



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

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April 28, 2023

### Notice of Public Hearings and Public Comment Period: 2023 Recreational Fishing Regulations for Black Sea Bass and Scup

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 6.00 to implement the 2023 recreational fishing limits for black sea bass and scup. These emergency regulations, which are described below, are designed to reduce recreational harvest by 10% in 2023 for each species, as necessary to meet coastwide mandates. Full text of the regulations may be found on [DMF's website](#) along with additional relevant background information.

Recreational Scup Limits (322 CMR 6.27). DMF is taking public comment on emergency regulations that: establish a January 1–April 30 closure for all anglers; increase the minimum size limit from 10" to 10.5" for vessel-based anglers (both private mode and for-hire mode); reduce the minimum size limit from 10" to 9.5" for shore-based anglers for environmental justice purposes; and reduce the May 1 – June 30 for-hire bonus season bag limit from 50-fish to 40-fish. The changes are described in the table below:

Species	Mode	Season	Bag Limit	Size Limit
Scup	Private Boat	May 1 – Dec 31 <del>Jan 1 – Dec 31</del>	30-fish	10.5" <del>10"</del>
	Shore Angler	May 1 – Dec 31 <del>Jan 1 – Dec 31</del>	30-fish	9.5" <del>10"</del>
	For-Hire Vessel	<del>Jan 1 – Apr 30</del> May 1 – Jun 30 July 1 – Dec 31	<del>30-fish</del> 40-fish <del>50-fish</del> 30-fish	10.5" <del>10"</del>

Recreational Black Sea Bass (322 CMR 6.28). DMF is taking public comment on emergency regulations that: (1) increase to the minimum size limit from 16" to 16.5"; and (2) adjust the open fishing season so that it continues to open on a Saturday and provide the longest season possible at the status quo bag limit. The changes are described in the table below:

Species	Mode	Season	Bag Limit	Size Limit
Black Sea Bass	All Anglers	May 20 – Sept 7 <del>May 21 – Sept 4</del>	4-fish	16.5" <del>16"</del>

### Public Hearing and Comment Schedule

DMF will host a virtual public hearing on Monday, June 5, 2023 at 6PM. To attend the virtual public hearing you must pre-register here: <https://bit.ly/4483K83>. Additionally, DMF will accept written public comment through 5PM on Wednesday, June 7, 2023. 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 they may be affected by adjustments to recreational fishing regulations.**

**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 black sea bass and scup limits 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 black sea bass and scup limits 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 black sea bass and scup limits 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 black sea bass and scup limits 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 black sea bass and scup limits 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 black sea bass and scup limits 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 complement federal and interstate mandates and thereby comply with 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 black sea bass and scup limits 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 complement federal and interstate mandates and thereby comply with federal law at 16 U.S.C. 5101 et seq..</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 complement federal and interstate mandates and thereby comply with federal law at 16 U.S.C. 5100 et seq..</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 complement federal and interstate mandates and thereby comply with federal law at 16 U.S.C. 5100 et seq.</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 complement federal and interstate mandates and thereby comply with federal law at 16 U.S.C. 5100 et seq.</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 complement federal and interstate mandates and thereby comply with federal law at 16 U.S.C. 5100 et seq.</b>