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## **ENVIRONMENTAL PROTECTION**

### **NJ DEP FISH AND WILDLIFE**

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

#### **2022-2025 Fish Code**

#### **American Shad Recreational Possession Limit**

#### **N.J.A.C. 7:25-6.20**

Authorized By: Fish and Game Council, Frank Virgilio, Chair

Authority: N.J.S.A. 13:1B - 29 et seq. and 23:1-1 et seq.

**Take Notice** that, pursuant to N.J.A.C. 7:25-6.1(i) the New Jersey Fish and Game Council (Council) at its March 14, 2023, meeting, has modified the recreational possession limit for American Shad from the Delaware River between New Jersey and Pennsylvania. This action has been taken to comply with the Atlantic States Marine Fisheries Commission (ASMFC) Fishery Management Plan for American Shad and River Herring (Plan), to maintain consistency with N.J.A.C. 7:25-18.1(c) applicable to the tidally influenced portions of the Delaware River and its tributaries, and with the regulations of the Commonwealth of Pennsylvania applicable to American Shad in the Delaware River.

In August of 2020, the ASMFC American Shad and River Herring Management Board (Board) approved the 2020 American Shad Benchmark Stock Assessment (Assessment) and

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Peer Review Report for management use. The Assessment found American Shad stocks to be depleted on a coastwide basis and that adult female mortality in the Delaware River Basin was currently unsustainable. In response to these findings, the Board tasked states and jurisdictions with American Shad fisheries approved under Amendment 3 of the Plan to develop new regulations within their jurisdictions that reduce American Shad harvest to sustainable levels.

American Shad are jointly managed in the Delaware River Basin through the Delaware River Basin Fish and Wildlife Management Cooperative (COOP) with membership consisting of the states of New York, New Jersey, Pennsylvania, and Delaware, as well as NOAA Fisheries, and the US Fish and Wildlife Service. The COOP's technical committee developed a suite of options to reduce American Shad mortality, which were incorporated into the COOP's American Shad Sustainable Fishery Management Plan and approved by the Board at its May 2022 meeting.

To address unsustainable adult female American Shad mortality within the Delaware Basin, the state of New Jersey is required to reduce its recreational possession limit for American Shad from three fish down to two. This reduction in the recreational possession limit is required to address the unsustainable adult female mortality in the Delaware River Basin and bring it below the target level developed through the benchmark stock assessment process.

As indicated at N.J.A.C. 7:25-6.13(o), except as provided for the Delaware River in N.J.A.C. 7:25-6.20, American Shad may not be taken or possessed at any time.

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These changes will be reflected in the Division of Fish and Wildlife rules at N.J.A.C. 7:25-6.20(a)1. As required under N.J.A.C. 7:25-6.1(i), the changes to N.J.A.C. 7:25-6.20(a)1 are being published in the New Jersey Fish and Wildlife Digest, the New Jersey Register, and through e-mail on Fish and Wildlife's freshwater angler Listserv membership.

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

7:25-6.20 Delaware River between New Jersey and Pennsylvania

(a) In cooperation with the Pennsylvania Fish and Boat Commission, the following regulations for the Delaware River between New Jersey and Pennsylvania are made a part of the New Jersey State Fish and Game Code and will be enforced by the conservation authorities of each state.

1.	Species	Season	Size Limit	Daily Bag
...				
	American Shad	No closed season	No minimum	[3] <b>2</b>
...				

2. – 7. (No change.)

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