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ENVIRONMENTAL PROTECTION  
DIVISION OF FISH AND WILDLIFE

Notice of Administrative Change  
Marine Fisheries

Modification of Commercial Black Sea Bass Possession Limits and the Addition of Recreational and Commercial Blueline Tilefish Regulations  
N.J.A.C. 7:25-18.1 and 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 May 14, 2015 meeting, has modified the 2015 season 4 commercial trip limit for black sea bass as well as approved regulatory action for recreational and commercial blueline tilefish fisheries. The black sea bass actions have been taken to comply with the Atlantic States Marine Fisheries Commission (ASMFC) management plan for black sea bass as well as for the optimal utilization of available quotas while at the same time constraining landings to prevent harvest that exceeds available quotas. The actions on blueline tilefish have been taken to comply with the Mid-Atlantic Fishery Management Council (MAFMC) management plan for tilefish and recent Emergency Action measures from the National Marine Fisheries Service (NMFS).

In August 2014, the MAFMC and the ASMFC approved maintaining the 2014 black sea bass quota for 2015 resulting in a 2015 commercial quota of 442,585 pounds of black sea bass for New Jersey. The Council approved modifying the seasonal trip limits at their November 6, 2014 meeting in order to benefit the various commercial black sea bass gear types and better utilize the seasonal quotas, which have not been fully harvested the last four years. Included in

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these changes was modification of the commercial black sea bass trip limits applicable to the October 1 through December 31 season, codified at N.J.A.C. 7:25-18.12(h)8iii(4), which were modified to allow vessels to land 3,000 pounds once per week or 1,000 pounds three times per week (see 47 N.J.R. 106(a); January 5, 2015).

At its May 14, 2015 meeting, the Council approved modifying the October 1 to December 31 season trip limits again in order to adjust harvest during the final season of the 2015 fishing year based on the high level of participation observed and harvest levels so far in 2015. Particularly, the Council approved changing the October 1 – December 31 season trip limits as follows: instead of a 3,000-pound trip limit one day per week or a 1,000 pound trip limit three days per week, vessels may now land 1,500 pounds two times per week or 1,000 pounds three times per week. This adjustment will benefit the various commercial black sea bass gear types by better spreading the flow of fish to the market throughout each harvest week rather than having a surplus of fish enter the market all at the same time and is intended to improve supply and availability of the season quota at market.

In February 2015 the MAFMC voted to take emergency action to request the NMFS to implement commercial and recreational blueline tilefish measures in the Mid-Atlantic region which includes New Jersey. There were no Federal regulations for the stock in the Mid-Atlantic, but regulations have already been established in the South Atlantic and in the states of Virginia and Maryland. The MAFMC recommended the emergency action given recent evidence that commercial and recreational landings of blueline tilefish in the Mid-Atlantic are increasing

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rapidly and the species' biological characteristics make it highly susceptible to depletion.

Effective June 4, 2015, the NMFS implemented Emergency Action for the blueline tilefish fishery in waters north of the Virginia/North Carolina border as requested by the MAFMC.

These emergency management measures are necessary to temporarily constrain fishing effort on the blueline tilefish stock while a long-term management plan is developed. The measures are expected to reduce fishing mortality and help ensure the long-term sustainability of the stock.

The emergency measures include a 300 pound daily commercial catch limit and a seven fish per-person recreational trip limit. The NMFS also included language that requires any commercial or charter/party vessel landing blueline tilefish to possess a valid Northeast open access golden tilefish commercial or charter/party vessel permit. The emergency measures will remain in place for 180 days until December 1, 2015 and can be extended for an additional 186 days. Should extension be deemed necessary, separate action by the MAFMC will be required. The Department will file a subsequent notice of administrative change to make any amendments to the rules necessary to maintain consistency with the MAFMC management plan for tilefish and any subsequent emergency action measures taken by NMFS on this species.

As a result of the Federal action and to ensure the sustainability of the blueline tilefish resource in Federal waters, the Council, consistent with the MAFMC tilefish plan and the NMFS emergency action, approved adding blueline tilefish to the list of species identified at N.J.A.C. 7:25-18.1(a) while also adding season and possession limits at N.J.A.C. 7:25-18.1(b) and (c) for recreational harvest, as well as at N.J.A.C. 7:25-18.12(m) for commercial harvest.

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These changes will be reflected in the Division of Fish and Wildlife rules at N.J.A.C.

7:25-18.1(a) through 7:25-18.1(c), N.J.A.C. 7:25-18.12(h) and N.J.A.C. 7:25-18.12(m). As required in N.J.A.C. 7:25-18.1(p), changes to N.J.A.C. 7:25-18.1(a) through 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. 7:25-18.12(o), changes to N.J.A.C. 7:25-18.12(h) and N.J.A.C. 7:25-18.12(m) 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

• • •

**Blueline Tilefish**

**Caulolatilus microps**

• • •

(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

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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.

<u>Species</u>	<u>Minimum Size</u> <u>(inches)</u>
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<b>Blueline Tilefish</b>	<b>No Limit</b>
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1. – 3. (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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<b>Blueline Tilefish</b>	<b>No Limit</b>	<b>Jan. 1 – Dec.31</b>	<b>7</b>
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1. – 5. (No Change.)

**6. Any party/charter vessel landing blueline tilefish from the Exclusive Economic Zone (Federal waters) must hold a valid Northeast open access golden tilefish party/charter vessel permit, issued by the NMFS.**

(d) – (r) (No Change.)

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 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 one or two week period (Sunday through Saturday) as follows:

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(1) - (3) (No Change.)

(4) October 1 - December 31: 27.1 percent, **1,500** [3,000] pound trip limit and a maximum of [one day] **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.

(5) - (6) (No Change.)

iv. - x. (No Change.)

9. - 13. (No Change.)

(i) – (l) (No Change)

**(m) The following provisions are applicable to the commercial harvest of tilefish:**

**1. A vessel shall not possess or land from the Exclusive Economic Zone (Federal waters) in any one day more than 300 pounds, whole weight, of blueline tilefish during the open season of January 1 to December 31. Any vessel landing blueline tilefish from the Exclusive Economic Zone (Federal waters) must hold a valid Northeast open access golden tilefish commercial vessel permit, issued by the NMFS.**

Recodify existing (m) - (t) as (n) – (u) (No change in text)