

NEW JERSEY

AMERICAN LOBSTER

ANNUAL COMPLIANCE REPORT FOR 2008



American Lobster 2008 Annual Compliance Report for New Jersey

March 1, 2009

I. Introduction

(a) Summary of Significant Changes in Monitoring

New Jersey continued its nearshore bottom trawl monitoring program that began in 1988. The survey provides fishery-independent data for the nearshore portions of Lobster Management Areas (LMA) 4 and 5. There were no significant changes in the monitoring program.

Sea sampling of lobsters caught by New Jersey fishermen in the commercial trap fishery began in January 2008. Measurements and observations were recorded by the New Jersey State Coordinator for the Atlantic Coastal Cooperative Statistics Program (ACCSP) and his staff during trap-tending trips aboard cooperating lobster boats. In 2008, 11 trips were made, eight in LMA 4 (Statistical Area 612) and three in LMA 5 (two in Statistical Area 621 and one in Area 615). Over 6300 lobster were measured during the year.

(b) Summary of Significant Changes in Regulations

A new minimum size regulation of 3 1/2 inches carapace length (CL) for lobsters in Lobster Management Area 3 became effective on July 1, 2008 in accord with a schedule of annual 1/32 inch incremental increases to occur in LMA 3 through 2008, which was promulgated by regulations adopted in 2002. This was the final incremental increase in the schedule, with no further changes required.

(c) Summary of Significant Changes in Harvest

New Jersey did not require the reporting of lobster landings, however, the National Marine Fisheries Service (NMFS) conducts a port sampling program in New Jersey that collects landings data from dealers. Landings data from the NMFS web site (1950-2007) are provided in Table 1. The 2008 NMFS landings are not available at this time.

II. *De minimus* Status

Although lobster landings reported by NMFS for New Jersey have averaged below 1% of the total coastal landings for recent years, New Jersey is not eligible for *de minimus* status.

III. New Jersey's Lobster Management Program for 2008

(a) Fishery-Dependent Monitoring

New Jersey began, for the first time, to conduct fishery-dependent monitoring in 2008 through sea sampling trips conducted by ACCSP staff aboard cooperating lobster boats. The information collected included catch per unit effort and size, sex, and reproductive stage (females) for all lobster caught.

The NMFS port sampling program for New Jersey includes the collection of biological data for lobster, but the data are collected infrequently.

(b) Effort in the Lobster Fishery

New Jersey did not monitor effort in the lobster fishery in 2008.

(c) Fishery-Independent Monitoring

New Jersey's nearshore coastal trawl survey began in 1988 and has maintained to the present an approximately bimonthly (five surveys per year) sampling program from Sandy Hook to Cape May. The program consists of approximately 39 tows per survey and uses a stratified random sampling design based on the NMFS latitudinal grid boundaries of their groundfish survey and 30, 60 and 90 foot isobath longitudinal boundaries. Figure 1 shows a diagram of the survey area. Table 2 and Figure 2 provide lobster catch per tow information for the period 1988-2008. The survey data represent only LMA 4 (strata 12-17) because LMA 5 generally accounts for less than 5% of all lobster caught by the survey each year.

(d) Regulations

The regulations to control lobster fishing in New Jersey that were in effect as of January 7, 2008 are listed in Attachment 1. The regulations remained unchanged in 2008.

(e) Harvest Data

Landings data (1950-2007) from the NMFS web site are provided in Table 1. The 2008 NMFS landings data are not available at this time. New Jersey did not require reporting of lobster landings in 2008.

New Jersey's recreational lobster harvest is primarily by sport divers that frequent nearshore coastal wrecks and artificial reefs. A survey of New Jersey's recreational dive boats and charter boats was conducted by the Division of Fish and Wildlife for 1991, 1995 and 2000. The surveys estimated that divers caught 21,000, 23,605 and 17,255 lobster, respectively, for those years. New Jersey issues an annual recreational lobster pot permit which allows the permittee to fish up to ten lobster pots in state waters and keep up to six lobsters per day. No recreational pot harvest data are collected, however, and only about 25 recreational lobster pot permits are issued each year.

There are no data to assess non-harvest losses of lobster.

IV. New Jersey's Lobster Management Program for 2009

(a) Regulations

No changes in regulations have been proposed and none are anticipated in 2009.

(b) Monitoring

New Jersey will continue its fishery-independent coastal trawl program at current effort levels.

The sea sampling program begun in 2008 will be continued in 2009. Attempts will be made to attain the sampling targets listed by the Atlantic States Marine Fisheries Commission in their FY 09 Biosampling Targets matrix.

Monitoring of harvest will be accomplished through the Standard Atlantic Fisheries Information System (SAFIS).

(c) Changes from Previous Years

No major changes from the previous year are anticipated.

Table 1. NMFS Landings Query Results

You Asked For the Following:
Year: From: 1950 To: 2007
Species: lobster, American
State: New Jersey

Year	Species	Metric Tons	Pounds	\$
1950	LOBSTER, AMERICAN	196.0	432,100	153,758
1951	LOBSTER, AMERICAN	97.9	215,800	72,046
1952	LOBSTER, AMERICAN	166.2	366,300	108,375
1953	LOBSTER, AMERICAN	241.2	531,700	182,277
1954	LOBSTER, AMERICAN	295.9	652,400	205,613
1955	LOBSTER, AMERICAN	443.6	978,000	306,780
1956	LOBSTER, AMERICAN	403.0	888,500	296,092
1957	LOBSTER, AMERICAN	302.8	667,600	231,630
1958	LOBSTER, AMERICAN	449.2	990,300	332,228
1959	LOBSTER, AMERICAN	497.5	1,096,800	353,747
1960	LOBSTER, AMERICAN	621.5	1,370,100	475,327
1961	LOBSTER, AMERICAN	702.7	1,549,100	569,667
1962	LOBSTER, AMERICAN	395.0	870,900	368,645
1963	LOBSTER, AMERICAN	340.4	750,400	336,769
1964	LOBSTER, AMERICAN	481.1	1,060,600	516,301
1965	LOBSTER, AMERICAN	462.3	1,019,100	562,386
1966	LOBSTER, AMERICAN	346.6	764,100	513,506
1967	LOBSTER, AMERICAN	399.1	879,900	628,242
1968	LOBSTER, AMERICAN	549.4	1,211,300	976,455
1969	LOBSTER, AMERICAN	650.4	1,433,900	1,212,245
1970	LOBSTER, AMERICAN	832.6	1,835,600	1,738,873
1971	LOBSTER, AMERICAN	600.1	1,323,000	1,459,523
1972	LOBSTER, AMERICAN	593.4	1,308,100	1,827,794
1973	LOBSTER, AMERICAN	618.3	1,363,100	2,234,319
1974	LOBSTER, AMERICAN	540.3	1,191,200	1,915,797
1975	LOBSTER, AMERICAN	385.9	850,700	1,554,949
1976	LOBSTER, AMERICAN	292.8	645,600	1,236,162
1977	LOBSTER, AMERICAN	361.6	797,100	1,568,671
1978	LOBSTER, AMERICAN	419.7	925,300	1,873,715
1979	LOBSTER, AMERICAN	365.4	805,500	1,726,832
1980	LOBSTER, AMERICAN	231.6	510,600	1,132,488
1981	LOBSTER, AMERICAN	269.3	593,700	1,468,672
1982	LOBSTER, AMERICAN	383.9	846,300	2,198,530

1983	LOBSTER, AMERICAN	349.2	769,900	2,092,338
1984	LOBSTER, AMERICAN	420.8	927,700	2,608,277
1985	LOBSTER, AMERICAN	489.7	1,079,600	2,983,579
1986	LOBSTER, AMERICAN	509.4	1,123,000	3,445,970
1987	LOBSTER, AMERICAN	633.7	1,397,100	4,274,393
1988	LOBSTER, AMERICAN	706.4	1,557,300	5,163,529
1989	LOBSTER, AMERICAN	934.2	2,059,600	6,342,740
1990	LOBSTER, AMERICAN	997.4	2,198,867	6,875,290
1991	LOBSTER, AMERICAN	758.9	1,673,031	5,384,929
1992	LOBSTER, AMERICAN	550.3	1,213,255	4,030,374
1993	LOBSTER, AMERICAN	411.2	906,498	3,187,690
1994	LOBSTER, AMERICAN	263.7	581,396	2,138,943
1995	LOBSTER, AMERICAN	274.9	606,011	2,115,893
1996	LOBSTER, AMERICAN	290.4	640,198	2,476,064
1997	LOBSTER, AMERICAN	389.4	858,426	3,298,044
1998	LOBSTER, AMERICAN	327.4	721,811	2,633,448
1999	LOBSTER, AMERICAN	422.3	931,064	3,632,081
2000	LOBSTER, AMERICAN	404.2	891,183	3,693,527
2001	LOBSTER, AMERICAN	263.0	579,753	2,471,324
2002	LOBSTER, AMERICAN	119.9	264,425	1,138,867
2003	LOBSTER, AMERICAN	95.2	209,956	1,028,464
2004	LOBSTER, AMERICAN	168.1	370,536	1,801,555
2005	LOBSTER, AMERICAN	167.5	369,297	2,001,578
2006	LOBSTER, AMERICAN	213.6	470,878	2,532,961
2007	LOBSTER, AMERICAN	308.8	680,728	4,056,072
GRAND TOTALS:	-	858.0	1,891,439	10,392,166

Figure 1. New Jersey nearshore recreational fisheries resources stock assessment sampling strata.

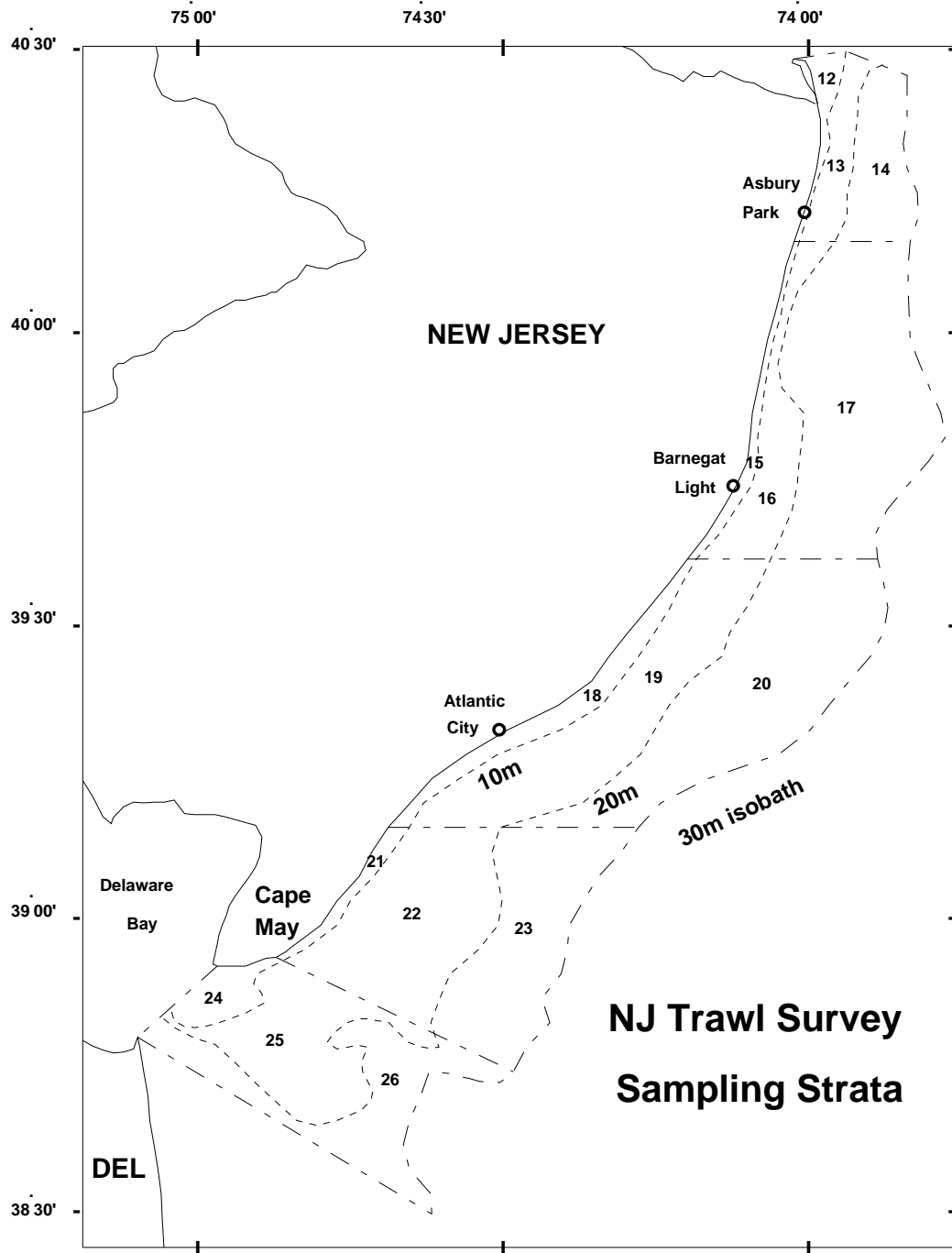


Table 2. Monthly abundance (mean number per tow) of American lobster in bottom trawl surveys of New Jersey coastal waters, 1988-2008. (n = number of samples; SD = standard deviation; CV = coefficient of variation)

January					April				
Year	n	No./Tow	SD	CV	Year	n	No./Tow	SD	CV
1989	12	1.0902	0.670	0.615	1989	13	0.5483	0.369	0.673
1990	12	0.2097	0.192	0.916	1990	14	1.6935	1.099	0.649
1991	13	2.5060	1.287	0.514	1991	14	0.4184	0.167	0.399
1992	13	1.9784	0.964	0.487	1992	16	0.5322	0.270	0.507
1993	12	1.7461	0.879	0.503	1993	16	0.7333	0.335	0.457
1994	12	1.3646	1.196	0.876	1994	15	0.4560	0.377	0.827
1995	12	7.2249	4.262	0.590	1995	15	0.9752	0.452	0.463
1996	13	0.5055	0.321	0.635	1996	15	1.1100	0.516	0.465
1997	13	1.7258	1.640	0.950	1997	15	1.1903	0.407	0.342
1998	12	1.3101	0.857	0.654	1998	17	4.0524	2.113	0.521
1999	12	0.8000	0.425	0.531	1999	15	0.1923	0.100	0.520
2000	12	0.4655	0.421	0.904	2000	15	0.7600	0.361	0.475
2001	12	0.1046	0.077	0.736	2001	15	0.3987	0.239	0.599
2002	13	0.3560	0.219	0.615	2002	15	0.7700	0.381	0.495
2003	12	0.0315	0.032	1.016	2003	15	0.2793	0.239	0.856
2004	12	0.0000	0.000	***	2004	15	0.2550	0.226	0.886
2005	12	0.2215	0.126	0.569	2005	15	0.5060	0.307	0.607
2006	12	0.1856	0.155	0.835	2006	15	0.6168	0.397	0.644
2007	12	0.1649	0.100	0.606	2007	15	1.8379	0.969	0.527
2008	12	1.5470	0.909	0.588	2008	15	0.2642	0.197	0.746

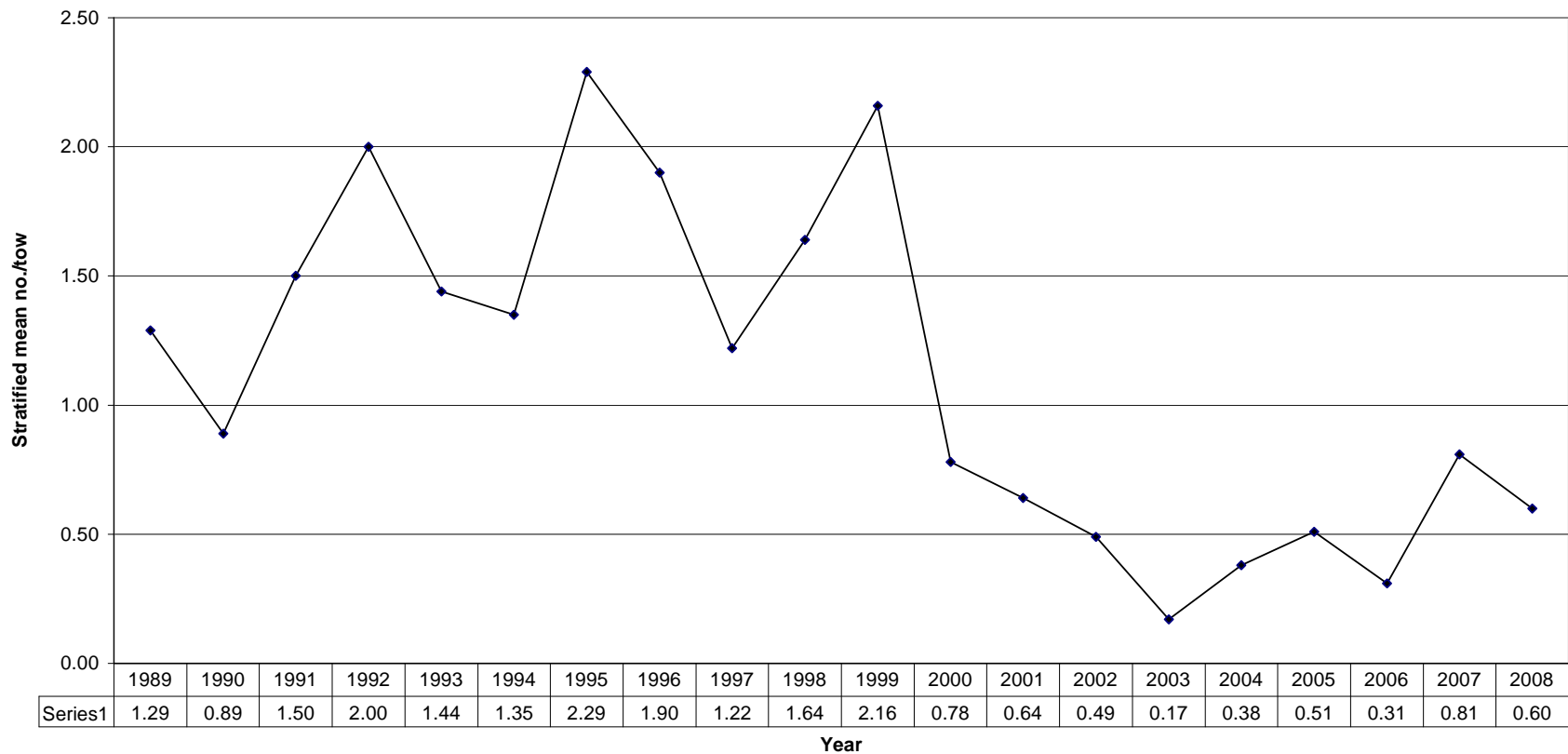
Table 2, continued

June					August				
Year	n	No./Tow	SD	CV	Year	n	No./Tow	SD	CV
1988	15	1.8395	0.617	0.335	1988	15	0.2169	0.155	0.715
1989	15	1.5855	0.862	0.544	1989	15	1.5123	0.333	0.220
1990	13	0.8780	0.406	0.462	1990	18	0.4415	0.202	0.458
1991	18	5.7147	2.360	0.413	1991	14	2.5234	0.903	0.358
1992	16	0.6619	0.400	0.604	1992	15	0.7159	0.279	0.390
1993	15	1.3712	0.636	0.464	1993	15	2.1336	1.053	0.494
1994	15	2.1537	0.878	0.408	1994	15	0.8979	0.257	0.286
1995	17	1.6978	0.510	0.300	1995	15	1.0690	0.771	0.721
1996	15	0.8459	0.690	0.816	1996	15	1.7169	0.733	0.427
1997	15	0.8244	0.381	0.462	1997	15	0.7377	0.228	0.309
1998	15	1.1995	0.569	0.474	1998	15	0.4275	0.219	0.512
1999	15	1.8304	0.766	0.418	1999	15	3.4379	2.838	0.826
2000	15	1.4607	0.354	0.242	2000	15	0.4133	0.253	0.612
2001	15	0.6719	0.315	0.469	2001	15	0.7903	0.567	0.717
2002	15	0.3398	0.207	0.609	2002	15	0.0615	0.063	1.024
2003	16	0.2153	0.158	0.734	2003	15	0.0000	0.000	***
2004	16	0.0734	0.071	0.967	2004	15	0.2379	0.192	0.807
2005	15	0.3040	0.232	0.763	2005	15	0.1754	0.077	0.439
2006	15	0.2225	0.089	0.400	2006	15	0.3252	0.200	0.615
2007	15	0.5201	0.338	0.650	2007	16	1.0105	0.766	0.758
2008	15				2008	15	0.3319	0.210	0.633

Table 2, continued

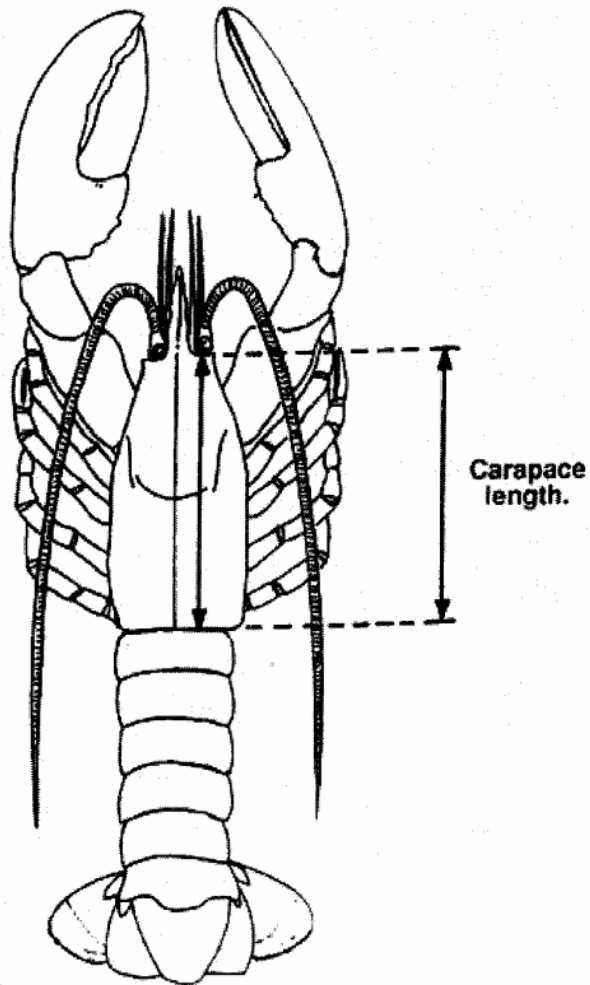
October				
Year	n	No./Tow	SD	CV
1988	15	3.7968	1.470	0.387
1989	13	2.2887	1.032	0.451
1990	8	0.0000	0.000	***
1991	15	0.9785	0.699	0.714
1992	16	1.3565	0.623	0.459
1993	15	1.7560	0.779	0.444
1994	15	2.5695	0.217	0.084
1995	15	0.6317	0.292	0.462
1996	15	4.5378	3.584	0.790
1997	15	1.5204	0.903	0.594
1998	15	1.4075	0.700	0.497
1999	15	5.1142	4.473	0.875
2000	15	0.3550	0.221	0.623
2001	15	0.3275	0.176	0.537
2002	17	0.5297	0.283	0.534
2003	15	0.1592	0.089	0.559
2004	15	1.1038	0.639	0.579
2005	15	1.5612	0.951	0.609
2006	15	0.0637	0.055	0.863
2007	15	0.7956	0.694	0.872
2008	15	0.5285	0.355	0.672

Figure 2. Annual Abundance of Lobster (all sizes) in Bottom Trawl Surveys of Northern New Jersey Coastal Waters (strata 12-17), 1989-2008



NEW JERSEY LOBSTER REGULATIONS

JANUARY 7, 2008



7:25-14.12

ENVIRONMENTAL PROTECTION

(c) A person fishing in ASMFC Lobster Management Area 4 and/or 5 or that has designated Lobster Management 4 and/or 5 for fishing on their Federal Fisheries or State Lobster Pot Permit shall not take, land, have in his or her possession, sell or offer to sell any American lobster with a length as measured in (a) above that is greater than the length listed below after the dates stipulated.

ASMFC Lobster Management Area	Dates	Maximum Size (inches)
LMA 4	after July 1, 2002	5 $\frac{1}{4}$
LMA 5	after July 1, 2004	5 $\frac{1}{4}$

(d) A person shall not import, export, have in his or her possession, buy, sell or offer to buy or sell any American lobster that does not comply with the size limits for the Lobster Management Areas as stipulated in (a) through (c) above.

(e) The maximum size limits stipulated in (c) above apply to the recreational harvest of American lobster. The minimum size limit for American lobster harvested for recreational purposes shall comply with those stipulated in (a) above and shall not be sold, offered for sale or bartered.

(f) A State Lobster Pot Permittee possessing a Type A, B, C, E or F Permit shall report to the Department the initial ASMFC Lobster Management Area(s) he or she intends to fish and notify the Department prior to relocating to a different Lobster Management Area(s). Notification shall be sent to:

NJ Lobster Pot Permit Program
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241

1. If the permittee identifies more than one ASMFC Lobster Management Area as an area he or she intends to fish, then the more restrictive maximum and/or minimum size limit of those identified areas shall apply to that permittee's possession, landing and sale of lobsters.

(g) A person shall not take from the marine waters of this State by any means, possess at sea or offload at any port an American lobster, which is damaged or mutilated to the extent that its length as specified in (a) above cannot be determined.

(h) A person shall not import, export, have in his or her possession, buy, sell or offer to buy or sell, any detached American lobster tail, if the sixth abdominal segment (that segment closest to the fan of the tail), when measured along its dorsal center line with the tail flexed, is less than one and one-sixteenth inches in length.

New Rule, R.1999 d.52, effective February 16, 1999.

See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).

Former N.J.A.C. 7:25-14.13, Penalties, recodified to N.J.A.C. 7:25-14.18.

Amended by R.2002 d.277, effective August 19, 2002.

See: 34 N.J.R. 1375(a), 34 N.J.R. 2995(a).

7:25-14.13 Size of lobster taken

(a) A person shall not take from the marine waters of this State by any means, import, export, offload at any port, have in his or her possession, buy, sell or offer to buy or sell, any American lobster of the genus and species *Homarus americanus*, which when measured from the rear end of the eye socket along a line parallel to the center line of the body shell to the rear end of the body shell is less than the lengths listed below after the dates stipulated.

After	Minimum Size (inches)
August 19, 2002	3 $\frac{3}{4}$
July 1, 2002	3 $\frac{3}{16}$
July 1, 2003	3 $\frac{11}{32}$
July 1, 2004	3 $\frac{1}{2}$

(b) A person fishing in Atlantic States Marine Fisheries Commission (ASMFC) Lobster Management Area (LMA) 3 or that has designated Lobster Management Area 3 for fishing on their Federal Fisheries Permit or State Lobster Pot Permit shall not take, land, have in his or her possession, sell or offer to sell any American lobster with a length as measured in (a) above that is less than the length listed below after the dates stipulated:

After	Minimum Size (inches)
July 1, 2005	3 $\frac{13}{32}$
July 1, 2006	3 $\frac{7}{16}$
July 1, 2007	3 $\frac{15}{32}$
July 1, 2008	3 $\frac{1}{2}$

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25-102.8

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DIVISION OF FISH AND WILDLIFE RULES

7:25-14.16

Rewrote (a); added (b) to (f); recodified existing (b) and (c) as (g) and (h).
 Administrative correction.
 See: 34 N.J.R. 3641(c).
 Administrative change.
 See: 40 N.J.R. 150(c).

7:25-14.14 Lobster possession limits

American lobster taken by otter trawl or fish pot shall be limited to 100 lobster per day per vessel (based on a 24-hour period) up to a maximum of 500 lobsters per trip per vessel, for trips of five days or longer. American lobster taken by hand, or any gear or methods other than otter trawl, fish or lobster pot or fish or lobster trap shall be limited to six lobster per person in possession or taken in any one calendar day.

New Rule, R.1999 d.52, effective February 16, 1999.
 See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).
 Amended by R.2001 d.346, effective September 17, 2001.
 See: 33 N.J.R. 455(a), 33 N.J.R. 3352(a).

Inserted "per vessel" following "per day" and "per trip" in the first sentence; inserted "fish pot" preceding "or any gear", inserted "lobster" following "otter trawl," and preceding "trap shall be limited", and inserted "per person" preceding "on possession" in the second sentence.
 Amended by R.2002 d.277, effective August 19, 2002.
 See: 34 N.J.R. 1375(a), 34 N.J.R. 2995(c).
 Rewrote the section.

7:25-14.15 Prohibitions

(a) A person shall not take from the marine waters of this State by any means, import, export, offload at any port, have in his or her possession, buy, sell or offer to buy or sell, any American lobster with eggs attached, or from which the egg have been removed.

(b) A person shall not possess a female lobster bearing a v-shaped notch (that is, a straight-sided triangular cut with or without setal hairs, at least one-eighth inch in depth and tapering to a sharp point) as viewed from the rear of the female lobster. V-notched female lobster also means any female which is mutilated in a manner which could hide, obscure or obliterate such a mark. The right flipper will be examined when the underside of the lobster is down and its tail is toward the person making the determination.

(c) A person shall not use any spear, gig, gaff or other penetrating device as a method of capture of lobsters.

New Rule, R.1999 d.52, effective February 16, 1999.
 See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).
 Administrative change.
 See: 40 N.J.R. 150(c).

7:25-14.16 Eligibility for lobster pot permit and pot allocation

(a) As of December 31, 2001, a vessel shall not land lobster harvested by a lobster pot unless such vessel is in the possession of a valid New Jersey Lobster Pot Permit issued in the name of the vessel and owner, except as provided for at N.J.A.C. 7:25-18.5(g)11i(4).

1. To be eligible for a Type A, B, C and F Lobster Pot Permit allowing the use or possession in Federal and/or State waters of an allotted number of lobster pots as defined under N.J.A.C. 7:25-18.5(g)11, a complete application, including the required documentation, must be received by the Department no later than December 31, 2001. To be eligible for a Type E Lobster Pot Permit allowing the use or possession in Federal and/or State waters of an allotted number of lobster pots as defined under N.J.A.C. 7:25-18.5(g)11, a complete application, including the required documentation, must be received by the Department no later than December 31, 2002. Applications may be mailed to:

New Jersey Lobster Pot Permit
 Nacote Creek Research Station
 PO Box 418
 Port Republic, NJ 08241

i. For a Type A Lobster Pot Permit, the applicant shall document that the vessel owner possesses a current valid Federal Lobster Permit, had landed and sold a minimum of 2,000 pounds of lobster in New Jersey in any one calendar year during the period from March 25, 1991 to September 3, 1998, and participated in the harvest of lobster by lobster pot, pursuant to (a)4 below, during the year of documented landings submitted by the applicant.

(1) A Type A Lobster Pot Permittee shall receive an allocation for the number of lobster pots (traps) authorized on the permittee's Federal Fisheries Permit for American lobster (Federal Lobster Permit), to be fished in Federal and/or State waters. For the purpose of this section, lobster pots will be assumed to last for five years with a 10 percent loss of pots per year.

(2) Documented proof of participation in an ASMFC Management Area pot fishery shall consist of one or more of the following:

(A) Federal logbook reporting forms identifying the vessel, number of pots fished, date of landings and National Marine Fisheries Service Statistical Area from where lobster were harvested;

(B) A personal logbook in combination with a notarized statement from the applicant attesting to its authenticity; and/or

(C) Gear damage compensation reports.

ii. For a Type B Lobster Pot Permit, the applicant shall document that the vessel owner possesses a current valid Federal Lobster Permit, had landed and sold a minimum of 2,000 pounds of lobster in New Jersey in any one calendar year during the period from January 1, 1980 to March 25, 1991 and participated in the harvest of lobster by lobster pot pursuant to (a)4 below, during the year of documented landings submitted by the applicant.

7:25-14.16

ENVIRONMENTAL PROTECTION

(1) A Type B Lobster Pot Permittee shall receive an allocation for the number of lobster pots (traps) authorized on the permittee's Federal Fisheries Permit for American lobster to be fished in Federal and/or State waters.

iii. For a Type C Lobster Pot Permit, the applicant shall document that the vessel owner has possessed a valid New Jersey Lobster/Fish Pot License in any one calendar year during the period from January 1, 1980 to September 3, 1998 and landed and sold a minimum of 2,000 pounds of lobster in New Jersey during the year of the valid New Jersey Lobster and Fish Pot License submitted by the applicant.

(1) A Type C Commercial Lobster Pot permittee shall receive an allocation for 500 lobster pots to be fished in State waters only.

(2) An applicant seeking eligibility for a Type C New Jersey Lobster Pot Permit and pot allocation shall not have received or applied for pot or trap tags from any other lobster pot or trap tag issuing jurisdiction.

iv. For a Type E Lobster Pot Permit, the applicant shall document that the vessel owner possesses a current valid Federal Lobster Permit, landed and sold a minimum of 500 pounds of lobster in New Jersey in any one calendar year during the period from January 1, 1980 to September 3, 1998, and participated in the harvest of lobster by otter trawl or lobster pot, pursuant to (a)4 or (a)5 below, during the year of documented landings submitted by the applicant.

(1) A Type E Lobster Pot Permittee shall receive an allocation for the number of lobster pots (traps) authorized on the permittee's Federal Fisheries Permit for American lobster to be fished in Federal and/or State waters.

(2) A Type E Lobster Pot Permittee that does not possess a Federal Fisheries Permit for American Lobster shall receive a lobster pot (trap) allocation of 500 pots (traps) to be fished in State waters only.

(3) A Type E Lobster Pot Permittee shall not possess otter trawl gear aboard his or her permitted vessel when fishing with pot gear. The simultaneous possession of otter trawl gear and lobster pot gear on board a vessel shall constitute prima facie evidence of a violation of this section.

v. For a Type F Lobster Pot Permit, the applicant shall document that the vessel owner possesses a current valid Federal Lobster Permit, landed and sold a minimum of 2,000 pounds of lobster in New Jersey in any one calendar year during the period from September 3, 1998 to December 31, 2000, and participated in the harvest of lobster by lobster pot pursuant to (a)4 below

during the year of documented landings submitted by the applicant.

(1) A Type F Lobster Pot Permittee shall receive an allocation for the number of lobster pots (traps) authorized on the permittee's Federal Fisheries Permit for American lobster to be fished in Federal and/or State waters.

2. Documented proof of a Federal Lobster Permit or State Lobster/Fish Pot License shall consist of a copy of said permit or license submitted with the application that can be confirmed by Federal and State records.

3. Documented proof of landings shall consist of one or more of the following:

i. Weigh-out slips from the purchaser totaling the weight and the date the lobster was harvested; or

ii. A notarized statement from the applicant and the purchaser(s), attesting to the weight and date the lobster were landed and sold. A copy of the business records supporting the statement(s) must accompany the application.

4. Documented proof of participation in the lobster pot fishery shall be established through one or more of the following:

i. Federal logbook reporting forms identifying the vessel, number of pots fished and date of landings in New Jersey;

ii. A personal logbook in combination with bait and pot receipts;

iii. Gear damage compensation reports; or

iv. A notarized statement from the applicant and pot manufacturer or retailer attesting to the number of lobster pots and the date that the pots were purchased. A copy of the business records supporting the statement(s) must accompany the application.

5. Documented proof of participation in the lobster otter trawl fishery shall be established through one or more of the following:

i. Federal logbook reporting forms identifying the vessel, fishing gear and date of landings in New Jersey; or

ii. A copy of New Jersey license to fish with an otter trawl that can be confirmed by State records.

6. Other documentation similar to that in (a)3, 4 and 5 above may be accepted at the discretion of the Commissioner after his or her review.

7. The applicable New Jersey Lobster Pot Permit shall be on board the vessel to which it is issued at all times. The permit and pot allocation is valid upon issuance and in subsequent years unless revoked as part of a penalty action

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pursuant to N.J.A.C. 7:25-14.19 or as modified by the Commissioner, pursuant to N.J.A.C. 7:25-14.19. The applicable permit is issued to a specific vessel in the name of the owner.

8. The owner of a vessel permitted pursuant to this subsection may transfer his or her Lobster Pot Permit, upon application to the Department as follows:

i. To his or her replacement vessel. The vessel being replaced shall no longer be eligible for a New Jersey Lobster Pot Permit or pot allocation based upon the vessel's history, but shall be eligible for a permit transfer from another permitted vessel.

ii. Along with the sale of his or her vessel to a new owner, the owner selling the vessel shall no longer be eligible for a New Jersey Lobster Pot Permit based on the harvesting history of the vessel being sold.

iii. Transfer of a permit to a new vessel shall be limited to the same pot allocation and Lobster Permit Type as the original permitted vessel or as modified by the Commissioner pursuant to N.J.A.C. 7:25-14.19.

iv. No permit shall be transferred without the prior approval of the Department, based upon satisfaction of (a)8i through iii above.

9. Any harvester or vessel landing lobster in New Jersey for the purpose of sale shall sell all lobster only to a permitted Federal lobster dealer.

10. All New Jersey Lobster Permit holders landing lobster in New Jersey shall be required to complete monthly reports signed by the permittee attesting to the validity of the information. The monthly report forms shall be supplied by and returned to the Federal or State agency given authority for the Pot Tag Program and shall include all information required by said agency.

11. All New Jersey Lobster Permit holders shall allow research personnel from the Department or a person designated by the Department aboard the permitted vessel at any time following a 48 hour notification to sample lobster pot catches at sea.

New Rule, R.2000 d.395, effective October 2, 2000.

See: 31 N.J.R. 2555(a), 32 N.J.R. 3592(b).

Amended by R.2001 d.346, effective September 17, 2001.

See: 33 N.J.R. 453(a), 33 N.J.R. 3352(a).

Rewrote the section.

Amended by R.2002 d.277, effective August 19, 2002.

See: 34 N.J.R. 1375(a), 34 N.J.R. 2995(a).

Rewrote the section.

Administrative change and correction.

See: 37 N.J.R. 502(d).

Amended by R.2008 d.15, effective January 7, 2008.

See: 39 N.J.R. 143(e), 40 N.J.R. 126(a).

In the introductory paragraph of (a), inserted ", except as provided for at N.J.A.C. 7:25-18.5(g)11i(4)"; deleted (a)iv; recodified (a)iv and (a)lv as (a)liv and (a)lv; and in (a)8iv, substituted "(a)8i" for "(a)7".

7:25-14.17 Lobster pot tag program

(a) All lobster pots as defined under N.J.A.C. 7:25-18.5(g)11 in State or Federal waters or aboard a vessel shall be tagged with appropriate tags to be issued by the Federal or State agency given authority for the pot tag program.

1. Pot tags shall be placed on the pot bridge or main cross member clearly visible for inspection.

2. Pot tags shall be a permanently affixed and not transferable to another pot once attached to a pot.

3. A person or permitted lobster pot vessel shall only have on board or lift pots that have the valid identification as assigned to said person or vessel.

4. A person or vessel shall not have on board or fish more lobster pots than that vessel is allocated under the permittee's New Jersey Lobster Pot Permit.

5. Pot tags shall be issued annually and shall be valid for one year.

6. Permit holders shall be issued tags based upon their allocation of tags plus 10 percent to cover routine losses.

7. Catastrophic tag loss shall be defined as losses above the 10 percent routine loss rate established by the issuing authority due to gear conflicts, storms or other circumstance which may be accepted at the discretion of the Federal or State agency given authority for the pot tag program.

i. When a catastrophic loss occurs, an entirely new allotment of tags shall be dispersed and the original tags shall be invalid upon replacement.

ii. Permittees shall be allowed to fish new pots with a letter of exemption from the issuing authority until new tags are re-issued for a time period not to exceed two months.

iii. The issuing authority shall have the right to invoke emergency measures to suspend pot tag regulations in the event of area-wide catastrophic losses, for a time period not to exceed two months.

8. Permittees shall purchase pot tags only from the issuing authority.

New Rule, R.2000 d.395, effective October 2, 2000.

See: 31 N.J.R. 2555(a), 32 N.J.R. 3592(b).

7:25-14.18 Exceptions for research

N.J.A.C. 7:25-14.13(a), 14.13(b), 14.15(a) and 14.15(b) shall not apply to the taking or possession of lobster bearing a tag that has been issued or affixed by the Department of Environmental Protection or by any other state or Federal agency with which the Department cooperates in a research project.

New Rule, R.1999 d.52, effective February 16, 1999.

See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).

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ENVIRONMENTAL PROTECTION

Recodified from N.J.A.C. 7:25-14.16 by R.2000 d.10, effective January 3, 2000.
See: 31 N.J.R. 2555(a), 32 N.J.R. 48(e).

7:25-14.19 Administrative notice

The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify minimum or maximum size limits, pot and trap limits, trip limits, quotas and possession limits in this subchapter by notice in order to maintain compliance with any fishery management plan approved by the Atlantic States Marine Fisheries Commission pursuant to 16 U.S.C. §5104(b) or to maintain consistency with any Mid-Atlantic Fishery Management Council plan adopted by the National Marine Fisheries Service. The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify minimum or maximum size limits, pot and trap limits, trip limits and possession limits in this subchapter by notice in order to provide for the optimal utilization of any quotas specified in this subchapter. The Commissioner will review the catch rate for a particular species in relation to the season quota and if harvest data indicate that upward adjustments in harvest control measures are warranted to maximize utilization of the available quota within a specific season for a specific fishery, the Commissioner may adjust the above specified control measures to achieve optimal utilization of the total allowable catch. The Department shall publish notice of any such modification by filing and publishing a notice of administrative change in the New Jersey Register and a notice in the Division's commercial regulation publication. All such notices shall be effective when the Department files the notice with the Office of Administrative Law or as specified otherwise in the notice.

New Rule, R.1999 d.52, effective February 16, 1999.
See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).
Recodified from N.J.A.C. 7:25-14.17 by R.2000 d.10, effective January 3, 2000.
See: 31 N.J.R. 2555(a), 32 N.J.R. 48(a).
Amended by R.2001 d.546, effective September 17, 2001.
See: 33 N.J.R. 453(a), 33 N.J.R. 3352(a).
Inserted "pot and trap limits," preceding "trip limits".
Amended by R.2002 d.277, effective August 19, 2002.
See: 34 N.J.R. 1375(a), 34 N.J.R. 2995(a).
Inserted "or maximum" after "minimum".
Amended by R.2008 d.15, effective January 7, 2008.
See: 39 N.J.R. 143(a), 40 N.J.R. 126(a).
In the first sentence, substituted "subchapter" for "section" following "limits in this"; inserted "or to maintain consistency with any Mid-Atlantic Fishery Management Council plan adopted by the National Marine Fisheries Service"; and inserted the second and third sentences.

7:25-14.20 Penalties

(a) Any person violating any of the provisions of this subchapter relating to crabs shall be liable to the penalties provided by N.J.S.A. 23:2B-14 except for (b), (c) and (d) below.

(b) Any person not having a valid license in possession or failing to exhibit same for inspection by an authorized law enforcement officer while tending a pot or trot line or dredging crabs, or violating the provisions of N.J.A.C. 7:25-

14.5(a)1 or 2 or 14.6 shall be liable to a penalty of \$30.00 for the first offense and \$50.00 for each subsequent offense.

(c) Any person failing to check crab pots at least once every 72 hours pursuant to N.J.A.C. 7:25-14.2(d) shall be liable to a penalty of \$30.00 for each pot in violation.

(d) Any person violating the provisions of N.J.A.C. 7:25-14.9 or 14.10 shall be liable to a penalty of \$30.00 for each crab taken or had in possession.

(e) Any person using or possessing a crab pot which does not contain a biodegradable panel or other mechanism specified in N.J.A.C. 7:25-14.1 shall be subject to a penalty of \$30.00 for each pot in violation.

(f) Any person dredging crabs outside of the "crab dredge area" or dredging crabs on unauthorized marked leased shellfish grounds pursuant to N.J.A.C. 7:25-14.7(b) shall be subject to the penalties provided by N.J.S.A. 23:2B-14 in addition to a mandatory 12 month crab dredge license privilege revocation and seizure of the entire catch in possession. The commercial licensee shall be held liable and subject to license privilege revocation and catch seizure for violations actually committed by an agent based upon the apparent authority of the agent to act for his or her principal.

(g) Any person violating the provisions of N.J.A.C. 7:25-14.13, lobster size, tail size and landing of lobster parts; N.J.A.C. 7:25-14.14, possession limits; N.J.A.C. 7:25-14.15, prohibition of egg-bearing lobsters, v-notched female lobsters and the prohibition of the use of a penetrating device; N.J.A.C. 7:25-14.16, eligibility for a lobster pot permit and pot allocation; N.J.A.C. 7:25-14.17, lobster pot tag program; N.J.A.C. 7:25-18.5(g)11i, lobster pot maximum size or N.J.A.C. 7:25-18.5(g)11iv, escape vents, shall be subject to a penalty of \$30.00 for each lobster, lobster part or lobster pot in violation.

(h) Failure to comply with the provisions of N.J.A.C. 7:25-14.13, lobster size, tail size, and landing of lobster parts; N.J.A.C. 7:25-14.15, prohibition of egg-bearing lobsters, v-notched female lobster; N.J.A.C. 7:25-14.16, eligibility for a lobster pot permit and pot allocation; N.J.A.C. 7:25-14.17, lobster pot tag program; N.J.A.C. 7:25-18.5(g)11ii, lobster pot maximum size; or N.J.A.C. 7:25-18.5(g)11vii, escape vents, shall result in the suspension during the period which extends from April 1 to November 30, or revocation of the vessel's lobster pot permit and/or the lobster pot license of the operator according to the following schedule:

1. First offense: 60 days suspension;
2. Second offense: 120 days suspension;
3. Third offense: permanent revocation.

4. In calculating the period of suspension or revocation applicable under (h)1 through 3 above, the number of previous suspensions shall be reduced by one for each three-year period in which the permit holder does not

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commit any other violation subject to this subsection, provided, however, that if more than one suspension is imposed within a three-year period, only one of those suspensions may be forgiven under this paragraph; therefore, a permit holder who incurs more than one suspension within a three-year period shall not be considered a first offender under this subsection regardless of the length of any subsequent period without violation. The reduction in suspensions provided in this paragraph applies only to determination of suspension periods; all prior suspensions shall be taken into account in calculating monetary penalties in accordance with N.J.S.A. 23:2B-14.

(i) Pursuant to N.J.S.A. 23:10-21 and 21.1, any gear used in violation of the provisions of this subchapter may be seized and forfeited.

(j) The assessment of any administrative penalty shall not preclude the Department from prosecuting for a larger amount in the event the administrative penalty is not paid by the time requested.

(k) Nothing in this section shall require the Department to assess an administrative penalty before instituting prosecution.

Amended by R.1982 d.169, effective June 7, 1982.
See: 13 N.J.R. 645(a), 14 N.J.R. 578(a).
Added (c).

Amended by R.1985 d.560, effective November 4, 1985.

See: 17 N.J.R. 1830(a), 17 N.J.R. 2608(a).

"Or" substituted for "or".

Recodified from 7:45-14.8 and amended by R.1994 d.152, effective March 21, 1994.

See: 25 N.J.R. 4851(a), 26 N.J.R. 1337(b).

Recodified from N.J.A.C. 7:25-14.13 and amended by R.1999 d.52, effective February 16, 1999.

See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).

Rewrote the section.

Recodified from N.J.A.C. 7:25-14.18 and amended by R.2000 d.10, effective January 3, 2000.

See: 31 N.J.R. 2555(a), 32 N.J.R. 48(a).

In (a) and (b), changed N.J.A.C. references; an in (f), inserted references to N.J.A.C. 7:25-14.16 and N.J.A.C. 7:25-14.17.

Administrative correction.

See: 32 N.J.R. 801(a).

Amended by R.2000 d.395, effective October 2, 2000.

See: 31 N.J.R. 2555(a), 32 N.J.R. 3592(b).

In (a) and (b), changed N.J.A.C. references; inserted a new (f); recodified former (f) as (g), and inserted references to N.J.A.C. 7:25-14.16 and 7:25-14.17; inserted a new (h); and recodified former (h) through (j) as (i) through (k).

Amended by R.2004 d.20, effective January 5, 2004.

See: 35 N.J.R. 4224(b), 36 N.J.R. 174(b).

Amended the reference for dollar amount throughout, amended N.J.A.C. reference in (d).

Administrative correction.

See: 36 N.J.R. 3276(a).

Amended by R.2005 d.413, effective November 21, 2005.

See: 37 N.J.R. 742(a), 37 N.J.R. 4408(a).

Added "during the period which extends from April 1 to November 30," to the introductory paragraph of (h); added (h)4.

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31, 2002. To be eligible for a lobster or fish pot license in all subsequent years, an applicant must provide a copy of a previously valid lobster or fish pot license held by the applicant from the preceding year.

(1) No additional lobster or fish pot licenses shall be issued until the number of licenses decreases below the number issued in 2003.

(2) Applications for a license shall be available from the Department; and successful applicants shall be chosen by lottery, if necessary, from all completed applications received by the Department. When additional licenses are available, unsuccessful applicants from the previous lottery will be given the first right to the license provided they purchase a license within 30 days of being notified by the Department. Notification by the Department shall be by first class mail. It is the responsibility of the applicant to provide the Department with written notification of any change in mailing address. Once a lottery list is exhausted, the Department shall notify commercial docks and fishing organizations as to the availability of licenses.

(3) The holder of a valid lobster or fish pot license not pending revocation or court action due to violation of provisions of this subchapter may transfer the right to the license at any time, upon application to the Department. The new licensee shall have a license issued in his or her name after payment of the fee specified at (g)11xi below and pursuant to the specific requirements of N.J.A.C. 7:25-14.13 through 14.20.

(4) Individuals intending to harvest lobsters by lobster pots for recreational purposes must purchase a fish and lobster pot license. Individuals holding a fish and lobster pot license issued for the recreational harvest of lobster shall receive an allocation for 10 lobster pots to be fished in State waters only and shall not harvest more than six lobsters per license per day. Lobsters taken under the provisions of a fish and lobster pot license for recreational purposes may not be sold, offered for sale or used for barter.

(5) Fish and lobster pot licenses issued for the recreational harvest of lobster shall not be included in the total of fish and lobster pot licenses identified in (g)11i(1) above.

ii. All lobster and fish pots shall have a maximum size less than a volume equivalent to 22.950 cubic inches (376,082 cubic cm) when deployed in the waters as specified in (g)11 above, except as provided in (g)11ix below.

iii. Any fish or lobster pot license holder shall have priority in retaining the same license number previously issued to him or her provided that he or she has submitted a license application requesting the previously issued license number prior to March 1 of the current year and that the license number applied for was assigned to

11. Lobster or fish pots may be used for the taking of all species except those specifically protected pursuant to the specific requirements of N.J.A.C. 7:25-14.3 through 14.20 and shall be used only in the Atlantic Ocean, Delaware Bay, Raritan Bay and Sandy Hook Bay except as provided in (g)11ix below.

i. To be eligible for a lobster or fish pot license in 2003, an applicant must provide a copy of a previously valid New Jersey lobster or fish pot license held by the applicant in one of the years from 1995 through March

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an active license not more than two years prior to the application;

iv. Effective January 1, 1986, each fishing vessel subject to this regulation must display its license number on the port and starboard sides of the deckhouse or hull and on an appropriate weather deck so as to be visible from above. The license number affixed to each vessel subject to this paragraph must be of block Arabic numerals at least 10 inches in height and of a color contrasting the background;

v. Effective January 1, 1986, all lobster or fish pots or traps and associated buoys and other gear deployed in the salt waters of this State and not permanently attached to the vessel must be legibly and indelibly marked with one of the following codes of identification:

- (1) The State lobster or fish pot gear identification number; or
- (2) The full name and address of the State lobster or fish pot license holder.

vi. No person other than the license holder shall remove fish or lobsters from any pot or trap. Anyone tending fish or lobster pots or traps after January 1, 1986, shall have in his or her possession the numbered license which corresponds to the gear identification number on the vessel and the gear identification number or name and address affixed to the pots and buoys being tended. The license must be displayed for inspection upon request of any authorized officer. No one shall cut or break the lines or otherwise tamper with or damage any pot, trap, or buoy which he or she does not own;

vii. All lobster and fish pots shall be constructed to include one of the following escape vents in the parlor section of the pot located in such a manner that it would not be blocked or obstructed in normal use by any portion of the pot, associated gear, or the sea floor:

- (1) In a fishery in which the possession of lobster on board a vessel or landed from a vessel exceeds 100 lobsters per trip day (based on a 24-hour period) up to a maximum of 500 lobster per trip for trips of five days or longer, the escape vent(s) shall be not less than:

(A) A rectangular portal with an unobstructed opening not less than 1.9375 inches (49.2 mm) by 5.75 inches (146.0 mm). Effective July 1, 2003 the unobstructed opening shall be increased to not less than 2 inches (50.8 mm) by 5.75 inches (146.0 mm); or

(B) Two circular portals with unobstructed openings not less than 2.625 inches (66.7 mm) in diameter;

- (2) In a fishery in which the possession of more than 100 pounds of scup on board a vessel or landed

from a vessel occurs, the escape vent(s) shall be not less than:

(A) A rectangular portal with an unobstructed opening not less than 2.25 inches (57.2 mm) by 2.25 inches (57.2 mm); or

(B) A circular portal with an unobstructed opening not less than 3.1 inches (78.7 mm) in diameter.

(3) In a fishery in which the possession of black sea bass on board a vessel or landed from a vessel occurs, the escape vent(s) shall be not less than:

(A) A square portal with an unobstructed opening not less than 2.0 inches (50.8 mm) by 2.0 inches (50.8 mm);

(B) A rectangular portal with an unobstructed opening not less than 1.375 inches (34.9 mm) by 5.75 inches (146.0 mm); or

(C) A circular portal with an unobstructed opening not less than 2.5 inches (63.5 mm) in diameter.

(D) Effective January 1, 2007, all lobster and fish pots used for the harvest of black sea bass shall have at least two escape vents.

(4) In a fishery in which more than one of the escape vents listed in (g)11vii(1) through (3) above is applicable, the pots shall be constructed with the largest of the applicable escape vents.

viii. All lobster and fish pots shall be constructed to include a ghost panel or other mechanism which is designed to create an opening to allow the escape of lobsters and fish after a pot has been abandoned or lost, and which meets the following specifications:

- (1) The opening covered by the panel or created by other approved mechanism shall be located in the outer parlor section(s) of the pot, shall be in a position which allows the unobstructed exit of lobsters or fish from the pot and shall be of the following dimensions:

(A) Not less than 3.75 inches (95.25 mm) by 3.75 inches (95.25 mm), or

(B) Not less than three inches (76.2 mm) by six inches (152.4 mm) when used in a fishery in which the possession of black sea bass on board a vessel or landed from a vessel occurs.

- (2) The panel shall be constructed of, or fastened to the pots with, one of the following materials: untreated wood lath; untreated cotton, hemp, sisal or jute twine not greater than 3/16 inch (4.76 mm) in diameter; non-stainless, ungalvanized, uncoated ferrous metal not greater than 3/32 inch (2.4 mm) in diameter;

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or magnesium alloy, timed float release (pop-up device), or similar magnesium alloy fasteners;

(3) The door of the pot may serve as the ghost panel if the door is fastened to the pot with a material specified in (g)11viii(2) above;

(4) The escape vent specified in (g)11vii above may serve as a ghost panel if the escape vent is incorporated into a panel constructed of, or attached to the pot with, a material specified in (g)11viii(2) above, and, upon breakdown of the degradable materials, will create an opening of at least the dimensions specified in (g)11viii(1)(A) and (B) above for the exit of lobster and fish; and

(5) Pots constructed entirely or partially of wood shall be considered to be in compliance with this subparagraph if constructed of wood lath to the extent that deterioration of wooden component(s) will result in an unobstructed opening as specified in (g)11viii(1)(A) and (B) above.

ix. A modified lobster or fish pot may be used for the taking of conchs or whelks and spider crabs in all marine waters of the State including the Atlantic Ocean with the exception of the Newark Bay Complex.

(1) Any such conch pot is defined as a rectangular shaped device no larger than 30 inches on any side; or a cylindrical shaped device not greater than 34 inches in diameter and 30 inches in height. Conch pots must allow for an unobstructed opening on their top surface measuring not less than eight by eight inches square or nine inches in diameter. Conch pots using horseshoe crabs as bait must contain a bait-saving device containing a horseshoe crab or parts of a horseshoe crab as bait which, by design, extends the effective fishing time of the horseshoe crab bait in the water. Conch pots cannot contain a parlor, funnel, or other entrapping mechanism in the interior of the pot. Any similar configuration may be approved for use upon application to the Division and receipt of written approval. Such applications must contain a diagram detailing the shape and dimensions of the requested conch pot configuration.

(2) Conch pots may be tended only from 0400 hours (4:00 A.M.) to 2100 hours (9:00 P.M.).

(3) No conch pot shall be placed in a creek, ditch or tributary less than 50 feet wide at mean low water, in any marked or charted channel or in any man-made lagoon;

x. The lobster or fish pot season shall begin on January 1 and end on December 31;

xi. The resident fee for lobster or fish pots shall be \$100.00 regardless of the number of pots employed.

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ATTACHMENT 2

The following is a summary of the NJ limited entry regulations for the lobster pot fishery.

Permit Type	Eligibility	# of Permits Issued	
ADOPTED 10/2/00			
Type A Permit As of 2005, the pot (trap) allocation is that listed on the Federal Fisheries Permit for American Lobster.	1) Possess a current (2000 or 2001) valid Federal Limited Access American Lobster Permit. 2) Document landings and sales of a minimum of 2,000 pounds of lobsters in New Jersey harvested by pot in any one calendar year during the period from March 25, 1991 to September 3, 1998. 3) To be eligible for a pot allocation above 1,000 pots under the Type A permit category, an applicant must document the maximum number of pots the vessel fished in total and in each LMA 3, 4 and 5.	62	
Type B Permit As of 2005, the pot (trap) allocation is that listed on the Federal Fisheries Permit for American Lobster.	1) Possess a current (2000 or 2001) valid Federal Limited Access American Lobster Permit. 2) Document landings and sales of a minimum of 2,000 pounds of lobster in New Jersey harvested by pot in any one calendar year during the period from January 1, 1980 to March 25, 1991.	14	
Type C Permit Allocation of 500 pots only in New Jersey State waters of LMAs 4 and 5.	1) Possess a valid NJ Lobster/Fish Pot License in any one calendar year during the period from January 1, 1980 to September 3, 1998. 2) Document landings and sales of a minimum of 2,000 pounds of lobster in New Jersey harvested by pot in any one calendar year during the period from January 1, 1990 to September 3, 1998.	12	
ADOPTED 09/17/01			
Type D Recreational Lobster Pot Permit Allocation of 10 lobster pots only in State waters of LMA 4 and 5 and limited to six lobster per person per day	1) No qualifying criteria – must possess a current New Jersey Lobster/Fish Pot License.	100	
Type F Permit As of 2005, the pot (trap) allocation is that listed on the Federal Fisheries Permit for American Lobster.	1) Possess a current (2000 or 2001) valid Federal Limited Access American Lobster Permit. 2) Document landings and sale of a minimum of 2,000 pounds of lobster in New Jersey harvested by pot in any one calendar year during the period from September 3, 1998 to December 31, 2000.	8	
ADOPTED 08/19/02			
Type E Permit As of 2005, the pot (trap) allocation is that listed on the Federal Fisheries Permit for American Lobster.	1) Possess a current (2000 or 2001) valid Federal Limited Access American Lobster Permit. 2) Document landings and sale of a minimum of 500 pounds of lobster in New Jersey harvested by otter trawl in any one calendar year during the period from January 1, 1980 to September 3, 1998.	12	
TOTAL # OF COMMERCIAL PERMITS ISSUED		109	

