

RULE ADOPTIONS

AGRICULTURE

(a)

DIVISION OF PLANT INDUSTRY

Notice of Readoption Quarantines

Readoption: N.J.A.C. 2:20

Authority: N.J.S.A. 4:1-21.5, 4:6-20, and 4:7-1 et seq.

Authorized By: Joseph Zoltowski, Director Division of Plant Industry, the State Board of Agriculture and Douglas H. Fisher, Secretary, Department of Agriculture and Chairman.

Effective Date: January 25, 2018.

New Expiration Date: January 25, 2025.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 2:20 were scheduled to expire on April 28, 2018. The introduction of dangerously injurious insect pests or plant pathogens from another state or foreign country can constitute a serious threat to agriculture in New Jersey. In the current globalization of world trade, the prospect of spreading highly injurious plant pest species to new areas has increased, and there is a need to quarantine certain pests to prevent their introduction into New Jersey. Based on these factors, the New Jersey Department of Agriculture (NJDA) originally proposed in this chapter, the means by which the agricultural industry in New Jersey can be properly protected from highly injurious invasive pest threats.

N.J.A.C. 2:20-1 sets forth provisions regarding Golden Nematode, which has been determined a threat to New Jersey agriculture.

N.J.A.C. 2:20-2 sets forth provisions regarding white pine blister rust, and protects the spread of white pine blister rust, as well as allows for special permits and an annual inspection fee.

N.J.A.C. 2:20-3 sets forth provisions regarding Ceriferus (or Japanese) Wax Scale, which is a dangerous non-native insect that constitutes a menace to trees and shrubs in New Jersey.

N.J.A.C. 2:20-4 sets forth provisions regarding Mediterranean fruit fly, which is a menace to fruits and vegetables in New Jersey.

N.J.A.C. 2:20-5 sets forth provisions regarding Africanized Honeybee, which presents a menace to the practice of apiculture in New Jersey.

N.J.A.C. 2:20-6 sets forth provisions regarding Khapra Beetle, which is a menace to food and grains stocks in New Jersey.

N.J.A.C. 2:20-7 sets forth provisions for Posentary quarantine, which restricts the growth and movement of plants imported to the United States for the purpose of determining whether the plants are infected with plant pests not discernible by port-of-entry inspection.

N.J.A.C. 2:20-8 sets forth provisions of quarantine for Asian Longhorn Beetle, including restriction of movement of infested plant material, regulated articles, the quarantine areas, right of access, notification, and conditions of movement.

The Department of Agriculture has reviewed the rules and has determined that the rules should be readopted without amendment. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

ENVIRONMENTAL PROTECTION

(b)

DIVISION OF FISH AND WILDLIFE

Notice of Administrative Changes Marine Fisheries

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

N.J.A.C. 7:25-18.12

Take notice that, pursuant to N.J.A.C. 7:25-18.12(q), the Commissioner of the Department of Environmental Protection, with the approval of the New Jersey Marine Fisheries Council (Council) at its January 11, 2018, meeting, has modified the trip limits for black sea bass and summer flounder. These actions have been taken to comply with the Atlantic States Marine Fisheries Commission (ASMFC) management plans for Black Sea Bass, and Summer Flounder and for the optimal utilization of available quotas and the prevention of excessive harvesting and quota exceedances.

The Mid-Atlantic Fishery Management Council (MAFMC) and the ASMFC Summer Flounder, Scup and Black Sea Bass Board met jointly in February 2017, to set the black sea bass commercial quota for 2018. New Jersey's preliminary quota was set at 704,000 pounds, which represents a 14.57 percent decrease from the 2017 commercial quota. This was an expected decrease based upon the results of the ASMFC's 2016 Black Sea Bass Benchmark Stock Assessment. Pending the results of the final 2017 season for black sea bass, the 2018 commercial quota may be adjusted slightly to account for any over- or under-utilization of the 2017 quota. At its December 7, 2017, meeting, the New Jersey Marine Fisheries Council's Commercial Black Sea Bass Committee developed its preferred trip limits for the 2018 commercial fishing year based upon the preliminary quota. 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 are as follows: Season 1 (January-February) 21.96 percent: 500 pounds three times per two-week period, 750 pounds two times per two-week period, or 1,500 pounds one time per two-week period. Season 2 (March-April) 20.9 percent: 500 pounds three times per two-week period, 750 pounds two times per two-week period, or 1,500 pounds one time per two-week period. Season 3 (May-June) 16.53 percent: 500 pounds four times a week, or 1,000 pounds two times a week. Season 4 (July-August) 9.1 percent: 500 pounds four times a week, or 1,000 pounds two times a week. Season 5 (September-October) 13.53 percent: 500 pounds four times a week, or 1,000 pounds two times a week. Season 6 (November-December) 17.97 percent: 500 pounds four times a week, 1,000 pounds two times a week, or 2,000 pounds one time a week.

The Marine Fisheries Council's Commercial Summer Flounder Committee also met on December 7, 2017, to discuss preferred trip limits for the 2018 fishing year. The Committee considered the current 2017 summer flounder commercial fishery landings and the preliminary 2018 commercial summer flounder quota for New Jersey, as determined by the ASMFC and MAFMC. The preliminary quota for New Jersey is 1,108,867 pounds, a 17.14 percent increase from the 2017 quota. This increase is a result of the ASMFC and MAFMC's decision to maintain their previously approved multi-year specifications. Pending the results of the final 2017 season for summer flounder, the 2018 commercial quota may be adjusted slightly to account for any over- or under-utilization of the 2017 quota. The seasons, percentage of the annual quota apportioned into each season, trip limits, and landing days approved by the Council based upon the Committee's recommendation are as follows: Season 1 (January-February) 28 percent: 750 pounds two times per two-week period, or 1,500 pounds one time per two-week period. Season 2 (March-April) 11 percent: 400 pounds two times a week, or 800 pounds one time a week. Season 3 (May-June) 10.5 percent: 250 pounds six times a week, or 500 pounds three times a week.