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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 Recreational Black Sea Bass Seasons and Size Limits; Modification of Commercial Black Sea Bass Trip Limits and Landing Days

N.J.A.C. 7:25-14.10, 14.11, 18.1, 18.12

Take notice that, pursuant to N.J.A.C. 7:25-14.19, 18.1(p), 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 April 13, 2017 meeting, has modified regulations for the commercial Jonah crab fishery. This action has been taken to comply with the Atlantic States Marine Fisheries Commission (ASMFC) management plan for Jonah crab to maintain consistency with regulations in Federal waters. The Commissioner has also modified the recreational seasons and minimum size limit limits for black sea bass, and the commercial trip limits for black sea bass. The actions for black sea bass have been taken to comply with the ASMFC management plan for black sea bass and for the optimal utilization of available black sea bass quotas while at the same time constraining landings to prevent harvest that exceeds available quotas. Subsequent to the Council's approval of the modification of the recreational black sea bass regulations in April and as discussed further below, the ASMFC made an additional change related to the recreational black sea bass fishery. The Commissioner, after consultation with the Council, will determine appropriate action with regard to this change.

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The ASMFC's American Lobster Management Board (Board) approved Addendum II to the Jonah Crab Fishery Management Plan (FMP) at its February 2017 meeting. The Addendum establishes coastwide requirements for the harvest of Jonah crab claws and clarifies a catch composition requirement to land Jonah crab as by-catch. These measures are being implemented to prevent overfishing of Jonah crabs in a rapidly expanding fishery.

In 2015, the Board approved the initial Jonah crab FMP and established a whole crab fishery for states under the jurisdiction of the ASMFC. Under the provisions of the 2015 FMP, fishermen in New Jersey, Delaware, Maryland, and Virginia who were able to prove a history of Jonah crab claw landings before June 2, 2015 were permitted to continue landing claws. The Board subsequently determined that this "grandfather" provision did not provide the same fishing opportunities to fishermen in other states, and, through Addendum II to the FMP, expanded the allowance to land claws to all states.

Under the new coastwide crab harvest provisions, fishermen are permitted to detach and harvest Jonah crab claws at sea. Two claws may be harvested from the same crab. If the volume of claws detached at sea is greater than five gallons, all claws harvested must measure at least 2.75 inches from the joint at the bottom of the claw to the lower tip. If the volume of claws detached at sea is under five gallons, the minimum claw length requirement does not apply. Additionally, the claw length requirement does not apply to claws detached from landed whole crabs that meet the minimum required carapace width of 4.75 inches.

The claw length requirement will ensure that no undersized Jonah crab is harvested because the minimum claw length is greater than the expected claw length (2.5 inches) of a Jonah crab that meets the minimum required carapace width of 4.75 inches.

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The Board also clarified that Jonah crab caught as bycatch must comprise an amount, in pounds, that is lower than the amount of the targeted species caught. Addendum I to the FMP, which was implemented by the Board in May 2016, established a 1,000 whole crab per trip by-catch limit for non-lobster traps, which include fish pots, whelk pots, and crab pots. However, Addendum I failed to specify what constituted by-catch and therefore, fishermen were effectively permitted to land the entire by-catch allowance without targeting other species. The clarification in Addendum II is intended to resolve this issue. Additionally, Addendum II establishes a 2,000 claw per trip by-catch limit.

At a joint meeting in February 2017, the ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board and the Mid-Atlantic Fishery Management Council (MAFMC) approved revised specifications for the black sea bass fishery in 2017. The revised specifications are based on the results of the 2016 benchmark stock assessment, which found the stock is not overfished and overfishing is not occurring.

In order to achieve to implement the revised specifications, the Council approved changing the current recreational black sea bass regulations from an open season of May 23 to June 19 with a 10-fish possession limit and a 12.5 inch size limit, July 1 to August 31 with a two-fish possession limit and a 12.5 inch size limit, and October 22 to December 31 with a 15-fish possession limit and a 13 inch size limit to an open season of May 26 to June 18 with a 10-fish possession limit and a 12.5 inch size limit, July 1 to August 31 with a two-fish possession limit and a 12.5 inch size limit, and October 22 to December 31 with a 15-fish possession limit and a 12.5 inch size limit.

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Subsequently at its May 10, 2017 meeting, the ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board revised the specifications for the recreational black sea bass fishery to set a five-fish possession limit during the November through December open season. The ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board reviewed the final 2016 black sea bass recreational harvest estimates and determined that additional reductions in harvest were required to prevent an exceedance of the available 2017 recreational harvest limit. As noted above, the Commissioner will determine appropriate action regarding the revised possession limit after consultation with the Council.

The findings of the 2016 benchmark stock assessment also allowed for an approved 53 percent increase in the allowable commercial harvest of black sea bass. In order to achieve optimal utilization of the resource, the Council approved changes to the trip limits and landing days for seasons four, five, and six of the commercial black sea bass fishery. Season four trip limits and landing days will change from a 1,000 pound trip limit and a maximum of three days per week that a vessel may land black sea bass, or 500 pound trip limit and a maximum of six days per week that a vessel may land black sea bass to a 1,500 pound trip limit and a maximum of four days per week that a vessel may land black sea bass, or 1,000 pound trip limit and a maximum of six days per week that a vessel may land black sea bass. Season five trip limits and landing days will change from a 1,500 pound trip limit and a maximum of 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, or 500 pound trip limit and a maximum of six days per week that a vessel may land black sea bass to a 2,500 pound trip limit and a maximum of two days per week that a vessel may land black sea bass, or 1,500 pound trip limit and a maximum of

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four days per week that a vessel may land black sea bass, or 1,000 pound trip limit and a maximum of six days per week that a vessel may land black sea bass. Season six trip limits and landing days will change from a 1,500 pound trip limit and a maximum of 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, or 500 pound trip limit and a maximum of six days per week that a vessel may land black sea bass to a 3,000 pound trip limit and a maximum of two days per week that a vessel may land black sea bass, or 1,500 pound trip limit and a maximum of four days per week that a vessel may land black sea bass, or 1,000 pound trip limit and a maximum of six days per week that a vessel may land black sea bass.

These changes will be reflected in the Division of Fish and Wildlife rules at N.J.A.C. 7:25-14.10(c), 14.11(d), 18.1(c), and 18.12(h) as indicated below. As required in N.J.A.C. 7:25-14.19, changes to N.J.A.C. 7:25-14.10(c) and 14.11(d) shall be published in the New Jersey Register and the Division's commercial regulation publication. As required in N.J.A.C. 7:25-18.1(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. As required in N.J.A.C. 7:25-18.12(q), changes to N.J.A.C. 7:25-18.12(h) 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]):

7:25-14.10 Size of crabs taken

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(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 **or any Jonah crab claw less than two and three-quarter inches in total length. The minimum claw length requirement does not apply if the volume of claws detached at sea is less than five gallons or if the claws are detached from a landed Jonah crab that meets the minimum carapace width requirement.**

7:25-14.11 Harvesting of Crabs

(a) – (c) (No change.)

(d) A person taking Jonah crabs as by-catch with a fish or conch pot shall not land, for the purpose of sale or barter, more than 1,000 Jonah crabs or 2,000 Jonah crab claws per trip. The total weight of Jonah crabs or Jonah crab claws harvested as by-catch shall not exceed the total weight of the targeted species at any time during a trip.

7:25-18.1 Size, season, and possession limits

(a) – (b) (No change.)

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(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>
• • •			
Black Sea Bass	12.5 [13]	May [23] 26 – June [19] 18	10
		July 1 – Aug. 31	2
		Oct. 22 – Dec. 31	15

• • •

1. – 6. (No change.)

(d) – (r) (No change.)

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

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(a) – (g) (No change.)

(h) The following provisions are applicable to the commercial harvest of black sea bass:

1. – 7. (No change.)

8. Annual black sea bass quotas 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. Each one- or two-week period will begin on Sunday and end on the first of second following Sunday. The final period of each season shall end of the last day of the month. The seasons, percentage of quota, daily trip limits, and allowable landing days are as follows:

(1) – (3) (No change.)

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(4) July – August: 9.1 percent, **1,500**[1,000] pound trip limit and a maximum of **four**[three] days per week that a vessel may land black sea bass, or **1,000**[500] pound trip limit and a maximum of six days per week that a vessel may land black sea bass.

(5) September – October: 13.53 percent, **2,500**[1,500] pound trip limit and a maximum of two days per week that a vessel may land black sea bass, or **1,500**[1,000] pound trip limit and a maximum of **four**[three] days per week that a vessel may land black sea bass, or **1,000**[500] pound trip limit and a maximum of six days per week that a vessel may land black sea bass.

(6) November – December: 17.97 percent, **3,000**[1,500] pound trip limit and a maximum of two days per week that a vessel may land black sea bass, or **1,500**[1,000] pound trip limit and a maximum of **four**[three] days per week that a vessel may land black sea bass, or **1,000**[500] pound trip limit and a maximum of six days per week that a vessel may land black sea bass.

(7) – (8) (No change.)

iv. – x. (No change.)

9. – 13. (No change.)

(i) – (x) (No change.)