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ENVIRONMENTAL PROTECTION

DIVISION OF FISH AND WILDLIFE

Notice of Administrative Change

Marine Fisheries

Modification of Recreational Summer Flounder Season and Commercial Summer Flounder

Trip 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 18.12(r), the Commissioner of the Department of Environmental Protection, with the approval of the New Jersey Marine Fisheries Council (Council) at its April 16, 2019, meeting, has modified the recreational season and commercial trip limits for summer flounder. 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 summer flounder and for the optimal utilization of available quotas and the prevention of excessive harvesting and quota exceedances.

In March 2019, the ASMFC's Summer Flounder, Scup, and Black Sea Bass Management Board and MAFMC met jointly to set specifications for the coastwide recreational and commercial summer flounder fisheries for the 2019 through 2021 fishing years. Based on the report from the November 2018 benchmark stock assessment for summer flounder, the ASMFC and MAFMC increased the coastwide recreational harvest limit (RHL) from 5.15 million to 7.69

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million pounds and increased the coastwide commercial quota from 7.72 million pounds to 11.53 million pounds. New Jersey was allocated a revised commercial quota of 1,836,906 pounds, which represents a 65 percent increase over the initial 2019 quota of 1,115,557 pounds.

For the recreational summer flounder fishery, the ASMFC and MAFMC approved the continued use of conservation equivalent measures to achieve the coastwide RHL for 2019. Because the recreational harvest is anticipated to increase in 2019, the ASMFC and MAFMC approved allowing only minor modifications to states' existing conservation equivalency measures so long as those measures maintain the recreational harvest at 2018 levels.

In accordance with ASMFC's and MAFMC's actions and the ASMFC's Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, the Council approved changing the summer flounder recreational season dates from May 25 to September 22 to May 24 to September 21, while continuing all other previously approved conservation equivalent measures. The ASMFC approved New Jersey's proposed conservation equivalency measures for the 2019 fishing season on April 19, 2019. As a result, the 2019 recreational season will include the Friday before the Memorial Day weekend, a traditionally popular fishing day, and maintain the status quo harvest potential as mandated by the ASMFC and MAFMC.

The Council also approved changing the commercial summer flounder trip limits for seasons five and six. The trip limits for season five, which includes the months of September and October, are changed from a 1,000 pound trip limit with a maximum of one day per week,

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or a 500 pound trip limit and a maximum of two days per week, or a 250 pound trip limit and maximum of four days per week that a vessel may land summer flounder to a 1,500 pound trip limit and a maximum of one day per week, or a 750 pound trip limit and a maximum of two days per, or a 250 pound trip limit and maximum of six days per week that a vessel may land summer flounder. The trip limits for season six, which includes the months of November and December, are changed from a 1,000 pound trip limit and maximum of one day per week or a 500 pound trip limit and a maximum of two days per week that a vessel may land summer flounder to a 1,500 pound trip limit and a maximum of one day per week or a 750 pound trip limit and a maximum of two days per week that a vessel may land summer flounder. The trip limits for seasons one through four shall remain the same.

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(i). As required in 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 and the New Jersey Marine Fisheries Digest. As required at N.J.A.C. 7:25-18.12(r), changes to N.J.A.C. 7:25-18.12(i) are being published in the New Jersey Register. In accordance with N.J.A.C. 7:25-18.12(h)2xii, notice of these changes has additionally been mailed to all New Jersey Summer Flounder Permit holders.

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

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(a) – (b) (No change.)

(c) A person angling with a hand line or with 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:

<u>Species</u>	<u>Minimum Size</u> <u>In Inches</u>	<u>Open Season</u>	<u>Possession Limit</u>
• • •			
Summer Flounder (Fluke)			
Delaware Bay and tributaries	17	May [25]24 – Sept. [22]21	3
Island Beach State Park	16	May [25]24 – Sept. [22]21	2
(shore mode fishing only as provided at (c)5iv below)			
All other marine waters	18	May [25]24 – Sept. [22]21	3
• • •			

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(d) – (r) (No change.)

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

(a) – (h) (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 Survey. 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 allowable landings

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days in each one- or two-week period. Each one- or two-week period will begin on Sunday and end of 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) – (4) (No change.)

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

(6) November-December: 11 percent, [500]**750** pound trip limit and a maximum of two days per week that a vessel may land summer flounder, or [1,000]**1,500** 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) – (y) (No change.)