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ENVIRONMENTAL PROTECTION

DIVISION OF FISH AND WILDLIFE

Notice of Administrative Change

Marine Fisheries

Modification of Crab and Lobster Management Rules for Jonah crab; Modification of Commercial Shark Seasons

N.J.A.C. 7:25-14.1, 14.9, 14.10, 14.11, 18.5, and 18.12

Take notice that, pursuant to N.J.A.C. 7:25-14.19, 18.5(i), and 18.12(q), the Commissioner of the Department of Environmental Protection, with the approval of the New Jersey Marine Fisheries Council (Council) at its January 7, 2016 meeting, has approved regulatory action for recreational and commercial Jonah crab fisheries and modified the commercial fishing season for shark species in the Aggregate Large Coastal and Hammerhead Groups. These actions have been taken to comply with the Atlantic States Marine Fisheries Commission (ASMFC) management plans for Jonah crab and Atlantic coastal sharks and to maintain consistency with regulations in federal waters.

The Atlantic States Marine Fisheries Commission approved the Interstate Fishery Management Plan (FMP) for Jonah crab during their August 2015 proceedings. Jonah crab has historically been considered by-catch in the American lobster fishery but has recently been directly harvested with greater frequency. Jonah crab claws are relatively large and are considered an inexpensive substitute for stone crab claws. Jonah crab products are also an

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emerging alternative to higher priced blue and Dungeness crabmeat. Since the early 2000s, market demand has increased and reported landings have increased by more than six-fold. Because there is currently no comprehensive management plan and stock assessment of Jonah crab, the FMP is intended to address the concern that the increased harvest may compromise the sustainability of the Jonah crab resource.

The FMP implements a suite of measures to manage and monitor the Jonah crab resource for the first time along the U.S. Atlantic coast. In order to manage Jonah crab in a manner that is complementary to ASMFC's management of American lobster, the FMP limits participation in the directed trap fishery to only those vessels and permit holders that already possess an American lobster permit or can prove prior participation in the Jonah crab fishery through weigh out slips, sales receipts, or other landing reports. To coincide with the ASMFC's management goal, the Council approved amendments in the Crab and Lobster Management rules at N.J.A.C. 7:25-18.5(g)11ix that require a valid lobster pot permit to land or attempt to land Jonah crab with a lobster, fish or conch pot for the purpose of sale. The FMP also prohibits the retention of egg-bearing females, establishes a coastwide four and three quarters inch minimum carapace size limit and recreational possession limit of 50 crabs per person per day. The Council has approved adding these requirements in the Crab and Lobster Management rules at N.J.A.C. 7:25-14.9, 14.10(c), and 14.11(c). Finally, the Department does not intend to manage Jonah crab in the same manner as other species of crab but it does intend to set similar size and possession limits for Jonah crab in the Crab and Lobster Management rules. Therefore, the Department is modifying the definition of "crab" at N.J.A.C. 7:25-14.1 to provide that a Jonah crab is not

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considered a crab for purposes of the Crab and Lobster Management rules except when specifically mentioned.

In November 2015, the ASMFC's Atlantic Coastal Shark Management Board (Board) approved changes to the commercial fishing season for Atlantic coastal shark species in the Aggregate Large Coastal Group and Hammerhead Group to complement the National Marine Fisheries Service Highly Migratory Species Fishery Management Plan for 2016. In order to implement this action by the Board, the Council approved changing the open season for these shark groups from July 1 – December 31 to January 1 – December 31. The National Marine Fisheries Service (NMFS) changed the open season for these shark groups after it determined that the new open season would provide equitable opportunities for fishermen without impacting the ecological needs of the implicated species. Accordingly, the State season will coincide with the recently amended season for the harvest of these groups of shark species in Federal waters.

These changes will be reflected in the Division of Fish and Wildlife rules at N.J.A.C. 7:25-14.1, 14.9, 14.10(c), 14.11(c), 18.5(g), and 18.12(d). As required in N.J.A.C. 7:25-14.19, changes to N.J.A.C. 7:25-14.1, 14.9, 14.10(c) and 14.11(c) shall be published in the New Jersey Register and the Division's commercial regulation publication. As required in N.J.A.C. 7:25-18.12(q), changes to N.J.A.C. 7:25-18.12(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]):

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7:25-14.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

* * *

“Crab” means any species commonly known as a crab except horseshoe crab (*Limulus polyphemus*). **A Jonah crab is not considered a crab for the purposes of this subchapter except when specifically mentioned in a particular rule or provision.**

* * *

7:25-14.9 Female crabs with eggs attached

No person shall take from any waters of this State, or have in his possession **any female Jonah crab or** any female crustacean, commonly known as a crab, with eggs or spawn attached thereto, or from which the egg pouch or bunion has been removed.

7:25-14.10 Size of crabs taken

(a) – (b) (No change.)

(c) A person shall not possess, purchase, sell, offer for sale, or expose for sale any Jonah crab measuring less than four and three-quarter inches in carapace width.

7:25-14.11 Harvesting crabs

(a) – (b) (No change.)

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(c) The recreational possession limit for Jonah crab shall be 50 Jonah crabs per person per day which shall not be bartered, sold, offered for sale, or exposed for sale.

7:25-18.5 General net regulations

(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 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 of the Department. The new licensee shall have a license(s) issued in his or her name after the 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

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

1. – 10. (No change.)

11. Lobster or fish pots may be used for the taking of all species except those specifically protected and pursuant to the specific requirements of N.J.A.C. 7:25-14.3 through 14.20 and shall be used only in the Atlantic Ocean, Delaware Bay, Raritan Bay, and Sandy Hook Bay except as provided in N.J.A.C. 7:25-18.5A or (g)11ix below.

i. – viii. (No change.)

ix. No person shall land or attempt to land for the purpose of sale any Jonah crabs harvested with a lobster, fish, or conch pot without a valid New Jersey lobster pot permit.

Recodify existing (ix. – xi.) as **(x. – xii.)** (No change in text.)

12. (No change.)

(h) – (m) (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.)

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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 groups shall be prohibited from January 1 through June 30].

5. – 7. (No Change.)

(e) – (v) (No Change.)