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**ENVIRONMENTAL PROTECTION
DIVISION OF FISH AND WILDLIFE**

**Notice of Administrative Change
Marine Fisheries
Modification of Scup Commercial Trip Limit
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 scup commercial trip limit. This action has been taken to maintain New Jersey's compliance with the Atlantic States Marine Fisheries Commission's (ASMFC) management plan for scup.

The National Marine Fisheries Service (NMFS) sets trip limits for the November 1 through December 31 season annually. The ASMFC's Summer Flounder, Scup and Black Sea Bass Management Board's Scup Management Plan automatically adopts the commercial scup trip limit established by the NMFS for the November 1 through December 31 season. The limit for the 2008 season has been set at 2,000 pounds. The National Marine Fisheries Service notifies all Federally licensed scup fishermen directly of all limits and changes in limits. All commercial scup fishermen in New Jersey waters are required to be Federally licensed and have been notified by the National Marine Fisheries Service of the 2008 commercial trip limit and will similarly be directly notified of any changes to the trip limit in the future. In light of the automatic adoption by the

ASMFC of the commercial scup trip limit established by the NMFS annually for the November 1 through December 31 season and the direct notification to those affected by NMFS of the limits, the rule is being amended to reflect that the trip limit for the November 1 through December 31 season is, and will continue to be in future years, the daily trip limit established by NMFS. The New Jersey Marine Fisheries Council approved the ASMFC change to the scup commercial trip limit at its September 4, 2008 meeting.

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

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

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 through April 28 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 28 and [3,500 pounds daily] **a daily limit as established by the National Marine Fisheries Service** from November 1 through December 31. During the period of January 1 through April 28, 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. No person or vessel shall land or possess and no dealer shall accept any scup on April 29 and 30.

3. -9. (No change.)

(l) – (s) (No change.)