**ENVIRONMENTAL PROTECTION**

**DIVISION OF FISH AND WILDLIFE**

**Notice of Administrative Change**

**Marine Fisheries**

**Modification of Recreational Summer Flounder Open 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 (Commissioner), with the approval of the New Jersey Marine Fisheries Council (Council) at its March 4, 2021, meeting, has modified the recreational season 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.

At their February 1, 2021, meeting, the ASMFC approved the State of New Jersey’s conservation equivalency proposal for the 2021 summer flounder season. Under this proposal, New Jersey is required to maintain the current 2020 size and possession limits. Allowed under this approval is the shift of season start and end dates for the 2021 fishing year to accommodate the historical start date of the Friday before Memorial Day. In 2021, Memorial Day occurs on May 31.

The New Jersey Marine Fisheries Council and Advisors reviewed two options to maintain the New Jersey recreational harvest at the approved 2020 level. Both options continue all other previously approved conservation equivalent measures. Option 1 maintains the status quo season of May 22nd to September 19th totaling a 121-day season. Option 2 shifts the season to May 28th to September 28th resulting in a 124-day season. Both options encompass the Memorial Day weekend. At their February 2, 2021 meeting, the Council’s Recreational Summer Flounder Advisory Committee’s preferred Option 1, which was the status quo option of May 22 through September 19 with all other provisions remaining status quo.

However, in response to public input supporting Option 2 received since the February Advisory Committee meeting, and, at the Council’s March 4, 2021, meeting, the Council, in accordance with ASMFC’s and MAFMC’s actions and the ASMFC’s Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, approved changing the summer flounder recreational season dates from May 22 through September 19 to May 28 through September 28, while continuing all other previously approved conservation equivalent measures on March 4, 2021. As a result, the 2021 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.

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 under N.J.A.C. 7:25-18.1(p), changes to N.J.A.C. 7:25-18.1 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]):

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 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 Open Season Possession Limit

In Inches

• • •

Summer Flounder (Fluke)

Delaware Bay and tributaries 17 May [22]**28** – Sept. [19]**28** 3

Island Beach State Park 16 May [22]**28** – Sept. [19]**28** 2

(shore mode fishing only as provided at (c)5iv below)

All other marine waters 18 May [22]**28** – Sept. [19]**28** 3

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(d) – (r) (No change.)

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Date Shawn M. LaTourette, Acting Commissioner

Department of Environmental Protection