

NOTE: THIS IS A COURTESY COPY OF THIS NOTICE OF ADMINISTRATIVE CHANGE. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE JANUARY 7, 2008 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE NOTICE, THE OFFICIAL VERSION WILL GOVERN.

**ENVIRONMENTAL PROTECTION  
DIVISION OF FISH AND WILDLIFE**

**Notice of Administrative Changes**

**Marine Fisheries**

**Implementation of American Lobster Recreational and Commercial Maximum Size Limit for Male Lobsters, Modification of the Minimum Size Limit of the V-Shaped Notch of a Female Lobster Bearing a V-Shaped Notch, and Modification of Weakfish Recreational Possession Limit and Scup Commercial Trip Limit  
N.J.A.C. 7:25-14.13, 14.15, 18.1 and 18.12**

**Take Notice** that pursuant to N.J.A.C. 7:25-14.19, 18.1 (p) and 18.12 (o), the Commissioner of the Department of Environmental Protection, with the approval of the New Jersey Marine Fisheries Council, has implemented a maximum size limit for male lobsters in both the recreational and commercial fisheries, changed the minimum size limit of a V-shaped notch of a female lobster bearing a v-shaped notch, and changed the weakfish recreational possession limit and the scup commercial trip limit. These actions have been taken to maintain New Jersey's compliance with the Atlantic States Marine Fisheries Commission's (ASMFC) management plans for American lobster, weakfish and scup.

N.J.A.C. 7:25-14.19 provides that the Commissioner, with the approval of the Marine Fisheries Council, may modify minimum or maximum size limits, pot and trap limits and possession limits in this section by notice in order to maintain compliance with any fishery management plan approved by the ASMFC. The ASMFC's American Lobster Management Board met in May 2007 to discuss management measures necessary

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to re-build the Southern New England stock of American lobster. The ASMFC implemented maximum size limits for male lobsters in both the recreational and commercial fishery and changed the minimum size of a V-shaped notch of a female lobster bearing a V-shaped notch. V-shaped notches are made in the carapace of egg bearing female lobsters to identify a mature female lobster that cannot subsequently be harvested as long as the notch remains identifiable. The modification of the minimum size limit of the V-shaped notch of a female lobster bearing a V-shaped notch will serve as a conservation measure assuring larger sized female lobsters are protected by preventing the harvest of female lobsters through two growing seasons or molts, whereas the previous, more liberal dimension of the V-shaped notch would only protect a growing female lobster through one growing season. The ASMFC additionally modified the American lobster management plan to eliminate the reference to setal hairs in this size restriction. Setal hairs may appear in the v-notch after the lobster molts. The setal hairs may obscure or partially fill the notch in post-molt lobsters covered by the new size standard. Therefore, continued reference solely to lobsters without setal hair would undermine the effectiveness of the new minimum size. Accordingly, as part of the change in the V-shaped notch size limit, which effectively increases the female lobster minimum size limit, the reference to setal hairs was additionally amended to refer to lobsters both with and without setal hairs.

N.J.A.C 7:25-18.1(p) provides that the Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify the fishing seasons, minimum size

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limits and possession limits specified in this section by notice in order to maintain and/or to come into compliance with any fishery management plan approved by the ASMFC.

The ASMFC's Weakfish Management Board met in February 2007 to discuss recreational management measures. The ASMFC approved changing the weakfish recreational possession limit from eight fish to six fish.

N.J.A.C. 7:25-18.12(o) provides that the Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify quotas, trip limits and/or seasons specified in this section by notice in order to maintain and/or come into compliance with any fishery management plan approved by the ASMFC.

The ASMFC's Summer Flounder, Scup and Black Sea Bass Management Board met in August 2007 to discuss commercial management measures. The ASMFC approved changing the scup commercial trip limit for the period November 1 through December 31 from 6,500 pounds to 3,500 pounds.

The New Jersey Marine Fisheries Council approved all these management measures for lobster, weakfish, and scup at their September 6, 2007 meeting as presented by Department of Environmental Protection staff. These changes will be reflected in the Division of Fish and Wildlife rules at N.J.A.C. 7:25-14.13 (c), 14.13 (e), 14.15 (b), 18.1 (c) and 18.12 (k) as indicated below.

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In accordance with N.J.A.C. 7:25-14.19, notice of the changes related to lobster is being published in the New Jersey Register and in the Division's commercial regulation publication. In accordance with N.J.A.C. 7:25-18.1(p), the Department will publish notice of the change related to weakfish in the New Jersey Register, the New Jersey Fish and Wildlife Digest, and shall submit a news release to individuals on the Division outdoor writers' list. In accordance with N.J.A.C. 7:25-18.12(o), the Department is publishing this notice of the modified scup trip limit in the New Jersey Register.

**Full text** of the changes rules follows (additions indicated in boldface **thus**; deletions in brackets [thus]):

7:25-14.13 Size of Lobster taken

(a) – (b) (No change.)

(c) A person fishing in ASMFC Lobster Management Area 4 and/or 5 or that has designated Lobster Management 4 and/or 5 for fishing on their Federal Fisheries or State Lobster Pot Permit shall not take, land, have in his or her possession, sell or offer to sell any [female] American lobster with a length as measured in (a) above that is greater than the length listed below after the dates stipulated.

ASMFC Lobster

Management Area

Dates

Maximum Size (inches)

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LMA 4	after July 1, 2002	5 ¼
LMA 5	after July 1, 2004	5[ ½] <u>¼</u>

(d) (No change.)

(e) The maximum size limits stipulated in (c) above [do not] apply to the recreational harvest of American lobster. The minimum size limit for American lobster harvested for recreational purposes shall comply with those stipulated in (a) above and shall not be sold, offered for sale or bartered.

(f) – (h) (No change.)

#### 7:25-14.15 Prohibitions

(a) (No change.)

(b) A person shall not possess a female lobster bearing a v-shaped notch (that is, a straight-sided triangular cut **with or** without setal hairs, at least [one-quarter] **one-eighth** inch in depth and tapering to a sharp point as viewed from the rear of the female lobster. V-notched female lobster also means any female which is mutilated in a manner which could hide, obscure or obliterate such a mark. The right flipper will be examined when the underside of the lobster is down and its tail is toward the person making the determination.

(c) (No change.)

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7:25-18.1 Size, season, 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
...			
Weakfish	13	Jan.1-Dec. 31	[8] <b>6</b>
...			

1.-3. (No change.)

(d) – (r) (No change.)

7:25-18.12 Commercial fishing season, quota and trip limits

(a) – (j) (No change.)

(k) The following provisions are applicable to the commercial harvest of scup:

1. (No change.)

2. No vessel shall have in possession or land and no dealer shall accept from any vessel more than the lesser of the daily trip limits set by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission for the season of January 1

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through April 30 and November 1 through December 31 and no vessel shall have in possession or land and no dealers shall accept from any one vessel more than the daily trip limit of 1,000 pounds of scup during the season of May 1 through October 31 or as provided for in (k)2i below.

i. (No change.)

ii. The trip limit for scup shall be two trips per week (Sunday through Saturday) with landings not to exceed 30,000 pounds during any two-week period from January 1 through April 30 and [6,500] 3,500 pounds daily from November 1 through December 31. During the period of January 1 through April 30, the daily trip limit will be reduced to 1,000 pounds when it is projected that 80 percent of the period quota will be harvested.

3. -9. (No change.)

(l) – (s) (No change.)