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ENVIRONMENTAL PROTECTION

FISH AND WILDLIFE

Notice of Administrative Changes

Marine Fisheries

Modification of Commercial Black Sea Bass and Summer Flounder Trip Limits and Commercial Black Sea Bass Bycatch Allowance

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 7, 2024, 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. Additionally, this notice corrects the black sea bass bycatch allowance at N.J.A.C. 7:25-18.12(h) for consistency throughout the black sea bass rules, as approved at the Council's February 13, 2020, meeting. The April 20, 2020, notice published following that meeting inadvertently neglected to modify all rules pertaining to the amended bycatch allowance. See 52 N.J.R. 887(b) (Apr. 20, 2020). Lastly, the title of N.J.A.C. 7:25-18.12 was inadvertently changed to "Size, season, and possession limits" through the September 5, 2023, notice that modified spiny dogfish trip limits. See 55 N.J.R. 1922(a) (September 5, 2023). The title of N.J.A.C. 7:25-18.12 has been modified back to its original title of "Commercial fishing seasons, quotas, and trip limits."

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In November 2024, the National Marine Fisheries Service (NMFS) implemented the 2024 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 89 FR 99138; New Jersey Marine Fisheries Council, Commercial Black Sea Bass and Summer Flounder Committee Report, October 23, 2024; and Atlantic States Marine Fisheries Commission, Addendum XXXIII to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, February 2021, at 10 (Table 2)). New Jersey's preliminary quota was set at 1,168,455 pounds, which reflects a 1.7 percent decrease relative to the 2024 commercial fishing year quota. Pending the results of the final 2024 season for black sea bass, the 2025 commercial quota may be adjusted slightly to account for any over- utilization of the 2024 quota.

At its October 23, 2024, meeting, the Council's Commercial Black Sea Bass Advisory Committee developed its preferred trip limits for the 2025 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 can be found at N.J.A.C. 7:25-18.12(h)8iii, and are as follows: Season 1 (January-February) 21.96 percent: 500 pounds four times per week, or 1,000 pounds two times per week, or 2,000 pounds one time per week. Season 2 (March-April) 20.9 percent: 500 pounds four times per week, or 1,000 pounds two times per week, or 2,000 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

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times per week, or 2,000 pounds three 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: 750 pounds four times per week, or 1,500 pounds two times per week, or 3,000 pounds one time per week.

Also, in November 2024, NMFS implemented the 2025 commercial summer flounder specifications as recommended by the MAFMC and the ASMFC Summer Flounder, Scup and Black Sea Bass Board (see 89 FR 99138). The preliminary quota for New Jersey is 1,470,127 pounds, which is status quo relative to the 2024 commercial fishing year quota. Pending the results of the final 2024 season for summer flounder, the 2025 commercial quota may be adjusted slightly to account for any over- utilization of the 2024 quota.

At the same October 23, 2024, meeting, the Council's Commercial Summer Flounder Advisory Committee developed its preferred trip limits for the 2025 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 can be found at N.J.A.C. 7:25-18.12(i)2ii, and are as follows: Season 1 (January-February) 28 percent: 1,250 pounds two times per week, or 2,500 pounds one time per week. Season 2 (March-April) 11.0 percent: 375 pounds four times per week, or 750 pounds two times per week, or 1,500 pounds one time per week. Season 3 (May-June) 10.5 percent: 214 pounds seven times per week, or 375 pounds four times per week, or 750 pounds two times per week, or 1,500 pounds one time per week. Season 4 (July-August) 10.5 percent: 214 pounds seven times

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per week, or 375 pounds four times per week, or 750 pounds two times per week, or 1,500 pounds one time per week. Season 5 (September-October) 29 percent: 500 pounds seven times per week, or 875 pounds four times per week, or 1,750 pounds two times per week, or 3,500 pounds one time per week. Season 6 (November-December) 11 percent: 500 pounds four times per week, or 1,000 pounds two times per week, or 2,000 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. 7:25-18.12(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, in the NJ Fish and Wildlife commercial regulation publication, and sent to commercial license holders through email. Additionally, in accordance with N.J.A.C. 7:25-18.12(h)8i, notice of the implemented annual black sea bass quota is mailed to all black sea bass permit holders and published in the New Jersey Register.

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

7:25-18.12 [Size, season, and possession limits]**Commercial fishing seasons, quotas, and trip limits**

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

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

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1. After December 31, 2002, a vessel shall not land more than 100 pounds of black sea bass during the period of January 1 through [March 31 or more than 50 pounds of black sea bass during the period April 1 through] December 31 in New Jersey on any one trip unless said vessel is in possession of a valid New Jersey Black Sea Bass Permit. The permit shall be issued in the name of the vessel and the owner and for the specific gear type(s) used to qualify for the permit.

i. – ii. (No change.)

2.– 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.

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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 [750]**500**-pound trip limit and a maximum of four days per week that a vessel may land black sea bass, or a [1,500]**1000**-pound trip limit and a maximum of two 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 day per week that a vessel may land black sea bass.

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

(3) May – June: 16.53 percent, a [1,333]**1,000**-pound trip limit a maximum of six days per week that a vessel may land black sea bass, or a 2,000-pound trip limit a maximum of [four]**three** days per week that a vessel may land black sea bass, or a [4,000]**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 1,000-pound trip limit a maximum of six days per week that a vessel may land black sea bass, or a 2,000-pound trip limit a maximum of 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].

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(5) (No change.)

(6) November – December: 17.97 percent, a [1,000]**750**-pound trip limit a maximum of four days per week, or a [2,000]**1,500**-pound trip limit a maximum of two days per week, or a [4,000]**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 transfer or combine summer flounder commercial quotas, as provided for pursuant to (i)3 below and such agreement indicated otherwise.

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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 [1,750]**1,250**-pound trip limit and a maximum of two days per week that a vessel may land summer flounder, or a [3,500]**2,500**-pound trip limit and a maximum of one day per week that a vessel may land summer flounder;

(2) March – April: 11 percent, [285]**375**-pound trip limit and a maximum of [seven]**four** days per week that a vessel may land summer flounder, or a [500]**750**-pound trip limit and a maximum of [four]**two** days per week that a vessel may land summer flounder, or a [1,000]**1,500**-pound trip limit and a maximum of [two]**one** [days]**day** per week that a vessel may land summer flounder[, or a 2,000-pound trip limit a maximum of one day per week that a vessel may land summer flounder];

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(3) May – June: 10.5 percent, a 214-pound trip limit and a maximum of seven days per week that a vessel may land summer flounder, or a [500]**375**-pound trip limit and a maximum of [three]**four** days per week that a vessel may land summer flounder, or a 750-pound trip limit and a maximum of two days per week that a vessel may land summer flounder, or a 1,500-pound trip limit a maximum of one day per week that a vessel may land summer flounder;

(4) July – August: 10.5 percent, a 214-pound trip limit and a maximum of seven days per week that a vessel may land summer flounder, or a [500]**375**-pound trip limit and a maximum of [three]**four** days per week that a vessel may land summer flounder, or a 750-pound trip limit and a maximum of two days per week that a vessel may land summer flounder, or a 1,500-pound trip limit and a maximum of one day per week that a vessel may land summer flounder;

(5) – (7) (No change.)

iii. – xiii. (No change.)

3. – 9. (No change.)

(j) – (y) (No change.)

Dated: December 18, 2024