past trends in the fishery. With the exception of 2020-2022, which had higher quotas than previous years, annual commercial landings have been very close to the commercial quota since 2007. The recommended 2025 commercial quota of 6.00 million lb is about 12 percent higher than 2023 landings (the most recent complete year for which landings information is available; Table 3). Therefore, it remains logical to assume that commercial landings in 2025 will be close to the 2025 quota.

For the recreational fishery, the proposed 2025 RHL of 6.27 million lb falls between Alternative 2B (preferred at the time, 5.81 million lb) and Alternative 2C (least restrictive, 7.26 million lb). It is closest to Alternative 2B at 8 percent above the RHL under that alternative. The 2020-2021 Specification EA assumed that recreational harvest would be constrained to the RHL under each alternative and that notable restrictions in the recreational fishery would be needed to constrain to the RHL under Alternative 2B. Measures were restricted in 2022 and again in 2023 with the goal of constraining harvest to the appropriate target level. Under the Percent Change Approach, implemented through Framework 17/Addenda XXXIV (MAFMC 2022d), starting with the 2023 recreational measures, the RHL is now one of multiple factors that determine the target level of harvest that recreational measures should aim to achieve. Given trends in landings, under the Percent Change Approach, measures for 2025 could have fallen within a range of a 10-percent liberalization to a 10-percent reduction. The specific recreational harvest target for 2025 will be status quo. The 2020-2021 Specifications EA assumed, at the time, a notable restriction in recreational harvest would be needed under Alternative 2B, but that Alternative 2C could allow recreational harvest to remain at recent levels or could require a small reduction. Therefore, it may be appropriate to assume that the impacts of the proposed 2025 RHL may be closer to the impacts of Alternative 2C than Alternative 2B.

In summary, the proposed 2025 commercial quota is expected to have impacts that are closest to Alternative 2B and the proposed 2025 RHL is expected to have impacts closest to Alternative 2C. Therefore, the impacts of both alternatives as described in the 2020-2021 Specifications EA are summarized below.

As described in more detail in the 2020-2021 Specifications EA, Alternative 2B was expected to result in moderate positive impacts on **target species (i.e., black sea bass)** as it was expected to maintain biomass above the target level and was not expected to result in overfishing. Alternative 2C was expected to result in slight negative to slight positive impacts on **target species**, but to maintain biomass above the target level and not to result in the stock becoming overfished. The 2024 management track stock assessment suggested that fishing mortality remained below the fishing mortality reference point (i.e., overfishing was not occurring) and biomass was about 219 percent of the target level in 2023 (NEFSC 2024). In addition, as shown in Table 2, the OFL has only been exceeded twice for black sea bass, most recently in 2023.

Even though the OFL was exceeded in 2023, the fishing mortality rate (F) was estimated to be 23 percent below the fishing mortality rate at maximum sustainable yield (F_{MSY}). As previously stated, the recommended 2025 specifications are based on a status quo approach. The proposed 2025 specifications are expected to have positive impacts on the black sea bass stock and to maintain a current positive stock status, even with an anticipated slight decrease in biomass, because overfishing is not expected to occur and the stock is expected to remain well above the biomass target. This approach will only be used for one year, and the 2026 specifications will be set using a new management track assessment, anticipated in June 2025.

Neither Alternatives 2B nor 2C were expected to result in a change in the stock status of any **non-target species**; therefore, they were expected to have slight negative impacts on those non-target species with currently negative stock status and slight positive impacts on non-target species with currently positive stock status. As previously stated, the proposed 2025 specifications are similar to Alternative 2B for the commercial fishery and Alternative 2C for the recreational fishery. Therefore, as with Alternatives 2B and 2C, the proposed action is also expected to have slight negative impacts on those non-target species with currently negative stock status and slight positive impacts on all non-target species with currently positive stock status.

Alternatives 2B and 2C were expected to have slight negative impacts on **physical habitat and essential fish habitat (EFH)** due to continued interactions between fishing gear and physical habitats. None of the potential changes in fishing effort under these alternatives were expected to result in additional impacts beyond recent impacts caused by the black sea bass fisheries and many other fisheries that operate in the same areas. They were not expected to result in impacts to habitats previously unimpacted by fishing. However, some level of commercial and recreational fishing effort would continue to occur and fishing gears would continue to impact physical habitat. For these reasons, Alternatives 2B and 2C were expected to have slight negative impacts to physical habitat. As previously stated, the proposed 2025 specifications are similar to Alternative 2B for the commercial fishery and Alternative 2C for the recreational fishery. Therefore, as with Alternatives 2B and 2C, the proposed action is also expected to have slight negative impacts on physical habitat, but not outside of impacts analyzed within the 2020-2021 Specifications EA No changes are expected to the areas, timing, or methods of fishing that may modify habitat impacts.

In the 2020-2021 Specifications EA, the expected impacts of the black sea bass alternatives (i.e., 2B and 2C) on **protected species** (ESA-listed and/or MMPA protected) were based on expected changes in fishing effort with different gear types. Bottom trawls, followed by pots/traps, are the predominant gear types used in the commercial black sea bass fishery. As interactions between these gear types and ESA-listed species and/or MMPA-protected (non-ESA-listed) species have been observed, the operation of the commercial black sea bass fishery has the potential to interact with these species.

For MMPA-protected (non-ESA-listed) species, Alternative 2B was expected to have moderate negative to slight positive impacts, depending on the species/stock and whether its potential biological removal level would be exceeded as a result of the expected increase in fishing effort, which was uncertain at the time, but has not since occurred. Alternative 2B was expected to have negligible to high moderate negative (i.e., more negative than moderate negative, but less negative than high negative) impacts on ESA-listed species, depending on the species. Due to the higher levels of fishing effort expected under Alternative 2C compared to Alternative 2B,

Alternative 2C was expected to have high (but not significant) negative to slight positive impacts on non-ESA listed marine mammals and negligible to high (but not significant) negative impacts on ESA-listed species, depending on the species and the scale of the actual increase in interactions, which was uncertain at the time, but has not since occurred. As previously stated, the proposed 2025 specifications are similar to Alternative 2B for the commercial fishery and Alternative 2C for the recreational fishery. However, as noted above, at the time the 2020-2021 Specifications EA was issued, there was some expectation that fishing effort under alternatives 2B or 2C would increase, resulting in impacts to protected species that ranged from high (but not significant) negative to slight positive. Based on this, and taking into consideration uncertainties in fishing effort, the proposed action is expected to result in impacts to protected species that are no greater than those considered under alternatives 2B and 2C.

Additionally, as discussed in the previous Black Sea Bass SIR (MAFMC 2023b) and the 2024-2025 Summer Flounder and Scup EA (MAFMC 2023a), the issuance of the 2021 Opinion resulted in the identification of giant manta rays as one of the ESA-listed species that may be affected by the Summer Flounder, Scup, and Black Sea Bass FMP. The 2021 Opinion determined that the FMPs were not likely to jeopardize the continued existence of any ESA-listed species. Although giant manta rays were not considered in the 2020-2021 Specifications EA (MAFMC 2020a), information provided in the 2021 Opinion and the 2024-2025 Summer Flounder and Scup EA (MAFMC 2023a), combined with the lack of documented interactions and limited overlap with the black sea bass fishery and giant manta ray distribution, the determination of impacts to ESA-listed species provided above is also applicable to giant manta rays. Therefore, this new information is not expected to change any of the impacts previously discussed.

As noted in section 4.2, on January 10, 2024, NMFS reinitiated consultation on the 2021 Opinion. Given the information provided above, the proposed action does not entail any changes to the black sea bass fishery during the reinitiation period that would cause an increase in interactions with or effects to ESA-listed species or their critical habitat beyond those considered in NMFS' January 10, 2024, 7(a)(2) determination. Therefore, the proposed action is consistent with NMFS' January 10, 2024, 7(a)(2) determination. Additionally, we have determined that the proposed action does not make any irreversible or irretrievable commitment of resources with respect to the agency action that would have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures at the conclusion of the consultation. NMFS is not expending, and does not have to expend, any financial resources, enter into any binding agreements, or commit other resources in order to implement this action. The black sea bass fishery will continue to operate under its respective FMP unless NMFS takes action under the Magnuson-Stevens Fishery Conservation and Management Act to stop or modify its operation in some manner. Further, commitments of industry resources during this reinitiation period are not irreversible or irretrievable because NMFS retains the legal authority to restrict activities of fishery participants or modify the FMP as necessary. FMPs and their implementing regulations are always subject to future changes. Therefore, we have determined that authorizing the proposed action and allowing these fisheries to operate during the reinitiation period does not violate section 7(d).

Alternative 2B was expected to result in increased commercial landings of and commercial revenues from black sea bass compared to prior years. Black sea bass are a valuable commercial species; therefore, these expected increases in commercial landings and revenues were expected

to result in moderate positive **socioeconomic impacts** for the commercial fishery under Alternative 2B. By allowing for slightly higher commercial landings than Alternative 2B, the proposed 2025 quota is also expected to have moderate positive impacts for the commercial fishery. Alternative 2C was expected to require a slight reduction or no change in recreational harvest, depending on annual considerations about expected harvest in the upcoming year. Alternative 2C was expected to result in socioeconomic impacts for the recreational fishery that are slightly positive with a status quo recreational harvest. Therefore, as with Alternatives 2B and 2C, the proposed action is also expected to have slight to moderate positive socioeconomic impacts.

Overall, the proposed 2025 black sea bass catch and landings limits are not expected to alter the biological, EFH, or socioeconomic impacts previously described in the 2020-2021 Specifications EA.

6.1 Summary of NEPA Compliance

As described above, the basis for deriving these specifications did not fundamentally change from those analyzed through the previous specifications documents. The only changes are due to the revised commercial/recreational allocations, a modification to the recreational discard projection calculations for black sea bass, and the addition of a commercial closure buffer of 5 percent.

The previous EAs acknowledged that specifications were likely to vary in upcoming years and therefore analyzed a range of alternatives. The expected impacts of the proposed action fall within the previously analyzed range of impacts for target and non-target species, habitat, protected resources, and human communities.

There are no other proposed changes to the management of commercial and recreational fisheries other than the total catch and landings limits considered in this document. No additional analyses are required beyond what is described above in this section.

7.0 Public Participation

The public had the opportunity to comment during the development of the previous specifications documents. The public also had the opportunity to review and comment on the proposed 2025 specifications during the July 8, 2024 Advisory Panel meeting; the July 24, 2024 SSC meeting; the August 1, 2024 Monitoring Committee meeting, and the August 14, 2024 Council and Board meeting.

This document will be subject to public comment through proposed rulemaking, as required under the Administrative Procedure Act, and may be improved based on comments received.

8.0 Conclusion

In accordance with the CEQ regulations 40 C.F.R § 1501.5(h)(2)(i) (2024) and NOAA's NEPA procedures, NOAA Fisheries is documenting its preliminary determination that the new information is not relevant to environmental concerns and does not bear on the action or its impacts. Supplementation of the 2020-2021 Specifications EA is therefore not needed.

9.0 References

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MAFMC. 2021. Summer Flounder, Scup, and Black Sea Bass 2022-2023 Specifications Supplemental Information Report (SIR) and Fishery Specifications Document. Available at https://www.mafmc.org/s/SFSBSB_2022-2023_specs_SIR_final.pdf.

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NEFSC. 2021. Management Track Assessment June 2021 [for Black Sea Bass, Golden Tilefish, Scup, and Atlantic Mackerel]. Available at https://doi.org/10.25923/4m8f-2g46.

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