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ENVIRONMENTAL PROTECTION
DIVISION OF FISH AND WILDLIFE

Notice of Administrative Change

Marine Fisheries

Correction of Hammerhead Shark Scientific Name, Modification Hammerhead Shark Commercial Season, Summer Flounder Recreational Season and Size Limit, and Black Sea Bass Recreational Seasons and Possession Limits
N.J.A.C. 7:25-18.1 and N.J.A.C. 7:25-18.12

Take Notice that, pursuant to N.J.A.C. 7:25-18.1(p) and N.J.A.C. 18.12(o), the Commissioner of the Department of Environmental Protection, with the approval of the New Jersey Marine Fisheries Council (Council) at its April 3, 2014 meeting, has corrected the scientific name for two species of hammerhead sharks, and has modified the commercial fishing season for the Hammerhead shark group, the recreational season and minimum size limit for summer flounder, and the recreational seasons and possession limits for black sea bass. These actions have been taken to comply with the Atlantic States Marine Fisheries Commission (ASMFC) management plan for Atlantic coastal sharks, summer flounder and black sea bass, and for the optimal utilization of available summer flounder and black sea bass quotas, while at the same time constraining landings to prevent harvest that exceeds available quotas.

Previously, the ASMFC's Atlantic Coastal Shark and Spiny Dogfish Management Board approved Addendum III to the Interstate Fishery Management Plan for Atlantic Coastal Sharks to modify shark species groupings, including separating the newly formed Hammerhead Group of shark species from the Large Coastal Group, to complement the NMFS Amendment 5a to the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP). The NMFS HMS Management Division amended the 2006 Consolidated HMS FMP to address

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recent findings that scalloped hammerhead and blacknose sharks are overfished and/or experiencing overfishing. In Amendment 5a to the HMS FMP, NMFS changed the coastal shark species groupings to respond to the findings as required under the Magnuson-Stevens Fisheries Conservation and Management Act.

ASMFC initiated and adopted measures in Addendum III to establish the same species groupings as the NMFS which required all three hammerhead sharks (great, scalloped, and smooth) to be removed from the current Large Coastal Group of shark species and placed in a separate Hammerhead Group. The remaining shark species in the Large Coastal Group were re-grouped and placed in a new Aggregate Large Coastal Group.

The Council approved these measures at their November 14, 2013 meeting and these modifications were finalized in the Notice of Administrative Change published in the February 3, 2014 New Jersey Register (see 46 N.J.R. 293(a)). Additional changes are made at this time to correct the spelling of the scientific names of two species of hammerhead shark in N.J.A.C. 7:25-18.1(a) and to make the Hammerhead shark Group subject to the May 15 through July 15 commercial season closure that is also applicable to the Aggregate Large Coastal Group in N.J.A.C. 18.12(d)4. As with the Aggregate Large Coastal Group, the amendments allow transportation of sharks from the Hammerhead Group harvested in Federal waters during the State seasonal closure through State waters provided notice and other requirements specified in that provision are met.

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At their February 2014 meeting, the ASMFC's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) approved Addendum XXV which implements adaptive regional management measures for the 2014 recreational summer flounder fishery and ad hoc regional management for the 2014 recreational black sea bass fishery. These measures require states in a region to adopt complimentary management strategies to achieve an overall regional harvest target.

The Board approved an adaptive regional management approach for the 2014 summer flounder recreational fishery, creating a Mid-Atlantic Region that consists of the states of New Jersey, New York and Connecticut. In order to comply with the Board required regional measures, the Council approved changing the minimum size limit from 17.5 inches to 18 inches, and the open season from May 18 – September 24 to an open season of May 23 – September 27. The possession limit will remain at five fish.

For black sea bass, the Board approved ad hoc regional management requiring New Jersey, as part of the Northern Region (consisting of the states from New Jersey to Massachusetts), to implement regulations that would reduce the 2014 recreational harvest of black sea bass by seven percent compared to the 2013 harvest.

In order to achieve this target, the Council approved changing the recreational black sea bass season and possession limit. The season had run from May 19 – August 8, September 27 – October 14, and November 1 – December 31 with a 20-fish possession limit applicable to each

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season segment. The season, as amended, is May 19 – June 30 with a 15-fish possession limit, July 1 – August 31 with a three-fish possession limit, September 1 – September 6 with a 15-fish possession limit, and October 18 – December 31 with a 15-fish possession limit. The minimum size limit will remain at 12.5 inches.

These changes will be reflected in the Division of Fish and Wildlife rules at N.J.A.C. 7:25-18.1(a), N.J.A.C. 7:25-18.1(c) and N.J.A.C. 7:25-18.12(d). As required in N.J.A.C. 7:25-18.1(p), changes to N.J.A.C. 7:25-18.1(a) and 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(d) 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]):

7:25-18.1 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

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Shark

• • •

Hammerhead Group

Sphyrna mokarran (Great Hammerhead)

Sphyr[m]na lewini (Scalloped Hammerhead)

Sphyr[m]na zyqaena (Smooth Hammerhead)

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(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:

<u>Species</u>	<u>Minimum Size In Inches</u>	<u>Open Season</u>	<u>Possession Limit</u>
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Black Sea Bass	12.5	May 19 – [Aug. 8] June 30	[20] 15
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July 1 – Aug. 31 3
Sept. [27]1 – **Sept. 6**[Oct. 14] 15
[Nov. 1]Oct. 18 – Dec. 31 15

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Summer Flounder [17.5] 18 May [18] 23 – Sept. [24] 27 5

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1. – 3. (No change.)

(d) – (r) (No change.)

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

(a) – (c) (No Change.)

(d) The following provisions are applicable to the commercial harvest of sharks:

1. – 3. (No Change.)

4. The commercial fishing season for shark shall be from January 1 through December 31, except the harvest of Aggregate Large Coastal **and Hammerhead** shark[s] **groups** shall be prohibited from May 15 through July 15. A fisherman legally harvesting any of the Aggregate Large Coastal **and Hammerhead** shark[s] **groups** in Federal waters from three to 200 nautical miles offshore during the May 15 through July 15 time period may transport his or her catch through the State waters of New Jersey provided that the fisherman notifies the Department by calling 609-748-2050 prior to entering the State’s marine waters and provided:

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i. – iii. (No Change.)

5. – 7. (No Change.)

(e) – (t) (No Change.)