**ENVIRONMENTAL PROTECTION**

**FISH AND WILDLIFE**

**Notice of Administrative Changes**

**Marine Fisheries**

**Modification of Reporting Requirements**

**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 January 4, 2024, meeting, has modified the reporting requirements for the commercial lobster fishery. These actions have been taken to comply with the Atlantic States Marine Fisheries Commission’s (ASMFC) management plan for American lobster.

In April 2023, the ASMFC American Lobster Management Board approved Addendum XXIX to Amendment 3 to the Interstate Fishery Management Plan for American Lobster ([63d14df0AmLobsterAddendumXXIX\_JonahCrabAddendumIV\_March2022.pdf (asmfc.org)](https://asmfc.org/uploads/file/63d14df0AmLobsterAddendumXXIX_JonahCrabAddendumIV_March2022.pdf)). The Addendum established electronic tracking requirements for federally-permitted vessels in the American Lobster fishery, with the goal of collecting high resolution spatial and temporal effort data to support ongoing marine spatial planning efforts and enforcement in federal waters. Specifically, electronic tracking devices are required for vessels with commercial trap gear area permits for Lobster Conservation Management Areas (LCMAs) 1, 2, 3. 4, 5, and Outer Cape Cod. The data collected through electronic tracking will improve the stock assessment’s ability to estimate exploitation and abundance for American lobster by providing size composition data at a finer resolution than what is currently available. Additionally, enhanced monitoring will provide improvements to the models used to assess the fishing locations and their associated risk to endangered right whales.

To cover the costs incurred by the fishing industry for the installation of new electronic tracking devices, federal funding has been provided to states through the Atlantic States Marine Fisheries Commission. This assistance may be used by the applicable States to help defray the cost of compliance with new regulations, including for gear modification, configuration, and marking within the Northeast lobster fisheries, both in Federal and State waters.

These changes will be reflected in the Division of Fish and Wildlife rules at N.J.A.C. 7:25-14.16(a). As required at N.J.A.C. 14.19(a), changes to N.J.A.C. 7:25-14.16 are published in the New Jersey Register, on the Department’s website, and in the NJ Fish and Wildlife commercial regulation publication.

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

7:25-14.16 Eligibility for lobster pot permit and pot allocation

(a) As of December 31, 2001, a vessel shall not land lobster harvested by a lobster pot unless such vessel is in the possession of a valid New Jersey Lobster Pot Permit issued in the name of the vessel and owner, except as provided for at N.J.A.C. 7:25-18.5(g)11i(4).

1. – 11. (No change.)

**12. All vessels with a federal American lobster permit shall have an approved vessel tracker installed. Installation of the tracking device must be completed, including certification by Department staff, prior to the permit holder’s first fishing trip. This vessel tracker must remain powered and transmitting when the vessel is in the water regardless of landing state, trip type, location fished, or target species.**

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Date Shawn M. LaTourette, Commissioner

Department of Environmental Protection