

CHAPTER 25

DIVISION OF FISH AND WILDLIFE RULES

Authority

N.J.S.A. 13:1B-30 et seq., 13:1D-9, 23:1-1 et seq., and 50:1-5 et seq.

Source and Effective Date

R.2007 d.239, effective July 13, 2007.
See: 39 N.J.R. 587(a), 39 N.J.R. 3324(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 25, Division of Fish and Wildlife Rules, expires on July 13, 2014. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 25, Division of Fish, Game and Wildlife Rules, was adopted and became effective prior to September 1, 1969.

Subchapter 2, Use of All Land and Water Areas Under the Control of the Division of Fish, Game and Wildlife, was adopted as R.1975 d.292, effective October 1, 1975. See: 7 N.J.R. 411(a), 7 N.J.R. 499(c).

Subchapter 18, Marine Fisheries, was adopted as R.1980 d.394, effective September 17, 1980. See: 12 N.J.R. 312(a), 12 N.J.R. 576(c).

Pursuant to Executive Order No. 66(1978), Subchapter 18 was re-adopted as R.1985 d.386, effective July 8, 1985. See: 17 N.J.R. 1188(a), 17 N.J.R. 1883(b).

Subchapter 18, Marine Fisheries, was repealed and Subchapter 18, Marine Fisheries, was adopted as new rules by Emergency Rule R.1985 d.674, effective December 17, 1985. This emergency new rule expired on February 15, 1986. See: 18 N.J.R. 102(a). The provisions of the concurrent proposal were adopted with changes by R.1986 d.121, effective April 7, 1986. See: 18 N.J.R. 102(a), 18 N.J.R. 657(b).

Pursuant to Executive Order No. 66(1978), Chapter 25, Division of Fish, Game and Wildlife Rules, was readopted as R.1991 d.132, effective February 15, 1991. See: 23 N.J.R. 37(a), 23 N.J.R. 848(b).

Pursuant to Executive Order No. 66(1978), Chapter 25, Division of Fish, Game and Wildlife Rules, was readopted as R.1996 d.119, effective February 2, 1996. See: 27 N.J.R. 4514(a), 28 N.J.R. 1378(b).

Pursuant to Executive Order No. 66(1978), Chapter 25, Division of Fish, Game and Wildlife Rules, was readopted as R.2001 d.73, effective January 30, 2001. As a part of R.2001 d.73, Chapter 25, Division of Fish, Game and Wildlife Rules, was renamed Division of Fish and Wildlife Rules; and Subchapter 2, Use of All Land and Water Areas Under the Control of the Division of Fish, Game and Wildlife, was renamed Use of All Land and Water Areas Under the Control of the Division, effective March 5, 2001. See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

Petition for Rulemaking: Division of Fish and Wildlife Rules. See: 36 N.J.R. 221(a), 4849(b), 5459(a).

Subchapter 6, 2005-2006 Fish Code, was renamed 2006-2007 Fish Code by R.2006 d.64, effective February 6, 2006. See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 25, Division of Fish and Wildlife Rules, was extended by gubernatorial directive from January 30, 2006 to July 30, 2006. See: 38 N.J.R. 1318(c).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 25, Division of Fish and Wildlife Rules, was extended by

gubernatorial directive from July 30, 2006 to September 30, 2006. See: 38 N.J.R. 3577(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 25, Division of Fish and Wildlife Rules, was extended by gubernatorial directive from September 30, 2006 to October 30, 2006. See: 38 N.J.R. 4693(c).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 25, Division of Fish and Wildlife Rules, was extended by gubernatorial directive from October 30, 2006 to November 30, 2006. See: 38 N.J.R. 5155(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 25, Division of Fish and Wildlife Rules, was extended by gubernatorial directive from November 30, 2006 to January 14, 2007. See: 39 N.J.R. 62(a).

Chapter 25, Division of Fish and Wildlife Rules, was readopted as R.2007 d.239, effective July 13, 2007. As a part of R.2007 d.239, Subchapter 5, 2005-2006 Game Code, was renamed Subchapter 5, 2006-2011 Game Code, effective August 6, 2007. See: Source and Effective Date. See, also, section annotations.

Subchapter 6, 2006-2007 Fish Code, was renamed 2008-2009 Fish Code by R.2008 d.65, effective March 17, 2008. See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Subchapter 5, 2006-2011 Game Code, was renamed 2009-2012 Game Code by R.2009 d.276, effective September 8, 2009 (operative September 13, 2009). See: 41 N.J.R. 1320(a), 41 N.J.R. 3217(b).

Subchapter 6, 2008-2009 Fish Code, was renamed 2010-2011 Fish Code by R.2010 d.013, effective January 4, 2010. See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

Subchapter 5, 2009-2012 Game Code, was renamed 2011-2012 Game Code by R.2011 d.237, effective September 6, 2011 (operative September 11, 2011). See: 43 N.J.R. 1112(a), 43 N.J.R. 2307(a).

Subchapter 6, 2010-2011 Fish Code, was renamed 2012-2013 Fish Code by R.2011 d.301, effective December 19, 2011 (operative January 1, 2012). See: 43 N.J.R. 1632(a), 43 N.J.R. 3332(a).

Subchapter 5, 2011-2012 Game Code, was renamed 2013-2014 Game Code by R.2013 d.115, effective September 16, 2013 (operative September 21, 2013). See: 45 N.J.R. 787(a), 45 N.J.R. 2121(a).

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(c) Southern Region Office—Winslow WMA, 220 Blue Anchor Road, Sicklerville, NJ 08081, (856) 629-0555.

(d) DEP Action Line, 1-877-WARN DEP (927-6337).

Recodified from 7:25-5.37 by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

See: 28 N.J.R. 2434(b), 28 N.J.R. 3934(a).

Former N.J.A.C. 7:25-5.38, "Severability", recodified to 7:25-5.39.

Amended by R.2000 d.365, effective September 5, 2000 (operative September 10, 2000).

See: 32 N.J.R. 1673(a), 32 N.J.R. 3294(a).

In (c) and (d), changed telephone numbers.

Amended by R.2001 d.300, effective August 20, 2001 (operative August 25, 2001).

See: 33 N.J.R. 1527(a), 33 N.J.R. 2829(a).

Rewrote section.

Amended by R.2003 d.359, effective September 2, 2003 (operative September 7, 2003).

See: 35 N.J.R. 1804(a), 35 N.J.R. 4053(a).

7:25-5.39 Severability

If any provision of this Code adopted hereunder or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provisions to persons and circumstances other than those to which it is held invalid, shall not be affected thereby.

Recodified from 7:25-5.38 by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

See: 28 N.J.R. 2434(b), 28 N.J.R. 3934(a).

SUBCHAPTER 6. 2012 – 2013 FISH CODE

Subchapter Historical Note

The Fish Code is revised annually to reflect changing conditions in the State's game fish resource. Previous revisions in the code were as follows:

R.1972 d.184, effective January 1, 1973.

See: 4 N.J.R. 186(a), 4 N.J.R. 234(a).

R.1973 d.25, effective January 18, 1973.

See: 5 N.J.R. 39(a).

R.1973 d.264, effective September 17, 1973.

See: 5 N.J.R. 261(a), 5 N.J.R. 336(c).

R.1973 d.265, effective January 1, 1974.

See: 5 N.J.R. 260(c), 5 N.J.R. 337(a).

R.1973 d.347, effective January 1, 1974.

See: 5 N.J.R. 369(c), 6 N.J.R. 6(b).

R.1974 d.253, effective January 1, 1975.

See: 6 N.J.R. 305(a), 6 N.J.R. 394(a).

R.1975 d.301, effective January 1, 1976.

See: 7 N.J.R. 359(c), 7 N.J.R. 499(d), 8 N.J.R. 460(a).

R.1976 d.316, effective January 1, 1977.

See: 8 N.J.R. 379(a), 8 N.J.R. 510(a).

R.1977 d.384, effective January 1, 1978.

See: 9 N.J.R. 361(a), 9 N.J.R. 513(a).

R.1978 d.351, effective January 1, 1979.

See: 10 N.J.R. 324(a), 10 N.J.R. 479(a).

R.1979 d.403, effective January 1, 1980.

See: 11 N.J.R. 370(a), 11 N.J.R. 543(a).

R.1980 d.400, effective January 1, 1981.

See: 12 N.J.R. 457(a), 12 N.J.R. 577(a).

R.1981 d.470, effective December 7, 1981.

See: 13 N.J.R. 483(a), 13 N.J.R. 887(a).

R.1982 d.429, effective December 6, 1982 (operative January 1, 1983).

See: 14 N.J.R. 872(a), 14 N.J.R. 1336(c).

R.1983 d.542, effective November 21, 1983 (operative January 1, 1984).

See: 15 N.J.R. 1217(a), 15 N.J.R. 1942(a).

R.1984 d.498, effective November 5, 1984 (operative January 1, 1985).

See: 16 N.J.R. 2034(a), 16 N.J.R. 3011(a).

R.1985 d.646, effective December 16, 1985 (operative January 1, 1986).

See: 17 N.J.R. 2187(a), 17 N.J.R. 2972(a).

R.1987 d.41, effective January 5, 1987.

See: 18 N.J.R. 1644(a), 19 N.J.R. 110(a).

R.1988 d.15, effective January 4, 1988.

See: 19 N.J.R. 1385(a), 20 N.J.R. 72(a).

R.1988 d.531, effective November 7, 1988 (operative January 1, 1989).

See: 20 N.J.R. 1627(a), 20 N.J.R. 2758(a).

R.1989 d.567, effective November 6, 1989 (operative January 1, 1990).

See: 21 N.J.R. 1775(b), 21 N.J.R. 3483(a).

R.1990 d.616, effective December 17, 1990 (operative January 1, 1991).

See: 22 N.J.R. 2071(a), 22 N.J.R. 3746(a).

R.1991 d.527, effective November 18, 1991 (operative January 1, 1992).

See: 23 N.J.R. 2115(a), 23 N.J.R. 3446(c).

R.1992 d.541, effective November 2, 1992 (operative January 1, 1993).

See: 24 N.J.R. 2539(a), 24 N.J.R. 4122(a).

R.1993 d.526, effective November 1, 1993 (operative January 1, 1994).

See: 25 N.J.R. 3053(b), 25 N.J.R. 4905(a).

R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

R.1997 d.538, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3217(a), 29 N.J.R. 5289(a).

R.1998 d.541, effective November 16, 1998 (operative January 1, 1999).

See: 30 N.J.R. 2552(a), 30 N.J.R. 4037(b).

R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).

See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).

R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

R.2002 d.379, effective November 18, 2002 (operative January 1, 2003).

See: 34 N.J.R. 1789(a), 34 N.J.R. 3963(a).

R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

7:25-6.1 General provisions

(a) Authority. This Code is adopted pursuant to the provisions of N.J.S.A. 13:1B-29 et seq. and the provisions of N.J.S.A. 23:1-1 et seq.

(b) Judicial notice. N.J.S.A. 13:1B-34 provides in pertinent part, "(C)opies of the State Fish & Game Code, and its amendments, duly certified by the chairman of the council, shall be received in evidence in all court or other judicial proceedings in the State."

(c) Time. The hours listed in this Code are EST or EDT at date.

(d) Fishing for all species of freshwater fish is permitted 24 hours daily except on those days that certain trout waters are closed for stocking during March, April and May, pursuant to N.J.A.C. 7:25-6.3 and 6.4.

(e) Freshwater fish in excess of the daily limit may be caught, when permitted, provided they are immediately returned to the water unharmed.

(f) Except as provided in N.J.A.C. 7:25-6.20, or when fishing from a boat, canoe, kayak or similar vessel, the num-

ber of rods, and lines or hand lines shall not exceed three per person.

(g) The possession and/or release of live potentially dangerous fish species, identified in N.J.A.C. 7:25-6.2, is strictly prohibited. Potentially dangerous fish species encountered while angling shall be destroyed. There are no season, minimum size or creel limits on these species.

(h) Except for Greenwood Lake and the Delaware River between New Jersey and Pennsylvania, for which limits are specified in N.J.A.C. 7:25-6.19 and 6.20, respectively, for those species of freshwater fish that do not have specified daily creel and possession limits, the daily creel and possession limit shall be 25 in total.

Amended by R.2008 d.65, effective March 17, 2008.
See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Added (d), (e), and (f).
Amended by R.2010 d.013, effective January 4, 2010.
See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

Added (g).
Amended by R.2011 d.301, effective December 19, 2011 (operative January 1, 2012).

See: 43 N.J.R. 1632(a), 43 N.J.R. 3332(a).
Added (h).

7:25-6.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Baitfish” means the following species:

- | | |
|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Alewife (anadromous and landlocked forms) | <i>Alosa pseudoharengus</i> ; i. Except in the Delaware River, where alewife is a foodfish in accordance with N.J.S.A. 23:9-5; |
| 2. American brook lamprey | <i>Lampetra appendix</i> ; |
| 3. American eel | <i>Anguilla rostrata</i> , greater than six inches in length; |
| 4. Banded killifish | <i>Fundulus diaphanus</i> ; |
| 5. Blueback Herring | <i>Alosa aestivalis</i> , i. Except in the Delaware River, where blueback herring is a foodfish in accordance with N.J.S.A. 23:9-5; |
| 6. Bluntnose minnow | <i>Pimephales notatus</i> ; |
| 7. Fathead minnow | <i>Pimephales promelas</i> ; |
| 8. Gizzard shad | <i>Dorosoma cepedianum</i> ; |
| 9. Golden shiner | <i>Notemigonus crysoleucas</i> ; |
| 10. Margined madtom | <i>Noturus insignis</i> ; |
| 11. Mummichog | <i>Fundulus heteroclitus</i> ; |
| 12. Rainwater killifish | <i>Lucania parva</i> ; |
| 13. Spotfin killifish | <i>Fundulus luciae</i> ; |
| 14. Tadpole madtom | <i>Noturus gyrinus</i> ; and |
| 15. All shiner, dace, and minnow of the following genera: | <i>Cyprinella</i> , <i>Exoglossum</i> , <i>Hybognathus</i> , <i>Luxilus</i> , <i>Notropis</i> , <i>Rhinichthys</i> and <i>Semotilus</i> . |

“Closed season” shall mean a period of time during which the taking of one or more species of fish is not permitted.

“Closed waters” means those waters in which angling is not permitted, particularly in reference to time.

“Code” means the State Fish Code.

“Creel or possession limit” means the total number of fish that are legally retainable. Most normally this is expressed on a daily basis.

“Creeled trout” shall mean any trout which a fisherman has in his possession.

“Director” means Director of the Division.

“Division” means the Division of Fish and Wildlife.

“Fathom” shall mean a unit of measure equal to six feet.

“Foodfish” for the purpose of N.J.A.C. 7:25-6.11 only, means the following species:

- | | |
|--------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| 1. American eel | <i>Anguilla rostrata</i> ; |
| 2. American shad | <i>Alosa sapidissima</i> ; |
| 3. Black bullhead | <i>Ameiurus melas</i> ; |
| 4. Blueback herring | <i>Alosa aestivalis</i> ; |
| 5. Bowfin | <i>Amia calva</i> ; |
| 6. Brown bullhead | <i>Ameiurus nebulosus</i> ; |
| 7. Carp | <i>Cyprinus carpio</i> ; |
| 8. Channel catfish | <i>Ictalurus punctatus</i> ; |
| 9. Gizzard shad | <i>Dorosoma cepedianum</i> ; |
| 10. White catfish | <i>Ameiurus catus</i> ; |
| 11. White perch | <i>Morone americana</i> ; |
| 12. White sucker | <i>Catostomus commersoni</i> ; |
| 13. Yellow bullhead | <i>Ameiurus natalis</i> ; |
| 14. Yellow perch | <i>Perca flavescens</i> ; and |
| 15. Any other marine fish species that is legal for taking with net in marine waters, except striped bass and alewife herring. | |

“Indigenous fish” means the following species and all hybrids and strains thereof, including the young or eggs of any such species:

- | | |
|----------------------|--------------------------------|
| 1. alewife | <i>Alosa pseudoharengus</i> |
| 2. American eel | <i>Anguilla rostrata</i> |
| 3. banded killifish | <i>Fundulus diaphanus</i> |
| 4. blueback herring | <i>Alosa aestivalis</i> |
| 5. bowfin | <i>Amia calva</i> |
| 6. bullhead, brown | <i>Ameiurus nebulosus</i> |
| 7. bullhead, yellow | <i>Ameiurus natalis</i> |
| 8. catfish, white | <i>Ameiurus catus</i> |
| 9. creek chub | <i>Semotilus atromaculatus</i> |
| 10. creek chubsucker | <i>Erimyzon oblongus</i> |
| 11. dace, blacknose | <i>Rhinichthys atratulus</i> |
| 12. dace, longnose | <i>Rhinichthys cataractae</i> |
| 13. darter, shield | <i>Percina peltata</i> |
| 14. darter, swamp | <i>Etheostoma fusiforme</i> |

| | |
|--------------------------------|--------------------------------|
| 15. darter, tessellated | <i>Etheostoma olmstedii</i> |
| 16. eastern mosquitofish | <i>Gambusia holbrooki</i> |
| 17. eastern mudminnow | <i>Umbra pygmaea</i> |
| 18. fallfish | <i>Semotilus corporalis</i> |
| 19. hogchoker | <i>Trinectes maculatus</i> |
| 20. hog sucker, northern | <i>Hypentelium nigricans</i> |
| 21. lamprey, American brook | <i>Lampetra appendix</i> |
| 22. lamprey, sea | <i>Petromyzon marinus</i> |
| 23. longnose gar | <i>Lepisosteus osseus</i> |
| 24. madtom, margined | <i>Noturus insignis</i> |
| 25. madtom, tadpole | <i>Noturus gyrinus</i> |
| 26. minnow, cutlips | <i>Exoglossum maxillingua</i> |
| 27. minnow, eastern silvery | <i>Hybognathus regius</i> |
| 28. mummichog | <i>Fundulus heteroclitus</i> |
| 29. perch, pirate | <i>Aphredoderus sayanus</i> |
| 30. perch, white | <i>Morone americana</i> |
| 31. perch, yellow | <i>Perca flavescens</i> |
| 32. pickerel, chain | <i>Esox niger</i> |
| 33. pickerel, redfin | <i>Esox americanus</i> |
| 34. pumpkinseed | <i>Lepomis gibbosus</i> |
| 35. quillback | <i>Carpionodes cyprinus</i> |
| 36. sculpin, slimy | <i>Cottus cognatus</i> |
| 37. shad, American | <i>Alosa sapidissima</i> |
| 38. shad, hickory | <i>Alosa mediocris</i> |
| 39. shad, gizzard | <i>Dorosoma cepedianum</i> |
| 40. shiner, bridle | <i>Notropis bifrenatus</i> |
| 41. shiner, comely | <i>Notropis amoenus</i> |
| 42. shiner, common | <i>Luxilus cornutus</i> |
| 43. shiner, golden | <i>Notemigonus crysoleucas</i> |
| 44. shiner, ironcolor | <i>Notropis chalybaeus</i> |
| 45. shiner, satinfin | <i>Cyprinella analostana</i> |
| 46. shiner, spotfin | <i>Cyprinella spiloptera</i> |
| 47. shiner, spottail | <i>Notropis husdonius</i> |
| 48. shiner, swallowtail | <i>Notropis procne</i> |
| 49. stickleback, fourspine | <i>Apletes quadracus</i> |
| 50. stickleback, threespine | <i>Gasterosteus aculeatus</i> |
| 51. stickleback, ninespine | <i>Pungitius pungitius</i> |
| 52. striped bass | <i>Morone saxatilis</i> |
| 53. sturgeon, Atlantic | <i>Acipenser oxyrinchus</i> |
| 54. sturgeon, shortnose | <i>Acipenser brevirostrum</i> |
| 55. sucker, white | <i>Catostomus commersoni</i> |
| 56. sunfish, banded | <i>Enneacanthus obesus</i> |
| 57. sunfish, blackbanded | <i>Enneacanthus chaetodon</i> |
| 58. sunfish, bluespotted | <i>Enneacanthus gloriosus</i> |
| 59. sunfish, mud | <i>Acantharchus pomotis</i> |
| 60. sunfish, redbreasted | <i>Lepomis auritus</i> |
| 61. trout, brook | <i>Salvelinus fontinalis</i> |

"In-season stocking period" shall mean April 9, 2012 through May 25, 2012 for the 2012 trout season, April 8, 2013 through May 22, 2013 for the 2013 trout season, April 7, 2014 through May 23, 2014 for the 2014 trout season, April 6, 2015 through May 22, 2015 for the 2015 trout season, and April 11, 2016 through May 27, 2016 for the 2016 trout season.

"Natural bait" means any bait that in its live, preserved or original form would be consumed by fish.

"Open waters" (all sections except N.J.A.C. 7:25-6.9) means those waters in which angling is permitted, particularly in reference to time.

"Open waters" (N.J.A.C. 7:25-6.9) means those waters not covered with ice.

"Opening day" shall mean 8:00 A.M. on April 7, 2012 for the 2012 trout season, 8:00 A.M. on April 6, 2013 for the 2013 trout season, 8:00 A.M. on April 5, 2014 for the 2014 trout season, 8:00 A.M. on April 4, 2015 for the 2015 trout season, and 8:00 A.M. on April 9, 2016 for the 2016 trout season.

"Oswego bass" or "black bass" shall mean largemouth and smallmouth bass.

"Possession" means all fish, live or dead, under the control of the fisherman. No more than the daily creel limit of any fish for one person may be held on a stringer or in a container. On board containers, in boats, may only contain the combined daily creel limit of any fish for each legal fisherman aboard.

"Potentially dangerous fish" means the following species:

| | |
|-------------------------|------------------------------------|
| 1. Asian swamp eel | <i>Monopterus albus</i> |
| 2. Bighead carp | <i>Hypophthalmichthys nobilis</i> |
| 3. Brook stickleback | <i>Culaea inconstans</i> |
| 4. Flathead catfish | <i>Pylodictis olivaris</i> |
| 5. Grass carp (diploid) | <i>Ctenopharyngodon idella</i> |
| 6. Green sunfish | <i>Lepomis cyanellus</i> |
| 7. Snakeheads | <i>Channa spp.</i> |
| 8. Oriental weatherfish | <i>Misgurnus anguillicaudatus</i> |
| 9. Silver carp | <i>Hypophthalmichthys molitrix</i> |
| 10. Warmouth | <i>Lepomis gulosus</i> |

"Pre-season closure" shall be the period from midnight March 18, 2012 to 8:00 A.M. April 7, 2012 for the 2012 trout season, the period from midnight March 17, 2013 to 8:00 A.M. April 6, 2013 for the 2013 trout season, the period from midnight March 16, 2014 to 8:00 A.M. April 5, 2014 for the 2014 trout season, the period from midnight March 15, 2015 to 8:00 A.M. April 4, 2015 for the 2015 trout season, and the period from midnight March 20, 2016 to 8:00 A.M. April 9, 2016 for the 2016 trout season. Unless otherwise specified, this closure applies to all waters, both public and private, stocked with trout.

"Size limit" means the legal length of fish and may be expressed as a minimum size or a maximum size of a fish that may be retained. Length shall be the maximum total length.

"Snagging" means the hooking of fish other than inside the mouth, through the action of the fisherman.

"Trout" shall include the following species and all hybrids and strains thereof:

- | | |
|---------------------------------|------------------------------|
| 1. Atlantic (landlocked) salmon | <i>Salmo salar</i> |
| 2. Brook trout | <i>Salvelinus fontinalis</i> |
| 3. Brown trout | <i>Salmo trutta</i> |
| 4. Lake trout | <i>Salvelinus namaycush</i> |
| 5. Rainbow trout | <i>Oncorhynchus mykiss</i> |

"Unattended" means user not available for questioning by officer at the time of inspection.

"Warmwater fish" includes the following species and all hybrids and strains thereof:

- | | |
|------------------------|-----------------------------------|
| 1. Banded sunfish | <i>Enneacanthus obesus</i> |
| 2. Blackbanded sunfish | <i>Enneacanthus chaetodon</i> |
| 3. Black crappie | <i>Pomoxis nigromaculatus</i> |
| 4. Bluegill | <i>Lepomis macrochirus</i> |
| 5. Bluespotted sunfish | <i>Enneacanthus gloriosus</i> |
| 6. Chain pickerel | <i>Esox niger</i> |
| 7. Channel catfish | <i>Ictalurus punctatus</i> |
| 8. Largemouth bass | <i>Micropterus salmoides</i> |
| 9. Longear sunfish | <i>Lepomis megalotis</i> |
| 10. Mud sunfish | <i>Acantharchus pomotis</i> |
| 11. Muskellunge | <i>Esox masquinongy</i> |
| 12. Northern pike | <i>Esox lucius</i> |
| 13. Pumpkinseed | <i>Lepomis gibbosus</i> |
| 14. Redbreast sunfish | <i>Lepomis auritus</i> |
| 15. Redear sunfish | <i>Lepomis microlophus</i> |
| 16. Redfin pickerel | <i>Esox americanus americanus</i> |
| 17. Smallmouth bass | <i>Micropterus dolomieu</i> |
| 18. Striped bass | <i>Morone saxatilis</i> |
| 19. Walleye | <i>Sander vitreus</i> |
| 20. White crappie | <i>Pomoxis annularis</i> ; and |
| 21. Yellow perch | <i>Perca flavescens</i> |

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).

See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).

Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

Amended by R.1998 d.541, effective November 16, 1998 (operative January 1, 1999).

See: 30 N.J.R. 2552(a), 30 N.J.R. 4037(b).

In "Other fish species", added 13; and in "Possession", added the second and third sentences.

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

In "Baitfish", added "greater than six inches in length" following "Anguilla rostrata" in 15; rewrote "Closures" as "Closed Waters"; inserted "Closed season"; and in "Warmwater fish", added 26.

Amended by R.2001 d.73, effective March 5, 2001.

See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

In "Baitfish", rewrote 1 and 2, and added 16; in "Foodfish", deleted former 6, recodified former 7 and 8 as 6 and 7, deleted former 9, recodified former 10 to 17 as 8 to 15, recodified former 18 as 16 and inserted "except striped bass and alewife herring".

Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

In "Foodfish", deleted 1, recodified 2 through 16 as 1 through 15; in "Warmwater fish", substituted "Sander vitreus" for "Stizostedion vitreum vitreum" in 13.

Amended by R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

In definition "Trout", added species Atlantic (landlocked) salmon.

Amended by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Rewrote definitions "Baitfish", "Foodfish", "Other fish species", "Trout", and "Warmwater fish"; and added definitions "In-season stocking period", "Opening day", "Oswego bass" and "Pre-season closure".

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

Rewrote definition "Baitfish"; in the second column of entry 2 of definition "Other fish species", substituted "Anguilla" for "Anguilla"; and added definition "Potentially dangerous fish".

Amended by R.2011 d.301, effective December 19, 2011 (operative January 1, 2012).

See: 43 N.J.R. 1632(a), 43 N.J.R. 3332(a).

Added definition "Indigenous fish"; rewrote definitions "In-season stocking period", "Opening day", "Pre-season closure" and "Warmwater fish"; and deleted definition "Other fish species".

7:25-6.3 Trout season and angling in trout stocked waters

(a) Except as provided in N.J.A.C. 7:25-6.4, 6.6 to 6.9, 6.19, 6.20 and (b)1 below, trout season shall commence 12:01 A.M. January 1 and extend to the pre-season closure. The trout season shall re-open on opening day and extend to include midnight December 31.

(b) Except as provided in N.J.A.C. 7:26-6.4, 6.6 to 6.9 and (b)1 below, it shall be unlawful to fish for any species of fish during the pre-season closure in ponds, lakes or those portions of streams that are listed herein for stocking.

1. Farrington Lake, Middlesex County; Lake Hopatcong, Morris/Sussex County; Swartswood Lake, Sussex County; Shenandoah Lake, and Prospertown Lake, Ocean County, will remain open to angling year-round. Trout taken during the pre-season closure must be returned to the water immediately and unharmed.

(c) There shall be a nine-inch minimum size for brook trout, brown trout, rainbow trout or hybrids and strains thereof except as designated in N.J.A.C. 7:25-6.5 to 6.9. Purchased brown and rainbow trout less than the nine-inch minimum size limit may be possessed, strictly for use as bait, provided a receipt of purchase, dated within 14 days, and indicating the place of purchase is in possession and provided upon request.

(d) Except as designated in N.J.A.C. 7:25-6.8, the minimum size limit for lake trout shall be 15 inches with a daily bag and possession limit of two.

(e) Except as provided in N.J.A.C. 7:25-6.4 through 6.9, the daily possession limit for brook trout, brown trout, and rainbow trout or their hybrids and strains thereof is as follows:

1. A person shall not take, kill or have in possession, in one day, more than four in total during the period extending from January 1 to the pre-season closure.

2. A person shall not take, kill or have in possession, in one day, more than six in total from opening day until May 31.

3. A person shall not take, kill or have in possession, in one day, more than four in total from June 1 until December 31.

(f) Except as provided in N.J.A.C. 7:25-6.6 to 6.9, waters with listed stocking dates shall be closed to all fishing from 5:00 A.M. to 5:00 P.M. on listed dates; included in these waters are all feeder and tributary streams for a distance of 100 feet from the main channel.

(g) Except as provided in N.J.A.C. 7:25-6.5 to 6.8, no person shall catch, take, kill or possess trout during the closed period (5:00 A.M. to 5:00 P.M.) on any of the waters listed for in-season closures.

(h) Except as provided in N.J.A.C. 7:25-6.6 to 6.9, in trout-stocked waters for which in-season closures will be in force, waters will be closed from 5:00 A.M. to 5:00 P.M. for stocking on the dates and at the locations indicated below, provided that in the event of emergent conditions, the Division may suspend stocking of any or all of the waters listed below:

1. Each Monday during the in-season stocking period.

i. Manasquan River—Route 9 bridge downstream to Bennetts Bridge, Manasquan Wildlife Management Area.

ii. Metedeconk River, N. Br.—Aldrich Road Bridge to Ridge Avenue.

iii. Metedeconk River, S. Br.—Bennetts Mills dam to twin wooden foot bridge, opposite Lake Park Boulevard, on South Lake Drive, Lakewood.

iv. Rockaway River—Longwood Lake dam to Jersey City Reservoir in Boonton.

v. Toms River—Ocean County—Route 528, Holmansville, to confluence with Maple Root Branch and Route 70 to County Route 571.

vi. Wallkill River—Lake Mohawk Dam to Route 23, Hamburg.

2. Each Tuesday during the in-season stocking period.

i. Pohatcong Creek—Route 31 to Delaware River.

ii. Raritan River, S. Br.—Budd Lake dam through Hunterdon and Somerset Counties to Jct. with N. Br. Raritan River.

3. Each Wednesday during the in-season stocking period.

i. Raritan River, N. Br.—Peapack Road Bridge in Far Hills to Jct. with S. Br. Raritan River.

4. Each Thursday during the in-season stocking period.

i. Black River—Route 206 Chester, to the posted Black River Fish and Game club property at the lower end of Hacklebarney State Park.

ii. Paulinskill River and E. Br. and W. Br.—Limecrest Railroad Spur Bridge on E. Br., Sparta Township, and Warbasse Junction Road, Route 663, on W. Br., Lafayette Twp., to Columbia Lake.

iii. Ramapo River—State line to Pompton Lake.

5. Each Friday during the in-season stocking period.

i. Big Flat Brook—100 ft. above Steam Mill Bridge on Cigger Road in Stokes State Forest to Delaware River.

ii. Musconetcong River—Lake Hopatcong Dam to Delaware River including all main stem impoundments, but excluding Lake Musconetcong, Netcong.

iii. Pequest River—Source to Delaware River.

iv. Wanaque River—Greenwood Lake Dam to Wanaque Reservoir Dam and section from Wanaque Avenue Bridge, Pompton Lakes to Jct. with Pequannock River, excluding Wanaque Reservoir and Monksville Reservoir.

(i) This subsection sets forth trout stocked waters for which no in-season closures will be in force.

1. Atlantic County
Birch Grove Park Pond—Northfield
Hammonton Lake—Hammonton
Heritage Pond—Absecon
2. Bergen County
Dahnert's Lake—Garfield
Hackensack River—Lake Tappan to Harriot Avenue, Harrington Park
Hohokus Brook—Forest Road to Saddle River
Indian Lake—Little Ferry
Mill Pond—Park Ridge
Pascack Creek—Orchard Street, Hillsdale, to Lake Street, Westwood
Potash Lake—Oakland
Saddle River—Lake Street to Dunkerhook Road, Fair Lawn
Tenakill Creek—Closter, entire length
Whites Pond—Waldwick
3. Burlington County
Crystal Lake—Willingboro
Laurel Pond—Mt. Laurel
Pemberton Lake—Pemberton
Rancocas Creek, South/West Branch—Medford, Mill Street Park to Branch St. Bridge
Sylvan Lake—Burlington
4. Camden County
Gloucester City Pond—Gloucester
Haddon Lake—Audubon
Oak Pond—Sicklerville
Rowands Pond—Clementon
5. Cape May County
Ponderlodge Pond—Villas
Tuckahoe Lake—Tuckahoe

6. Cumberland County
Cohansey River—Dam at Seeley's Pond to Powerline above Sunset Lake, Bridgeton
Giampietro Park Lake—Vineland
Mary Elmer Lake—Bridgeton
Maurice River—Willow Grove Lake dam to Sherman Avenue, Vineland
Shaw's Mill Pond—Newport
South Vineland Park Pond—Vineland
7. Essex County
Branch Brook Park Lake—Newark
Diamond Mill Pond—Millburn
Rahway River W/Br—Campbells Pond to Glen Ave.
Verona Park Lake—Verona
8. Gloucester County
Greenwich Lake—Gibbstown
Grenloch Lake—Turnersville
Harrisonville Lake—Harrisonville
Iona Lake—Iona
Swedesboro Lake—Swedesboro
Westville Lake—Westville
9. Hudson County
West Hudson County Park Pond—Harrison
Woodcliff Lake—North Bergen, James J. Braddock Park
10. Hunterdon County
Alexauken Creek—West Amwell Township, entire length
Amwell Lake—East Amwell
Beaver Brook—Clinton Township, entire length
Capoolong Creek—Pittstown, entire length
Delaware—Raritan Feeder Canal—Bulls Island to Hunterdon - Mercer County line
Hakihokake Creek—Holland Township, entire length
Lockatong Creek—Opdyke Road Bridge, Kingwood Township to Delaware Raritan Feeder Canal
Mannys Pond—Union Township
Mountain Farm Pond—Lebanon Township
Mulhockaway Creek—Pattenburg, source to Spruce Run Reservoir
Neshanic River—Kuhl Road to Hunterdon County Route 514
Nishisakawick Creek—Frenchtown/Everittstown, entire length
Rockaway Creek—Readington Township, entire length
Rockaway Creek, S/Br.—Lebanon to Whitehouse, entire length
Round Valley Reservoir—Clinton Township
Sidney Brook—Grandin, entire length
Spruce Run—Glen Gardner and Lebanon Township, entire length
Wickecheoke Creek—Covered Bridge County Rt. 604, Sergeantsville to Delaware River
11. Mercer County
Assunpink Creek—Assunpink Site 5 dam upstream of Rt. 130 Bridge to Carnegie Road, Hamilton Township
Colonial Lake—Lawrence Township
Delaware—Raritan Canal—Mulberry Street, Trenton, to Alexander St., Princeton
Delaware—Raritan Feeder Canal—Hunterdon-Mercer County line to Wilburtha Road
Rosedale Lake—Rosedale
Stony Brook—Woodsville to Port Mercer
12. Middlesex County
Farrington Lake—North Brunswick
Hook's Creek Lake—Cheesequake State Park
Ireland Brook—Farrington Lake to point 500 ft. upstream of Riva Avenue
Lake Papaiani—Edison
Lawrence Brook—Dam at Farrington Lake to 2nd RR Bridge (Raritan Railroad) below Main St., Milltown
Roosevelt Park Pond—Edison Township
13. Monmouth County
Echo Lake—Southard
Englishtown Mill Pond—Englishtown
Garvey's Pond—Navesink
Hamilton Fire Pond—Neptune
Hockhocks Brook—Hockhocks Road to Garden State Parkway Bridge (northbound)
Holmdel Park Pond—Holmdel
Mac's Pond—Manasquan
Mingamahone Brook—Farmingdale, Hurley Pond Road to Manasquan River
Mohawk Pond—Red Bank
Shadow Lake—Red Bank
Shark River—Hamilton, Route 33 to Remsen Mill Road
Spring Lake—Spring Lake
Takanassee Lake—Long Branch
Topenemus Lake—Freehold
Yellow Brook—Heyers Mill Road to Muhlenbrink Rd., Colts Neck Township
14. Morris County
Beaver Brook—Rockaway, entire length
Burnham Park Pond—Morristown
Drakes Brook—Flanders, entire length
Hibernia Brook—Hibernia, entire length
India Brook—Mountainside Ave. to Rt. 24, Ralston
Lake Hopatcong—Lake Hopatcong
Lake Musconetcong—Netcong
Mt. Hope Pond—Mt. Hope
Pequannock River—(See Passaic Co.)
Passaic River—White Bridge Rd. to Rt. 24, Chatham Boro
Pompton River—Pequannock Township (see Passaic Co.)
Russia Brook—Jefferson Township, Ridge Road to Lake Swannanoa
Speedwell Lake—Morristown
Whippany River—Tingley Road, Morris Township, to Ridgedale Ave., Morristown
15. Ocean County
Lake Shenandoah—Lakewood, Ocean County Park
Pohatcong Lake—Tuckerton
Prospertown Lake—Prospertown
16. Passaic County
Barbour's Pond—West Paterson
Clinton Reservoir—Newark Watershed
Green Turtle Pond—Hewitt
Oldham Pond—North Haledon
Pequannock River—Route 23, Smith Mills to Paterson-Hamburg Turnpike, Pompton Lakes
Pompton River—Pompton Lake to Newark-Pompton Turnpike
Ringwood Brook—State line to Sally's Pond, Ringwood State Park
Sheppard Lake—Ringwood State Park

17. Salem County
 - Harrisonville Lake—Harrisonville
 - Maurice River—Willow Grove Lake Dam to Sherman Avenue, Vineland
 - Schadler's Sand Wash Pond—Penns Grove
18. Somerset County
 - Lamington River—Rt. 523 (Lamington Road) at Burnt Mills to Jct. with North Branch of Raritan River
 - Middle Brook, E/Br.—Martinsville, entire length
 - Passaic River—See Morris Co.
 - Peapack Brook—Peapack-Gladstone, entire length
 - Raritan River—Jct. of Raritan River N/Br. and S/Br. to Rt. 206 Bridge
 - Rock Brook—Zion, entire length
 - Spooky Brook Park Pond—Franklin
19. Sussex County
 - Alm's House Pond—Myrtle Grove, Hampton Township
 - Andover Junction Brook—Andover, entire length
 - Big Flat Brook, Upper—Saw Mill Pond, High Point State Park, to 100 ft. above Steam Mill Bridge on Crigger Road
 - Blue Mountain Lake—Delaware Water Gap National Recreation Area
 - Clove River—Junction of Route 23 and Mt. Salem Road to Route 565 Bridge
 - Culver's Creek- Frankford Township, entire length
 - Dry Brook—Branchville, entire length
 - Franklin Pond Creek—Hamburg Mountain Wildlife Management Area, entire length
 - Glenwood Brook—Lake Glenwood to State line
 - Lake Aeroflex—Andover
 - Lake Hopatcong—Lake Hopatcong
 - Lake Musconetcong—Netcong
 - Lake Ocquittunk—Stokes State Forest
 - Little Flat Brook—Sandyston Township, entire length
 - Little Swartswood Lake—Swartswood
 - Lubbers Run—Byram Township, entire length
 - Neldon Brook—Swartswood, entire length
 - Papakating Creek—Plains Road bridge to Route 565, Lewisburg
 - Papakating Creek, W. Br.—Libertyville, entire length
 - Pond Brook—Middleville, entire length
 - Saw Mill Pond—High Point State Park
 - Silver Lake—Hamburg Mountain Wildlife Management Area
 - Stony Lake—Stokes State Forest
 - Swartswood Lake—Swartswood
 - Trout Brook—Middleville, entire length
 - Wawayanda Creek
 - Wawayanda Lake—Vernon
20. Union County
 - Green Brook—Route 527, Berkeley Heights, to Route 22, Scotch Plains
 - Lower Echo Park Pond—Mountainside
 - Milton Lake—Rahway
 - Rahway River—I-78 Bridge, Springfield, to St. George Ave. (Route 27), Rahway
 - Seeleys Pond—Berkeley Heights
 - Warinanco Park Pond—Roselle
21. Warren County
 - Beaver Brook—Silver Lake Dam to Pequest River
 - Blair Creek—Hardwick Center to Blair Lake
 - Blair Lake—Blairstown
 - Brookaloo Swamp—entire length
 - Buckhorn Creek—Roxburg, entire length
 - Columbia Lake and Gatehole—Knowlton Township
 - Furnace Brook—Oxford, entire length
 - Furnace Lake—Oxford
 - Honey Run—Knowlton-Hope Township Line to Beaver Brook, Hope Township
 - Jacksonburg Creek—Jacksonburg, entire length
 - Lopatcong Creek—Route 519, Harmony Township to South Main Street, Phillipsburg
 - Merrill Creek Reservoir—Stewartsville
 - Pohatcong Creek—Mt. Bethel to Route 31
 - Pophandusing Creek—Oxford Road, Hazen, to Delaware River
 - Trout Brook—Hackettstown, entire length
 - White Lake—Hardwick Township

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).

See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).

Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

Amended by R.1997 d.538, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3217(a), 29 N.J.R. 5289(a).

Amended by R.1998 d.541, effective November 16, 1998 (operative January 1, 1999).

See: 30 N.J.R. 2552(a), 30 N.J.R. 4037(b).

Changed dates throughout; in (b), changed N.J.A.C. reference; and in (f), inserted a reference to Laurel Pond in 3, deleted a reference to Laurel Pond in 4, substituted a reference to Ridgedale Ave. for a reference to Rt. 202 in 14, and substituted a reference to Alm's House Pond for a reference to Alm's House Brook and increased the number of anticipated stockings from 2 to 3, and inserted a reference to Silver Lake in 19.

Administrative correction.

See: 31 N.J.R. 1924(a).

Amended by R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).

See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).

Changed dates throughout; in (f)4, inserted a reference to Rowlands Pond—Clementon, and in f(21) added a reference to White Lake—Hardwick; and in (i), inserted a reference to Prospertown Lake, Ocean County.

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

Changed dates throughout; in (f), changed stocked water references throughout; and in (i), inserted a reference to Pompton Lake.

Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

Changed dates throughout; in (f)17, deleted a reference to Harrison Brook—Liberty Corner.

Amended by R.2002 d.379, effective November 18, 2002 (operative January 1, 2003).

See: 34 N.J.R. 1789(a), 34 N.J.R. 3963(a).

Rewrote the section.

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

Rewrote the section.

Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

Rewrote the section.

Amended by R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

Rewrote the section (restructured the rules pertaining to seasons, size limits and stocking of trout).

Amended by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Rewrote (a) and (b); in (c), substituted "nine-inch" for "seven-inch", and inserted the last sentence; in (e)1, substituted "to the pre-season closure" for "2006 until midnight March 19, 2006 and from January 1, 2007 until midnight March 18, 2007"; in (e)2, deleted "during the period extending" following "thereof," and "2006 and from 8:00 A.M. April 7, 2007 until May 31, 2007," preceding "except", and substituted "opening day" for "8:00 A.M. April 8, 2006"; in the introductory paragraphs of (h)1 through (h)5, inserted "during the in-season stocking period"; in (h)1, deleted "from April 10, 2006 to May 22, 2006 and from April 9, 2007 to May 21, 2007, inclusive" following "Monday"; in (h)2, deleted "from April 11, 2006 to May 23, 2006 and from April 10, 2007 to May 22, 2007, inclusive" following "Tuesday"; in (h)3, deleted "from April 12, 2006 to May 24, 2006 and from April 11, 2007 to May 23, 2007, inclusive" following "Wednesday"; in (h)4, deleted "from April 13, 2006 to May 25, 2006 and from April 12, 2007 to May 24, 2007, inclusive" following "Thursday"; in (h)5, deleted "from April 14, 2006 to May 26, 2006 and from April 13, 2007 to May 25, 2007, inclusive" following "Friday"; rewrote (h)5iv; in (i)2, substituted "Saddle River" for "Whites Pond", and inserted "Potash Lake—Oakland"; in (i)6, deleted "Bostwick Lake—Friesburg" preceding reference to "Cohansey River"; in (i)7, added "Rahway River W/Br—Campbells Pond to Glen Ave."; in (i)10, added "Mannys Pond—Union Township" and "Mountain Farm Pond—Lebanon Township"; in (i)16, deleted "Potash Lake—Oakland" preceding reference to "Ringwood Brook"; and in (i)21, deleted "Barker's Mill Brook—Vienna, entire length" preceding reference to "Beaver Brook".

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

In (c), inserted "and strains"; and rewrote (e), (i)2, (i)5, (i)10, (i)16, (i)18, (i)20 and (i)21.

Amended by R.2011 d.301, effective December 19, 2011 (operative January 1, 2012).

See: 43 N.J.R. 1632(a), 43 N.J.R. 3332(a).

Rewrote (i)6, (i)7, (i)8, (i)11, (i)16, (i)17 and (i)21.

7:25-6.4 Special regulation trout fishing areas—fly fishing waters

(a) Beginning January 1 to pre-season closure and from 5:00 A.M. on the second Monday after opening day to December 31, the following stretch is open to fly-fishing only, and closed to all fishing from 5:00 A.M. to 5:00 P.M. on the days listed for stocking during the in-season stocking period:

1. Big Flat Brook, Sussex County—from the concrete bridge on Route 206 downstream to the Roy Bridge on Mountain Road, a distance of approximately four miles, except that portion known as the Blewett Tract, regulated below at (b)1.

(b) Beginning January 1 to the pre-season closure and from 8:00 A.M. on opening day to December 31, the following stretch is open to fly-fishing only, but is closed to all fishing from 5:00 A.M. to 5:00 P.M. on days listed for stocking during the in-season stocking period:

1. Big Flat Brook, Sussex County—an approximate 0.5 mile portion, clearly defined by markers, known as the Blewett Tract, which extends from the Three Bridges Road to a point upstream of the junction of the Big Flatbrook and the Little Flatbrook.

(c) The following rules shall apply to the above designated fly-fishing waters.

1. Fishing in Fly-Fishing Waters is permitted 24 hours daily except on those days during April and May when they are closed for stocking.

2. A person shall not take, kill, or have in possession more than six trout daily from opening day through May 31; at other times the limit is four.

3. No bait or lures of any kind shall be used except artificial flies which are expressly limited to dry flies, wet flies, bucktails, nymphs and streamers. Expressly prohibited are metal, plastic or wooden lures, plugs, spinners and flies with spinners attached or any multiple-hooked device.

4. Expressly prohibited are spinning reels or any type of angling whereby the fly is cast directly from the reel.

5. No person may have in possession while engaged in angling on the waters designated as fly waters, any natural bait, live or preserved, in that period of time during which fly-fishing only is in effect.

6. A person shall not have in possession, while fishing, any substance, either as a natural or synthetic compound, that contains a concentration of bait scent or such scent enhanced bait.

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).

See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).

Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

Amended by R.1997 d.538, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3217(a), 29 N.J.R. 5289(a).

Amended by R.1998 d.541, effective November 16, 1998 (operative January 1, 1999).

See: 30 N.J.R. 2552(a), 30 N.J.R. 4037(b).

Changed dates throughout.

Amended by R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).

See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).

In (a), (b) and (d), changed dates throughout.

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

In (a), (b) and (d)2, changed dates throughout.

Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

Changed dates throughout; deleted (a)2; deleted former (c) and recodified former (d) as new (c); in (c)3, deleted last sentence referencing Musconetcong "no kill" area.

Amended by R.2002 d.379, effective November 18, 2002 (operative January 1, 2003).

See: 34 N.J.R. 1789(a), 34 N.J.R. 3963(a).

Amended dates throughout.

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

Amended dates throughout.

Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

Amended the dates throughout.

Amended by R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

Changed dates throughout the section to reflect upcoming calendar adjustments to the season; in (c)2, substituted "A person shall not kill"

for "Not," deleted "may be killed" and "portion of the season" and substituted "from" for "during the".

Amended by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

In the introductory paragraph of (a), substituted "to pre-season closure" for "2006 to midnight March 19, 2006", "the second Monday after opening day to December 31" for "Monday, April 17, 2006 to midnight March 18, 2007, and from 5:00 A.M. on Monday April 16, 2007 to midnight March 17, 2008", and inserted "during the in-season stocking period"; in the introductory paragraph of (b), substituted "the pre-season closure" for "2006 to midnight March 19, 2006", "opening day" for "April 8, 2006", "December 31" for "midnight March 18, 2007, and from 8:00 A.M. on April 7, 2007 to midnight March 17, 2008", and inserted "during the in-season stocking period"; and in (c)2, inserted "take," and "or have in possession", substituted "opening day" for "April 8, 2006", deleted "2006, and from April 7, 2007 through May 31, 2007" following "May 31", and deleted the last sentence.

7:25-6.5 Special regulation trout fishing areas— Seasonal Trout Conservation Areas

(a) The following stream segments are designated as Seasonal Trout Conservation Areas and are subject to the provisions at (b) below governing these areas during the periods of January 1 up to, but not including, opening day and from the seventh Monday following opening day, through December 31.

1. Pequest River, Warren County—An approximate 1.0 mile portion, within the Pequest Wildlife Management Area, extending from the County bridge on Pequest Furnace Road at Pequest upstream to the Conrail Railroad Bridge upstream of the Pequest Trout Hatchery Access Road.

2. Pequannock River, Morris and Passaic Counties—An approximate 1.3 mile stretch of river extending from the railroad trestle located immediately downstream of Appelt Park, Bloomingdale to Hamburg Turnpike bridge, Pompton Lakes.

(b) The following shall apply to the Seasonal Trout Conservation Areas designated at (a) above:

1. No bait or lures of any kind may be used except artificial lures and flies;

2. A person shall not have in possession while fishing any natural bait, live or preserved;

3. A person shall not have in possession, while fishing, any substance, either as a natural or synthetic compound, that contains a concentration of bait scent or such scent enhanced bait;

4. A person shall not kill or have in possession while fishing any trout less than 15 inches; and

5. A person shall not have in possession, while fishing, any more than one dead, creel or otherwise appropriated trout, except that no trout may be retained during pre-season and in-season closures, which apply to the remainder of the respective rivers where these areas exist.

Administrative Correction.
See: 26 N.J.R. 3082(a).

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).

See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).

Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

Amended by R.1997 d.538, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3217(a), 29 N.J.R. 5289(a).

Amended by R.1998 d.541, effective November 16, 1998 (operative January 1, 1999).

See: 30 N.J.R. 2552(a), 30 N.J.R. 4037(b).

In (a), changed dates in the introductory paragraph.

Amended by R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).

See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).

In (a), changed dates in the introductory paragraph; and in (b)5, inserted a reference to pre-season closures.

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

In (a), changed dates in the introductory paragraph.

Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

In (a), changed dates and added 3.

Amended by R.2002 d.379, effective November 18, 2002 (operative January 1, 2003).

See: 34 N.J.R. 1789(a), 34 N.J.R. 3963(a).

In (a), amended the dates in the introductory paragraph.

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

In (a), amended the dates in the introductory paragraph.

Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

In (a), amended the dates in the introductory paragraph.

Amended by R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

In introductory paragraph (a), changed dates to reflect upcoming calendar adjustments to the season.

Amended by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Rewrote the introductory paragraph of (a); and in (b)5, inserted a comma following "closures", and deleted ". Additional trout may be caught providing they are returned to the water immediately and unharmed" following "exist".

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

In (a)1, inserted "Warren County"; rewrote (a)2; deleted (a)3 and (b)6; in (b)4, substituted "and" for "in total length;" at the end; and in (b)5, substituted a period for "and" at the end.

7:25-6.6 Special regulation trout fishing areas—Wild Trout Streams

(a) The following streams, or portions thereof, are designated as "Wild Trout Streams." Listing of streams in this category does not convey the right to trespass or fish on private lands without the landowner's permission. These waters will not be stocked with trout. Unless otherwise noted, the entire length of the stream is included in the designation.

1. Bear Creek (Southtown);
2. Bear Swamp Brook (Mahwah);
3. Black Brook (Clinton Wildlife Management Area);
4. Burnett Brook (Ralston);

5. Cold Brook (Oldwick);
6. Dark Moon Brook, also known as Bear Brook (Johnsonburg);
7. Dunnfield Creek (Worthington State Park)
8. Flanders Brook (Flanders);
9. Hance's Brook (Penwell);
10. Hickory Run (Califon);
11. India Brook (Source to Mountainside Ave., Mendham);
12. Indian Grove Brook (Bernardsville);
13. Jackson Brook (Source to Hedden Park Lake, Mine Hill Twp.);
14. Ledgewood Brook (Ledgewood);
15. Little York Brook (Little York);
16. Lomerson Brook, also known as Herzog Brook (Pottersville);
17. Merrill Creek (Stewartsville)
18. Mill Brook (Montague);
19. North Branch of Rockaway Creek (Mountainville);
20. Parker Brook (Montague);
21. Passaic River (Source to Rt. 202, Bernardsville);
22. Pequannock River (Newark Watershed, Oak Ridge; Road bridge downstream to railroad bridge; immediately upstream of Charlottesville Reservoir; and from Rt. 23 bridge at Smoke Rise downstream to the Rt. 23 bridge at Smith Mills);
23. Rhineharts Brook (Hacklebarney State Park);
24. Rocky Run (Clinton Twp.);
25. Saddle River (State Line to Lake Street, Upper Saddle River);
26. Stephensburg Creek (Stephensburg);
27. Stony Brook (Stokes State Forest);
28. Stony Brook (Washington Twp., Morris County);
29. Tetertown Brook (Tetertown);
30. Trout Brook (Hacklebarney State Park);
31. Turkey Brook (Mount Olive);
32. Van Campens Brook (Delaware Water Gap National Recreation Area);
33. Wanaque River (Wanaque Reservoir dam to Wanaque Avenue bridge);

34. West Brook (Source downstream to Windbeam Club Property); and

35. Whippany River (Source to Tingley Road, Mendham Twp.);

36. Willoughby Brook, also known as Buffalo Hollow Brook (Clinton Twp.).

(b) The following regulations shall apply to the Wild Trout Streams designated at (a) above.

1. Fishing in Wild Trout Streams is permitted year-round.

2. Only artificial lures and flies may be used. While fishing, the use or possession of any natural bait, live or preserved, is prohibited.

3. A person shall not have in possession, while fishing, any substance, either as a natural or synthetic compound, that contains a concentration of bait scent or such scent enhanced bait.

4. A person shall not take, kill or have in possession, while fishing the portions of the Pequannock River, Van Campens Brook and the Wanaque River, designated as Wild Trout Streams, any brown trout less than 12 inches. For all other designated Wild Trout Streams, and for brook and rainbow trout in the Wild Trout Stream designated portions of the Pequannock River, Van Campens Brook, and the Wanaque River, the minimum length for trout shall be nine inches.

5. During the period extending from opening day to September 15 no person shall have in possession while fishing any more than two legally sized dead, creel or otherwise appropriated trout. No trout may be killed or possessed during other times of the year.

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).

See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).

Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

Amended by R.1997 d.538, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3217(a), 29 N.J.R. 5289(a).

Amended by R.1998 d.541, effective November 16, 1998 (operative January 1, 1999).

See: 30 N.J.R. 2552(a), 30 N.J.R. 4037(b).

In (b)5, changed dates.

Amended by R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).

See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).

In (b)5, changed dates.

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

In (b)5, changed dates.

Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

In (b)5, changed dates.

Amended by R.2002 d.379, effective November 18, 2002 (operative January 1, 2003).

See: 34 N.J.R. 1789(a), 34 N.J.R. 3963(a).

In (b)5, changed dates.

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

In (a), added new 13, recodified former 13 to 23 as 14 to 24, added new 25, recodified former 24 to 31 as 26 to 33, added new 34, recodified former 32 as 35; in (b)5, changed dates.

Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

In (b)5, amended the dates.

Amended by R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

In (b)5, changed dates to reflect upcoming calendar adjustments to the season.

Amended by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Added new (a)33; recodified former (a)33 through (a)35 as (a)34 through (a)36; in (b)4, inserted "take," substituted "River," for "River and" two times, inserted "and the Wanaque River," two times, and substituted "nine" for "seven"; in (b)5, substituted "period" for "periods" and "opening day" for "8:00 A.M. April 8, 2006 to September 15, 2006, and from 8:00 A.M. April 7, 2007," deleted "2007," following "September 15," and deleted the last sentence.

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

In (a)22, inserted "; and from Rt. 23 bridge at Smoke Rise downstream to the Rt. 23 bridge at Smith Mills"; in (b)4, deleted "in total length" following "12 inches" and following "nine inches"; and deleted (b)6.

7:25-6.7 Special regulation trout fishing areas—Year-Round Trout Conservation Areas

(a) The following stream segments are designated as Year-Round Trout Conservation Areas and are subject to the provisions at (b) below governing these areas on a year-round basis:

1. Toms River, Ocean County—a one mile stretch of river from the downstream end of Riverwood Park in Dover Township, defined by markers, downstream to the Route 571 bridge;
2. Musconetcong River, Hunterdon and Warren Counties—an approximate 1.2-mile stretch of the Musconetcong River near Point Mountain extending from the Penwell Road bridge downstream to the Point Mountain Road bridge;
3. South Branch Raritan River, Morris County—an approximate 1.1 mile stretch of river, locally known as the Claremont Stretch extending from the downstream end of the posted Anglers Anonymous property downstream to its junction with Electric Brook; and
4. South Branch of the Raritan River, Hunterdon County—the stretch of water known as the "Ken Lockwood Gorge," a distance of approximately 2 1/2 miles.

(b) The following shall apply to the Year-Round Trout Conservation Areas designated at (a) above:

1. Fishing in Year-Round Trout Conservation Areas is permitted year-round;

2. Only artificial lures and flies may be used. While fishing, the use or possession of any natural bait, live or preserved, is prohibited;

3. A person shall not kill or have in possession, while fishing, any trout less than 15 inches;

4. A person shall not have in possession, while fishing, any substance, either as a natural or synthetic compound, that contains a concentration of bait scent or such scent enhanced bait; and

5. A person shall not have in possession, while fishing, any more than one dead, creel or otherwise obtained trout, except that trout may not be retained during pre-season and in-season stocking closures which apply to the remainder of the respective rivers where these areas exist. Additional trout may be caught provided they are returned to the water immediately and unharmed.

Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

In (a), added 4.

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

Rewrote (a)2; in (b)3, deleted "in total length" following "15 inches"; in (b)4, inserted "and" at the end; in (b)5, substituted a period for "; and" at the end; and deleted (b)6.

7:25-6.8 Special regulation trout fishing areas—Trophy Trout Lake

(a) The following lakes are designated as Trophy Trout Lakes:

1. Round Valley Reservoir; and
2. Merrill Creek Reservoir.

(b) The following shall apply to the Trophy Trout Lakes designated in (a) above:

1. The minimum size of brook trout, brown trout, rainbow trout and all hybrids and strains thereof shall be 15 inches. Daily bag and possession limit for brown trout and rainbow trout shall be two in total.

2. There shall be no closed season for brook trout, brown trout, rainbow trout and all hybrids and strains thereof.

3. The minimum size for lake trout shall be 15 inches at Merrill Creek Reservoir with a daily creel and possession limit of two. The daily creel and possession limit shall be six fish, 15 inches to less than 24 inches in length, and one additional fish, 24 inches or greater, for a total of seven lake trout at Round Valley Reservoir.

4. During the period from midnight September 15 to December 1, the possession of lake trout is prohibited and all lake trout caught shall be immediately returned to the water unharmed.

5. A person shall not have in possession, while on the waters or adjacent lands of any designated Trophy Trout Lake, any fish, or any part thereof, which has been mutilated so that its size at capture cannot be determined, or so that it is unidentifiable as to species, except that this restriction shall not apply to fish which are being prepared for immediate on-site consumption.

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).

See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).

Amended by R.1996 d.493, effective October 1, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

Amended by R.1997 d.538, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3217(a), 29 N.J.R. 5289(a).

Amended by R.1998 d.541, effective November 16, 1998 (operative January 1, 1999).

See: 30 N.J.R. 2552(a), 30 N.J.R. 4037(b).

In (b), substituted "Round Valley Reservoir and two at Merrill Creek Reservoir" for "both lakes" at the end of 3, and changed dates in 4.

Amended by R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).

See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).

In (b)4, changed dates throughout.

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

In (b), substituted "20" for "24" preceding "inches in 3, and changed dates in 4.

Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

In (b)4, changed dates throughout.

Amended by R.2002 d.379, effective November 18, 2002 (operative January 1, 2003).

See: 34 N.J.R. 1789(a), 34 N.J.R. 3963(a).

In (b)4, changed dates.

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

In (b)4, changed dates.

Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

In (b)4, amended the dates.

Amended by R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

Rewrote (b)4 to reflect upcoming calendar adjustments to the season.

Amended by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Rewrote (b)3.

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

In (b)1 and (b)2, inserted "brook trout," and "and all hybrids and strains thereof", and substituted a comma for "and" following "brown trout".

Amended by R.2011 d.301, effective December 19, 2011 (operative January 1, 2012).

See: 43 N.J.R. 1632(a), 43 N.J.R. 3332(a).

In (b)3, substituted "six" for "three", "24" for "or equal to 20" and "seven" for "four".

7:25-6.9 Special regulation trout fishing areas— Holdover Trout Lakes

(a) The following lakes are designated as Holdover Trout Lakes:

1. Clinton Reservoir;
2. Wawayanda Lake;
3. Sheppard Lake;
4. Aeroflex Lake; and
5. White Lake, Warren County.

(b) The following regulations shall apply to Holdover Trout Lakes designated at (a) above:

1. Fishing is permitted year-round.
2. There shall be a nine-inch minimum size limit for any species of brook trout, brown trout, rainbow trout, or hybrids and strains thereof.
3. The daily possession limit for brook trout, brown trout, rainbow trout or hybrids and strains thereof is as follows:
 - i. A person shall not take, kill or have in possession, in one day, more than two in total during the period extending from January 1 to the pre-season closure.
 - ii. Trout taken during the pre-season closure must be returned to the water immediately and unharmed.
 - iii. A person shall not take, kill or have in possession, in one day, more than four in total during the period extending from opening day to May 31.
 - iv. A person shall not take, kill or have in possession, in one day, more than two in total from June 1 until December 31.
4. The minimum length for Atlantic (landlocked) salmon shall be 12 inches with a daily bag and possession limit of two.

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).

See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).

Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

Amended by R.1997 d.538, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3217(a), 29 N.J.R. 5289(a).

Amended by R.1998 d.541, effective November 16, 1998 (operative January 1, 1999).

See: 30 N.J.R. 2552(a), 30 N.J.R. 4037(b).

In (b), changed dates in 3.

Amended by R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).

See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).

In (a), added 7; and in (b)3, changed dates throughout.

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

In (b)3, changed dates throughout.

Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

In (b)3, changed dates throughout.

Amended by R.2002 d.379, effective November 18, 2002 (operative January 1, 2003).

See: 34 N.J.R. 1789(a), 34 N.J.R. 3963(a).

In (b)3, changed dates.

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

In (b)3, changed dates.

Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

In (b)3, amended the dates.

Amended by R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

Deleted (a)3; recodified former (a)4-7 as (a)3-6; rewrote (b)3.

Amended by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Deleted (a)2; recodified (a)3 through (a)6 as (a)2 through (a)5; in (b)2, substituted "nine-inch" for "seven-inch"; in (b)3i, substituted "to the pre-season closure" for " , 2006 until midnight March 19, 2006 and the period from January 1, 2007 until midnight March 18, 2007"; in (b)3ii, deleted " , if" following "Trout", and substituted "pre-season closure" for "period commencing at midnight, March 19, 2006 and extending to 8:00 A.M., April 8, 2006 and the period from midnight March 18, 2007 and extending to 8:00 A.M., April 7, 2007"; in (b)3iii, substituted "opening day to" for "8:00 A.M. April 8, 2006 until May 31, 2006 and the period from 8:00 A.M. April 7, 2007 until", and deleted " , 2007" from the end.

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

In (a)3, substituted "Sheppard" for "Sheppard's"; rewrote (b)2 and the introductory paragraph of (b)3; and in (b)3i, (b)3iii and (b)3iv, deleted "of brook trout, brown trout, rainbow trout, or hybrids thereof," following "total".

7:25-6.10 Baitfish

(a) Any person, who has a fishing license or is under the age of 16 or over 70 years of age, may take up to 35 baitfish, per person per day, of which no more than 10, in the aggregate, may be alewife and/or blueback herring, from the freshwaters of the State. Except as provided in (d) below, no person shall possess, in any location, more than one day's limit, regardless of when the fish were taken and whether the fish are intended to be used as bait or food.

(b) Except as provided for in trout-stocked waters listed in N.J.A.C. 7:25-6.3 through 6.9 and (c) and (d) below baitfish up to the daily limit may be taken from freshwaters of the State by the following means: hook and line; dip net not more than 24 inches in diameter; minnow traps not larger than 24 inches in length with a funnel mouth no greater than two inches in diameter; a cast net no greater than eight feet in diameter, and an umbrella net no greater than 3.5 feet square.

1. Seines may also be used subject to the following limitations:

i. In lakes and ponds under 100 acres, the seine shall not be over 30 feet in length.

ii. In lakes at or over 100 acres, the seine shall not be over 50 feet in length.

iii. In streams, the seine shall not exceed 30 feet in length, or one-half the width of the stream at the point of use, whichever is less.

(c) In trout stocked waters and special regulation areas, listed in N.J.A.C. 7:25-6.3 to 6.9, it is prohibited to net, trap or attempt to net or trap baitfish from the pre-season closure through June 15 except where the taking is otherwise provided for in this subchapter. For the remainder of the year, baitfish, up to the daily limit, may be taken with a seine not over 10 feet in length and four feet in depth or a minnow trap not larger than 24 inches in length with a funnel mouth no greater than two inches in diameter or an umbrella net no greater than 3.5 feet square. The use of cast nets is not permitted in these waters at any time.

(d) Purchased herring may be possessed in excess of the daily limit, for up to seven days from date of purchase, when accompanied by a receipt. The receipt must list the name, address and telephone number of the place of purchase, date of purchase, and quantity purchased. This receipt must be without erasures or alterations of any kind and must have a control number.

(e) Baitfish other than alewife (anadromous and land-locked) and blueback herring may be taken from the freshwaters of the State, in numbers greater than the daily limit for the purpose of sale under special permit issued by the Division in its discretion. Alewife may be taken from lakes, 250 acres or greater, in numbers greater than the daily limit for the purpose of sale, under special permit issued by the Division in its discretion.

1. In lakes and ponds under 100 acres, a seine not over 30 feet in length may be used, and in lakes over 100 acres, a seine not over 50 feet in length may be used. Minnow traps not larger than 24 inches in length with a funnel mouth no greater than two inches in diameter, and an umbrella net no greater than 3.5 feet square may be used in any of the freshwaters of the State.

2. To obtain a special permit, an application may be obtained from:

New Jersey Division of Fish and Wildlife
Bureau of Freshwater Fisheries
PO Box 394
Lebanon, New Jersey 08833

3. Applications shall be directed to:

New Jersey Division of Fish and Wildlife
Bureau of Freshwater Fisheries
PO Box 394
Lebanon, NJ 08833-0394

4. The permittee shall agree to:

- i. Submit harvest reports by the 15th day of the following month;
- ii. Return species, other than baitfish, to the water immediately and unharmed;
- iii. Display name and address on any devices left in the water unattended;
- iv. Operate only one device per permit;
- v. Be present during the operation of the device;
- vi. Not transfer the permit to other operators;
- vii. Notification of, and permission from, the owner of the waterbody named in the application or the administering agency if that waterbody is publicly owned; and
- viii. Comply with any local ordinances or other State laws or regulations.

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).

See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).

Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

Amended by R.1997 d.538, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3217(a), 29 N.J.R. 5289(a).

Amended by R.1998 d.541, effective November 16, 1998 (operative January 1, 1999).

See: 30 N.J.R. 2552(a), 30 N.J.R. 4037(b).

Added a new (a); recodified former (a) through (d) as (b) through (e); in the new (b), changed N.J.A.C. and internal citation references in the first sentence; and in the new (c), substituted a reference to March 21 for a reference to March 23 in the first sentence.

Amended by R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).

See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).

In (c), substituted a reference to March 19 for a reference to March 21.

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

In (c), substituted a reference to March 18 for a reference to March 19.

Amended by R.2001 d.73, effective March 5, 2001.

See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

Rewrote (b) and (c); in (d), inserted "a cast net no greater than eight feet in diameter," following "hook and line"; in (e), substituted "lakes, 250 acres or greater" for "the freshwaters of the State".

Amended by R.2002 d.379, effective November 18, 2002 (operative January 1, 2003).

See: 34 N.J.R. 1789(a), 34 N.J.R. 3963(a).

In (c), substituted "March 23" for "March 24".

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

In (c), substituted "March 22 through" for "March 23 to"; in (e), rewrote the introductory paragraph, and 1.

Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

In (a), substituted "under the age of 16 or over 70 years of age" for "entitled to fish without a license" preceding "may take up to 35 baitfish per day"; in (b), substituted "a trout stocked water or" for "classified as" following "provided it is not"; added N.J.A.C. reference at the end; in (e), added a new 1, recodified former 1 through 3 as 2 through 4.

Amended by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Rewrote (e)4i.

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

Rewrote (a) through (d); and in the introductory paragraph of (e), substituted "the daily limit" for "35 per day" twice.

7:25-6.11 Nets and alternative gear

(a) Except as provided for the taking of baitfish, it shall be illegal to take fish from the freshwaters of the State by means of nets except under special permit issued by the Division at its discretion and as hereafter provided for in the tidal freshwaters of New Jersey, other than the Delaware River:

1. No person shall catch or take or attempt to catch and take fish of any kind or description by means of a net, or use a net of any character except for fyke nets and bait seines used for the purpose of taking of baitfish, from Saturday at 2:00 P.M. until the following Sunday at 12 midnight.

2. It shall be legal to take and sell foodfish as defined in N.J.A.C. 7:25-6.2 by the following means:

i. Haul seines, the mesh of which shall not be less than two and three quarter inches stretched while being fished and not to exceed 70 fathoms in length, whether singly or attached, for all species may be used from November 1 to April 30. Permits for haul seines exceeding 70 fathoms in length will be issued for the Delaware River, upstream of the wing dam at Lambertville, only for permittees which have obtained approval from the Division prior to January 1, 2004. All permits issued by the Division after January 1, 2004 will restrict seines to a length not to exceed 70 fathoms in this section of the Delaware River.

ii. Fykes, with leaders shall not exceed 30 feet in length and no part of the net or leaders to be larger than three inches stretched mesh or less than three quarter inch stretched measure while being fished, for all species may be used from November 1 to April 30.

iii. Miniature fykes or pots for the taking of carp, catfish, suckers and eels, the same not to exceed 16 inches in diameter may be used from March 15 to December 15. All other species of fish which may be caught must be immediately returned, unharmed, to the waters from which they were taken.

iv. Drifting gill nets, the smallest of which shall be five and one quarter inches stretched measure while being fished and shall not exceed 100 feet in length, for all species may be used from March 1 to June 15.

v. Gill nets with a mesh not smaller than two and three quarters stretched measure, while being fished and not exceeding 200 feet in length may be used from May 1 to June 10 for the purpose of taking blueback herring and white perch.

3. Not more than one gill net or hauling seine shall be used from a boat.

4. To obtain a special permit, an application may be obtained from:

New Jersey Division of Fish and Wildlife
Bureau of Freshwater Fisheries
PO Box 394
Lebanon, New Jersey 08833

5. Applications shall be directed to:

New Jersey Division of Fish and Wildlife
Bureau of Freshwater Fisheries
PO Box 394
Lebanon, New Jersey 08833

6. The permittees shall agree to:

- i. Submit annual harvest reports, including species, and number of fish harvested, by date, by December 31;
- ii. Return species, other than foodfish, to the water immediately and unharmed;
- iii. Legibly display name and address on any and all devices left in the water unattended;
- iv. Operate only one device per permit;
- v. Be present during the operation of the device;
- vi. Not transfer the permit to other operators;
- vii. Notify and obtain permission from the owner of the water body or access to the water body named in the permit; and
- viii. Comply with any local ordinances and other State laws or regulations.

Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

In (a)2, inserted "and sell" in the introductory paragraph, added the last two sentences in i, substituted "May 1" for "March 1" in v, and deleted "except striped bass" following "for all species" throughout; added (a)4 to (a)6.

Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

In (a)2v, substituted "and white perch" for "only" at the end.

Amended by R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

Section was "Nets"; in (a)4 and 5, rewrote address.

Amended by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Rewrote (a)6i.

7:25-6.12 Snagging prohibited

The snagging of any fish species is prohibited. Any fish so hooked must be immediately returned to the water. This shall not apply to fish so taken through the ice.

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

Inserted ", alewife herring (landlocked and anadromous) and blueback herring" following "rainbow trout".

Amended by R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

Rewrote the section.

Amended by R.2011 d.301, effective December 19, 2011 (operative January 1, 2012).

See: 43 N.J.R. 1632(a), 43 N.J.R. 3332(a).

Rewrote the section.

7:25-6.13 Warmwater fish

(a) (Reserved)

(b) (Reserved)

(c) (Reserved)

(d) During the period of April 15 through June 15, the possession of largemouth and smallmouth bass is prohibited and all bass caught shall be immediately returned to the water unharmed, except for Lake Audrey (Cumberland County) where largemouth and smallmouth bass caught shall be immediately returned to the water unharmed at all times.

(e) The minimum length for smallmouth bass and largemouth bass shall be 12 inches with a daily creel and possession limit of five in total, except for Alloway Lake (Salem County), Assunpink Lake (Monmouth County), Boonton Reservoir (Morris County), Delaware Lake (Warren County), Parvin Lake (Salem County), and Splitrock Reservoir (Morris County) where the minimum length for largemouth and smallmouth bass shall be 15 inches with a daily creel and possession limit of three in total and Ryker Lake where the minimum length shall be 15 inches with a daily creel and possession limit of two in total.

(f) There is no closed season for northern pike, muskellunge and tiger muskie except, during the period of March 20 through May 20, the possession of muskellunge and tiger muskie taken from Echo Lake Reservoir (Passaic County), Mercer Lake (Mercer County), Mountain Lake (Warren County), and Monksville Reservoir (Passaic County) is prohibited and all muskellunge and tiger muskie caught from these waters shall be immediately returned to the water unharmed.

(g) The minimum length for northern pike shall be 24 inches, with a daily creel and possession limit of two. The minimum length for muskellunge and tiger muskie, shall be 36 inches, except for Mountain Lake (Warren County) and Echo Lake Reservoir (Passaic County) where the minimum length shall be 40 inches. The daily creel and possession limit for muskellunge and tiger muskie shall be one in total.

(h) During the period of March 1 through April 30, the possession of walleye is prohibited and all walleye caught shall be immediately returned to the water unharmed.

(i) The minimum length for walleye shall be 18 inches with a daily creel and possession limit of three.

(j) Except as provided in N.J.A.C. 7:25-6.19 and 6.20, the minimum length for chain pickerel and redbfin pickerel shall be 15 inches.

(k) The daily creel and possession limit for chain pickerel and redbfin pickerel shall be five in total. There is no closed season.

(l) The minimum length for channel catfish shall be 12 inches with a daily creel and possession limit of five. There is no closed season.

(m) The minimum length for black crappie and white crappie shall be eight inches. The daily creel and possession limit for these species shall be ten in aggregate. There is no closed season.

(n) For Ryker Lake, the daily creel and possession limit for sunfish and for yellow perch shall be 10 and the minimum size for sunfish shall be seven inches. For Rainbow Lake, the daily creel limit for sunfish shall be 10 and the minimum size shall be seven inches.

(o) The daily creel and possession limit for American shad shall be three. There is no closed season.

(p) Striped bass may be taken or possessed during the period of March 1 to December 31.

(q) The daily creel and possession limit for striped bass is two, with each fish at least 28 inches in length.

(r) Hybrid striped bass may be taken in the Raritan River downstream of the Duke Island Park dam during the period of March 1 to December 31.

(s) The minimum length for striped bass x white bass hybrid shall be 16 inches and the daily creel and possession limit shall be two, except for the Raritan River downstream of the Duke Island Park dam where the daily creel and possession limit shall be two, with each fish at least 28 inches in length.

(t) Eels may not be taken from non-tidal waters of this State by use of eel baskets, fykes, or traps of any kind, except that eel weirs may be operated under permit of the Division, for purposes of sale, in accordance with N.J.S.A. 23:3-55.

(u) Mud sunfish, blackbanded sunfish, bluespotted sunfish, and banded sunfish may not be taken or possessed at any time.

Amended by R.1993 d.139, effective April 5, 1993.
See: 25 N.J.R. 224(a), 25 N.J.R. 1556(b).

Prohibits the harvest of largemouth bass and smallmouth bass from April 15 through June 15 by establishing a catch-and-release fishery during this period.

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).

See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).

Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

Amended by R.1997 d.538, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3217(a), 29 N.J.R. 5289(a).

Amended by R.1999 d.67, effective March 1, 1999.

See: 30 N.J.R. 4203(a), 31 N.J.R. 639(a).

Added (t).

Amended by R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).

See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).

In (e), inserted references to Ryker Lake and Delaware Lake; in (f), inserted references to Delaware Lake and Ryker Lake; and added (u).

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

In (f), inserted a reference to Split Rock Reservoir; rewrote (i) and (q). Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

Deleted former (d) and (e), inserted new (d), and recodified existing (f) through (u) as (e) through (t).

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

In (g), inserted "for purposes of sale" following "Division"; in (h), substituted "Mercer Lake (Mercer County)" for "Morris and Sussex Counties"; in (l), substituted "March 1 through April 30" for "March 1 to April 30"; in (m), substituted "daily creel and possession limit shall be two, one fish between 24 and less than 28 inches in length and one fish of 28 inches or larger" for "minimum length shall be 28 inches and the daily creel and possession limit shall be two"; in (p), inserted "less than" following "24 and"; in (q) and (r), substituted January 1 to February 29" for "January through February 28"; in (t), added the last sentence.

Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

In (d), inserted "Boonton Reservoir" following "Assumpink Lake", deleted "and for Boonton Reservoir where it shall be 15 inches for smallmouth bass only" at the end; in (q) and (r), substituted "February 28" for "February 29".

Amended by R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

Rewrote the section.

Amended by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Reserved (a) and (b); rewrote (g) and (j); in (k), inserted "and redbfin pickerel" and "in total"; in (p) and (r), deleted "not" following "may", and substituted "March 1 to December 31" for "January 1 through February 28"; and added (u).

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

In (d), inserted "except for Lake Audrey (Cumberland County) where largemouth and smallmouth bass caught shall be immediately returned to the water unharmed at all times"; and in (o), substituted "three" for "six".

Amended by R.2011 d.301, effective December 19, 2011 (operative January 1, 2012).

See: 43 N.J.R. 1632(a), 43 N.J.R. 3332(a).

Reserved (c); and rewrote (e).

7:25-6.14 Ice fishing

(a) Except as provided in N.J.A.C. 7:25-6.3, ice fishing shall be permitted whenever ice is present.

(b) A person, while fishing through the ice, may use not more than five devices for the taking of fish. The types of devices that may be used are:

1. Ice supported tip-ups or lines with one single pointed hook attached;
2. An artificial jigging lure with not more than one burr of three hooks that measure not more than 1/2 inch from point to point;
3. An artificial jigging lure with not more than three single hooks measuring not more than 1/2 inch from point to shaft;
4. An artificial jigging lure with a combination of the hook limitations described in (b)2 and 3 above.

(c) Natural bait may be used on the hooks of the artificial jigging lure. All devices that are not hand-held must be clearly marked with the name and address of the user and shall not be left unattended.

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).
See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).
Amended by R.2008 d.65, effective March 17, 2008.
See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).
In(c), deleted the first sentence.

7:25-6.15 Bow and arrow fishing

Except as provided in N.J.A.C. 7:25-6.3, 6.19 and 6.20, it shall be legal to take carp, including bighead, common, grass and silver; eels; flathead catfish; shad, American and gizzard; snakeheads; and suckers, or any hybrids of any of these species, at any time by use of bow and arrow with line attached, provided a person has a proper fishing license. For the purpose of this section a bow means any longbow, recurved bow or compound bow that is hand-held and hand-drawn.

Amended by R.2011 d.301, effective December 19, 2011 (operative January 1, 2012).
See: 43 N.J.R. 1632(a), 43 N.J.R. 3332(a).
Rewrote the section.

7:25-6.16 Closed waters

(a) During the period of March 1 through June 30, it is illegal to fish, place any contrivance for the taking of fish, or attempt to catch or kill fish by any manner or means in any fish ladder, or within 100 feet or as posted feet of any fish ladder entrance or exit or 100 feet upstream from the crest of the spillway at Deal Lake.

(b) It is illegal to fish or attempt to catch or kill fish by any manner or means in waters within the boundaries of the State Fish Hatcheries, except where specifically permitted, that is, the Musconetcong River and Pequest River.

Amended by R.1997 d.538, effective December 15, 1997 (operative January 1, 1998).
See: 29 N.J.R. 3217(a), 29 N.J.R. 5289(a).

Amended by R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).

See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).

In (a), substituted a reference to March 1 for a reference to April 1.

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

In (a), inserted “; or flumes located at Deal Lake, Wreck Pond and Lake Takanasee” following “any fish ladder”.

Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

In (a), deleted “or flumes located at Deal Lake, Wreck Pond and Lake Takanasee” following “by any manner or means in any fish ladder”, added “or 100 feet upstream from the crest of the spillway at Deal Lake” at the end of the paragraph.

7:25-6.17 Emergency closure notice

It shall be illegal to fish or attempt to catch or kill fish by any manner or means in any waters for which the Director of the Division, upon approval of the Fish and Game Council, issues an Emergency Closure Notice. Such notice shall be effective and/or rescinded immediately upon public notification. It shall be based upon imminent threat to the wellbeing of the fishery resource and/or its users, and may include any exceptions to the total ban on fishing that the Director deems practical.

Amended by R.2001 d.73, effective March 5, 2001.
See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

7:25-6.18 Wanton waste of fish prohibited; tagging and marking of fish

(a) Fish, of any species, taken, by any means, which are purposely killed, become part of the fisherman’s daily creel or possession limit and must be removed from the waters from which they were taken, and adjacent lands, pursuant to N.J.S.A. 23:5-28. This section shall not apply to those fish which are released while still alive, by the angler, and subsequently die as a result of stress or hooking mortality.

(b) No person may tag or mark and release fish without first obtaining a special permit issued by the Division after a determination that the action will provide information that will be beneficial to the management of the fisheries resource and will not detract from any studies being planned or conducted by the Division or other scientific or educational organization. “Educational or scientific organization” means a governmental unit or a private institution that provides environmental or natural resource education to its students or a governmental unit or private institution whose primary service is the evaluation of environmental or natural resource conditions.

1. Required permit information shall be as follows:

- i. The permittee’s name;
- ii. The permittee’s address;
- iii. The species of fish to be tagged or marked;
- iv. The type of tag or mark to be used;

v. The location in which the marked fish will be released; and

vi. The purpose of the tagging or marking of fish.

2. Applications shall be directed to:

New Jersey Division of Fish and Wildlife
Bureau of Freshwater Fisheries
PO Box 394
Lebanon, NJ 08833-0394

3. The permittee shall agree to:

i. Submit a report of the results of the tagging study to the Division;

ii. Display permittee's name and address or phone number on fish tags;

iii. Notification of, and permission from, the owner of the waterbody named in the application or the administering agency if that waterbody is publicly owned; and

iv. Comply with any local ordinances or other State laws or regulations.

| <u>1. Species</u> | <u>Season</u> | <u>Size Limit</u> | <u>Daily Bag Limit</u> |
|-------------------------------------|---------------------------------------------------|-------------------|------------------------|
| Trout | No closed season | No minimum | 3 |
| Largemouth bass and smallmouth bass | third Saturday in June until Dec. 1 | 12 inch minimum | 5 in total |
| | Dec. 1 until third Saturday in June | | Catch and release only |
| Chain pickerel | No closed season | 15 inch minimum | 5 |
| Muskellunge and any hybrid thereof | No closed season | 36 inch minimum | 1 |
| Walleye | Jan. 1—last day of February and May 1—December 31 | 18 inches | 3 |
| Channel catfish | No closed season | 12 inches | 5 |
| Black crappie and white crappie | No closed season | 8 inches | 10 in total |
| Yellow perch | No closed season | No minimum | 50 |
| Sunfish | No closed season | No minimum | 50 |
| All other species | No closed season | No minimum | No limit |

2. On Greenwood Lake, it shall be legal for any ice fisherman to use up to five tip-ups and two hand-held devices for the taking of fish. All devices that are not hand-held must be plainly marked with the name and address of the angler. The ice fishing season is from ice-in to ice-out (when ice is present in a sufficient quantity to support fishing activities).

3. On Greenwood Lake, fishing will be permitted 24 hours a day.

4. Either New York or New Jersey fishing licenses will be honored on all of Greenwood Lake.

5. Bow and arrow fishing for carp, suckers, herring, catfish and eels by properly licensed fishermen, will be permitted on Greenwood Lake.

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).

See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).

Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1996).

See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

Amended by R.1998 d.541, effective November 16, 1998 (operative January 1, 1999).

See: 30 N.J.R. 2552(a), 30 N.J.R. 4037(b).

Recodified the former section as (a); and added (b).

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

Amended by R.2001 d.73, effective March 5, 2001.

See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

Section was "Wanton waste of fish prohibited".

7:25-6.19 Greenwood Lake

(a) In cooperation with the New York State Department of Environmental Conservation, Division of Fish and Wildlife, the following regulations for Greenwood Lake, which lies partly in Passaic County, New Jersey, and partly in Orange County, New York, are made a part of the New Jersey State Fish and Game Code and will be enforced on the whole lake by the conservation authorities of both states.

Amended by R.1997 d.538, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3217(a), 29 N.J.R. 5289(a).

Amended by R.1998 d.541, effective November 16, 1998 (operative January 1, 1999).

See: 30 N.J.R. 2552(a), 30 N.J.R. 4037(b).

In (a)1, changed dates for walleye.

Amended by R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).

See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).

In (a)1, changed dates for walleye season.

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

In (a)1, changed dates for walleye season.

Amended by R.2001 d.73, effective March 5, 2001.

See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

In (a)1, changed dates for walleye season.

Amended by R.2002 d.379, effective November 18, 2002 (operative January 1, 2003).

See: 34 N.J.R. 1789(a), 34 N.J.R. 3963(a).

In (a)1, amended the dates for the walleye season.

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

In (a)1, amended the dates for the walleye season.

Administrative correction.

See: 36 N.J.R. 3582(a).

Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

In (a), amended the table in 1.

Amended by R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

In (a)1, changed dates of Walleye season to reflect the upcoming calendar season.

Amended by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

In (a)1, substituted "June 15" for "June15" and "last day of February" for "Feb. 28", and deleted the comma following "May 1".

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

In the introductory paragraph of (a), substituted "states" for "States"; and in the table in (a)1, substituted "third Saturday in June until Dec. 1" for "Jan. 1–April 14, and June 16–Dec. 31" and "Dec. 1 until third Saturday in June" for "April 15–June 15" under the "Season" column, and "5 in total" for "5 single or in total" and "10 in total" for "10 singly or in total" under the "Daily Bag Limit" column.

7:25-6.20 Delaware River between New Jersey and Pennsylvania

(a) In cooperation with the Pennsylvania Fish and Boat Commission, the following regulations for the Delaware River between New Jersey and Pennsylvania are made a part of the New Jersey State Fish and Game Code and will be enforced by the conservation authorities of each state.

| 1. Species | Season | Size Limit | Daily Bag Limit |
|---------------------------------------------------|--------------------------------------------------------------------------------------------|------------------------|-----------------|
| Trout | 8:00 A.M. on the first Saturday after April 11 to Oct. 15 | No minimum | 5 |
| American Shad | No closed season | No minimum | 3 |
| Hickory shad | Closed season | Closed season | Closed season |
| Largemouth bass and smallmouth bass | Jan. 1 to the first Friday after April 10, and the first Saturday after June 11 to Dec. 31 | 12 inch minimum | 5 in total |
| | First Saturday, after April 11, to the first Friday after June 10 | Catch and release only | |
| Walleye | No closed season | 18 inch minimum | 3 |
| Chain Pickerel | No closed season | 12 inch minimum | 5 |
| Muskellunge and any hybrid thereof | No closed season | 40 inch minimum | 1 |
| Northern Pike | No closed season | 24 inch minimum | 2 |
| Baitfish, fish bait | No closed season | No minimum | 50 |
| Alewife and blueback (anadromous forms) | No closed season | No minimum | 10 in total |
| Shortnose sturgeon | Closed–endangered species | | |
| Atlantic sturgeon | Closed | | |
| Striped bass and striped bass X white bass hybrid | Downstream of Calhoun Street Bridge season open March 1–30 and June 1–Dec. 31 | 28 inch minimum | 2 |
| | Upstream of Calhoun Street Bridge season open March 1–Dec. 31 | 28 inch minimum | 2 |
| All other freshwater species | No closed season | No minimum | No limit |

2. Angling may be done with three rods each with one line or two lines or one of each. Not more than three single hooks or three burrs of three hooks each may be used per line.

3. Ice fishing shall be legal whenever ice is present. Open (unfrozen) water creel and size limits shall apply. The maximum size of the ice hole shall not exceed 10 inches in diameter. Five tip-ups or any combination of five devices that will include tip-ups of not more than two rods and lines or two hand lines or one of each may be used.

4. Spears (not mechanically propelled) and longbows, recurved bows or compound bows, may be used to take shad, carp, suckers, catfish and snakeheads by properly

licensed fishermen, except within 50 rods (825 feet) of an eel weir.

5. Bait fish may be taken and possessed for personal uses only but not to exceed 50 per day.

6. Eel weirs for the catching of carp, catfish, eels, and suckers only, may be operated under permit from the Division of Fish and Wildlife, for the purposes of sale, at any time of the year and at any time of day.

7. Hook and line fishermen are hereby restricted to the use of non-offset circle hooks while fishing with any natural bait during the months of April and May downstream of the Calhoun Street Bridge to the Commodore Barry Bridge. This restriction shall apply only to hooks of size 2

and larger and shall not apply to hooks of smaller sizes (such as those normally used for white perch fishing).

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).

See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).

Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

Amended by R.1997 d.538, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3217(a), 29 N.J.R. 5289(a).

Amended by R.1998 d.541, effective November 16, 1998 (operative January 1, 1999).

See: 30 N.J.R. 2552(a), 30 N.J.R. 4037(b).

In (a)1, changed dates for trout.

Amended by R.1999 d.67, effective March 1, 1999.

See: 30 N.J.R. 4203(a), 31 N.J.R. 639(a).

In (a)1, inserted a reference to American Shad and Hickory Shad.

Amended by R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).

See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).

In (a)1, changed April date in trout season, and substituted references to the Route 1 Bridge for references to Trenton Falls in striped bass and striped bass x white bass hybrid season.

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

In (a)1, changed daily bag limit by size in reference to striped bass and striped bass x white bass hybrids.

Amended by R.2001 d.73, effective March 5, 2001.

See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

In (a), added 7.

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

In (a)1, amended the tables; in (a)5, deleted “, including alewife and blueback herring,” and substituted “35” for “50”; in 6, inserted “for the purpose of sale,” following “Division of Fish and Wildlife”.

Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

In (a), amended table in 1, substituted “Calhoun Street Bridge” for “Route 1 Bridge” preceding “to the Commodore Barry Bridge” in 7.

Amended by R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

In (a)1, rewrote the rules pertaining to seasons, size limits and stocking of Largemouth bass and smallmouth bass; rewrote the size limits and stocking of Striped bass and striped bass X white bass hybrid.

Amended by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

In (a)1, rewrote entries for “Trout”, “Largemouth bass and smallmouth bass”, and “Muskellunge and any hybrid thereof”.

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

In the table in (a)1, rewrote the entries for “American Shad”, “Largemouth bass and smallmouth bass”, “Alewife and blueback (anadromous forms)”, and “Striped bass and striped bass X white bass hybrid”; and in (a)5, substituted “50” for “35”.

Amended by R.2011 d.301, effective December 19, 2011 (operative January 1, 2012).

See: 43 N.J.R. 1632(a), 43 N.J.R. 3332(a).

In (a)2, substituted “three” for “two”; and in (a)4, inserted “, recurved bows or compound bows,” deleted “eels,” preceding “carp” and substituted “catfish and snakeheads” for “herring and bullheads”.

7:25-6.21 Fresh Tidal Tributaries of the Delaware River and Bay

Atlantic sturgeon may not be taken or possessed at any time.

Amended by R.1998 d.541, effective November 16, 1998 (operative January 1, 1999).

See: 30 N.J.R. 2552(a), 30 N.J.R. 4037(b).

Rewrote the section.

7:25-6.22 Snapping turtles, bull frogs and green frogs

(a) Any person who has a fishing license or is under the age of 16 or over 70 years of age, may in the waters of the State, take snapping turtles, bull frogs and green frogs by means of spears, hooks, dip nets not more than 24 inches in diameter, traps or by hand. Turtles may not be taken with a gun or bow and arrow. The use of set lines is prohibited.

(b) The daily limit for snapping turtles shall be three and the daily limit for both bull frogs and green frogs shall be 15 in total.

(c) A person shall not take, attempt to take, kill or have in possession snapping turtles from May 1 to June 15, or bull frogs and green frogs from April 1 to June 30.

(d) Snapping turtles, bull frogs and green frogs may be taken in numbers greater than the daily limit under special permit issued by the Division, for the purposes of sale, at its discretion. In addition to any other Federal, State or local requirements that may be applicable to any sale authorized under this section, any sale must comply with Department of Health and Senior Services rule N.J.A.C. 8:23-2.1.

1. To obtain a special permit an application may be obtained from the Division at:

New Jersey Division of Fish and Wildlife
Bureau of Freshwater Fisheries
PO Box 394
Lebanon, New Jersey 08833

2. Applications shall be directed to:

New Jersey Division of Fish and Wildlife
Bureau of Freshwater Fisheries
PO Box 394
Lebanon, New Jersey 08833

3. The permittee shall agree to:

i. Submit annual harvest reports, including the date, waterbody, species, number, and approximate total weights of snapping turtles, bull frogs or green frogs harvested, and the name, address and telephone number of purchaser(s), by December 31 of the current permit year;

- ii. Display his or her name and address on any traps left in the water unattended;
- iii. Notify and obtain permission from the owner of the waterbody where the trap is set;
- iv. Tend all traps at least once every 24 hours;
- v. Not transfer the permit to other operators;
- vi. Use only those traps that provide a means of escape, or survival, of species of turtles other than snapping turtles; and
- vii. Comply with any local ordinances and other State laws or regulations.

(e) Those species of frogs and turtles listed as State Threatened or Endangered may not be pursued, taken, killed or possessed. The possession of other species of frogs and turtles not regulated in this Code is regulated under N.J.S.A. 23:2A-6.

Amended by R.1994 d.234, effective May 16, 1994.
 See: 26 N.J.R. 1047(a), 26 N.J.R. 2021(a).
 Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).
 See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).
 Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).
 See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).
 Amended by R.1997 d.538, effective December 15, 1997 (operative January 1, 1998).
 See: 29 N.J.R. 3217(a), 29 N.J.R. 5289(a).
 Amended by R.1998 d.541, effective November 16, 1998 (operative January 1, 1999).
 See: 30 N.J.R. 2552(a), 30 N.J.R. 4037(b).
 In (c), changed dates.
 Amended by R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).
 See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).
 In (c), changed dates throughout.
 Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).
 See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).
 In (c), changed dates throughout.
 Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).
 See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).
 In (c), changed dates throughout.
 Amended by R.2002 d.379, effective November 18, 2002 (operative January 1, 2003).
 See: 34 N.J.R. 1789(a), 34 N.J.R. 3963(a).
 In (c), substituted "2003" for "2002" and "2004" for "2003" throughout.
 Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).
 See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).
 In (c), changed dates; rewrote (d); in (e), substituted "turtles not regulated in this Code is regulated under" for "turtles is regulated under" preceding "N.J.S.A. 23:2A-6".
 Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).
 See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).
 In (c), amended the dates.
 Amended by R.2006 d.64, effective February 6, 2006.
 See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).
 In (a), substituted "under the age of 16 or over 70 years of age" for "entitled to fish without a license"; rewrote (c); in (d)1 and 2, rewrote address.

Amended by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Rewrote (d)3i.

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

In the introductory paragraph of (d), inserted the second sentence; and rewrote (d)3i.

Amended by R.2011 d.301, effective December 19, 2011 (operative January 1, 2012).

See: 43 N.J.R. 1632(a), 43 N.J.R. 3332(a).

In (c), inserted "attempt to take".

7:25-6.23 Special limited fishing licenses

(a) The Director of the Division may issue a permit to organizations that provide care for disabled persons authorizing those disabled persons to fish in a specified body of water, on a designated date, provided they are escorted by the staff of the organization, without a license or stamp as required by Title 23 of the New Jersey Statutes. This permit allows the taking of any species at any location at any time, subject to the following requirements. For the purposes of this section, an "organization that provides care for the disabled" shall mean a governmental or licensed private care facility that is responsible for the physical or mental developmental health of persons who have a lifelong need of supervised care. "Disabled person" shall mean a person who has a condition that substantially limits one or more of the major life functions such as caring for themselves, or limited mental development that prevents a person's caring for themselves, seeing, hearing, or speaking.

(b) Applications shall be made to the Division of Fish and Wildlife, Bureau of Freshwater Fisheries, PO Box 400, Trenton, New Jersey 08625-0400. Applications, in the form of a letter of request, shall be submitted at least 21 days prior to the event upon the organization's letterhead stationery. Applications shall contain the date or dates of the proposed event, the body of water involved, the number of disabled persons who will be authorized by the permit, and the number of care providers. Angling under the authority of this permit shall be in accordance to season, size, creel limit and equipment restrictions. The permit shall be issued when the Director determines that the event will provide a natural resource educational experience for disabled persons consistent with the goals of the Division.

New Rule, R.1997 d.538, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3217(a), 29 N.J.R. 5289(a).

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

Amended by R.2001 d.73, effective March 5, 2001.

See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

In (b), substituted "08625-0400" for "08625 0400" and inserted "in the form of a letter of request".

7:25-6.24 Permits issued to educational or scientific organizations

(a) Educational or scientific organizations may apply to the Director, subject to approval by the Fish and Game Council, for a permit that shall authorize their participation in fisheries notwithstanding the requirements of N.J.A.C. 7:25-6. This permit would allow the taking of any species at any location at any time, subject to the requirements of this section. This permit shall satisfy any licensing requirement associated with such activity. Such permit shall be effective and/or rescinded immediately upon public notification. For the purposes of this section, "educational or scientific organization" shall mean a governmental unit or private institution that provides environmental or natural resource education to its students or a governmental unit or private institution whose primary service is the evaluation of environmental or natural resource conditions.

(b) An application for a scientific collecting permit shall be made on an application form obtained from and filed with the Division in accordance with (c) below. Applications shall include:

1. The applicant name;
2. The applicant address;
3. The applicant telephone number;
4. The dates of proposed sampling;
5. The body or bodies of water involved;
6. The purpose of the activity;
7. A listing of any equipment that is expected to be used;
8. The species to be collected;
9. The disposition of species collected;
10. The names of persons who will be authorized by the permit; and
11. If the activity is related to research or environmental study or assessment, a copy of the project proposal must be attached to the application.

(c) Application forms may be obtained from and, when complete, shall be submitted to the Division at:

New Jersey Division of Fish and Wildlife
Bureau of Freshwater Fisheries
PO Box 394
Lebanon, New Jersey 08833

(d) The Director shall grant the permit, subject to the requirements of this section, after a determination that the event will provide a natural resource educational experience or a scientific investigation consistent with the goals of the Division that cannot otherwise be accomplished in conformance with N.J.A.C. 7:25-6.

(e) The permittee shall agree to:

1. Abide by all permit conditions;
2. With the exception of sampling for educational purposes, notify the nearest regional law enforcement office 48 hours prior to sampling;
3. Notify and obtain permission from the owner of the waterbody prior to sampling;
4. Use standardized sampling protocols, as applicable;
5. Not transfer the permit to other persons;
6. Submit a report of field data by December 31;
7. Submit a copy of the final report, as soon as it becomes available, to New Jersey Division of Fish and Wildlife, Bureau of Freshwater Fisheries, PO Box 394, Lebanon, New Jersey 08833; and
8. Comply with any local ordinances and other State laws or regulations.

New Rule, R.1997 d.538, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3217(a), 29 N.J.R. 5289(a).

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

Amended by R.2001 d.73, effective March 5, 2001.

See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

Amended by R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

In introductory paragraph (b), deleted address for application submitted and added "subject to the requirements of this section,"; added (b)1 and 2 and (c).

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

Rewrote (b); added new (c) and (d); recodified former (c) as (e); in (e)5, substituted "persons" for "researchers"; and in (e)7, substituted "PO Box 394, Lebanon, New Jersey 08833" for "PO Box 400, Trenton, New Jersey 08625-0400".

7:25-6.25 Water lowering

(a) Except as otherwise permitted in this section, no person shall shut off water to, or draw off waters from any pond, stream or lake, public or private within the State.

(b) Water withdrawals authorized for water supply purposes pursuant to N.J.A.C. 7:19 or for agricultural, aquacultural or horticultural uses pursuant to N.J.A.C. 7:20A shall not require a water lowering permit pursuant to this section.

(c) Water lowering permits are issued for the sole purpose of protecting the State's aquatic biological resources.

(d) An application for a water lowering, including all information required by this section, shall be submitted at least 60 days prior to the requested lowering date. In the event the lowering is required due to unsafe or hazardous dam conditions, as determined by the Department's Division of Dam Safety, the dam owner or the owner or operator of the outlet structure shall submit a completed application form within 15 days of notification from the Division of Dam Safety. The

(c) A deer that has been so severely injured by a collision with a motor vehicle that it must be killed shall be considered as accidentally killed for the purposes of this subchapter.

Amended by R.2001 d.73, effective March 5, 2001.
See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

7:25-17.7 Information required

(a) Any State or municipal officer disposing of or authorizing the disposal or possession of accidentally killed deer shall notify the Division on a quarterly basis of the following information on forms provided by the Division:

1. The location where the deer was killed;
2. The sex of the deer;
3. The date of the accidental deer kill; and
4. The name and address of the permittee.

Amended by R.2001 d.74, effective March 5, 2001.
See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

SUBCHAPTER 18. MARINE FISHERIES

7:25-18.1 Size, season and possession limits

(a) For the purpose of this subchapter, the following common names shall mean the following scientific name(s) for a species or group of species, except as otherwise specified elsewhere in this subchapter.

| Common Name | Scientific Name |
|----------------------|-----------------------------------------|
| American Eel | Anquilla rostrata |
| Atlantic Cod | Gadus morhua |
| Atlantic Croaker | Micropogon undulatus |
| Atlantic Mackerel | Scomber scombrus |
| Black Drum | Pogonias cromis |
| Black Sea Bass | Centropomus striata |
| Bluefish | Pomatomus saltatrix |
| Cobia | Rachycentron canadum |
| Conch | Busycon carica |
| | Busycotypus canaliculatum |
| | Busycon contrarium |
| Dolphin | Coryphaena hippurus |
| Goosefish (Monkfish) | Lophius americanus |
| Haddock | Melanogrammus aeglefinus |
| Hybrid striped bass | Morone saxatilis x Morone spp. |
| Kingfish | Menticirrhus saxatilis |
| | Menticirrhus americanus |
| King Mackerel | Scomberomorus cavalla |
| Pollock | Pollachius virens |
| Red Drum | Sciaenops ocellatus |
| River herring | Alosa aestivalis (alewife) |
| | Alosa pseudoharengus (blueback herring) |
| Scup (Porgy) | Stenotomus chrysops |
| Shad | Alosa sapidissima (American shad) |
| | Alosa mediocris (hickory shad) |
| Shark | Large Coastal Group |
| | Sphyrna mokarran (Great Hammerhead) |
| | Sphyrna lewini (Scalloped Hammerhead) |
| | Sphyrna zygaena (Smooth Hammerhead) |
| | Ginglymostoma cirratum (Nurse Shark) |
| | Carcharhinus limbatus (Blacktip Shark) |

Common Name

Smooth Dogfish
Spanish Mackerel
Spider crab

Spiny Dogfish
Striped Bass
Summer Flounder
(Fluke)
Tautog (Blackfish)
Weakfish

Winter Flounder

Scientific Name

Carcharhinus leucas (Bull Shark)
Negaprion brevirostris (Lemon Shark)
Carcharhinus falciformis (Silky Shark)
Carcharhinus brevipinna (Spinner Shark)
Galeocerdo cuvieri (Tiger Shark)
Small Coastal Group
Sphyrna tiburo (Bonnethead)
Carcharhinus acronotus (Blacknose Shark)
Carcharhinus isodon (Finetooth Shark)
Pelagic Group
Lamna nasus (Porbeagle Shark)
Isurus oxyrinchus (Shortfin Mako)
Prionace glauca (Blue Shark)
Carcharhinus longimanus (Oceanic Whitetip Shark)
Alopias vulpinus (Thresher Shark)
Research Only Group
Carcharhinus plumbeus (Sandbar Shark)
Mustelus canis
Scomberomorus maculatus
Libinia dubia
Libinia emarginata
Squalus acanthias
Morone saxatilis
Paralichthys dentatus
Tautoga onitis
Cynoscion regalis
Cynoscion nebulosus
Pleuronectes americanus

(b) A person shall not purchase, sell, offer for sale, or expose for sale any species listed below less than the minimum length, measured in inches, except as may be provided elsewhere in this subchapter, and subject to the specific provisions of any such section. Any commercially licensed vessel or person shall be presumed to possess the following species for sale purposes and shall comply with the minimum sizes below. Fish length shall be measured from the tip of the snout to the tip of the tail (total length), except as noted below.

| Species | Minimum Size (inches) |
|----------------------------------------------|--------------------------|
| American Eel | 9 |
| Atlantic Cod | 19 |
| Atlantic Croaker | No Limit |
| Atlantic Mackerel | 7 |
| Black Drum | 16 |
| Black Sea Bass | 11 |
| Bluefish | 9 |
| Cobia | 37 |
| Conch | 5 |
| Dolphin | No Limit |
| Goosefish (Monkfish) | 17 |
| Haddock | 16 |
| Kingfish | 8 |
| King Mackerel | 23 |
| Pollock | 19 |
| Red Drum | 18 |
| River herring (Alewife, blueback herring) | No Limit |
| Scup (Porgy) | 9 |
| Shad | |
| American | No Limit |
| Hickory | No Limit |

| <u>Species</u> | <u>Minimum Size</u> <u>(inches)</u> |
|---------------------|----------------------------------------|
| Shark | |
| Large Coastal Group | No Limit |
| Small Coastal Group | No Limit |
| Pelagic Group | No Limit |
| Smooth Dogfish | No Limit |
| Spanish Mackerel | 14 |
| Summer Flounder | 14 |
| Tautog (Blackfish) | 15 |
| Weakfish | 13 |
| Winter Flounder | 12 |

1. Total length for black sea bass shall be measured along the midline from the tip of the snout to the end of the central portion of the tail, not to include tail filaments.

2. In addition to the total minimum goosefish size, all goosefish tails possessed must be at least 11 inches in length from the anterior portion of the fourth cephalic dorsal spine to the end of the caudal fin. The total weight of all goosefish livers landed shall not be more than 30 percent of the total weight of all goosefish tails landed or 12 percent of the total weight of all goosefish landed.

3. A person shall not take in any one day or possess more than the possession limit specified below for each species listed, except as may be provided elsewhere in this subchapter, and subject to the specific provisions of any such section.

| <u>Species</u> | <u>Possession Limit</u> |
|----------------|---------------------------|
| Cobia | 2 |
| Red Drum | 1, no more than 27 inches |

(c) A person angling with a hand line or with a rod and line or using a bait net or spearfishing shall not have in his or her possession any species listed below less than the minimum length, nor shall such person take in any one day or possess more than the possession limits as provided below, nor shall such person possess any species listed below during the closed season for that species. Exceptions to this section as may be provided elsewhere in this subchapter shall be subject to the specific provisions of any such section. Fish length shall be measured from the tip of the snout to the tip of the tail (total length), except as noted below:

| <u>Species</u> | <u>Minimum Size</u> <u>In Inches</u> | <u>Open Season</u> | <u>Possession Limit</u> |
|---------------------|-----------------------------------------|-----------------------------------------------------------------------|-------------------------|
| American Eel | 9 | Jan. 1—Dec. 31 | 25 |
| Atlantic Cod | 21 | Jan. 1—Dec. 31 | No Limit |
| Atlantic Croaker | No Limit | Jan. 1—Dec. 31 | No Limit |
| Black Drum | 16 | Jan. 1—Dec. 31 | 3 |
| Black Sea Bass | 12.5 | Jan. 1—Feb. 28 May 19—Aug. 8 Sept. 27—Oct. 14 Nov. 1—Dec. 31 | 15 20 |
| Bluefish | No Limit | Jan. 1—Dec. 31 | 15 |
| Cobia | 37 | Jan. 1—Dec. 31 | 2 |
| Dolphin | No Limit | Jan. 1—Dec. 31 | No Limit |
| Haddock | 21 | Jan. 1—Dec. 31 | No Limit |
| Hybrid striped bass | Refer to N.J.S.A. 23:5-45.1 | | |

| <u>Species</u> | <u>Minimum Size</u> <u>In Inches</u> | <u>Open Season</u> | <u>Possession Limit</u> |
|---------------------------------------------------------------|-----------------------------------------|------------------------------------------------------------------------|------------------------------------------------|
| Kingfish | No Limit | Jan. 1—Dec. 31 | No Limit |
| King Mackerel | 23 | Jan. 1—Dec. 31 | 3 |
| Pollock | 19 | Jan. 1—Dec. 31 | No Limit |
| Red Drum | 18 | Jan. 1—Dec. 31 | 1, not greater than 27 inches |
| River herring (Alewife, blueback herring) | No Limit | None | 0 |
| Scup (Porgy) | 9 | Jan. 1—Feb. 28 and July 1—Dec. 31 | 50 |
| Shad | | | |
| Delaware Bay, and Delaware River and its tributaries | No Limit | Jan. 1—Dec. 31 | 6, as specified in (c)4 below |
| All other marine waters | No Limit | Jan. 1—Dec. 31 | 6, as specified in (c)4 below |
| Shark | | | 1 per vessel, as specified in (c)2 below |
| Large Coastal Group | 54 | Jan. 1—May 14, and July 16—Dec. 31 | |
| Small Coastal Group | No Limit | Jan. 1—Dec. 31 | |
| Pelagic Group | 54 | Jan. 1—Dec. 31 | |
| Smooth Dogfish | No Limit | Jan. 1—Dec. 31 | No Limit |
| Spanish Mackerel | 14 | Jan. 1—Dec. 31 | 10 |
| Summer Flounder (Fluke) | 17.5 | May 18—Sept. 24 | 5 |
| Striped Bass | | refer to N.J.S.A. 23:5-45.1 | |
| Tautog | 15 | Jan. 1—Feb. 28 Apr. 1—Apr. 30 July 17—Nov. 15 Nov. 16—Dec. 31 | 4 4 1 6 |
| Weakfish | 13 | Jan. 1—Dec. 31 | 1 |
| Winter Flounder | 12 | March 23—May 21 | 2 |

1. Total length for black sea bass shall be measured along the midline from the tip of the snout to the end of the central portion of the tail, not to include tail filaments.

2. Shark length shall be measured from the tip of the snout to the V shaped indentation between the two separate tail segments (fork length) forming the caudal fin. Sharks may be harvested in the recreational fishery only by angling with a hand line, or rod and reel. The possession limit for shark, as listed at (a) above, shall be a maximum harvest of one shark from the Large Coastal, Small Coastal, or Pelagic species group on a per vessel basis regardless of the number of individuals on board said vessel. In addition, each recreational angler fishing from a boat may harvest one bonnethead and one Atlantic sharpnose per trip. If a person is fishing from shore or a land based structure, the possession limit shall be a maximum harvest of one shark from the Large Coastal, Small Coastal, or Pelagic species group per calendar day on a per person basis. In addition, each recreational angler fishing from the shore or a land-based structure may harvest one bonnethead and one Atlantic sharpnose per calendar day.

3. Anglers may take no more than 25 eels per day; however, anglers may keep more than 25 eels in storage for

1. Fish of any species, taken by any means, which are purposely killed shall become part of the fisherman's daily possession limit and shall be removed from the waters from which they were taken and from adjacent lands. This subsection shall not apply to those fish which are released while still alive and subsequently die or to those fish taken inadvertently by net (bycatch) and subsequently die.

(n) Any person violating the provisions of (h) through (l) above shall be liable for a penalty of \$100.00 for each fish taken or possessed. Each fish taken or possessed shall constitute a separate and distinct offense.

(o) The following provision is applicable to the recreational harvest of bluefish.

1. Any party/charter vessel carrying recreational fisherman for hire to fish for bluefish shall have a valid Federal party/charter vessel permit.

(p) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify the fishing seasons, minimum size limits and possession limits, and the list of shark species contained within any of the shark groups specified in this section by notice in order to maintain and/or to come into 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 Department shall publish notice of any such modification in the New Jersey Fish and Wildlife Digest and the New Jersey Register, and shall submit a news release to individuals on the Division outdoor writers' mailing list.

(q) All persons aboard any fishing vessel subject to this rule shall immediately comply with instructions and signals issued by a conservation officer, a marine police officer or other law enforcement officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, and catch for the purpose of enforcement of this rule. After any instructions, signals or other communication from an authorized law enforcement officer indicating the officer's intent to perform an inspection, it shall be unlawful for any person to dispose of fish, fish parts or any other matter in any manner until such time as the inspection is complete. Violation of this provision shall subject the violator to the penalties established pursuant to N.J.S.A. 23:2B-14.

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

Amended by R.1990 d.607, effective December 3, 1990.
See: 22 N.J.R. 3078(a), 22 N.J.R. 3628(b).

Added new (e) through (h), redesignated existing (e) as (i).
Amended by R.1991 d.132, effective March 18, 1991.
See: 23 N.J.R. 37(a), 23 N.J.R. 848(b).

Size limit for marine fish changed in (a). Added (f), (g), (h), (i) and (j).

Amended by R.1991 d.348, effective July 1, 1991.
See: 23 N.J.R. 43(a), 23 N.J.R. 2011(a).

Deleted "winter flounder measuring less than six inches in length, or measuring less than 13 inches in length" with stylistic changes in (a). Added "winter flounder under 10 inches in length, or red drum under 14 inches in length" with stylistic changes in (b). Added (d). Redesignated (d) as (e); added reference to "(d)". Redesignated (e)-(n) as (f)-(o). Amended by R.1992 d.143, effective March 16, 1992.

See: 24 N.J.R. 4(c), 24 N.J.R. 1113(a).

Added requirements for weakfish management.

Petition for Rulemaking: Request for reduction of size limit; denied.
See: 24 N.J.R. 2957(a).

Public Notice: Announcement of fish checking stations for the Striped Bass Trophy Program.

See: 24 N.J.R. 3767(c).

Amended by R.1992 d.476, effective December 7, 1992.

See: 24 N.J.R. 1456(a), 24 N.J.R. 4368(b).

New (e) and (f) added prohibiting the filleting of any flatfish at sea in order to prevent circumvention of size limits on fluke and winter flounder; recodification of existing (e)-(o) as (g)-(q).

Amended by R.1993 d.56, effective January 19, 1993.

See: 24 N.J.R. 4249(a), 25 N.J.R. 303(a).

(c) repealed and replaced in accordance with the Summer Flounder Fishery Management Plan developed by the Mid-Atlantic Fishery Management Council and Atlantic States Marine Fisheries Commission.

Amended by R.1993 d.77, effective February 16, 1993.

See: 24 N.J.R. 205(a), 25 N.J.R. 689(a).

Added Atlantic Sturgeon under 60 inches in height.

Administrative Correction.

See: 25 N.J.R. 4495(a).

Amended by R.1994 d.44, effective January 18, 1994.

See: 25 N.J.R. 2167(a), 26 N.J.R. 353(a).

Emergency Amendment, R.1994 d.230, effective April 13, 1994 (to expire June 12, 1994).

See: 26 N.J.R. 1885(a).

Amended by R.1994 d.248, effective May 16, 1994.

See: 26 N.J.R. 291(a), 26 N.J.R. 2021(b).

Adopted Concurrent Proposal, R.1994 d.339, effective June 10, 1994.

See: 26 N.J.R. 1885(a), 26 N.J.R. 2792(a).

Provisions of emergency amendment R.1994 d.230 readopted, with a change effective July 5, 1994.

Amended by R.1994 d.615, effective December 19, 1994.

See: 26 N.J.R. 1931(a), 26 N.J.R. 5011(a).

Amended by R.1995 d.82, effective February 6, 1995.

See: 26 N.J.R. 4277(b), 27 N.J.R. 487(a).

Administrative Change.

See: 27 N.J.R. 1793(a).

Amended by R.1996 d.587, effective December 16, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3998(a), 28 N.J.R. 5231(a).

Changed section name from "Size and possession limits"; added species and changed size and possession limits throughout; in (a) and (b), inserted provisions relating to presumed possession; and in (c), inserted reference to bait nets.

Administrative change.

See: 29 N.J.R. 2278(a).

In (b), increased minimum size of Summer Flounder and Tautog; and in (c), increased possession limit of Summer Flounder.

Amended by R.1997 d.246, effective June 2, 1997.

See: 29 N.J.R. 285(a), 29 N.J.R. 2555(a).

In (a) and (b), added "(total length), except as noted below"; in (a), in table, changed minimum size for "Black sea bass" from 8 to 9 inches and added "Tautog (blackfish)"; inserted new (a)1, and recodified former (a)1 and (a)2 as (a)2 and (a)3; in (b), added "Black sea bass" to table; added (b)1; in (c), added "Black sea bass" to table; in (e), inserted "or possess such mutilated fish,"; and in (f)3v, added "Black sea bass" and "Scup" to table.

Amended by R.1998 d.40, effective January 5, 1998.

See: 29 N.J.R. 4595(a), 30 N.J.R. 226(a).

Added Bluefish to size limits; in (b) changed minimum size for Atlantic Cod and Haddock from 19 inches to 21 inches; in (f)3v, changed minimum length of Atlantic Cod and Haddock from 13 inches to 14 inches.

Administrative change.

See: 30 N.J.R. 1319(b).

Administrative change.

See: 30 N.J.R. 1402(b).

Amended by R.1999 d.52, effective February 16, 1999.

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

Rewrote (a) through (f).

Administrative change.

See: 31 N.J.R. 1084(a).

Amended by R.2000 d.10, effective January 3, 2000.

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

In (c), changed minimum size for Winter Flounder; in (h), substituted "upstream side of the U.S. Route 1 Bridge" for "Trenton Falls" following "from the".

Administrative change.

See: 32 N.J.R. 1387(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 (c), increased minimum size for Winter Flounder; in (h), substituted "upstream side of the U.S. Route 1 Bridge" for "Trenton Falls"; inserted a new (n); and recodified former (n) through (p) as (o) through (q).

Amended by R.2001 d.73, effective March 5, 2001.

See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

Administrative change.

See: 33 N.J.R. 1589(a).

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.

Administrative change.

See: 34 N.J.R. 921(a).

Administrative change.

See: 34 N.J.R. 1023(b).

Administrative change.

See: 34 N.J.R. 1669(a).

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

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

In (a) to (c), added "River herring"; in (g), deleted "(a)", "or" preceding (e), inserted "or (f)" after (e); rewrote (h).

Administrative change.

See: 35 N.J.R. 708(a).

Administrative correction.

See: 35 N.J.R. 1561(a).

Administrative change.

See: 35 N.J.R. 1927(a).

Administrative correction.

See: 35 N.J.R. 5619(a).

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

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

In (a), amended the table of Common Name and Scientific Name; in (g), substituted "\$30.00" for "\$20.00".

Administrative change.

See: 36 N.J.R. 1191(c).

Administrative change.

See: 36 N.J.R. 2420(c).

Administrative change.

See: 37 N.J.R. 1177(b).

Administrative change.

See: 37 N.J.R. 3696(a).

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

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

In (a), added common name "Striped Bass" and scientific name "*Morone saxatilis*"; in (c), added species "Striped Bass" and open season information "refer to N.J.S.A. 23:5-45.1"; in (f)3vii, increased number of days suspension to 60 for first offense and 120 for second offense; added (f)3viii; recodified former (f)3viii as (f)3ix.

Administrative change.

See: 38 N.J.R. 1731(a).

Administrative correction.

See: 38 N.J.R. 2797(b).

Administrative change.

See: 39 N.J.R. 1473(b).

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 tables in (a) and (c), inserted the entries for "Dolphin" and "Hybrid striped bass"; in the table in (b), inserted the entry for "Dol-

phin"; in the introductory paragraph of (e), inserted "(e)2 and"; added (e)2; in the introductory paragraph of (f)3v, inserted "fish of any species less than the minimum size limit specified in (c) above shall be filleted and no"; and in the table in (f)3v, inserted the entries for "Hybrid striped bass" and "Striped bass"; in (g), substituted "(d) or (e)" for "(d), (e) or (f)"; in (p), inserted "or to maintain consistency with any Mid-Atlantic Fishery Management Council plan adopted by the National Marine Fisheries Service"; and in (q), inserted the second and third sentences.

Administrative change.

See: 40 N.J.R. 150(c), 2109(c).

Administrative change.

See: 41 N.J.R. 2012(a), 4114(a).

Administrative change.

See: 42 N.J.R. 789(a), 1374(a).

Amended by R.2010 d.155, effective July 19, 2010.

See: 42 N.J.R. 700(a), 42 N.J.R. 1527(a).

In (a), rewrote the table; in the introductory paragraph of (b), inserted a comma following the second occurrence of "sale"; in the tables following the introductory paragraphs of (b) and of (c), inserted the entries for "Large Coastal Group", "Small Coastal Group" and "Pelagic Group" under entry "Shark", and inserted the entry for "Smooth Dogfish"; in the introductory paragraph of (c), substituted "be measured" for "measure"; in the table following the introductory paragraph of (c), in the entry for "Shark", deleted "48" from the Minimum Size in inches column and "Jan. 1-Dec. 31" from the "Open Season" column and substituted "1 per vessel, as specified in (c)2 below" for "2 per vessel" in the "Possession Limit" column; rewrote (c)2, the table in (d) and (e)1; and in (p), inserted ", and the list of shark species contained within any of the shark groups".

Administrative change.

See: 43 N.J.R. 1332(b), 1424(a).

Administrative change.

See: 44 N.J.R. 493(a), 1262(a), 1973(a), 2650(a).

Administrative change.

See: 45 N.J.R. 205(a), 1129(a), 1399(a), 1915(a), 2040(a).

Administrative change and correction.

See: 46 N.J.R. 212(b).

7:25-18.2 Pound nets

(a) The following words and terms shall have the following meanings unless the context clearly indicates otherwise.

"Department" means the New Jersey Department of Environmental Protection.

"Heart" means an upright fence of netting forming a heart-shaped (round or square) compartment located between the leader and the pocket. It is designed to cause fish to circle in front of and eventually enter the pocket of a pound net.

"Leader" means an upright fence of netting that acts as a barrier to fish and guides them toward a trap; the netting is made of heavy twine, not designed to catch fish by the gills.

"Navigable channel" means a channel marked with navigational markers including poles, piling or buoys, by the Coast Guard or the State.

"Pocket" means an upright fence of netting forming the final compartment of a pound net in which trapped fish accumulate.

"Pound net" means a large fish trap, consisting of a leader, pocket and one or more hearts, held in place with poles, the netting of which reaches from the bottom to above the surface of the water.

"Staked or anchored gill net" means an upright fence of monofilament or nylon netting, held in place at each end by

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 tautog permit based on the harvesting history of the vessel being sold.

8. Transfer of a permit to a new vessel shall be limited to the same gear type(s) of the originally permitted vessel.

9. No permit shall be transferred without the prior approval of the Department.

10. A vessel possessing a permit to commercially harvest tautog by angling or hook and line or spearfishing and when operating under the permit shall be subject to the following:

i. Crew size shall be limited to no more than five persons, including the captain; and

ii. The vessel shall not carry any passengers for hire. When carrying passengers for hire, the tautog permit is not valid and the possession limits and seasonal restrictions as specified in N.J.A.C. 7:25-18.1 apply.

11. The annual tautog harvest quota for New Jersey shall be 103,000 pounds or as modified by the Commissioner pursuant to (i) below. All landings of tautog in New Jersey shall be applied to the New Jersey annual quota.

i. The commercial season for tautog shall be from June 11 through June 30 and November 9 through January 15.

ii. The Commissioner, or his or her designee, shall close the season for the commercial tautog fishery upon four days public notice of the projected date the annual quota shall be caught. Public notice shall include letters by first class mail to all New Jersey Tautog Permit and New Jersey Non-Directed Fishery Tautog Permit holders.

iii. Once the season has been closed for the commercial tautog fishery, no vessel shall land any tautog in New Jersey and no dealer shall accept any tautog landed in New Jersey.

iv. If the Commissioner, or his or her designee, closes the season prematurely because of unanticipated environmental events resulting in the quota not being landed by the projected date and at least one month remains in the current season, then the Commissioner, or his or her designee, may reopen the season for a specified period of time upon four days public notice. Public notice shall be made as specified in (c)11ii above.

v. If the quota for any year is exceeded, the amount over harvested will be deducted from the following year's annual quota.

vi. Beginning in 1997, the Department shall notify the holders of New Jersey Tautog Permits and New Jersey Non-Directed Fishery Tautog Permits of the season allocations no later than January 31 of the year to

which the allocation applies. Notification shall be by first class mail to permit holders.

vii. All New Jersey Tautog Permit and New Jersey Non-Directed Fishery Tautog Permit holders shall be required to complete monthly reports supplied by the Department. The monthly report shall be signed by the permittee attesting to the validity of the information and be submitted so it is received by the Department no later than five working days following the end of the reported month at the following address:

Tautog Program
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418

(1) The monthly report shall include, but not be limited to, the following information: name, permit number, total amount (in pounds) of tautog taken, dates caught, time at sea, duration of fishing time, area fished, crew size, landing port, date sold, buyer. This information shall be provided for any trip in which tautog are landed.

(2) If no trips for tautog were taken and no tautog were landed during the month, a report to that effect shall be required.

12. Any person violating the provisions of this section shall be subject to the penalties prescribed in N.J.S.A. 23:2B-14 in addition to the following:

i. Failure to submit the required documentation to the application shall result in the denial of the permit.

ii. Falsification or misrepresentation of any information on the application including documentation provided to verify the amount of tautog landed as specified in (c)2ii(2) and (c)5ii(1) above shall result in the denial or revocation of the permit in addition to any civil or criminal penalties prescribed by law.

iii. Failure to comply with the provisions of (c)11iii above, landing tautog after the season has been closed, or (c)11vii above, failure to submit accurate and timely monthly reports, shall result in the suspension during open seasons for tautog or revocation of the vessel's tautog permit according to the following schedule:

(1) First Offense: 60 days suspension

(2) Second Offense: 120 days suspension

(3) Third Offense: permanent revocation

iv. In calculating the period of suspension or revocation applicable under (c)12iii above, the number of previous suspensions shall be reduced by one for each three-year period in which the permit holder does not 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 the subparagraph; therefore, a permit holder who incurs more than one suspension in 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 subparagraph 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.

v. Prior to revocation of the permit, the permittee shall have the opportunity to request a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(d) The following provisions are applicable to the commercial harvest of sharks and smooth dogfish:

1. A person shall not possess more sharks than the number specified in the possession limit at N.J.A.C. 7:25-18.1(c) without a valid annual vessel permit for sharks issued by the National Marine Fisheries Service or a New Jersey commercial fishing license issued for the gear allowed in the commercial shark fishery. With a valid annual vessel permit or a New Jersey commercial fishing license, the maximum possession limit is 33 sharks from the Large Coastal shark species group, an unlimited number of sharks from the Small Coastal shark species group, and an unlimited number of sharks from the Pelagic shark species group. A person shall not sell or attempt to sell any sharks without a valid annual vessel permit for sharks issued by the National Marine Fisheries Service or a New Jersey commercial fishing license issued for the gear allowed in the commercial shark fishery.

i. Any harvester or vessel landing shark or smooth dogfish in New Jersey for the purpose of sale shall sell all shark or smooth dogfish only to a dealer with a valid permit for sharks issued by the National Marine Fisheries Service.

2. A dealer shall not purchase or receive a shark without a valid annual dealer permit for sharks issued by the National Marine Fisheries Service. Each such shark dealer shall report weekly shark and smooth dogfish landings electronically through the Standard Atlantic Fisheries Information System (SAFIS).

3. A person shall not sell and a dealer shall not receive any large coastal shark, any small coastal shark, or any pelagic shark, as identified in N.J.A.C. 7:25-18.1(a), after the effective date that the quota for that group of sharks has been reached or is projected to be reached by the National Marine Fisheries Service, for the remainder of that semi-annual period.

4. The commercial fishing season for shark and smooth dogfish shall be from January 1 through December 31, except the harvest of Large Coastal sharks shall be pro-

hibited from May 15 through July 15. A fisherman legally harvesting any of the Large Coastal sharks in Federal waters from three to 200 nautical miles offshore during the May 15 through July 15 time period may transport his or her catch through the State marine waters of New Jersey provided that the fisherman notifies the Department by calling 609-748-2050 prior to entering the State's marine waters and provided:

- i. That the vessel does not engage in fishing within the closed area while possessing the above species;
- ii. The sharks possessed were not caught in the closed area; and
- iii. All fishing gear is stowed and not available for immediate use as defined below:

(1) "On-reel" stowage for vessels transiting a closed area shall be as follows:

(A) The net shall be on a reel, its entire surface is covered with canvas or other similar opaque material, and the canvas or other material is securely bound;

(B) The towing wires shall be detached from the doors; and

(C) No containment rope, codend tripping device, or other mechanism to close off the codend shall be attached to the codend; and

(2) Gillnet gear stowage for vessels transiting a closed area shall be as follows:

(A) All nets shall be covered with canvas or other similar material and lashed or otherwise securely fastened to the deck or rail; and

(B) All buoys larger than six inches (15.24 centimeters) in diameter, high flyers, and anchors shall be disconnected.

5. The following gear types may be used for commercial shark harvest in State marine waters: gillnets, trawl nets, and pound nets. Large-mesh gill nets are defined as having a stretch mesh greater than or equal to five inches.

6. All sharks harvested by commercial fishermen shall have tails and fins attached naturally through dockside landing. Commercial fishermen may completely remove the fins of smooth dogfish from January 1 through December 31 each year. If the fins are removed, the total wet weight of the fins shall not exceed 12 percent of the total dressed weight of smooth dogfish carcasses landed or found on board a vessel.

7. The smooth dogfish annual quota is unlimited and the smooth dogfish trip limit is unlimited.

(e) The following provisions are applicable to the commercial harvest of shad:

Inserted (b)1, (c), and (d); recodified former (b)1 through (b)6 as (b)2 through (b)7 and former (c) and (d) as (e) and (f); and made conforming changes throughout.

Amended by R.1998 d.40, effective January 5, 1998.

See: 29 N.J.R. 4595(a), 30 N.J.R. 226(a).

Inserted (a)2 and recodified (a)2 as 3; deleted (c)2iii through v, added (c)3 through 10 and recodified (c)3 and 4 as 11 and 12; deleted (d), and recodified (e) and (f) as (d) and (e).

Administrative change.

See: 30 N.J.R. 1402(b).

Amended by R.1999 d.52, effective February 16, 1999.

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

In (a)3, substituted "more than 150 pounds of" for "any" following "accept"; inserted a new (d); and recodified former (d) and (e) as (e) and (f).

Administrative change.

See: 31 N.J.R. 1612(a).

Amended by R.2000 d.10, effective January 3, 2000.

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

Rewrote (a); inserted a new (e); and recodified former (e) and (f) as (f) and (g).

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

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

Rewrote the section.

Amended by R.2001 d.73, effective March 5, 2001.

See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

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).

In (c)2i and (c)5i, inserted "and submit their application no later than December 31, 2002" after "Department"; in (c)7i, substituted "has no greater than 10 percent increase in length overall and 20 percent increase in shaft horsepower" for "is of equal or less gross registered tonnage and vessel registered length"; in (d)1, added i; added a new (h), recodify existing (h), (i) as (i), (j).

Administrative change.

See: 34 N.J.R. 3264(a).

Administrative change.

See: 35 N.J.R. 709(a).

Administrative change.

See: 35 N.J.R. 1927(a).

Administrative correction.

See: 35 N.J.R. 4285(a).

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

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

Rewrote the section.

Administrative change.

See: 36 N.J.R. 1191(c).

Administrative correction and change.

See: 36 N.J.R. 2420(c).

Administrative correction.

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

Administrative change.

See: 37 N.J.R. 589(c).

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

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

Rewrote the section.

Administrative change.

See: 38 N.J.R. 1318(d), 5359(a).

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

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

Rewrote (e)9 and (o).

Administrative change.

See: 40 N.J.R. 150(c), 879(b), 2109(c), 6204(a).

Administrative change.

See: 41 N.J.R. 220(a), 4114(a).

Administrative change.

See: 42 N.J.R. 68(b), 789(a).

Amended by R.2010 d.155, effective July 19, 2010.

See: 42 N.J.R. 700(a), 42 N.J.R. 1527(a).

Rewrote (d)1 and (d)2; added (d)4 through (d)7; and in (o), inserted "as well as gear types and gear restrictions," twice, inserted a comma

following "season quota and", and substituted the first occurrence of "this section" for "the section."

Administrative change.

See: 42 N.J.R. 3059(a).

Administrative change.

See: 43 N.J.R. 3334(a).

Administrative change.

See: 44 N.J.R. 493(a), 1973(a).

Administrative change.

See: 44 N.J.R. 2129(a), 2650(a).

Administrative change.

See: 45 N.J.R. 205(a), 1129(a), 1399(a), 1915(a), 2040(a), 2330(b).

Administrative change and correction.

See: 46 N.J.R. 212(b).

7:25-18.13 Striped bass bonus program

(a) Pursuant to N.J.S.A. 23:5-45.1(c), the possession of one "bonus sized" striped bass, measuring not less than 28 inches in length, will be allowed in addition to the possession limit allowed under N.J.S.A. 23:5-45.1(a), pursuant to (b) through (o) below.

(b) Any person intending to take one "bonus sized" striped bass, as defined in (a) above, in addition to his or her striped bass possession limit as specified at N.J.S.A. 23:5-45.1 shall apply to the Division to participate in the striped bass bonus program. Applications may be obtained from the following:

1. Division of Fish and Wildlife

Striped Bass Bonus Fish Program
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418

2. Fish checking stations, as authorized by the Division and identified pursuant to (i) below.

3. On the Division of Fish and Wildlife's website at www.njfishandwildlife.com.

(c) The application form shall be completed to include the name, address and telephone number of the applicant.

(d) Applications to participate in the striped bass bonus program shall be processed in order of receipt by the Division.

(e) Successful applicants will receive non-transferable fish possession cards, the number to be determined by the Commissioner or his or her designee based on the available quota and the number of applicants. One card shall be filled out completely and the month and day numbers perforated immediately upon retention of a bonus striped bass. A finite number of cards shall be available to participating party and charter boat captains in the name of the vessel and owner. Fish possession cards issued to party and charter boats are for the use of patrons on that vessel and shall not be sold, offered for sale or used for barter.

(f) Fish possession cards shall be valid in the calendar year for which they were issued except during those periods in

which the Department has closed the State's waters to harvesting as provided at (l) below.

(g) Successful applicants may keep and submit annual records of their striped bass fishing activity as requested on forms furnished by the Division. Such records shall include the name, address, and card number(s) of the fishermen, the days and hours fished, the lengths of striped bass caught, the location of fishing activity and the type of fishing. Party and charter boat captains shall be required to maintain and submit logbooks developed by the Division.

(h) A person shall not have in his or her possession at any time more than the number of striped bass provided for in N.J.S.A. 23:5-45.1, nor shall such striped bass be less than the size provided for in N.J.S.A. 23:5-45.1. One additional striped bass may be possessed and shall not be less than the size defined in (a) above. Said person shall have a properly completed and legal fish possession card, as provided for at (e) above.

(i) Any striped bass taken under this section may be transported to an authorized fish check station by the person who caught the fish on the day so taken. A list of authorized fish check stations shall be provided to all participants in the striped bass bonus program by the Division via first class mail along with the fish possession cards. Fish check stations shall also be listed on the Division's website at www.njfishandwildlife.com. A person shall not present for registration or permit to be registered in his or her name a striped bass which he or she did not catch. Any person who legally takes a striped bass under this section and who cannot arrive at a fish check station shall immediately mail his or her fish possession card to the address presented at (b) above.

(j) A person shall not possess any striped bass taken or tagged under the provisions of this section which is damaged or mutilated to the extent that its length cannot be determined, other than immediately prior to preparation or being served as food.

(k) An additional fish possession card may be provided to the angler as determined by the Commissioner or his or her designee based upon the available remaining quota and the number of applicants upon recording of his or her prior legally harvested bonus striped bass at an authorized fish check station or via mail as presented at (i) above, provided the season has not been closed pursuant to (l) below.

(l) When, at any time during the calendar year, the Division has projected that the quota established by the Atlantic States Marine Fisheries Commission for striped bass will have been harvested, the Division will close the State's waters to any further harvesting upon two days public notice by distribution of a news release to individuals on the Division outdoor writers mailing list and via the Division's website at www.njfishandwildlife.com. A notice shall also be published in the New Jersey Register.

(m) The quota described in (l) above shall be 321,650 pounds until such time as another quota is duly promulgated by the Atlantic States Marine Fisheries Commission. A portion of this quota will be allotted to party and charter boats.

(n) The Division will provide public notice via a news release to individuals on the Division outdoor writers mailing list and to all participants in the striped bass bonus program as to the number of fish possession cards that will be issued to each participant pursuant to (e) above, the availability of additional fish possession cards pursuant to (k) above, and changes to the quota described in (l) above. A notice shall also be published in the New Jersey Register.

(o) Any person violating the striped bass size and possession limits as provided for in N.J.S.A. 23:5-45.1, or this section shall be liable for penalty of \$100.00 per fish for each offense. In addition, any person violating any provision of this section shall be subject to revocation, applicable to both the vessel and the owner, from the Striped Bass Bonus Program. Revocation would render the vessel and the owner ineligible for participation in the program regardless of vessel ownership. Any fish possession cards in such person's possession shall be invalid and shall be returned to the Division upon such person's receipt of notification of such revocation. Failure to return the cards upon notification shall subject the violator to penalties prescribed pursuant to N.J.S.A. 23:2B-14.

(p) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify the size limit, bag limit, season and/or quota specified in this section, by notice in order to maintain and/or to come into compliance with any fishery management plan approved by the Atlantic States Marine Fisheries Commission pursuant to 16 U.S.C. §5104(b). The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify the size limit, bag limit or season specified in this section by notice in order to provide for the optimal utilization of any quota specified in this section. The Commissioner will review the catch rate 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 notice in the Division's Fish and Wildlife Digest publication and the New Jersey Register.

New Rule, R.1995 d.82, effective February 6, 1995.

See: 26 N.J.R. 4277(b), 27 N.J.R. 487(a).

Administrative Correction.

See: 27 N.J.R. 2739(a).

Amended by R.1996 d.587, effective December 16, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3998(a), 28 N.J.R. 5231(a).

Changed section name from "Striped bass trophy program"; and substantially amended section.

Amended by R.2001 d.73, effective March 5, 2001.

See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

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

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