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## **ENVIRONMENTAL PROTECTION**

### **DIVISION OF FISH AND WILDLIFE**

#### **Notice of Administrative Change**

##### **Marine Fisheries**

#### **Modification of Recreational Summer Flounder Season and Possession Limits**

##### **N.J.A.C. 7:25-18.1**

**Take notice** that, pursuant to N.J.A.C. 7:25-18.1(p), the Commissioner of the Department of Environmental Protection, with the approval of the New Jersey Marine Fisheries Council (Council) at its May 17, 2017 meeting, has modified the possession limits and recreational seasons for summer flounder. The actions taken for summer flounder are consistent with the Atlantic States Marine Fisheries Commission (ASMFC) Management Plan (Plan) and provide for the optimal utilization of the available summer flounder resource while constraining landings to prevent harvest that exceeds the available recreational harvest limit (RHL).

At a joint meeting in August 2016, the Mid-Atlantic Fishery Management Council (MAFMC) and the ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board (Board) approved an approximate 30 percent reduction in catch limits for both the commercial and recreational fisheries in response to the 2016 stock assessment update, which indicated the resource is experiencing overfishing but is not overfished. The recent stock assessment indicates that the resource is declining in abundance and that associated management changes are needed to address this issue.

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At its February 2017 meeting, the Board approved Addendum XXVIII to the Summer Flounder, Scup, Black Sea Bass Fishery Management Plan (Plan), which continues the use of regional management for the 2017 summer flounder recreational fisheries. New Jersey has developed conservationally equivalent management measures that modify possession limits and modify the recreational seasons. For the Delaware Bay and its tributaries, the possession limit is modified from four fish in 2016 to three fish in 2017. With the exception of shore mode fishing at Island Beach State Park, which remains subject to the limitations specified in N.J.A.C. 7:25-18.1(c)5iv, in all other marine waters of the State, the possession limit is modified from five fish in 2016 to three fish in 2017. The summer flounder recreational open season for all marine waters of the State is modified from May 21 to September 25 in 2016 to May 25 to September 5 in 2017.

These changes will be reflected in the Division of Fish and Wildlife rules at N.J.A.C. 7:25-18.1(c). As required in N.J.A.C. 7:25-18.1(p), changes to 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's outdoor writers mailing list.

In addition, the Department, in conjunction with the Council, the ASMFC and the National Oceanic and Atmospheric Administration (NOAA), will develop an outreach and education program to inform New Jersey fishermen of fishing practices that are intended to reduce discard mortality of summer flounder. This program may include the promotion of NOAA's FishSmart outreach and education program and information available at [www.takemefishing.org](http://www.takemefishing.org); creating a New Jersey-specific video illustrating catch and release techniques to be promoted within the for-hire fleet, on social media, and in public service

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announcements; creating illustrated brochures to distribute to bait and tackle shops and the for-hire fleet, with brochures to be additionally posted on social media and other relevant websites; creating 30-second radio public service announcements for distribution to shore-based radio stations; creating signage for posting near popular surf fishing locations that illustrate best practices for returning undersized fish to the water; and promote the use of hooks that are less likely to cause fatal damage to an undersized fish. The Department estimates that the program will reduce discard mortality of summer flounder from 10 percent to approximately eight percent.

**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) – (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

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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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Summer Flounder (Fluke)

Delaware Bay and tributaries	17	May 25[1] – Sept [2]5	3[4]
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<b>Island Beach State Park</b>	<b>16</b>	<b>May 25 – Sept 5</b>	<b>2</b>
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(shore mode fishing only

as provided at (c)5iv

below)

All other marine waters	18	May 25[1] – Sept [2]5	3[5]
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1. – 4. (No change.)

5. The following provisions are applicable to the recreational harvest of summer flounder.

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i. In Delaware Bay, which includes all New Jersey waters within Delaware Bay and tributaries west of the COLREGS line from Cape May Point Light to Cape Henlopen, a person shall not take, or possess, more than **three**[four] summer flounder greater than or equal to 17 inches, total length, during the summer flounder recreational open season. The Cape May Canal is not considered a tributary of the Delaware Bay. Therefore, the authorization to take or possess summer flounder meeting the 17-inch size limit and **three**[four] fish possession limit is inapplicable to the Cape May Canal beginning at its confluence with the Delaware Bay at the Cape May Ferry Terminal; the waters of Cape May Canal are instead subject to limits specified in (c)5ii below.

ii. In all other waters of the State, a person shall not take, or possess, more than **three**[five] summer flounder greater than or equal to 18 inches, total length, during the summer flounder recreational open season.

iii. – v. (No change.)

6. (No change.)

(d) – (r) (No Change.)