**ENVIRONMENTAL PROTECTION**

**DIVISION OF FISH AND WILDLIFE**

**Notice of Administrative Change**

**Marine Fisheries**

**American Shad Recreational Possession Limit**

**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 (Commissioner), with the approval of the New Jersey Marine Fisheries Council (Council) at its **MONTH DAY, YEAR** meeting, has modified the recreational possession limit for American shad. The actions have been taken to comply with the Atlantic States Marine Fisheries Commission (ASMFC) Fishery Management Plan (Plan) for American shad and River Herring.

In August of 2020, the ASMFC American Shad and River Herring Management Board (Board) approved the 2020 American Shad Benchmark Stock Assessment (Assessment) and Peer Review Report for management use. The Assessment found American shad stocks to be depleted on a coastwide basis and that adult female mortality in the Delaware River Basin was currently unsustainable. In response to these findings the Board tasked states and jurisdictions with American shad fisheries approved under Amendment 3 to the Plan to develop new regulations within their jurisdictions that reduce American shad harvest to sustainable levels.

American shad are jointly managed in the Delaware River Basin through the Delaware River Basin Fish and Wildlife Management Cooperative (COOP) with membership consisting of the states of New York, New Jersey, Pennsylvania, Delaware, NOAA Fisheries, and the US Fish and Wildlife Service. The COOP’s technical committee developed a sweet of options to reduce American shad morality which were incorporated into the COOP’s American Shad Sustainable Fishery Management Plan and approved by the Board at its May 2022 meeting.

In order to address unsustainable adult female American shad mortality within the Delaware Basin the state of New Jersey is required to reduce its recreational creel limit for American shad from three fish down to two. This reduction in recreational creel limit is required to address the unsustainable adult female mortality in the Delaware River Basin and bring it below the target level developed through the benchmark stock assessment process. Complimentary management actions will be implemented for the commercial American shad fishery in the Delaware Bay through the Department’s full rule proposal process.

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 being published in the New Jersey Register, New Jersey Fish and Wildlife Marine Digest, and on the New Jersey Fish and Wildlife website.

**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 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:

Species Minimum Size In Inches Open Season Possession Limit

• • •

Shad

Delaware Bay, No Limit Jan 1 – Dec 31 [6]**5** as specified in (c)4 below

and Delaware River

and its tributaries

All other marine waters No Limit Jan 1 – Dec 31 [6]**5** as specified in (c)4 below

1. – 3. (No change.)

4. In the Delaware Bay, and the Delaware River and its tributaries, the maximum possession limit for American shad is [three]**two**. In all other marine waters, the possession limit for American shad is zero.

5. – 6. (No change)

(d) – (r) (No change.)

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Date Sean LaTourette, Commissioner

Department of Environmental Protection