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**ENVIRONMENTAL PROTECTION**

**DIVISION OF FISH AND WILDLIFE**

**Notice of Administrative Change**

**Marine Fisheries**

**Modification of Recreational Tautog Possession Limit and Season, Commercial Tautog Season, and Recreational Scup Season**

**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 18.12(q), the Commissioner of the Department of Environmental Protection, with the approval of the New Jersey Marine Fisheries Council (Council) at its March 15, 2018, meeting, modified the recreational tautog season and possession limit, the commercial tautog season, and the recreational scup season. These actions have been taken to comply with the Atlantic States Marine Fisheries Commission (ASMFC) and Mid-Atlantic Fishery Management Council (MAFMC) management plans for tautog and scup.

**Tautog**

At its October 2017 meeting, the ASMFC Tautog Management Board approved Amendment I to the Interstate Fishery Management Plan for Tautog (FMP). The amendment delineates the coastwide tautog stock into four regions (Massachusetts-Rhode Island waters, Connecticut-New York waters north of Long Island, New Jersey-New York waters south of Long Island, and Delaware-Maryland-Virginia waters) based on differences in biological and fishery

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characteristics, and limited coastwide movement of the stock. An assessment of the coastwide fishery conducted in 2015 suggested that the establishment of separate, regional management areas would reduce the risk of overfishing and account for tautog's limited coastwide movement.

In addition to the regional management areas, Amendment I also imposed harvest reduction requirements in regions that are overfished, including a two percent reduction for the New Jersey-New York waters south of Long Island in both the recreational and commercial fisheries. To achieve this reduction, the Council voted to approve modifying the recreational tautog season from July 17 through November 15 to August 1 through November 15 and reducing the possession limit in the November 16 through December 31 season from six to five. The commercial season for tautog is also modified from June 11 through June 30 and November 9 through January 15 to January 1 through May 1 and September 19 through December 31. The June 11 through June 30 portion of the season is eliminated because it corresponds with the peak spawning period for tautog in New Jersey waters. Due to the aggregation that occurs during the spawning period, tautog have historically been harvested in greater numbers during this period. The new season dates will reduce harvest pressure while maintaining equitable fishing opportunities for commercial fishermen.

### Scup

Pursuant to Addendum XIII to the ASMFC Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan and Framework Adjustment 5 to the MAFMC Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, the ASFMC and the MAFMC reviewed the

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2016-2018 recreational harvest limit for scup in July 2017. Based upon the review, the ASMFC and the MAFMC determined at an August 2017 meeting that the scup fishery is not overfished, with a spawning stock biomass estimated to be at 206 percent of the target, and approved an increased coastwide recreational harvest limit of 7.37 million pounds for the 2018 and 2019 fishing seasons. To utilize this increase, the Council voted to approve modifying the recreational scup season from January 1 through February 28 and July 1 through December 31 to January 1 through December 31, while maintaining current size and possession limits.

These changes will be reflected in the Division of Fish and Wildlife rules at N.J.A.C. 7:25-18.1(c) and 18.12(c) as indicated below. As required in N.J.A.C. 7:25-18.1(p), changes to N.J.A.C. 7:25-18.1(c) will be published in the New Jersey Fish and Wildlife Digest, the New Jersey Register, and through a news release to individuals on the Division outdoor writers' mailing list. As required in N.J.A.C. 18.12(q), changes to N.J.A.C. 18.12(c) will 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) – (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

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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:

<u>Species</u>	<u>Minimum Size In Inches</u>	<u>Open Season</u>	<u>Possession Limit</u>
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Scup (Porgy)	9	Jan. 1 – [Feb. 28 and July 1 – ]Dec. 31	50
Tautog	15	Jan. 1 – Feb. 28 Apr. 1 – Apr. 30 [July 17] <b>Aug. 1</b> – Nov. 15 Nov. 16 – Dec. 31	4 4 1 [6] <b>5</b>

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1. – 6. (No change.)

(d) – (r) (No change.)

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

(a) – (b) (No change.)

(c) The following provisions are applicable to the commercial harvest of tautog:

1. – 10. (No change.)

11. The annual tautog harvest quota for New Jersey shall be 103,000 pounds or as modified by the Commissioner pursuant to (i) below. All landings of tautog in New Jersey shall be applied to the New Jersey annual quota.

i. The commercial season for tautog shall be from [June 11 through June 30 and November 9 through January 15] **January 1 through May 1 and September 19 through December 31.**

ii. – vii. (No change.)

12. (No change.)

(d) – (x) (No change.)