

Proposed Rule Summary

Part 23 – Aggregate Program for Summer Flounder and Black Sea Bass

1. Proposal #1 (Division proposal):

- a. Adopt new rule “*Part 23 - Aggregate Program for Summer Flounder and Black Sea Bass*” in conjunction with allowing the pilot program rules “*Part 12 – Research Pilot Aggregate Program for Summer flounder and Black sea bass*” to remain expired (i.e., do not extend term of pilot program into 2023).

Rationale: The pilot program has been in effect for 4 full years with adequate data obtained to determine to potential effects of a full program available to all eligible license holders.

b. Seasons:

- Winter I: Jan. 1 – April 30 (no change proposed)
- Summer/Fall: May 1 – Dec. 31 (no change proposed from pilot program)

c. Possession limits:

- Winter I:
 - Summer flounder: Four thousand (4,000) pounds per vessel per bi-week (no change proposed)
- Summer/Fall:
 - Summer flounder: The weekly possession limit will be equal to the daily limit multiplied by seven (7) (no change proposed from pilot program)
 - Black sea bass: The weekly possession limit will be equal to the daily limit multiplied by five (5) (no change proposed from pilot program)
- Possession limits may revert back to a daily limit once 90% of the sub-period quota for each species is projected to have been reached (no change for Winter I, less conservative for Summer/Fall)
- Rationale: Through active quota management, the Division is prepared to manage both aggregate programs with a trigger as necessary.

- d. Participation in both the Winter I season and the Summer/Fall season for summer flounder: Winter I participants would be allowed to participate in the Summer/Fall season. (no change proposed from pilot program)

Rationale: Through active quota management, the Division is prepared to manage the summer flounder fishery with a larger aggregate fleet.

e. Summer Flounder Exemption Certificate:

- Summer Flounder:

- Winter I: Exemption Certificate required for participation (no change proposed)
- Summer/Fall: No Exemption Certificate required to land the weekly aggregate possession limit, but Exemption Certificate required to land > than 300 lbs/vessel/day (the pilot program did not require an Exemption to land > 300 lbs/vessel/day).

Rationale: Currently, Exemption Certificate required to land > 200 lbs/day with pilot program participants being exempt. Data shows that 81% of pilot program trips with landings by non-certificate holding operators/vessels did not land > 200 lbs/day, and 87% did not land > 300 lbs/day. The Division proposes to increase the 200 lb/day limit to 300 lbs/day (Part 14 – Summer Flounder Exemption Certificate Program) to provide for more flexibility for non-certificate holding entities.

- f. General eligibility: Provisions added to Summer/Fall Season consistent with existing Winter I rules that the applicant or vessel operator must not have been assessed a criminal or administrative penalty for violations of State or Federal commercial fishing Regulations or laws within the past three (3) years.

Rationale: Currently an eligibility requirement for several programs managed by the Division.

Industry Proposals:

1. No Dual Program Participation
 - a. Winter I Program participants not eligible for the Summer/Fall Program; harvesters must choose between Winter I or Summer/Fall
2. Summer Flounder Exemption Certificate
 - a. Summer Flounder Exemption Certificate Not Required:
 1. Summer Flounder Exemption Certificate not required to land full weekly limit of summer flounder in the Summer/Fall Program (e.g., participation in summer/fall aggregate program exempts participants from summer flounder exemption certificate rules)
 - b. Alternate Possession Limit for participants that do not hold a Summer Flounder Exemption Certificate:
 1. Weekly aggregate possession limit = 7X daily limit; however, in a single day, the vessel may only be in possession of one-half (1/2) the weekly limit or the maximum daily limit allowed, which ever amount is greater. (e.g., participation in summer/fall program exempts participants from

summer flounder exemption certificate rules, but limits daily landings based on weekly aggregate limit)

3. Black Sea Bass Possession Limit
 - a. Increase possession limit for all seasons
 1. Increase to 7X the daily limit for all black sea bass seasons
 - b. Increase possession limit for summer season
 1. May 1 – August 15: 7X the daily limit
 2. August 16 – December 31: 5X the daily limit
4. Aggregate Program Trigger:
 - a. Possession limits may revert back to a daily limit once 80% of the sub-period quota for each species is projected to have been reached
5. Aggregate Program participants cannot have their small-mesh net on-board when on an active aggregate program trip.
6. Summer flounder possession limit of 100 lbs/day if fishing with small-mesh and possessing < 250 lbs squid.

Additional Notes:

- Part 12 “*Research Pilot Aggregate Program for Summer flounder and Black sea bass*” is proposed for amendment to extend term into 2023 ***only*** in the event that this proposed rule for a full program is not adopted. If this rule is adopted, Part 12 would remain expired and would be proposed for repeal at a later date.
- Part 14 “*Summer Flounder Exemption Certificate Program*” is proposed for amendment to increase the increase the 200 lb/day limit to 300 lbs/day.
- Rules related to the Winter 1 Summer flounder season as currently contained in Part 3 “Finfish” are proposed to be relocated to this rule so as to house all aggregate program rules in a single location as a distinct permit program.