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ENVIRONMENTAL PROTECTION
DIVISION OF FISH AND WILDLIFE

Notice of Administrative Changes
Marine Fisheries
Modification of Black Sea Bass and Summer Flounder Commercial Trip Limits
N.J.A.C. 7:25-18.12

Take Notice that pursuant to N.J.A.C. 7:25-18.12(o), the Commissioner of the Department of Environmental Protection, with the approval of the New Jersey Marine Fisheries Council, has changed the commercial trip limits for black sea bass and summer flounder. These actions have been taken to provide for the optimal utilization of available quotas while at the same time constraining landings to prevent harvest that exceeds available quotas.

The Mid-Atlantic Fishery Management Council (MAFMC) and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup and Black Sea Bass Board (ASMFC) meets jointly each year to determine black sea bass and summer flounder commercial quotas for the following year for each Atlantic coastal state participating in these two fisheries. New Jersey's annual black sea bass and summer flounder commercial quotas are then allocated into four separate seasonal quotas for black sea bass and six seasonal quotas for summer flounder based on percentages established in existing regulations, N.J.A.C. 7:25-18.12 (h) 8iii for black sea bass and N.J.A.C. 7:25-18.12 (i) 2 ii for summer flounder. Trip limits and other limits are established at a level intended to result in the quota contained in the fishery management

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plan approved by the Atlantic States Marine Fisheries Commission or contained in a Federally approved fishery management plan being taken, but not exceeded.

The New Jersey Marine Fisheries Council, after consultation with the Department, voted to approve change of the commercial trip limits for black sea bass and summer flounder.

Black sea bass commercial trip limits have changed as follows: January 1 to April 15 – 2,500 pounds daily to 3,500 pounds daily; April 16 to June 30 – three trips per week at 1,500 pounds per trip to three trips per week at 1,000 pounds per trip or two trips per week at 1,500 pounds per trip, July 1 to September 30 – remains at three trips per week at 1,000 pounds per trip with an option added for two trips per week at 1,500 pounds per trip; October 1 to December 31 – three trips per week at 1,500 pounds per trip to three trips per week at 1,000 pounds per trip or two trips per week at 1,500 pounds per trip. Summer flounder commercial trips limits have changed as follows: January / February – two trips per week at 7,500 pounds per trip to two trips per week at 3,000 pounds per trip; March / April – five trips per week at 1,000 pounds per trip to three trips per week at 1,500 pounds per trip; May / June – five trips per week at 500 pounds per trip to four trips per week at 500 pounds per trip; July / August – five trips per week at 500 pounds per trip to four trips per week at 500 pounds per trip; September / October – four trips per week at 1,000 pounds per trip or one trip per week at 4,000 pounds per trip to four trips per week at 750 pounds per trip or one trip per week at 3,000 pounds per trip;

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November / December – five trips per week at 1,000 pounds per trip to four trips per week at 1,000 pounds per trip or one trip per week at 3,000 pounds per trip.

These revised seasonal trip limits for both black sea bass and summer flounder are designed to provide maximum economic value to the commercial fishermen engaged in these two extremely valuable commercial fisheries while, at the same time, not exceeding the seasonal quotas for either fishery. Within an individual season for either black sea bass or summer flounder, weather conditions and fishing effort are likely to influence the rate at which the seasonal quota is being harvested. To provide for the optimal utilization of each seasonal commercial quota, trip limits are designed to maintain a consistent rate of harvest during each season, keeping a steady supply of product for commercial markets as long as possible before the seasonal quota is reached and that season is closed. If landings within a season are low due to an extended period of bad weather, the Commissioner, with the approval of the Marine Fisheries Council, will increase that fishery's seasonal trip limits to optimize catch. At the same time, if landings during a season come in at an extremely rapid rate, the Commissioner can likewise reduce the seasonal trip limit to extend the fishing season before reaching the seasonal quota. These changes are consistent with the Marine Fisheries Management and Commercial Fisheries Act, N.J.S.A. 23:2B-1 et seq., which directs, among other things, that fishery resources be managed to achieve various objectives, including the objective of conserving the resource while achieving the objective of optimum yield.

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These changes will be reflected in the Division of Fish and Wildlife rules at N.J.A.C. 7:25-18.12 (h) and (i) as indicated below.

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

7:25 – 18.12 Commercial fishing seasons, quotas and trip limits

(a) – (g) (No change.)

(h) The following provisions are applicable to the commercial harvest of black sea bass:

1. – 7. (No change.)

8. Annual and seasonal black sea bass quotas and daily trip limits shall be determined by the Mid-Atlantic Fishery Management Council and implemented by the National Marine Fisheries Service or determined by the Atlantic States Marine Fisheries Commission.

i. – ii. (No change.)

iii. The balance of the New Jersey annual quota for the back sea bass fishery remaining after deducting the by-catch allowance specified in (h)8ii above shall be divided into seasons, percentage of the annual quota apportioned to each season, daily trip limits and number of allowable landing days in each week (Sunday through Saturday) as follows:

(1) January 1 – April 15: 38.8 percent, [2,500] **3,500** pound trip limit.

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(2) April 16 – June 30: 20.6 percent, [1,500] **1,000** pound trip limit and maximum of three days per week that a vessel may land black sea bass, **or 1,500 pound trip limit and a maximum of two days per week that a vessel may land black sea bass;**

(3) July 1 – September 30: 13.5 percent, 1,000 pound trip limit and a maximum of three days per week that a vessel may land black sea bass, **or 1,500 pound trip limit and a maximum of two days per week that a vessel may land black sea bass;**

(4) October 1 – December 31: 27.1 percent, [1,500] **1,000** pound trip limit and a maximum of three days per week that a vessel may land black sea bass, **or 1,500 pound trip limit and a maximum of two days per week that a vessel may land black sea bass.**

(5) – (6) (No change.)

iv – x. (No change.)

9. – 13. (No change.)

(i) The following provisions are applicable to the commercial harvest of summer flounder:

1. (No change.)

2. The annual summer flounder harvest quota for New Jersey shall be determined by the Mid-Atlantic Fishery Management Council as implemented by the National Marine Fisheries Service. All landings of summer flounder in New Jersey shall be applied to the New Jersey annual summer flounder quota unless New Jersey enters

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into an agreement with another state(s) to transfer or combine summer flounder

commercial quotas, as provided for pursuant to (i)3 below and such agreement indicated otherwise.

- i. (No change.)
- ii. The balance of the New Jersey annual quota for the summer flounder fishery remaining after deducting the by-catch allowance specified in (i)2i above shall be divided into seasons, percentage of the annual quota apportioned to each season, daily trip limits and number of allowable landing days in each week (Sunday through Saturday) as follows:

(1) January – February: 28 percent, [7,500] **3,000** pound trip limit and a maximum of two days a week that a vessel may land summer flounder;

(2) March – April: 11 percent, [1,000] **1,500** pound trip limit and a maximum of [five] **three** days per week that a vessel may land summer flounder;

(3) May – June: 10.5 percent, 500 pound trip limit and a maximum of [five] **four** days per week that a vessel may land summer flounder;

(4) July – August: 10.5 percent, 500 pound trip limit and a maximum of [five] **four** days per week that a vessel may land summer flounder;

(5) September – October: 29 percent, [1,000] **750** pound trip limit and a maximum of four days that a vessel may land summer flounder, except as follows:

(A) A vessel may elect to land summer flounder only one day per week. If such an election is made, the trip limit shall be [4,000] **3,000** pounds;

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(6) November – December: 11 percent, 1,000 pound trip limit and a maximum of [five] **four** days per week that a vessel may land summer flounder [; and]

,except as follows:

(A) A vessel may elect to land summer flounder only one day per week. If such an election is made, the trip limit shall be 3,000 pounds; and

(7) (No Change.)

iii. – xiii. (No Change.)

3. – 9. (No change.)

(j) – (s) (No change.)

Date

Lisa P. Jackson, Commissioner
Department of Environmental Protection