

THIS IS A COURTESY COPY OF THIS NOTICE. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE JANUARY 3, 2023, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE NOTICE, THE OFFICIAL VERSION WILL GOVERN.

ENVIRONMENTAL PROTECTION

FISH AND WILDLIFE

Notice of Administrative Changes

Marine Fisheries

Modification of Commercial Black Sea Bass and 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 November 3, 2022, meeting, has modified the trip limits for the black sea bass and summer flounder commercial fishery. These actions have been taken to comply with the Atlantic States Marine Fisheries Commission's (ASMFC) management plan for Black Sea Bass and Summer Flounder and for the optimal utilization of available quotas and the prevention of excessive harvesting and quota exceedances.

In January of 2022, the National Marine Fisheries Service (NMFS) implemented the 2023 commercial black sea bass specifications as recommended by the Mid-Atlantic Fishery Management Council (MAFMC) and the ASMFC Summer Flounder, Scup and Black Sea Bass Board (see 86 FR 72859). New Jersey's preliminary quota was set at 1,131,151 pounds, which reflects a 12 percent decrease relative to the 2022 commercial fishing year quota. Pending the results of the final 2022 season for black sea bass, the 2023 commercial quota may be adjusted slightly to account for any over- utilization of the 2022 quota.

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At its October 24, 2022, meeting, the Council's Commercial Black Sea Bass Advisory Committee developed its preferred trip limits for the 2023 commercial fishing year based upon the preliminary quota. The trip limits are established at levels intended to result in the harvest of the portion of the quota assigned to that season, taking into account factors that include whether the limits utilized in the previous year resulted in the full utilization of the quota assigned to the corresponding season in the prior year. The seasons, percentage of the annual quota apportioned to each season, trip limits, and landing days approved by the Council based upon the Committee's recommendation are as follows: Season 1 (January-February) 21.96 percent: 1,000 pounds four times per week, or 2,000 pounds two times per week, or 4,000 pounds one time per week. Season 2 (March-April) 20.9 percent: 1,000 pounds four times per week, or 2,000 pounds two times per week, or 4,000 pounds one time per week. Season 3 (May-June) 16.53 percent: 1,000 pounds six times per week, or 2,000 pounds three times per week, or 3,000 pounds two times per week. Season 4 (July-August) 9.1 percent: 1,000 pounds six times per week, or 2,000 pounds three times per week, or 3,000 pounds two times per week. Season 5 (September-October) 13.53 percent: 1,000 pounds six times per week, or 2,000 pounds three times per week, or 3,000 pounds two times per week. Season 6 (November-December) 17.97 percent: 500 pounds six times per week, or 750 pounds four times per week, or 1,500 pounds two times per week, or 3,000 pounds one time per week.

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Also, in January of 2022, NMFS implemented the 2023 commercial summer flounder specifications as recommended by the MAFMC and the ASMFC Summer Flounder, Scup and Black Sea Bass Board (see 86 FR 72859). The preliminary quota for New Jersey is 2,597,391 pounds, which is status quo relative to the 2022 commercial fishing year quota. Pending the results of the final 2022 season for summer flounder, the 2023 commercial quota may be adjusted slightly to account for any over- utilization of the 2022 quota.

At the same October 24, 2022, meeting, the Council's Commercial Summer Flounder Advisory Committee developed its preferred trip limits for the 2023 commercial fishing year based upon the preliminary quota. The trip limits are established at levels intended to result in the harvest of the portion of the quota assigned to that season, taking into account factors that include whether the limits utilized in the previous year resulted in the full utilization of the quota assigned to the corresponding season in the prior year. The seasons, percentage of the annual quota apportioned to each season, trip limits, and landing days approved by the Council based upon the Committee's recommendation are as follows: Season 1 (January-February) 28 percent: 3,000 pounds two times per week, or 6,000 pounds one time per week. Season 2 (March-April) 11.0 percent: 430 pounds seven times per week, or 750 pounds four times per week, or 1,500 pounds two times per week, or 3,000 pounds one time per week. Season 3 (May-June) 10.5 percent: 430 pounds seven times per week, or 750 pounds four times per week, or 1,500 pounds two times per week, or 3,000 pounds one time per week. Season 4 (July-August) 10.5 percent: 430 pounds seven times per week, or 750 pounds four times per week, or 1,500 pounds two times per week. Season 5 (September-October) 29 percent: 850 pounds seven times per week,

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or 1,500 pounds four times per week, or 3,000 pounds two times per week, or 6,000 pounds one time per week. Season 6 (November-December) 11 percent: 750 pounds four times per week, or 1,500 pounds two times per week, or 3,000 pounds one time per week.

These changes will be reflected in the Division of Fish and Wildlife rules at N.J.A.C. 7:25-18.12(h) and (i). As required in N.J.A.C. 18.12(r), changes to N.J.A.C. 7:25-18.12(h) and (i) are published in the New Jersey Register, on the Department's website, and in the NJ Fish and Wildlife commercial regulation publication. In accordance with N.J.A.C. 7:25-18.12(h)8i and 7:25-18.12(i)2v, notice of these changes has additionally been mailed to all New Jersey Black Sea Bass Permit holders and 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 trip limits and quotas

(a) - (g) (No change.)

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

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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 at (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 period. The first period of each season shall start on the first calendar day of that season and shall end on the first Saturday of that season. Each subsequent 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 last day of the month of that season. The seasons, percentage of quota, daily trip limits, and allowable landing days are as follows:

(1) January – February: 21.96 percent, a [1,500]**1,000**-pound trip limit and a maximum of [two]**four** days per week that a vessel may land black sea bass, or a [3,000]**2,000**-pound trip limit and a maximum of [one]**two** days per week that a vessel may land black sea bass, or a

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4,000-pound trip limit and a maximum of one day per week that a vessel may land black sea bass.

(2) March – April: 20.9 percent, a [750]**1,000**-pound trip limit and a maximum of four days per week that a vessel may land black sea bass, or a [1,500]**2,000**-pound trip limit and a maximum of two days per week that a vessel may land black sea bass, or a [3,000]**4,000**-pound trip limit and a maximum of one day per week that a vessel may land black sea bass.

(3) May – June: 16.53 percent, a 1,000-pound trip limit a maximum of [five]**six** days per week that a vessel may land black sea bass, or a [2,500]**2,000**-pound trip limit a maximum of [two]**three** days per week that a vessel may land black sea bass[.], **or a 3,000-pound trip limit a maximum of two days per week that a vessel may land black sea bass.**

(4) July – August: 9.1 percent, a [800]**1,000**-pound trip limit a maximum of [five]**six** days per week that a vessel may land black sea bass, or a [1,000]**2,000**-pound trip limit a maximum of [four]**three** days per week that a vessel may land black sea bass, or a [2,000]**3,000**-pound trip limit a maximum of two days per week that a vessel may land black sea bass.

(5) (No change.)

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(6) November – December: 17.97 percent, **a [750]500-pound trip limit a maximum of [four]six days per week, or a [1,500]750-pound trip limit a maximum of [three]four days per week, or a [3,000]1,500-pound trip limit a maximum of [one]two days per week that a vessel may land black sea bass [.]**, **or a 3,000-pound trip limit a maximum of one day per week that a vessel may land black sea bass.**

(7) – (8) (No change.)

iv. – x. (No change.)

9. – 13. (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

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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 at (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 landing days in each one- or two-week period. The first period of each season shall start on the first calendar day of that season and end on the first Saturday of that season. Each subsequent 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 last day of the final month of that season. The seasons, percentage of quota, daily trip limits, and allowable landing days are as follows:

(1) January – February: 28 percent, a [2,000]**3,000**-pound trip limit and a maximum of two days per week that a vessel may land summer flounder, or a [4,000]**6,000**-pound trip limit and a maximum of one day per week that a vessel may land summer flounder;

(2) March – April: 11 percent, [400]**430**-pound trip limit and a maximum of [six]**seven** days per week that a vessel may land summer flounder, or a [1,250]**750**-pound trip limit and a maximum of [two]**four** days per week that a vessel may land summer flounder, or a [1,500]**1,500**-pound

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trip limit and a maximum of [one]**two** days per week that a vessel may land summer

flounder[;], **or a 3,000-pound trip limit a maximum of one day per week that a vessel may land summer flounder;**

(3) May – June: 10.5 percent, a [350]**430**-pound trip limit and a maximum of seven days per week that a vessel may land summer flounder, **or a [625]750**-pound trip limit and a maximum of four days per week that a vessel may land summer flounder, or a [1,250]**1,500**-pound trip limit and a maximum of two days per week that a vessel may land summer flounder[;], **or a 3,000-pound trip limit a maximum of one day per week that a vessel may land summer flounder;**

(4) July – August: 10.5 percent, a [350]**430**-pound trip limit and a maximum of seven days per week that a vessel may land summer flounder, **or a [625]750**-pound trip limit and a maximum of four days per week that a vessel may land summer flounder, or a [1,250]**1,500**-pound trip limit and a maximum of two days per week that a vessel may land summer flounder;

(5) September – October: 29 percent, a [500]**850**-pound trip limit and a maximum of seven days per week that a vessel may land summer flounder, or a [875]**1,500**-pound trip limit and a maximum of four days per week that a vessel may land summer flounder, or a [1,750]**3,000**-pound trip limit and a maximum of two days per week that a vessel may land summer flounder,

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or a [3,500]**6,000**-pound trip limit and a maximum of one day per week that a vessel may land summer flounder;

(6) November – December: 11 percent, a [400]**750**-pound trip limit and a maximum of [five]**four** days per week that a vessel may land summer flounder, or a [1,000]**1,500**-pound trip limit and a maximum of two days per week that a vessel may land summer flounder, or a [2,000]**3,000**-pound trip limit and a maximum of one day per week that a vessel may land summer flounder.

(7). (No change.)

iii. – xiii. (No change.)

3. – 9. (No change.)

(j) – (y) (No change.)