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ENVIRONMENTAL PROTECTION  
DIVISION OF FISH AND WILDLIFE

Notice of Administrative Change

Marine Fisheries

Mandatory V-notching of American Lobster and Modification of American Lobster Season

N.J.A.C. 7:25-14.15

**Take Notice** that, pursuant to N.J.A.C. 7:25-14.19, the Commissioner of the Department of Environmental Protection, with approval of the New Jersey Marine Fisheries Council (Council) at its September 3, 2015 meeting, has approved mandatory v-notching of American lobster and modified the American lobster season. These measures will be applicable only in the Southern New England Stock Lobster Management Area (LMA) 5. These actions have been taken to comply with the Atlantic States Marine Fisheries Commission (ASMFC) management plans for American lobster.

At its November 9, 2011 meeting, the ASMFC American Lobster Management Board (Board) approved Addendum XVII to the American Lobster Fishery Management Plan. Addendum XVII required states in the Southern New England Lobster Stock Management Area, including New Jersey, to implement strategies that would achieve an overall 10 percent reduction in harvest. In 2012, New Jersey implemented measures approved by the ASMFC to achieve the required 10 percent reduction in harvest in LMAs 4 and 5 (see 44 N.J.R. 1973(a)). These measures included a mandatory v-notch program of all egg-bearing female lobsters and a closed season from February 1 through March 31, inclusive. Once notched, a mature female cannot be harvested as long as the notch remains visible (greater than or equal to 1/8 of an inch), regardless of whether eggs are present at the time of harvest. This measure was intended to protect larger

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female lobster from harvest through subsequent molts, or approximately two to four years. The Board determined that these measures were necessary to address declining stock conditions.

In October 2014, the Board approved revised management options for LMAs 4 and 5 as required by Addendum XVII to the American Lobster Fishery Management Plan to achieve a 10 percent reduction in American lobster harvest. These measures replaced the measures instituted in 2012 that appeared to be unsuccessful in achieving the required reduction. The amended measures included removing the mandatory v-notching of egg bearing female American lobsters in LMA 4 and 5 and modifying the closed period for LMA 4 and 5 from February 1 through March 31 to a closed period of April 30 through May 31. The Council approved these new measures for LMA 4 and 5 at its November 6, 2014 meeting with notice of the Commissioner's modification of the rules consistent with this approval published in the January 5, 2015 New Jersey Register (see 47 N.J.R. 106(a)).

At the request of several LMA 5 states, including Delaware, Maryland, New Jersey, and Virginia, the Board reviewed additional data and analysis conducted on the initial management measures implemented for LMA 5 in 2012 that were intended to achieve the required 10 percent reduction in harvest. At its Winter 2015 meeting, the Board determined, upon consideration of the further information presented, that the measures that had been previously approved in 2012 had achieved the required 10 percent reduction in harvest in LMA 5 and consequently approved reinstatement of those measures for LMA 5. Therefore, the Council has approved measures including mandatory v-notching of egg bearing female lobsters specified at N.J.A.C. 7:25-14.15(b) and modifying the closed period in LMA 5 from April 30 through May 31 to a closed

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period of February 1 through March 31 specified at N.J.A.C. 7:25-14.15(d). Consistent with the measures approved in 2012 by the Board under American Lobster Addendum XVII, the Council has also approved reinstating a two-week period to remove traps after the season is closed and allowing unbaited traps to be placed back in the water during the week prior to the season reopening specified at 7:25-14.15(d). A two-week period to remove traps after the season closes will assist lobster fishermen comply with seasonal closure requirements safely, particularly during inclement weather. A period one week prior to the season reopening during which lobster fishermen may place unbaited traps back in the water will allow fishing to begin on the opening date of each season. Season limitations for LMA 4 previously specified at N.J.A.C. 7:25-14.15(b) are now recodified to N.J.A.C. 7:25-14.15(c), and possession and capture limitations previously specified at N.J.A.C. 7:25-14.15(c) and 7:25-14.15(d) are now recodified to N.J.A.C. 7:25-14.15(e) and 7:25-14.15(f). These provisions remain unchanged.

These changes will be reflected in the Division of Fish and Wildlife rules N.J.A.C. 7:25-14.15(b), (c) and (d). As required in N.J.A.C. 7:25-14.19, the changes to N.J.A.C. 7:25-14.15(b), (c) and (d) shall be published in the New Jersey Register and the Division's commercial regulation publication.

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

#### 7:25-14.15 Prohibitions

(a) (No Change.)

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**(b) All commercial lobster permit holders authorized to fish in Lobster Management Area (LMA) 5 must, prior to discarding, apply a v-shaped notch in the base of the tail flipper of each egg-bearing female American lobster. The v-shaped notch must be at least 1/4 inch deep and placed in the base of the pelvic flipper immediately to the right of the center flipper as viewed from the back of the lobster.**

[b](c) A person fishing in ASMFC Lobster Management Area (LMA) 4 [and/or 5] or that has designated LMA 4 [and/or 5] for fishing on their Federal Fisheries or State Lobster Pot Permit shall not take or attempt to take, land, have in his or her possession, sell, or offer to sell any American lobster during the closed season of April 30 through May 31, inclusive. During the closed season, no dealer shall accept, have in his or her possession, buy or offer to buy, sell, or offer to sell any American lobster harvested from LMA 4 [and/or 5]. During the closed season, all lobster traps in LMA 4 [and/or 5] must be removed from the water. In addition, unbaited lobster traps may be set one week prior to the season reopening. If the license holder is harvesting other species with lobster trap gear, the lobster trap gear does not need to be removed; however, it shall be tended at least every 30 days.

**(d) A person fishing in ASMFC Lobster Management Area (LMA) 5 or that has designated LMA 5 for fishing on their Federal Fisheries or State Lobster Pot Permit shall not take or attempt to take, land, have in his or her possession, sell, or offer to sell any American lobster during the closed season of February 1 through March 31, inclusive. During the closed season, no dealer shall accept, have in his or her possession, buy or offer to buy, sell, or offer to sell any American lobster harvested from LMA 5. During the closed season, all**

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**lobster traps in LMA 5 must be removed from the water. However, a licensee shall have a two-week period from when the season closes to accomplish removal of all lobster traps. In addition, unbaited lobster traps may be set one week prior to the season reopening. If the license holder is harvesting other species with lobster trap gear, the lobster trap gear does not need to be removed; however, it shall be tended at least every 30 days.**

Recodify existing (c) – (d) as (e) – (f) (No change in text.)