

# RULE ADOPTIONS

## ENVIRONMENTAL PROTECTION

### (a)

#### HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL

##### Notice of Readoption

##### Highlands Open Space Partnership Funding Program and Highlands Development Credit Purchase Program

##### Readoption: N.J.A.C. 7:70

Authority: N.J.S.A. 13:20-6.y.

Authorized By: Benjamin L. Spinelli, Executive Director, Highlands Council.

Effective Date: March 8, 2023.

New Expiration Date: March 8, 2030.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1, the Highlands Open Space Partnership Funding Program and Highlands Development Credit Purchase Program rules at N.J.A.C. 7:70 are readopted without change and shall continue in effect for a seven-year period. The Highlands Water Protection and Planning Council (Highlands Council) rules were scheduled to expire on April 18, 2023.

The purposes and objectives of N.J.A.C. 7:70 are: 1) to implement the purposes and objectives of the Highlands Water Protection and Planning Act (N.J.S.A. 13:20-1 et seq.); 2) to implement the Highlands Regional Master Plan (RMP); 3) to establish the procedures by which the Highlands Council will provide funding in partnership with the State of New Jersey, local government units and charitable conservancies, and to acquire lands that further the goals of the Highlands Act and the RMP; 4) to provide criteria for the acquisition of highlands development credits by the Highlands Development Credit (HDC) Bank; and 5) to establish the procedures by which the Highlands Council will ensure that lands acquired with funding from the programs created in the chapter, permanently remain in use for passive recreation and/or conservation purposes.

The Highlands Council has reviewed the rules and has determined that the rules should be readopted because they are necessary, reasonable, and proper for the purpose for which they were originally promulgated, as required by Executive Order No. 66 (1978). In accordance with N.J.S.A. 52:14B-5.1.c, timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

### (b)

#### DIVISION OF FISH AND WILDLIFE

##### Notice of Administrative Change

##### Marine Fisheries

##### American Shad Recreational Possession Limit

##### N.J.A.C. 7:25-18.1

Effective Date: February 27, 2023.

**Take notice** that, pursuant to N.J.A.C. 7:25-18.1(p), the Commissioner of the Department of Environmental Protection (Commissioner), with the approval of the New Jersey Marine Fisheries Council (Council) at its January 5, 2023 meeting, has modified the recreational possession limit for American shad. The actions have been taken to comply with the Atlantic States Marine Fisheries Commission (ASMFC) Fishery Management Plan for American Shad and River Herring (Plan).

In August of 2020, the ASMFC American Shad and River Herring Management Board (Board) approved the 2020 American Shad Benchmark Stock Assessment (Assessment) and Peer Review Report for management use. The Assessment found American shad stocks to be

depleted on a coastwide basis and that adult female mortality in the Delaware River Basin was currently unsustainable. In response to these findings, the Board tasked states and jurisdictions with American shad fisheries approved under Amendment 3 to the Plan to develop new regulations within their jurisdictions that reduce American shad harvest to sustainable levels.

American shad are jointly managed in the Delaware River Basin through the Delaware River Basin Fish and Wildlife Management Cooperative (COOP) with membership consisting of the States of New York, New Jersey, Pennsylvania, Delaware, NOAA Fisheries, and the U.S. Fish and Wildlife Service. The COOP's technical committee developed a suite of options to reduce American shad mortality, which were incorporated into the COOP's American Shad Sustainable Fishery Management Plan and approved by the Board at its May 2022 meeting.

To address unsustainable adult female American shad mortality within the Delaware Basin, the State of New Jersey is required to reduce its recreational possession limit for American shad from three fish down to two. This reduction in recreational possession limit is required to address the unsustainable adult female mortality in the Delaware River Basin and bring it below the target level developed through the benchmark stock assessment process. Complimentary management actions will be implemented for the commercial American shad fishery in the Delaware Bay through the Department's rulemaking process.

As indicated at N.J.A.C. 7:25-18.1(a), management measures for shad specified in this subchapter address the take of both American and hickory shad. The size, season, and possession limits applicable to both species are specified in the table at N.J.A.C. 7:25-18.1(c) under the general "Shad" designation, with the possession limit expressed as a total possession limit applicable to the American and hickory shad, subject to the limitations applicable to American shad specified at N.J.A.C. 7:25-18.1(c)4. As modified, in the Delaware Bay, and the Delaware River and its tributaries, a total of six shad may be possessed, as long as no more than two of those shad are American shad. In all other marine waters, the combined possession limit continues to be six, with the possession of American shad prohibited in these waters, as specified at N.J.A.C. 7:25-18.1(c)4. In addition to the change in the possession limit specified above, the table at N.J.A.C. 7:25-18.1(c) is modified to more clearly reflect that, consistent with N.J.A.C. 7:25-18.1(a), the limits applicable to the each of the two different species are reflected in the table under the Shad designation, with the total possession of six being subject to the lower limit or total prohibition on the take of American shad specified at N.J.A.C. 7:25-18.1(c)4, depending upon the waters fished.

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

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

#### SUBCHAPTER 18. MARINE FISHERIES

##### 7:25-18.1 Size, season, and possession limits

(a)-(b) (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 measure from the tip of the snout to the tip of the tail (total length), except as noted below: