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ENVIRONMENTAL PROTECTION

DIVISION OF FISH AND WILDLIFE

Notice of Administrative Change

Marine Fisheries

Modification of Commercial Summer Flounder Trip Limits

N.J.A.C. 7:25-18.12

Take notice that, pursuant to N.J.A.C. 7:25-18.12(r), the Commissioner of the Department of Environmental Protection, with the approval of the New Jersey Marine Fisheries Council (Council) at its July 11, 2019, meeting, has modified the commercial trip limits for summer flounder. This action has been taken in compliance with the Atlantic States Marine Fisheries Commission (ASMFC) and Mid-Atlantic Fishery Management Council (MAFMC) management plans for summer flounder and to provide for the optimal utilization of the available quota.

Through a review of the commercial summer flounder harvest at the end of 2019 fishing season three (May – June), the Department has determined that a significant amount of the season three quota was not harvested due to currently low trip limits and increased fishing activity in other commercial fisheries. Therefore, the season three quota is to be reallocated to season four (July – August) pursuant to N.J.A.C. 7:25-18.12(i)2ix. Since the quotas for seasons one and two were also reallocated earlier this year, the adjusted season four quota is over 450,000 pounds higher than the initial 2019 season four quota of 173,897 pounds. Accordingly,

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the Department proposed to the Council new trip limit options, described below, that allow for greater weekly landings of summer flounder in order to utilize as much as the quota as possible.

The Council approved changing the commercial summer flounder trip limits for season four. The trip limits for season four, which includes the months of July and August, are changed from a 500 pound trip limit with a maximum of three days per week, or a 250 pound trip limit and a maximum of six days per week that a vessel may land summer flounder to a 600 pound trip limit and a maximum of four days per week, or a 400 pound trip limit and a maximum of six days per week that a vessel may land summer flounder. The trip limits for seasons one through three and seasons five and six are unchanged.

These changes will be reflected in the Division of Fish and Wildlife rules at N.J.A.C. 7:25-18.12(i). As required at N.J.A.C. 7:25-18.12(r), changes to N.J.A.C. 7:25-18.12(i) are being published in the New Jersey Register. In accordance with N.J.A.C. 7:25-18.12(h)2xii, notice of these changes has additionally been mailed to all New Jersey Summer Flounder Permit holders.

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

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

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(a) – (h) (No change.)

(i) The following provisions are applicable to the commercial harvest of summer flounder:

1. (No change.)

2. The annual summer flounder harvest quota for New Jersey shall be determined by the Mid-Atlantic Fishery Management Council as implemented by the National Marine Fisheries Service. All landings of summer flounder in New Jersey shall be applied to the New Jersey annual summer flounder quota unless New Jersey enters into an agreement with another state(s) to transfer or combine summer flounder commercial quotas, as provided for pursuant to (i)3 below and such agreement indicated otherwise.

i. (No change.)

ii. The balance of the New Jersey annual quota for the summer flounder fishery remaining after the by-catch allowance specified in (i)2i above shall be divided into seasons, percentage of the annual quota apportioned to each season, daily trip limits, and the number of allowable landings days in each one- or two-week period. Each one- or two-week period will begin on Sunday and end on the first or second following Saturday. The final period of each season shall end on the

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last day of the month. The seasons, percentage of quota, daily trip limits, and allowable landing days are as follows:

(1) – (3) (No change.)

(4) July-August: 10.5 percent, [500] **600** pound trip limit and a maximum of [three] **four** days per week that a vessel may land summer flounder, or [250] **400** pound trip limit and a maximum of six days a week that a vessel may land summer flounder;

(5) – (7) (No change.)

iii. – xiii. (No change.)

3. – 9. (No change.)

(j) – (y) (No change.)