

## CHAPTER 503

AN ACT concerning the menhaden purse seine fishery and amending P.L.2013, c.74.

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

1. Section 13 of P.L.2013, c.74 (C.23:3-51.11) is amended to read as follows:

C.23:3-51.11 Annual State menhaden catch quota.

13. a. (1) The annual State menhaden catch quota shall be established by the Atlantic States Marine Fisheries Commission. The commissioner, or the commissioner's designee, may request a quota transfer from other states or regions, in accordance with the administrative procedure outlined by the Atlantic States Marine Fisheries Commission.

(2) The commissioner, or the commissioner's designee, shall divide and allocate the annual State menhaden catch quota as provided in this paragraph. The annual New Jersey menhaden bait quota shall be divided among the various gear types, with the purse seine fishery being allocated 95 percent of the quota, and pound nets, wire pound nets, gill nets, trawls, bait nets, and other authorized gear being allocated the remaining five percent, combined. If the quota for any gear type is exceeded, the overharvested amount shall be deducted from the following year's quota.

b. The season for fishing and landing menhaden in the State shall be:

(1) January 1 to December 31 for licensees taking menhaden, or landing menhaden taken, by purse seine;

(2) January 1 to December 31 for licensees taking menhaden, or landing menhaden taken, by gill net;

(3) January 1 to December 31 for licensees taking menhaden, or landing menhaden taken, by pound net or wire pound net;

(4) January 1 to December 31 for licensees taking menhaden, or landing menhaden taken, by trawl;

(5) January 1 to December 31 for licensees taking menhaden, or landing menhaden taken, by bait net; and

(6) January 1 to December 31 for licensees taking menhaden, or landing menhaden taken, by other authorized gear not otherwise specified in this subsection.

c. No person who intends to take menhaden with a purse seine or shirred net shall fish for menhaden in the State:

(1) on a Saturday or Sunday;

(2) on the days on which a public holiday is officially observed by the State, as declared pursuant to R.S.36:1-1; or

(3) at any time, except during the hours from sunrise to sunset.

d. (1) The commissioner, or the commissioner's designee, shall close the menhaden season in the State, for each respective gear type, by giving not less than two days' notice of the projected date that the year's quota for that gear type will be landed.

(2) If the menhaden season is closed prematurely, the commissioner may reopen the season for a specified period of time, upon no less than two days' notice.

(3) Any notice required pursuant to this subsection shall be made available for public viewing on the department's Internet website, and shall be issued electronically, via e-mail, to all the holders of a Menhaden Purse Seine Fishing Vessel License, a Menhaden Purse Seine Fishing Vessel Operator's License, a Menhaden Landing License, a Menhaden Personal Use and Limited Sale License, and a Menhaden Dealer License. Each such licensee

shall be required, at the time of licensure, to provide the commissioner with their e-mail address, in order to facilitate the provision of notice pursuant to this section.

e. If the season for a particular gear type is closed because the quota amount allocated to that gear type has been harvested and landed: (1) the holder of a Menhaden Landing License for that gear type or the holder of a Menhaden Personal Use and Limited Sale License may continue to land an incidental catch as provided by the Atlantic States Marine Fisheries Commission Fishery Management Plan for Atlantic Menhaden; and (2) the holder of a Menhaden Dealer License may continue to accept an incidental catch from the holder of a Menhaden Landing License or the holder of a Menhaden Personal Use and Limited Sale License, as provided by the Atlantic States Marine Fisheries Commission Fishery Management Plan for Atlantic Menhaden. The incidental catch allowance authorized by this subsection shall be applied to the annual menhaden catch quota as provided by the Atlantic States Marine Fisheries Commission Fishery Management Plan for Atlantic Menhaden.

f. (1) Within 60 days after the enactment of P.L.2019, c.503, the commissioner, or the commissioner's designee, shall establish an individual transferable quota system for the menhaden purse seine fishery. To qualify to receive an allocation under the ITQ system established pursuant to this subsection, a vessel and its owner or operator shall hold, prior to the date of enactment of P.L.2019, c.503, a valid Menhaden Landing License for the menhaden purse seine fishery.

Each ITQ shall be allocated based upon a qualified vessel's rounded percentage share of the average of its menhaden landings in 2014 through 2018, inclusive, except that no qualified vessel shall be allocated an ITQ in an amount less than 200,000 pounds in the initial allocation. After the initial allocation pursuant to this paragraph: (a) the percentage of quota for the menhaden purse seine fishery established for each ITQ holder shall remain static; and (b) each ITQ holder's individual poundage quota shall increase or decrease based on the overall menhaden purse seine fishery quota allocated to the State and the ITQ holder's fixed percentage of that allocation. The commissioner, or the commissioner's designee, shall notify, in writing, each owner or operator of a qualified vessel of their ITQ established pursuant to this paragraph.

(2) The owner of a qualified vessel may transfer all or part of the vessel's ITQ to another qualified vessel, on a temporary or permanent basis, upon approval by the commissioner or the commissioner's designee.

(3) A ITQ holder who does not harvest, or transfer to be harvested pursuant to paragraph (2) of this subsection, a minimum of 80 percent of the holder's quota for two consecutive years may, at the discretion of the commissioner or the commissioner's designee, have the quota redistributed to the remainder of the ITQ holders using the calculation set forth in paragraph (1) of this subsection.

(4) If upon the date of enactment of P.L.2019, c.503, the menhaden purse seine fishery is open for the 2019 fishing season and all qualified vessels have harvested less than their individual allocation for the 2019 fishing season as calculated pursuant to paragraph (1) of this subsection, each qualified vessel shall be subject to their individual ITQ established pursuant to paragraph (1) of this subsection for the remainder of the 2019 fishing season.

(5) No later than ten years after the date of enactment of P.L.2019, c.503, the commissioner, or the commissioner's designee, shall conduct an assessment of the ITQ system established pursuant to this subsection and send a written report of the assessment, including any recommendations for legislative action if deemed appropriate, to the Chairperson of the Senate Environment and Energy Committee and the Assembly Agriculture and Natural Resources Committee, or their successors.

(6) As used in this subsection, “ITQ” means an individual transferable quota as allocated pursuant to this subsection.

2. This act shall take effect immediately.

Approved January 21, 2020.