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ENVIRONMENTAL PROTECTION
DIVISION OF FISH AND WILDLIFE

Notice of Administrative Change

Marine Fisheries

Modification of American Lobster Tail Segment Length, American Eel Commercial and Recreational Regulations, Commercial Black Sea Bass and Summer Flounder Trip Limits
N.J.A.C. 7:25-14.13, 18.1, 18.5, 18.12, and 18.14

Take Notice that, pursuant to N.J.A.C. 7:25-14.19, N.J.A.C. 7:25-18.1(p), N.J.A.C. 7:25-18.5(i), N.J.A.C. 18.12 (o), and N.J.A.C. 18.14(k), the Commissioner of the Department of Environmental Protection, with the approval of the New Jersey Marine Fisheries Council (Council) at its November 14, 2013 meeting, has modified the minimum size of the sixth abdominal tail segment for American lobster, the American eel recreational and commercial size limit, recreational bag limit, commercial mesh size and commercial seasons, and corrected a spelling mistake as well as made modifications to the commercial trip limits for black sea bass and summer flounder. These actions have been taken to comply with the Atlantic States Marine Fisheries Commission (ASMFC) management plans for American lobster, American eel, black sea bass and, summer flounder, as well as for the optimal utilization of available quotas while at the same time constraining landings to prevent harvest that exceeds available quotas.

Over the last twelve years, there have been numerous changes to American lobster carapace width limit codified at N.J.A.C. 7:25-14.13(a) without any corresponding changes to the sixth abdominal segment size. The current sixth tail segment measurement of 1 1/16 inches was developed in the mid 1970's and corresponded to a carapace length of 3 1/4 inches. Based on newly collected data from New Jersey's lobster industry, increasing the sixth tail segment measurement to 1 1/8 inches is more appropriate for New Jersey's current minimum carapace

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length of 3 3/8 inches. Therefore, the Council voted to change the sixth tail segment length specified at N.J.A.C. 7:25-14.13(h) to 1 1/8 inches to remain consistent with the current ASMFC Lobster Conservation Management Areas (LCMA) regulations for minimum carapace length of 3 3/8 inches.

In August 2013, the ASMFC's American Eel Management Board (Board) approved Addendum III to the Interstate Fishery Management Plan for American eel which established new management conditions for the possession and harvest of American eel coastwide. Addendum III applies to both recreational and commercial take of American eel.

With reference to recreational harvest of American eel, to remain in compliance with the modifications approved by the ASMFC, the recreational size limit is increased from six inches to nine inches and the possession limit reduced from 50 to 25 with an exemption of a 50 fish possession limit for party and charter boat crew members at N.J.A.C. 7:25-18.1(c).

On the commercial side, the Council agreed to implement a nine inch minimum size limit at N.J.A.C. 7:25-18.1(b) and increase the mesh size for baited pots and traps (miniature fyke and pots) to one-half inch by one-half inch bar mesh at N.J.A.C. 7:25-18.5(g)3. The Council also voted to institute a closed season for the harvest of American eel from September 1 through December 31. This closed season, which is intended to protect silver eels (the mature adult American eel heading to the Sargasso Sea to spawn) is applicable to all gear used to harvest American eel including haul seine, fyke net, pound net, and wire pound net, with the exception of miniature fyke and pots. Miniature fyke and pots are the only baited gear used to harvest American eel. While baited pots and traps are the most common gear for the harvest of American eel, they are less likely to catch older silver eels which are not feeding and thus are not attracted

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to baited pots. Accordingly, this gear was exempt from the closed season instituted through Addendum III. To fully implement the mandated closed season requirement, modifications to various non-baited gear specific regulations applicable to American eel at N.J.A.C. 7:25-18.5 and N.J.A.C 7:25-18.14 are necessary. Some of these gear types are currently only open for a portion of the calendar year, so the eel closure is adjusted accordingly. For example, haul seines may only be used from November 1 through April 30 in accordance with N.J.A.C. 7:25-18.5(g)1i. Accordingly, since the gear may not be used to harvest any species from September 1 through October 31, the closed season for use of this gear to harvest American eel is reflected as November 1 through December 31.

Finally, for clarification, a spelling mistake in the scientific name of American eel is corrected at N.J.A.C. 7:25-18.1(a).

The Mid-Atlantic Fishery Management Council (MAFMC) and the ASMFC Summer Flounder, Scup and Black Sea Bass Board met jointly in October 2013 to discuss black sea bass commercial quotas for 2014. The MAFMC and ASMFC recommended maintaining the 2013 black sea bass quota for 2014. This results in a preliminary 2014 commercial quota of 434,000 pounds of black sea bass for New Jersey. The Marine Fisheries Council's Black Sea Bass Committee met with commercial sea bass advisors to discuss the 2013 fishing season and the 2014 quota and the following changes are being implemented to better utilize the seasonal quotas, which have not been harvested the last four years. The Council approved modifying the seasonal trip limits in order to benefit the various commercial black sea bass gear types. The commercial black sea bass trip limits from January 1 through April 15 are changed as follows: instead of a 1,500-pound trip limit two days a week or a 3,000-pound trip limit one day per

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week, vessels may land 1,000 pounds four days per week, 2,000 pounds two days per week or 4,000 pounds one day per week. The commercial black sea bass trip limits from April 16 through June 30 are changed as follows: instead of a 1,000-pound trip limit two days a week or a 2,000-pound trip limit one day per week, vessels may land 1,000 pounds three days per week, 1,500 pounds two days per week or 3,000 pounds one day per week. The commercial black sea bass trip limits from July 1 through September 30 are changed as follows: instead of a 500-pound trip limit four days a week or a 1,000-pound trip limit two days per week, vessels may land 500 pounds six days per week, 1,000 pounds three days per week or 3,000 pounds one day per week. The commercial black sea bass trip limits from October 1 through December 31 are changed as follows: instead of a 1,000-pound trip limit six days a week, 2,000-pound trip limit three days per week, or a 6,000 pound trip limit one day per week, vessels may land 500 pounds five days per week, 1,250 pounds two days per week or 2,500 pounds one day per week.

The MAFMC and the ASMFC Summer Flounder, Scup and Black Sea Bass Board also met jointly in October 2013 to discuss summer flounder commercial quotas for 2014. The MAFMC and ASMFC recommended a reduction in the 2013 summer flounder quota (eight percent decrease in 2014 over 2013 quotas). This results in a preliminary 2014 commercial quota of 1,757,796 pounds of summer flounder for New Jersey. The Marine Fisheries Council's Summer Flounder Committee met with commercial summer flounder advisors to discuss the 2013 fishing season and the 2014 quota and the following changes are being implemented to account for the lower 2014 quota and to better utilize the quota. The Council approved modifying the commercial summer flounder trip limits for the September through October season as follows: instead of a 750 pound trip limit four days per week or a 3,000 pound trip

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limit one day per week, vessels may land 650 pounds four days per week or 2,500 pounds one day per week.

These changes will be reflected in the Division of Fish and Wildlife rules at N.J.A.C. 7:25-14.13(h), N.J.A.C. 7:25-18.1(a), N.J.A.C. 7:25-18.1(b), N.J.A.C. 7:25-18.1(c), N.J.A.C. 7:25-18.5(g), 7:25-18.12(h) and (i) and N.J.A.C. 7:25-18.14(r) as indicated below. As required in N.J.A.C. 7:25-14.19 and N.J.A.C. 7:25-18.14(k), changes to N.J.A.C. 7:25-14.13(h) and 7:25-18.14(r) will be published in the New Jersey Register and by notice in the Division's commercial regulation publication. As required in N.J.A.C. 7:25-18.1(p), changes to 7:25-18.1(a), N.J.A.C. 7:25-18.1(b), N.J.A.C. 7:25-18.1(c), will be published in the New Jersey Register, the New Jersey Fish and Wildlife Digest and via a news release submitted to individuals on the Division of Fish and Wildlife's outdoor writers mailing list. As required in N.J.A.C. 18.12(o), changes to N.J.A.C. 18.12(h) and (i) shall be published in the New Jersey Register.

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

7:25-14.13 Size of lobster taken

(a) – (g) (No Change).

(h) A person shall not import, export, have in his or her possession, buy, sell, or offer to buy or sell, any detached American lobster tail, if the sixth abdominal segment (that segment closest to the fan of the tail), when measured along its dorsal center line with the tail flexed, is less than one and one-~~eighth~~**th**[sixteenth] inches in length.

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7:25-18.1 Size, season and possession limits

(a) For the purpose of this subchapter, the following common names shall mean the following scientific name(s) for a species or group of species, except as otherwise specified elsewhere in this subchapter.

Common Name	Scientific Name
American Eel	Anquilla rostra[ra]ta
• • •	• • •

(b) A person shall not purchase, sell, offer for sale, or expose for sale any species listed below less than the minimum length, measured in inches, except as may be provided elsewhere in this subchapter, and subject to the specific provisions of any such section. Any commercially licensed vessel or person shall be presumed to possess the following species for sale purposes and shall comply with the minimum sizes below. Fish length shall be measured from the tip of the snout to the tip of the tail (total length), except as noted below.

	Minimum Size
Species	(inches)
American Eel	[6] 9
• • •	

1.- 3. (No Change.)

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(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 be measured 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
American Eel	[6] 9	Jan. 1--Dec. 31	[50] 25

• • •

1.– 2. (No Change.)

3. Anglers may take no more than [50] **25** eels per day; however, anglers may keep more than [50] **25** eels in storage for personal use, provided they possess no more than [50] **25** eels per person for bait purposes while fishing. **Any crew member of a party/charter vessel for hire carrying recreational fishermen may possess no more than 50 eels for bait purposes while fishing.**

4. (No Change.)

(d) – (r) (No Change.)

7:25-18.5 General net regulations

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(a) – (f) (No Change.)

(g) Individuals intending to take fish with a net in the marine waters of this State pursuant to N.J.S.A. 23:5-24.2 shall, as required, apply to the Commissioner for a license and/or permit. To be eligible for a gill net license in 2003, an applicant must provide a copy of a previously valid New Jersey gill net license held by the applicant between January 1, 1997 and July 13, 2000. Individuals may purchase the greatest number of each type of gill net license they held in any one calendar year between January 1, 1997 and July 13, 2000. To be eligible for a gill net license in all subsequent years, an applicant must provide a copy of a previously valid gill net license held by the applicant from the preceding year. Individuals must purchase the maximum number of gill net licenses to which they are entitled annually. Any licenses not purchased will be forfeited. The holder of a valid gill net license not pending revocation or court action due to violation of provisions of this subchapter may transfer the right to purchase all of the gill net licenses he or she is entitled to purchase to another individual at any time, upon notification to the Department. The new licensee shall have a license(s) issued in his or her name after payment of the fee specified in (g)5vi or (g)6ix below. Any licenses not purchased by the new entrant will be forfeited. Individuals who applied to the gill net delayed entry program prior to July 12, 2000 and who obtained gill net licenses after the July 13th control date in 2000 or 2001 or who obtained gill net licenses or are eligible to obtain gill net licenses in 2002, will be restricted to purchase a maximum of two drifting and/or six staked or anchored gill net licenses. Any licenses not purchased in any year will be forfeited. Availability of Delaware Bay Gill Net Permits shall be determined pursuant to N.J.A.C. 7:25-18.6 through 18.11. Upon receipt of the application, and the prescribed license fee, the Commissioner may, in his or her discretion, issue

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single season licenses and/or permits as specified for each net type for the taking of fish with nets only as follows:

1. Haul seines shall have a mesh not smaller than 2.75 inches stretched and shall not exceed 70 fathoms in length, whether used singly or in series. Haul seines may be used for all species except those specifically protected.

i – ii. (No Change.)

iii. American eel may be taken by haul seine during the season of January 1 through April 30. Any American eel taken by haul seine from November 1 through December 31 shall not be retained and must be immediately returned to the water.

Recodify existing (iii) as (iv) (No change in text)

2. Fykes shall have a length, including leaders, which shall not exceed 30 fathoms and no part of the net or leaders shall be constructed of monofilament or have a mesh larger than five inches stretched or smaller than three eight inches stretched (inside measurement). Fyke nets may be used for all species except those specifically protected.

i - vi. (No Change.)

vii. American eel may be taken by fyke net during the season of January 1 through April 30. Any American eel taken by fyke net from November 1 through December 31 shall not be retained and must be immediately returned to the water.

Recodify existing (vii) as (viii) (No change in text)

3. Miniature fyke or pots shall only be used for the taking of catfish, suckers, killifish (Cyprinodontidae) and eels. The mesh of this net type shall be no smaller than [three sixteenth] **one-half** inch[es] **by one-half inch** bar, inside measurement. The net type shall not have leaders

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or wings and shall not exceed 16 inches in diameter if cylindrical or 201 square inches in cross section if any other configuration in any of the marine waters of this State.

i. - vi. (No Change.)

4. – 6. (No Change.)

7. Pound nets shall have a mesh not smaller than two inches stretched and may be used for all species except those specifically protected. These nets shall be used only in Raritan Bay, Sandy Hook Bay, Delaware Bay and the Atlantic Ocean.

i. (No Change.)

ii. **No person shall possess or harvest American eel from a pound net between September 1 and December 31.**

Recodify existing (ii) as (iii) (No change in text)

8. Wire pound nets shall not extend into the Delaware Bay further than 300 feet from the mean low water mark nor 300 feet from the outside of the flats which fall bare at low water and may be set and used in the Delaware Bay only.

i. (No Change.)

ii. **American eel may be taken by wire pound net during the season of March 1 through August 31. Any American eel taken by wire pound net from September 1 through December 31 shall not be retained and must be immediately returned to the water.**

Recodify existing (ii) as (iii) (No change in text)

9. - 12. (No Change.)

(h) – (m) (No Change.)

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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 State Marine Fisheries Commission.

i. – ii. (No change.)

iii. The balance of the New Jersey annual quota for the black 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 into 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, **1,000 pound trip limit and a maximum of four days per week that a vessel may land black sea bass**, [1,500] **2,000** pound trip limit and a maximum of two days per week **that a vessel may land black sea bass** or [3,000] **4,000** pound trip limit and a maximum of one day per week that a vessel may land black sea bass.

(2) April 16 – June 30: 20.6 percent, [2,000] **3,000** pound trip limit and a maximum of one day per week that a vessel may land black sea bass, [or 1,000] **1,500** pound trip limit and a maximum of two days per week that a vessel may land black sea bass, or **1,000 pound trip limit and a maximum of three days per week that a vessel may land black sea bass;**

(3) July 1 – September 30: 13.5 percent, **3,000 pound trip limit and a maximum of one day per week that a vessel may land black sea bass**, 1,000 pound trip limit and a

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maximum of [two] **three** days per week that a vessel may land black sea bass, or 500 pound trip limit and a maximum of [four] **six** days per week that a vessel may land black sea bass;

(4) October 1 – December 31: 27.1 percent, [6,000] **2,500** pound trip limit and a maximum of one day per week that a vessel may land black sea bass, [2,000] **1,250** pound trip limit and a maximum of [three] **two** days per week that a vessel may land black sea bass, or [1,000] **500** pound trip limit and a maximum of [six] **five** 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 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

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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) – (4) (No change.)

(5) September – October: 29 percent, [750] **650** 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 [3,000] **2,500** pounds;

(6) – (7) (No change.)

(7) (No change.)

iii. – xiii. (No change.)

3. – 9. (No change.)

(j) – (t) (No change.)

7:25-18.14 Otter and beam trawls

(a) – (q) (No Change.)

(r) Special provisions concerning the harvest and possession of American eel are as follows:

1. American eel may be taken by otter trawl except any American eel taken by otter trawl from September 1 through December 31 shall not be retained and must be immediately returned to the water.