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ENVIRONMENTAL PROTECTION

DIVISION OF FISH AND WILDLIFE

Notice of Administrative Changes

Marine Fisheries

Modification of Recreational Cobia Vessel Limit, Size Limits, and Season

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

Take notice that, pursuant to N.J.A.C. 7:25-18.1(p), the Commissioner of the Department of Environmental Protection, with the approval of the New Jersey Marine Fisheries Council (Council) at its March 4, 2021, meeting, has modified the recreational vessel limits, size limits and season for Cobia. These actions have been taken to comply with the Atlantic States Marine Fisheries Commission (ASMFC) management plan for cobia.

At its October 2020, meeting, the ASMFC South Atlantic State/Federal Fisheries Management Board approved Addendum 1 to Amendment 1 to the Interstate Fishery Management Plan (FMP) for Atlantic Migratory Group Cobia (see http://www.asmf.org/uploads/file/6009e765AtlanticCobia_Addendum1_Oct2020.pdf). The Addendum modified recreational measures for Atlantic Coast states, including New Jersey, that are classified as *de minimis*, which is defined in the FMP as an average annual harvest of less than one percent of coastwide landings for two of the past three years. Specifically, the

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Addendum increases the recreational size limit from 33 inches to 37 inches in order to increase the probability of female maturity before harvest.

Under the FMP, states that are classified as *de minimis* for their recreational fisheries may match the recreational management measures implemented by an adjacent non-*de minimis* state (or the nearest non-*de minimis* state if none are adjacent), or may implement a one fish per vessel per trip limit with a minimum size of 37 inches. Recreational *de minimis* measures that do not match those of a neighboring non-*de minimis* state were developed to allow opportunistic harvest of cobia in areas where catches are uncommon. In June 2018, New Jersey chose to modify its cobia recreational and commercial provisions to be identical to those of Virginia, which is the nearest non-*de minimis* state (see 50 N.J.R. 1440(a)).

The FMP requires each non-*de minimis* state to evaluate its recreational fishery every three years to ensure harvest is occurring at targeted levels based on individually allocated state quotas. The evaluation is based on each state's catch and effort data obtained by Marine Recreational Information Program (MRIP) surveys. If MRIP estimates indicate overages have occurred during the evaluation years, then management measures must be adjusted to sufficiently reduce recreational cobia harvest to target levels, which include reductions in vessel limits or season. MRIP estimates for Virginia's recreational cobia fishery during 2017-2019 averaged 50,354 fish per year. Pursuant to Addendum 1, Virginia adjusted its target recreational quota to 30,302 fish, which is 39.4 percent of the coastwide quota. Accordingly, Virginia also adjusted its management measures for the recreational cobia fishery to meet a

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minimum harvest reduction of 40 percent by changing its recreational cobia regulations to a season of June 15 through September 15 with a two-fish per vessel limit. Virginia's previously applicable minimum size of 40 inches, with one fish allowed to be over 50 inches remains unchanged. Therefore, under the FMP New Jersey must either match Virginia's new cobia provisions, or limit its recreational fishery to one fish per vessel per trip with a minimum size of 37 inches.

At its March 4, 2021, meeting, the Council voted in favor of the *de minimis* option, thereby amending the previous recreational cobia fishery possession limit of one per person, not more than three per vessel, with a 40-inch minimum size limit, and fishing season of June 1 through September 30 that had been adopted in 2018 consistent with Virginia's then applicable limits, to one fish per vessel per trip with a minimum size of 37 inches, and no seasonal restriction.

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 in N.J.A.C. 7:25-18.1(p), changes to N.J.A.C. 7:25-18.1(c) are 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.

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

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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:

<u>Species</u>	<u>Minimum Size In Inches</u>	<u>Open Season</u>	<u>Possession Limit</u>
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Cobia	[40]37	[June 1 – Sept. 30]Jan. 1 – Dec. 31	[1 per person not more than 3 per vessel]1 per vessel
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(d) – (r) (No change.)