

23:5-44

LEGISLATIVE HISTORY CHECKLIST  
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NJSA: 23:5-44 et al

(Striped bass--  
revises possessions  
& size limits)

LAWS OF: 1990

CHAPTER: 5

Bill No: S2263

Sponsor(s): Russo

Date Introduced: January 22, 1990

Committee: Assembly: Conservation and Natural Resources

Senate: Natural Resources and Agriculture

Amended during passage: No

Date of Passage: Assembly: March 5, 1990

Senate: February 15, 1990

Date of Approval: March 8, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

(over)

See newspaper clippings--attached:

"Working for fair striped bass law," 2-7-90 Asbury Park Press

"Bill clears to sink ban..." 3-6-90 Star Ledger

"Striper bill waits for Governor Florio's signature," 3-6-90 Asbury Park Press

"Senate tackles striped bass issue," 2-16-90 Asbury Park Press

**KBG/SLJ**

## P.L.1990, CHAPTER 5, approved March 6, 1990

1990 Senate No. 2263

1 AN ACT concerning the taking of striped bass, amending and  
2 supplementing P.L.1983, c.506, and amending P.L.1987, c.83.

3

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

6 1. Section 2 of P.L.1983, c.506 (C.23:5-44) is amended to read  
7 as follows:

8 2. As used in this act:

9 a. (Deleted by amendment, P.L.1985, c.211).

10 b. "Marine waters" means all the salt waters of this State,  
11 including the waters of the Atlantic Ocean, and all bays, inlets  
12 and estuarine waters located below the freshwater portion of any  
13 river, stream or creek, but shall not include any of the  
14 freshwaters of this State as defined in R.S.23:1-2;

15 c. (Deleted by amendment, P.L.1985, c.211).

16 d. "Spearfishing" means the taking of striped bass by means of  
17 a spear, harpoon, or other missile, while the swimmer is  
18 completely submerged in marine waters, but shall not include the  
19 use of blinding lights for the purpose of spearing striped bass, or  
20 spears, harpoons or other missiles with exploding heads;

21 e. "Striped bass" means a game fish of the species "*Morone*  
22 *saxatilis*" commonly referred to as rockfish, rock or striper;

23 f. "Delaware bay" means all the waters of the State  
24 delineated by a line drawn from Cape May Point, New Jersey to  
25 Cape Henlopen, Delaware and the boundary line between New  
26 Jersey and Delaware extending to the northern terminus of  
27 Artificial Island, Lower Alloways Creek township, Salem county.

28 (cf: P.L.1985, c.211, s.1).

29 2. Section 1 of P.L.1987, c.83 (C.23:5-45.1) is amended to read  
30 as follows:

31 1. a. No person shall take from the [marine] waters of the  
32 State in any one day, or sell, barter, offer for sale or barter or  
33 have in his possession at any time, more than five striped bass  
34 measuring not less than [31 inches in length, from the effective  
35 date of this amendatory and supplementary act through July 31,  
36 1987, not less than 33 inches in length from August 1, 1987  
37 through December 31, 1988, not less than 34 inches in length  
38 from January 1, 1989 through June 30, 1989, and not less than] 36  
39 inches in length from July 1, 1989 through December 31, 1989 , or

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 more than one striped bass not less than 28 inches in length on or  
2 after January 1, 1990, except not less than 36 inches in length  
3 from the waters of the Delaware bay or the Delaware river, or  
4 their tributaries. No person shall have in his possession any  
5 striped bass not less than 36 inches in length while on or angling  
6 in the Delaware bay or the Delaware river, or their tributaries.

7 b. The possession of any striped bass or parts of a striped bass  
8 from which the head or tail has been removed other than  
9 immediately prior to preparation or being served as food, which is  
10 less than [31 inches in length from the effective date of this  
11 amendatory and supplementary act through July 31, 1987, less  
12 than 33 inches in length from August 1, 1987 through December  
13 31, 1988, less than 34 inches in length from January 1, 1989  
14 through June 30, 1989, or less than] 36 inches in length from  
15 July 1, 1989 through December 31, 1989, or less than 28 inches in  
16 length on or after January 1, 1990, except not less than 36 inches  
17 in length while on or angling in the waters of the Delaware bay or  
18 the Delaware river, or their tributaries, shall be presumed to be  
19 possessed in violation of this section.

20 c. Notwithstanding the provisions of subsections a. and b. of  
21 this section to the contrary, upon approval by the Atlantic States  
22 Marine Fisheries Commission, the Department of Environmental  
23 Protection shall, by regulation adopted pursuant to the  
24 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
25 et seq.), provide that no person may take from the waters of the  
26 State, other than the Delaware bay and the Delaware river, and  
27 their tributaries, in any one day, or sell, barter, offer for sale or  
28 barter or have in his possession at any time more than two striped  
29 bass, of which one shall be not less than 28 inches in length and  
30 the other shall be not less than 38 inches in length.

31 The possession of any striped bass or parts of a striped bass  
32 from which the head or tail has been removed other than  
33 immediately prior to preparation or being served as food, which is  
34 less than 28 inches in length shall be presumed to be possessed in  
35 violation of this section, except the minimum limit shall be 38  
36 inches in length for a second fish possessed.

37 The department shall monitor the catch provided for in this  
38 subsection and provide for its discontinuance as necessary to keep  
39 the State in compliance with the allowances of the commission.  
40 (cf: P.L.1989, c.82, s.1)

41 3. (New section) a. No person may take, or attempt to take,  
42 or have in his possession, any striped bass from any waters of the  
43 State, except the Atlantic Ocean, from January 1 through  
44 February 28 of each year.

45 b. The department shall, by regulation adopted pursuant to the  
46 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
47 et seq.), implement a closed season for the striped bass spawning  
48 area of the Delaware river during the spawning period.

1 4. This act shall take effect immediately.

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#### STATEMENT

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6 This bill would amend current law regarding the taking of  
7 striped bass. Most significantly, this bill would keep the State in  
8 compliance with federal law regarding the quantity and  
9 measurement for striped bass possession. Under the bill, one  
10 striped bass may be possessed which is not less than 28 inches in  
11 length if caught in marine waters other than the Delaware bay  
12 and river. For the Delaware bay and river system, the striped  
13 bass must not be less than 36 inches in length. The larger size  
14 limit in the Delaware estuary is to protect immature females to  
15 allow for continued restoration of the striped bass resource in  
16 that system.

17 The Atlantic States Marine Fisheries Commission plan allows  
18 for the reinstatement of a commercial harvest at a level equal to  
19 20% of the historic yearly average. The allowable harvest for  
20 New Jersey would be 63,800 pounds. However, the sale and  
21 netting of striped bass is currently prohibited in New Jersey.  
22 Instead, the State will propose to the Atlantic States Marine  
23 Fisheries Commission that this allocation be used for an  
24 additional one fish catch not less than 38 inches in length and  
25 that the State will monitor the consumption of this fishery. This  
26 bill would direct the department to implement such a program in  
27 the event the commission approves it.

28 In addition, the bill would reinstate a closed season for the  
29 taking of striped bass from bays and estuaries during January and  
30 February. The purpose of this closure, which does not affect the  
31 harvest of fish from ocean waters, is to prevent the high  
32 mortality rates that result from the snagging with a hook and line  
33 of striped bass that winter in back bays and estuarine waters.  
34 Also, the bill would authorize the department to impose a closed  
35 season for the taking of striped bass from the spawning area of  
36 the Delaware river during the spawning season. The department  
37 would need to coordinate such a restriction with the states of  
38 Pennsylvania and Delaware.

39 Finally, the bill would require that the Department of  
40 Environmental Protection promulgate regulations when  
41 implementing the additional one fish catch of not less than 38  
42 inches in length, if and when that additional catch is approved by  
43 the Atlantic States Marine Fisheries Commission.

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#### NATURAL RESOURCES

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Revises the possession and size limits for the taking of striped  
49 bass.



ASSEMBLY CONSERVATION AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO

**SENATE, No. 2263**

**STATE OF NEW JERSEY**

DATED: MARCH 1, 1990

The Assembly Conservation and Natural Resources Committee favorably reports Senate Bill No. 2263.

This bill would amend current law regarding the taking of striped bass. Most significantly, this bill would keep the State in compliance with federal law regarding the quantity and measurement for striped bass possession. Under the bill, one striped bass may be possessed which is not less than 28 inches in length if caught in marine or fresh waters other than the Delaware bay and river. For the Delaware bay and river system, the striped bass must not be less than 36 inches in length. The larger size limit in the Delaware estuary is to protect immature females to allow for continued restoration of the striped bass resource in that system.

The Atlantic States Marine Fisheries Commission plan allows for the reinstatement of a commercial harvest at a level equal to 20% of the historic yearly average. The allowable harvest for New Jersey would be 63,800 pounds. However, the sale and netting of striped bass is currently prohibited in New Jersey. Instead, the State will propose to the Atlantic States Marine Fisheries Commission that this allocation be used for an additional one fish catch not less than 38 inches in length and that the State will monitor the consumption of this fishery. This bill would direct the department to implement such a program in the event the commission approves it.

In addition, the bill would reinstate a closed season for the taking of striped bass from bays and estuaries during January and February. The purpose of this closure, which does not affect the harvest of fish from ocean waters, is to prevent the high mortality rates that result from the snagging with a hook and line of striped bass that winter in back bays and estuarine waters. Also, the bill would authorize the department to impose a closed season for the taking of striped bass from the spawning area of the Delaware river during the spawning season. The department would need to coordinate such a restriction with the states of Pennsylvania and Delaware.

Because the State has been out of compliance with federal requirements concerning striped bass since January 1, 1990, the federal government imposed a moratorium on striped bass fishing in New Jersey effective March 1, 1990. It is expected that this bill, if enacted, would satisfy the federal requirements and prompt the federal government to lift the moratorium.

The Division of Fish, Game and Wildlife testified in favor of the bill, as did a representative of the Jersey Coast Anglers Association. Two representatives of the Delaware Bay Watermans Association testified in opposition, arguing for a resumption of commercial fishing for striped bass in Delaware bay as part of a "bicatch" (i.e., an incidental catch) with other fish that are presently harvested commercially.

As released by the committee, this bill is identical to Assembly Bill No. 2922, which was also released by the committee.

SENATE NATURAL RESOURCES AND  
AGRICULTURE COMMITTEE

STATEMENT TO

**SENATE, No. 2263**

**STATE OF NEW JERSEY**

DATED: JANUARY 25, 1990

The Senate Natural Resources and Agriculture Committee favorably reports Senate Bill No. 2263.

This bill would amend current law regarding the taking of striped bass. Most significantly, this bill would keep the State in compliance with federal law regarding the quantity and measurement for striped bass possession. Under the bill, one striped bass may be possessed which is not less than 28 inches in length if caught in marine waters other than the Delaware bay and river. For the Delaware bay and river system, the striped bass must not be less than 36 inches in length. The larger size limit in the Delaware estuary is to protect immature females to allow for continued restoration of the striped bass resource in that system.

The Atlantic States Marine Fisheries Commission plan allows for the reinstatement of a commercial harvest at a level equal to 20% of the historic yearly average. The allowable harvest for New Jersey would be 63,800 pounds. However, the sale and netting of striped bass is currently prohibited in New Jersey. Instead, the State will propose to the Atlantic States Marine Fisheries Commission that this allocation be used for an additional one fish catch not less than 38 inches in length and that the State will monitor the consumption of this fishery. This bill would direct the department to implement such a program in the event the commission approves it.

In addition, the bill would reinstate a closed season for the taking of striped bass from bays and estuaries during January and February. The purpose of this closure, which does not affect the harvest of fish from ocean waters, is to prevent the high mortality rates that result from the snagging with a hook and line of striped bass that winter in back bays and estuarine waters. Also, the bill would authorize the department to impose a closed season for the taking of striped bass from the spawning area of the Delaware river during the spawning season. The department would need to coordinate such a restriction with the states of Pennsylvania and Delaware.

Finally, the bill would require that the Department of Environmental Protection promulgate regulations when implementing the additional one fish catch of not less than 38 inches in length, if and when that additional catch is approved by the Atlantic States Marine Fisheries Commission.