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ENVIRONMENTAL PROTECTION

DIVISION OF FISH AND WILDLIFE

Notice of Administrative Changes

Marine Fisheries

Modification of Commercial Black Sea Bass and Commercial Summer Flounder Trip

Limits

N.J.A.C. 7:25-18.12

Take notice that, pursuant to N.J.A.C. 7:25-18.12(q), the Commissioner of the Department of Environmental Protection, with the approval of the New Jersey Marine Fisheries Council (Council) at its January 11, 2018, meeting, has modified the trip limits for black sea bass and summer flounder. These actions have been taken to comply with the Atlantic States Marine Fisheries Commission (ASMFC) management plans for Black Sea Bass, and Summer Flounder and for the optimal utilization of available quotas and the prevention of excessive harvesting and quota exceedances.

The Mid-Atlantic Fishery Management Council (MAFMC) and the ASMFC Summer Flounder, Scup and Black Sea Bass Board met jointly in February 2017, to set the black sea bass commercial quota for 2018. New Jersey's preliminary quota was set at 704,000 pounds, which represents a 14.57 percent decrease from the 2017 commercial quota. This was an expected decrease based upon the results of the ASMFC's 2016 Black Sea Bass Benchmark Stock Assessment. Pending the results of the final 2017 season for black sea bass, the 2018 commercial quota may be adjusted slightly to account for any over- or under-utilization of the

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2017 quota. At its December 7, 2017, meeting, the New Jersey Marine Fisheries Council's Commercial Black Sea Bass Committee developed its preferred trip limits for the 2018 commercial fishing year based upon the preliminary quota. The seasons, percentage of the annual quota apportioned to each season, trip limits, and landing days approved by the Council based upon the Committee's recommendation are as follows: Season 1 (January-February) 21.96 percent: 500 pounds three times per two-week period, 750 pounds two times per two-week period, or 1,500 pounds one time per two-week period. Season 2 (March-April) 20.9 percent: 500 pounds three times per two-week period, 750 pounds two times per two-week period, or 1,500 pounds one time per two-week period. Season 3 (May-June) 16.53 percent: 500 pounds four times a week, or 1,000 pounds two times a week. Season 4 (July-August) 9.1 percent: 500 pounds four times a week, or 1,000 pounds two times a week. Season 5 (September-October) 13.53 percent: 500 pounds four times a week, or 1,000 pounds two times a week. Season 6 (November- December) 17.97 percent: 500 pounds four times a week, 1,000 pounds two times a week, or 2,000 pounds one time a week.

The Marine Fisheries Council's Commercial Summer Flounder Committee also met on December 7, 2017, to discuss preferred trip limits for the 2018 fishing year. The Committee considered the current 2017 summer flounder commercial fishery landings and the preliminary 2018 commercial summer flounder quota for New Jersey, as determined by the ASMFC and MAFMC. The preliminary quota for New Jersey is 1,108,867 pounds, a 17.14 percent increase from the 2017 quota. This increase is a result of the ASMFC and MAFMC's decision to maintain their previously approved multi-year specifications. Pending the results of the final 2017 season for summer flounder, the 2018 commercial quota may be adjusted slightly to

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account for any over- or under-utilization of the 2017 quota. The seasons, percentage of the annual quota apportioned into each season, trip limits, and landing days approved by the Council based upon the Committee's recommendation are as follows: Season 1 (January-February) 28 percent: 750 pounds two times per two-week period, or 1,500 pounds one time per two-week period. Season 2 (March-April) 11 percent: 400 pounds two times a week, or 800 pounds one time a week. Season 3 (May-June) 10.5 percent: 250 pounds six times a week, or 500 pounds three times a week. Season 4 (July-August) 10.5 percent: 250 pounds six times a week, or 500 pounds three times a week. Season 5 (September-October) 29 percent: 250 pounds four times a week, 500 pounds two times a week, or 1,000 pounds one time a week. Season 6 (November-December) 11 percent: 500 pounds two times a week, or 1,000 pounds one time a week.

These changes will be reflected in the Division of Fish and Wildlife rules at N.J.A.C. 7:25-18.12(h) and (i) as indicated below. As required in N.J.A.C. 7:25-18.12(q), notice of these changes to N.J.A.C. 7:25-18.12 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]):

SUBCHAPTER 18. MARINE FISHERIES

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

(a) - (g) (No change.)

(h) The following provisions are applicable to the commercial harvest of black sea bass:

1. - 7. (No change.)

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8. Annual black sea bass quotas shall be determined by the Mid-Atlantic Fishery Management Council and implemented by the National Marine Fisheries Service or determined by the Atlantic States Marine Fisheries Commission.

i. – ii. (No change.)

iii. The balance of the New Jersey annual quota for the black sea bass fishery remaining after deducting the by-catch allowance specified in (h)8ii above shall be divided into seasons, percentage of the annual quota apportioned into each season, daily trip limits, and number of allowable landing days in each one- or two-week period. Each one- or two-week period will begin on Sunday and end on the first or second following Saturday. The final period of each season shall end on the last day of the month. The seasons, percentage of quota, daily trip limits, and allowable landing days are as follows:

(1) – (2) (No change.)

(3) May – June: 16.53 percent, 1,000 pound trip limit and a maximum of [three] **two** days per week that a vessel may land black sea bass, or 500 pound trip limit and a maximum of [six] **four** days per week that a vessel may land black sea bass.

(4) July – August: 9.1 percent, [1,500] **1,000** pound trip limit and a maximum of [four] **two** days per week that a vessel may land black sea bass, or [1,000] **500** pound trip limit and a maximum of [six] **four** days per week that a vessel may land black sea bass.

(5) September – October: 13.53 percent, [2,500] pound trip limit and a maximum of two days per week that a vessel may land black sea bass, or 1,500] **1,000** pound trip limit and a maximum of [four] **two** days per week that a vessel may land black sea bass, or

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[1,000] **500** pound trip limit and a maximum of [six] **four** days per week that a vessel may land black sea bass.

(6) November – December: 17.97 percent, [3,000] **2,000** pound trip limit and a maximum of [two] **one** day[s] per week that a vessel may land black sea bass, or [1,500] **1,000** pound trip limit and a maximum of [four] **two** days per week that a vessel may land black sea bass, or [1,000] **500** pound trip limit and a maximum of [six] **four** days per week that a vessel may land black sea bass.

(7) – (8) (No change.)

iv. – x. (No change.)

9. – 13. (No change.)

(i) The following provisions are applicable to the commercial harvest of summer flounder:

1. (No change.)

2. The annual summer flounder harvest quota for New Jersey shall be determined by the Mid-Atlantic Fishery Management Council as implemented by the National Marine Fisheries Service. All landings of summer flounder in New Jersey shall be applied to the New Jersey annual summer flounder quota unless New Jersey enters into an agreement with another state(s) to transfer or combine summer flounder commercial quotas, as provided for pursuant to (i)3 below and such agreement indicated otherwise.

i. (No change.)

ii. The balance of the New Jersey annual quota for the summer flounder fishery remaining after the by-catch allowance specified in (i)2i above shall be divided into seasons, percentage of the annual quota apportioned to each season, daily trip limits, and the number of

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allowable landing days in each one- or two-week period. Each one- or two-week period will begin on Sunday and end on the first or second following Saturday. The final period of each season shall end on the last day of the month. The seasons, percentage of quota, daily trip limits, and allowable landing days are as follows:

(1) – (2) (No change.)

(3) May–June: 10.5 percent, 500 pound trip limit and a maximum of [four] **three** per week that a vessel may land summer flounder, or 250 pound trip limit and a maximum of [seven] **six** days a week that a vessel may land summer flounder;

(4) July–August: 10.5 percent, 500 pound trip limit and a maximum of [four] **three** days per week that a vessel may land summer flounder, or 250 pound trip limit and a maximum of [seven] **six** days a week that a vessel may land summer flounder;

(5) September-October: 29 percent, [250] **1,000** pound trip limit and a maximum of [six] **one** day[s] per week that a vessel may land summer flounder, [750] **500** pound trip limit and a maximum of two days per week that a vessel may land summer flounder, or [1,500] **250** pound trip limit and a maximum of [one day] **four days** per week that a vessel may land summer flounder;

(6) November-December: 11 percent, [750] **500** pound trip limit and a maximum of two days per week that a vessel may land summer flounder, or [1,500] **1,000** pound trip limit and a maximum of one day per week that a vessel may land summer flounder; and

7. (No change.)

iii. – xiii (No change.)

3. – 9. (No change.)

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(j) – (x) (No change.)