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ENVIRONMENTAL PROTECTION
DIVISION OF FISH AND WILDLIFE

Notice of Administrative Change

Marine Fisheries

Modification of Recreational Black Sea Bass Season, Shark Groupings, Hammerhead Shark
Recreational Size limit, and Shark Commercial Possession Limits

N.J.A.C. 7:25-18.1, and 18.12

Take Notice that, pursuant to N.J.A.C. 7:25-18.1(p), and N.J.A.C. 18.12(o), the Commissioner of the Department of Environmental Protection, with the approval of the New Jersey Marine Fisheries Council (Council) at its November 14, 2013 meeting, has modified the recreational black sea bass season, made several changes to the groupings of sharks, established a new minimum size limit in the recreational fishery for hammerhead sharks and modified the commercial possession limit for sharks. These actions have been taken to comply with the Atlantic States Marine Fisheries Commission (ASMFC) management plans for black sea bass and Atlantic coastal sharks.

The Mid-Atlantic Fishery Management Council (MAFMC) and the ASMFC's Summer Flounder, Scup and Black Sea Bass Board met jointly on December 10-12, 2013 to discuss a variety of issues including black sea bass seasons and bag limits for 2014. In order to be consistent with the federal waters closure implemented by the National Marine Fisheries Service (NMFS), the ASMFC approved closing the January 1 – February 28 recreational black sea bass season for state waters. In anticipation of this decision, the Council therefore approved, at their November 14, 2013 meeting, closing New Jersey's January 1 – February 28 recreational black sea bass season at N.J.A.C. 7:25-18.1(c).

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At the October 31, 2013 meeting of the ASMFC's Atlantic Coastal Shark and Spiny Dogfish Management Board (Board) meeting, the Board approved Addendum III to the Interstate Fishery Management Plan for Atlantic Coastal Sharks to change shark species groupings and implement a recreational minimum size limit for the newly formed Hammerhead Group of shark species to complement the NMFS Amendment 5a to the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP). The NMFS HMS Management Division has amended the 2006 Consolidated HMS FMP to address recent findings that scalloped hammerhead and blacknose sharks are overfished and/or experiencing overfishing. In Amendment 5a to the HMS FMP, NMFS changed the coastal shark species groupings and established a new recreational size limit to respond to the findings as required under the Magnuson-Stevens Fisheries Conservation and Management Act.

The Board initiated and adopted measures in Addendum III to establish the same species groupings as the NMFS. Addendum III requires all three hammerhead sharks (great, scalloped, and smooth) to be removed from the current Large Coastal Group of shark species and placed in a separate Hammerhead Group. The remaining shark species in the Large Coastal Group are being re-grouped to adjust for the newly established hammerhead group and are being placed in a new Aggregate Large Coastal Group to include the Atlantic blacktip, bull, lemon, nurse, silky, spinner, and tiger sharks. Additionally, the blacknose shark is being removed from the current Small Coastal Group of shark species and placed in the new Blacknose Group. The remaining shark species in the Small Coastal Group are being re-grouped into a new Non-Blacknose Small

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Coastal Shark Group to include the bonnethead, finetooth, and Atlantic sharpnose sharks. A Smoothhound Shark Group is being formed to include the smooth dogfish and the Florida smoothhound shark, which are not currently included in any shark grouping. Only the current Pelagic Group of shark species remains unchanged. These grouping modifications are found at N.J.A.C. 7:25-18.1(a), (b) and (c).

The NMFS also changed the recreational size limit for all hammerhead sharks. A study found that female scalloped hammerhead sharks reached maturity at 78 inches fork length (FL), so the recreational size limit changes at N.J.A.C. 18.1(c) will now include the 78 inches FL for Hammerhead Group to limit the retention of scalloped hammerhead sharks to mature individuals. The grouping changes have been noted above and are modified accordingly in N.J.A.C. 7:25-18.1(c).

Additionally, based on the recommendation of its Coastal Sharks Technical Committee, the Board approved a 36 fish possession limit for the Aggregate Large Coastal and the Hammerhead shark species groups combined for 2014. The Board's action complements the Federal shark specifications. This change, from the current 33 fish maximum possession limit of the Large Coastal Group, can be found at N.J.A.C. 7:25-18.12(d)1.

These changes will be reflected in the Division of Fish and Wildlife rules at N.J.A.C. 7:25-18.1(a) - (c) and 7:25-18.12(d). As required in N.J.A.C. 7:25-18.1(p), changes to 7:25-18.1(a) - (c) will be published in the New Jersey Register, the New Jersey Fish and Wildlife

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Digest and via a news release submitted to individuals on the Division of Fish and Wildlife's outdoor writers mailing list. As required in N.J.A.C. 18.12(o), changes to N.J.A.C. 18.12(d) shall be published in the New Jersey Register.

Full text of the changed rule follows (additions indicated in boldface **thus**, deletions indicated in brackets [thus]):

7:25-18.1 Size, season and possession limits

(a) For the purpose of this subchapter, the following common names shall mean the following scientific name(s) for a species or group of species, except as otherwise specified elsewhere in this subchapter.

Common Name

Scientific Name

• • •

Shark

Aggregate Large Coastal Group

[Sphyrna mokarran (Great Hammerhead)]

[Sphyrma lewini (Scalloped Hammerhead)]

[Sphyrma zyqaena (Smooth Hammerhead)]

Ginglymostoma cirratum (Nurse Shark)

Carcharhinus limbatus (Blacktip Shark)

Carcharhinus leucas (Bull Shark)

Negaprion brevirostris (Lemon Shark)

Carcharhinus falciformis (Silky Shark)

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Carcharhinus brevipinna (Spinner Shark)

Galeocerdo cuvieri (Tiger Shark)

Hammerhead Group

***Sphyrna mokarran* (Great Hammerhead)**

***Sphyrna lewini* (Scalloped Hammerhead)**

***Sphyrna zygaena* (Smooth Hammerhead)**

Non-Blacknose Small Coastal Group

Sphyrna tiburo (Bonnethead)

[*Carcharhinus acronotus* (Blacknose Shark)]

Carcharhinus isodon (Finetooth Shark)

***Rhizoprionodon terraenovae* (Atlantic**

Sharnose Shark

Blacknose Group

***Carcharhinus acronotus* (Blacknose Shark)**

Pelagic Group

Lamna nasus (Porbeagle Shark)

Isurus oxyrinchus (Shortfin Mako)

Prionace glauca (Blue Shark)

Carcharhinus longimanus (Oceanic Whitetip
Shark)

Alopias vulpinus (Thresher Shark)

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Research Only Group

Carcharhinus plumbeus (Sandbar Shark)

Smoothhound Group

***Mustelus canis* (Smooth Dogfish)**

***Mustelus norrisi* (Florida Smoothhound)**

[Smooth Dogfish]

[*Mustelus canis*]

• • •

(b) A person shall not purchase, sell, offer for sale, or expose for sale any species listed below less than the minimum length, measured in inches, except as may be provided elsewhere in this subchapter, and subject to the specific provisions of any such section. Any commercially licensed vessel or person shall be presumed to possess the following species for sale purposes and shall comply with the minimum sizes below. Fish length shall be measured from the tip of the snout to the tip of the tail (total length), except as noted below.

Minimum Size

Species (inches)

• • •

Shark

Aggregate Large Coastal Group	No Limit
Hammerhead Group	No Limit
Non-Blacknose Small Coastal Group	No Limit

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Blacknose Group	No Limit
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Pelagic Group	No Limit
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Smoothhound Group	No Limit
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[Smooth Dogfish	No Limit]
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1.- 3. (No Change.)

(c) A person angling with a hand line or with a rod and line or using a bait net or spearfishing shall not have in his or her possession any species listed below less than the minimum length, nor shall such person take in any one day or possess more than the possession limits as provided below, nor shall such person possess any species listed below during the closed season for that species. Exceptions to this section as may be provided elsewhere in this subchapter shall be subject to the specific provisions of any such section. Fish length shall be measured from the tip of the snout to the tip of the tail (total length), except as noted below:

Species	Minimum Size	Open Season	Possession
	In Inches		Limit

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Black Sea Bass	12.5	[Jan. 1 – Feb. 28]	[15]
		May 19 – Aug. 8	20
		Sept. 27 – Oct. 14	
		Nov. 1 – Dec. 31	

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Shark

Aggregate Large	54	Jan. 1-May 14, and	
Coastal Group		July 16-Dec. 31	
Hammerhead	78	Jan. 1-May 14, and	
Group		July 16-Dec. 31	
Non Blacknose	No Limit	Jan.1-Dec. 31	
Small Coastal Group			
Blacknose Group	No Limit	Jan. 1-Dec. 31	
Pelagic Group	54	Jan. 1 – Dec. 31	
Smoothhound	No Limit	Jan. 1-Dec. 31	No Limit
Group			

• • •

[Smooth Dogfish]	[No Limit]	[Jan. 1-Dec.31]	[No Limit]
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1. (No Change.)
2. Shark length shall be measured from the tip of the snout to the V shaped indentation between the two separate tail segments (fork Length) forming the caudal fin. Sharks may be harvested in the recreational fishery only by angling with a hand line, or rod and reel. The possession limit for shark, as listed at (a) above, shall be a maximum harvest of one shark from the **Aggregate Large Coastal, Hammerhead, Non-**

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Blacknose Small Coastal, **Blacknose**, or Pelagic species group on a per vessel basis regardless of the number of individuals on board said vessel. In addition, each recreational angler fishing from a boat may harvest one bonnethead and one Atlantic sharpnose per trip. If a person is fishing from shore or a land based structure, the possession limit shall be a maximum harvest of one shark from the **Aggregate** Large Coastal, **Hammerhead**, **Non-Blacknose** Small Coastal, **Blacknose**, or Pelagic species group per calendar day on a per person basis. In addition, each recreational angler fishing from the shore or a land based structure may harvest one bonnethead and one Atlantic sharpnose per calendar day.

3. - 4. (No Change.)

(d) – (r) (No Change.)

7:25-18.12 Commercial fishing seasons, quotas, and trip limits

(a) – (c) (No Change.)

(d) The following provisions are applicable to the commercial harvest of sharks [and smooth dogfish]:

1. A person shall not possess more sharks than the number specified in the possession limit at N.J.A.C. 7:25-18.1(c) without a valid annual vessel permit for sharks issued by the National Marine Fisheries Service or a New Jersey commercial fishing license issued for the gear allowed in the commercial shark fishery. With a valid annual vessel permit or a New Jersey commercial fishing license, the maximum possession limit is [33] **36** sharks from the **Aggregate** Large Coastal shark species group **and the Hammerhead shark species group combined**, an

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unlimited number of sharks from the **Non-Blacknose** Small Coastal shark species group, **an unlimited number of sharks from the Blacknose shark species group**, and an unlimited number of sharks from the Pelagic shark species group. A person shall not sell or attempt to sell any sharks without a valid annual vessel permit for sharks issued by the National Marine Fisheries Service or a New Jersey commercial fishing license issued for the gear allowed in the commercial shark fishery.

i. Any harvester or vessel landing shark [or smooth dogfish] in New Jersey for the purpose of sale shall sell all sharks [or smooth dogfish] only to a dealer with a valid permit for sharks issued by the National Marine Fisheries Service.

2. A dealer shall not purchase or receive a shark without a valid annual dealer permit for sharks issued by the National Marine Fisheries Service. Each shark dealer shall report weekly shark [and smooth dogfish] landings electronically through the Standard Atlantic Fisheries Information System (SAFIS).

3. A person shall not sell and a dealer shall not receive any **aggregate** large coastal shark, **any hammerhead shark**, any **non-blacknose** small coastal shark, **any blacknose shark**, **any smoothhound shark**, or any pelagic shark, as identified in N.J.A.C. 7:25-18.1(a), after the effective date that the quota for that group of sharks has been reached or is projected to be reached by the National Marine Fisheries Service.

4. The commercial fishing season for shark [and smooth dogfish] shall be from January 1 through December 31, except the harvest of **Aggregate** Large Coastal sharks shall be prohibited from May 15 through July 15. A fisherman legally harvesting any of the **Aggregate** Large Coastal sharks in Federal waters from three to 200 nautical miles offshore during the May 15

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through July 15 time period may transport his or her catch through the State waters of New Jersey provided that the fisherman notifies the Department by calling 609-748-2050 prior to entering the State's marine waters and provided:

i. – iii. (No Change.)

5. (No Change.)

6. All sharks harvested by commercial fishermen shall have tails and fins attached naturally through dockside landing. Commercial fishermen may completely remove the fins of [smooth dogfish] **any of the species of the Smoothhound Shark Group** from January through December each year. If the fins are removed, the total wet weight of the fins shall not exceed 12 percent of the dressed weight of [smooth dogfish] **any species of the Smoothhound Shark Group** carcasses landed or found on board a vessel.

7. The [smooth dogfish] **Smoothhound Shark Group** annual quota is unlimited and the [smooth dogfish] trip limit is unlimited.

(e) – (t) (No Change.)