**ENVIRONMENTAL PROTECTION**

**DIVISION OF FISH AND WILDLIFE**

**Notice of Administrative Changes**

**Marine Fisheries**

**Modification of Recreational Cobia Vessel Limit, Size Limits, Fillet Size, 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 (http://www.asmfc.org/uploads/file/6009e765AtlanticCobia\_AddendumI\_Oct2020.pdf). The Addendum modified recreational measures for Atlantic Coast states qualifying as de minimis, which are those that reported an average annual harvest of less than 1 percent of coastwide landings for two of the past three years and include New Jersey. Under the FMP, states that are de minimis for their recreational fisheries were provided an option to 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 limit its recreational fishery to 1 fish per vessel per trip with a minimum size of 37 inches. In June 2018, New Jersey modified its cobia recreational and commercial provisions to be identical to those of Virginia, which is the closest non-de minimis state (50 N.J.R. 1440(a)). (http://www.asmfc.org/uploads/file/5ef21a4aCobiaAmendment1\_August2019.pdf)

The FMP requires that each non-de minimis state evaluates 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. Per Addendum 1, passed in October 2020, the new recreational soft target for Virginia (39.4% of the coastwide quota) is 30,302 fish. As a result, Virginia has adjusted management measures for the recreational cobia fishery to meet a minimum reduction of 40 percent by changing regulations to a season of June 15 through September 15 with a 2-fish vessel limit and maintaining a minimum size of 40 inches, with one fish over 50 inches. Accordingly, on March 4, 2021, the Council voted to approve matching Virginia’s recreational measures.

In relation to the Council’s approval of the Department’s recreational management measures for cobia, the Council has also approved changing the fillet sizes for cobia at N.J.A.C. 7:25:18.1(f)v to correspond with the 40-inch cobia recreational size limit, which was originally modified in June 2018 (50 N.J.R. 1440(a)). Inadvertently, the Department did not modify the fillet size limit in conjunction with the new 40-inch cobia recreational size limit. The current 26-inch minimum fillet requirement biologically corresponds with the previous 37-inch cobia provision. Therefore, the new 40-inch cobia recreational size limit no longer biologically corresponds to the current fillet limit.  Accordingly, the fillet size limit for cobia has been intrinsically coupled to the size limit of legally harvestable cobia.

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]):

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

• • •

Cobia 40**, one>50** [June 1 – Sept. 30]June 15-Sept 15 1 per person[,

not more than 3 per vessel]**not**

**more than 2 per vessel** • • •

(d) – (e) (No change.)

(f) Special provisions applicable to a Special Fillet Permit are as follows:

1. – 2. (no change)

3. The Special Fillet Permit shall be subject to the following conditions:

i. – iv. (No change)

v.No fish of any species less than the minimum size limit specified in (c) above shall be filleted and no fillet of any species listed below shall have the skin removed and no fillet shall be less than the minimum length in inches specified below.

|  |  |
| --- | --- |
| Species | Minimum Fillet or Part Length |
| • • •  Cobia | [26]**28** inches |

• • •

vi. – x. (No change)

(g) – (r) (No change.)

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Date Shawn M. LaTourette, Acting Commissioner

Department of Environmental Protection