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ENVIRONMENTAL PROTECTION

DIVISION OF FISH AND WILDLIFE

Notice of Administrative Changes

Marine Fisheries

Modification of Commercial Black Sea Bass and Summer Flounder Trip Limits and Seasons

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

Take notice that, pursuant to N.J.A.C. 7:25-18.12(r), the Commissioner of the Department of Environmental Protection, with the approval of the New Jersey Marine Fisheries Council (Council) at its May 14, 2020 meeting, has modified the seasons and trip limits for the black sea bass and summer flounder commercial fisheries. 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.

In October 2019, NMFS implemented the 2020 and 2021 commercial black sea bass specification as recommended by the Mid-Atlantic Fishery Management Council (MAFMC) and the ASMFC Summer Flounder, Scup, and Black Sea Bass Board (see 84 FR 54041). New Jersey's preliminary quota for the 2020 and 2021 commercial fishing seasons was set at 704,000

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pounds. After receiving the results of the final 2019 season for black sea bass in January, NMFS implemented a 59 percent increase in the coastwide commercial quota. New Jersey's adjusted commercial black sea bass quota was set at 1,116,000 pounds to reflect this increase.

However, due to impacts on the fishing industry related to the COVID-19 pandemic, this quota is currently under-utilized.

At its May 13, 2020, meeting, the Council's Commercial Black Sea Bass Advisory Committee developed new trip limits for Seasons 4 through 6 in order to address the underutilization of the quota. The trip limits are increased with the intention of allowing commercial black sea bass fishermen to harvest the portion of the quota assigned to that season taking into account a reduction in fishing effort due to impacts related to the COVID-19 pandemic. 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 for Seasons 4 through 6 are as follows: Season 4 (July-August) 9 percent: 800 pounds five times per week, 1,000 pounds four times per week, or 2,000 pounds two times per week. Season 5 (September-October) 13 percent: 800 pounds five times per week, 1,000 pounds four times per week, or 2,000 pounds two times per week. Season 6 (November- December) 18 percent: 800 pounds five times per week, 1,000 pounds four times per week, or 2,000 pounds two times per week.

In order to further facilitate the full utilization of each season's quota, the Council also approved changing the start of each directed black sea bass season from the first Sunday of the

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month to the first calendar day of the month. This change will allow directed harvest landings to occur throughout the entire year without losing those days prior to the first Sunday of the month.

At its May 13, 2020 meeting, the Council's Commercial Summer Flounder Advisory Committee developed new trip limits to Seasons 4 through 6 in order to address a similar underutilization of the commercial summer flounder quota. The trip limits are increased with the intention of allowing commercial summer flounder fishermen to harvest the portion of the quota assigned to that season taking into account a reduction in fishing effort due to impacts related to the COVID-19 pandemic. 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 for seasons four through six are as follows: Season 4 (July-August) 10.5 percent: 450 pounds seven times per week, 750 pounds four times per week, or 1,000 pounds three times per week. Season 5 (September-October) 29 percent: 450 pounds seven times per week, 1,500 pounds two times per week, or 3,000 pounds one time per week. Season 6 (November- December) 11 percent: 1,500 pounds two times per week, or 3,000 pounds one time per week.

In order to further facilitate the full utilization of each season's quota, the Council also approved changing the start of each directed summer flounder season from the first Sunday of the month to the first calendar day of the month. This change will allow directed harvest

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landings to occur throughout the entire year without losing those days prior to the first Sunday of the month.

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 required in N.J.A.C. 7:25-18.12(r), changes to N.J.A.C. 7:25-18.12(h) and (i) are being published in the New Jersey Register.

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

SUBCHAPTER 18. MARINE FISHERIES

7:25-18.12 Commercial trip limits and quotas

(a) – (g) (No change.)

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

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1. – 7. (No change.)

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. (No change.)

ii. Ten percent of the New Jersey annual black sea bass quota shall be allocated each year for by-catch landings when any of the season for the directed commercial fishery defined [in] at (h)8iii below are closed. The by-catch landings shall be divided between seasons as identified [in] at (h)8iii below at the same percentage apportioned to each season as specified at (h)8iii below.

(1) – (2) (No change.)

(3) For the purpose of this section, all directed fishery seasons identified at (h)8iii below shall start on the first [Sunday]calendar day of the applicable month.

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iii. The balance of the New Jersey annual quota for the black sea bass fishery remaining after deducting the by-catch allowance specified [in] at (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. **The first period of each season shall start on the first calendar day of that season and shall end on the first Saturday of that season.** Each **subsequent** 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 **final month of that season.** The seasons, percentage of quota, daily trip limits, and allowable landing days are as follows:

(1 – 3) (No change.)

(4) July-August: 9.1 percent, [500]**800** pound trip limit a maximum of [four]**five** days per week that a vessel may land black sea bass, or a [500]**1,000** pound trip limit a maximum of [two]**four** days per week[plus a 1,000 pound trip limit a maximum of one day per week] that a vessel may land black sea bass, or a [1,000]**2,000** pound trip limit a maximum of two days per week that a vessel may land black sea bass[, or a 2,000 pound trip limit and a maximum of one day per week that a vessel may land black sea bass].

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(5) September – October: 13.53 percent, [500]**800** pound trip limit a maximum of [four]**five** days per week that a vessel may land black sea bass, or a [500]**1,000** pound trip limit a maximum of [two]**four** days per week[plus a 1,000 pound trip limit a maximum of one day per week] that a vessel may land black sea bass, or a [1,000]**2,000** pound trip limit a maximum of two days per week that a vessel may land black sea bass[, or a 2,000 pound trip limit and a maximum of one day per week that a vessel may land black sea bass].

(6) November – December: 17.97 percent, [500]**800** pound trip limit a maximum of [four]**five** days per week that a vessel may land black sea bass, or a [500]**1,000** pound trip limit a maximum of [two]**four** days per week[plus a 1,000 pound trip limit a maximum of one day per week] that a vessel may land black sea bass, or a [1,000]**2,000** pound trip limit a maximum of two days per week that a vessel may land black sea bass[, or a 2,000 pound trip limit and a maximum of one day per week that a vessel may land black sea bass].

(7) – (8) (No change.)

iv. – x. (No change.)

9. – 13. (No change.)

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(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. Ten percent, but not more than 200,000 pounds of the New Jersey annual summer flounder quota, shall be allocated each year for by-catch landings when any of the six seasons for the directed commercial fishery are closed. The by-catch landings shall be divided between the six seasons as identified at (i)2ii below at the same percentage as for the directed fishery specified at (i)2ii below or as modified by the Commissioner.

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(1) – (2) (No change.)

(3) For the purpose of this section, all directed fishery seasons identified at (i)2ii below shall start on the first [Sunday]**calendar day** of the applicable month

ii. The balance of the New Jersey annual quota for the summer flounder fishery remaining after the by-catch allowance specified [in] **at** (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 landing days in each one- or two-week period. **The first period of each season shall start on the first calendar day of that season and shall end on the first Saturday of that season.** Each **subsequent** 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 **final** month **of that season.** The seasons, percentage of quota, daily trip limits, and allowable landing days are as follows:

(1 – 3) (No change.)

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(4) July – August: 10.5 percent, [250]**450** pound trip limit and a maximum of seven days per week that a vessel may land summer flounder, or [500]**750** pound trip limit and a maximum of four days per week that a vessel may land summer flounder, **or 1,000 pound trip limit and a maximum of three days per week that a vessel may land summer flounder.**

(5) September – October, 29 percent, [250]**450** pound trip limit and a maximum of seven days per week that a vessel may land summer flounder, or [1,000]**1,500** pound trip and a maximum of two days per week that a vessel may land summer flounder, or [2,000]**3,000** pound trip limit and a maximum of one day per week that a vessel may land summer flounder.

(6) November – December: 11 percent, [1,000]**1,500** pound trip limit and a maximum of two days per week that a vessel may land summer flounder, or [2,000]**3,000** pound trip limit and a maximum of one day per week that a vessel may land summer flounder.

(7). (No change.)

iii. – xiii. (No change.)

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3. – 9. (No change.)

(j) – (y) (No change.)

Date

CATHERINE R. MCCABE, Commissioner

Department of Environmental Protection