

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 50:1-1 et seq.

Source and Effective Date

R.2001 d.73, effective January 30, 2001.
See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

Executive Order No. 66(1978) Expiration Date

Chapter 25, Division of Fish, Game and Wildlife Rules, expires on January 30, 2006.

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).

Pursuant to Executive Order No. 66(1978), Chapter 25, Division of Fish 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 and Wildlife Rules, was readopted as R.2001 d.73, effective January 30, 2001. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

7:25-1.1 Scope

Unless otherwise provided, the following shall constitute supplements to the statutes governing fish and game laws.

Case Notes

In constitutional challenge by unincorporated organization whose members advocated and practiced a "clothing-optional lifestyle" to local ordinance barring nude sunbathing on township beaches, ordinance held constitutional and generally enforceable in township; ordinance unenforceable on beach located on State-owned lands inside township boundaries. *Tri-State Metro Naturists v. Lower Twp.*, 219 N.J.Super. 103, 529 A.2d 1047 (Law Div.1987).

7:25-1.2 Construction

These rules shall be liberally construed to permit the department, the Division of Fish and Wildlife and its various agencies to discharge its statutory functions.

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

7:25-1.3 Practice where rules do not govern

The Fish and Game Council may rescind, amend or expand these rules from time to time, and such new rules shall be filed with the Secretary of State as provided by law.

7:25-1.4 Definitions

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

"Closed season" means the time during the year when fish, game, birds, or animals, as the case may be, may not be captured, taken, killed or had in possession.

"Code" means the New Jersey Administrative Code.

"Compendium" means the regularly published summary of applicable rules, regulations and statutes.

"Conservation officer" means a law enforcement officer of the division.

"Council" means the Fish and Game Council in the Division.

"Division" means the Division of Fish and Wildlife in the Department of Environmental Protection.

"Open season" means the time during the year when fish, game, birds or animals, as the case may be, may be captured, taken, killed or had in possession.

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

7:25-1.5 License, permit and stamp fees

Pursuant to N.J.S.A. 23:3-1a, the fees for hunting and fishing licenses, permits and stamps issued by the Division are as follows. The listed fees include, where applicable, a nonrefundable \$2.00 application fee as set by the Legislature in N.J.S.A. 23:3-1c and an issuance fee of \$.50 as set by the Legislature in N.J.S.A. 23:3-1.1, 23:3-4 and 23:3-4.1.

Resident Fishing	\$ 16.50
Jr/Sr Fishing	7.75
Family Fishing	27.50
Family Supplement	2.25
Non-Resident Fishing	25.25
Non-Resident 7-Day Fishing	16.50
Resident Trout Stamp	7.75
Non-Resident Trout Stamp	15.50
Resident Hunting	22.00
Jr/Sr Hunting	10.75
Juvenile Hunting	3.00
Non-Resident 2-Day Hunting	27.50
1 Day Hunting	7.75
Resident Bow and Arrow	26.25
Jr/Sr Bow and Arrow	12.00
Juvenile Bow and Arrow	3.00
All Around Sportsman	60.50
Pheasant/Quail Stamp	22.00
Woodcock Stamp	2.75
Rifle Permit	14.00
Deer Permit	21.75
Turkey Permit	16.25
Semi-Wild	57.00
Commercial Hunt	222.00
Propagation	7.50
Fish Preserve	167.00

R.1973 d.13, effective January 8, 1973.

See: 5 N.J.R. 38(c).

Amended by R.1989 d.26, effective January 3, 1989.

See: 20 N.J.R. 2666(a), 20 N.J.R. 55(a).

Deleted (a)5 and 6 and renumbered 7-11. as 5-9.

Amended by R.1989 d.502, effective September 18, 1989.

See: 21 N.J.R. 1482(b), 21 N.J.R. 2963(a).

Lease and surveying fees deleted.

Repealed by R.1991 d.132, effective March 18, 1991.

See: 23 N.J.R. 37(a), 23 N.J.R. 848(b).

Section 1.5—Fee schedule—deleted.

New Rule, R.1993 d.360, effective July 19, 1993.

See: 25 N.J.R. 1928(a), 25 N.J.R. 3154(a).

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

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

7:25-1.6 (Reserved)

7:25-1.7 Penalties

(a) Pursuant to N.J.S.A. 50:2-1 no person shall take or catch any clams without either a recreational or commercial license. Any person violating this provision shall be liable to a penalty of \$20.00 for the first offense and \$40.00 for each subsequent offense.

(b) Pursuant to N.J.S.A. 50:2-2, no person shall take or catch more than 150 clams a day with only a recreational license or no license. Any person violating this provision shall be liable to a penalty of \$100.00 for the first offense and \$200.00 for each subsequent offense.

Amended dates referenced.

Amended by R.1998 d.408, effective August 3, 1998 (operative August 8, 1998).

See: 30 N.J.R. 1681(a), 30 N.J.R. 2886(a).

In (a), changed season dates.

Amended by R.1999 d.287, effective August 16, 1999 (operative August 21, 1999).

See: 31 N.J.R. 1231(a), 31 N.J.R. 2338(a).

In (a), changed dates throughout.

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 (a), changed dates.

7:25-5.35 Special wildlife salvage permit

(a) Special permits known as scientific salvage permits may be issued by the Director for the salvage and possession of accidentally killed or naturally dead wildlife other than migratory birds and nongame birds and endangered wildlife species that are named on the State of New Jersey and the federal lists of each endangered species.

(b) The special permits may be issued to properly accredited persons associated with educational or scientific institutions for strictly educational or scientific purposes only.

(c) The scientific salvage permit issuance fee shall be \$7.00 to defray expenses attending granting the permit and the permit shall be valid for one year only, from the date of its issuance and shall not be transferrable.

(d) Upon proof that a holder of the special salvage permit has killed, injured, destroyed or attempted to kill, injure or destroy with any weapon, trap, snare or other device of any kind any wild animal, except as provided by N.J.S.A. Title 23 or the proper Game Code, or has in possession any species of wildlife other than those named in this permit or other wildlife possession permit, the special permit shall become void and the permit holder shall be subject to the penalties provided by law.

(e) Authority: N.J.S.A. 13:1B-30, 23:4-50, 23:4-1, 23:4-12, 23:2A-1 et seq., and other applicable statutes.

7:25-5.36 White-tailed deer (*Odocoileus virginianus*) special biological permit

(a) Notwithstanding any other provision in this Code, Division personnel may issue a second permit to a hunter who presents a lawfully taken deer found unfit for human consumption.

(b) Authority: N.J.S.A. 13:1B-29 et seq. and N.J.A.C. 7:25-5.26.

7:25-5.37 Special permit to inhibit wildlife reproduction

(a) No person shall administer or otherwise employ the use of fertility control materials and/or methodologies including, but not limited to, those which result in contraception, contragestation and/or sterilization to any species of free-ranging wildlife without first procuring a permit from the Division under this section. No person shall employ any

physical alteration or device that would alter the reproduction potential of any free ranging wildlife species without first procuring a permit from the Division. The possession of such unauthorized materials or devices in the field shall be considered the attempt to take wildlife contrary to the provisions of the code. Prior to submission of an application, applicants must first obtain any necessary Federal permits. Each permit applicant must provide a written proposal describing the fertility control procedure, the credentials of the person(s) who will administer the fertility control procedure, the purpose or intent of the procedure and an assessment of environmental impacts. The Division in cooperation with the Department of Animal Science, Cook College-Rutgers University and other scientists who may be selected by the Division will review each application and determine whether or not a permit is granted based on the overall justification and need for conducting such procedures, the qualifications of the person(s) administering the procedure and the anticipated environmental impacts affecting both wildlife and humans.

(b) The authority for the adoption of the foregoing subsection is found in N.J.S.A. 13:1B-30, 23:4-1, 23:4-11, 23:4-42, 24:4-488, and other applicable statutes.

New Rule, 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. 7:25-5.37, "Fish and Game Law Enforcement Region Headquarters", recodified to 7:25-5.38.

Amended by R.1999 d.287, effective August 16, 1999 (operative August 21, 1999).

See: 31 N.J.R. 1231(a), 31 N.J.R. 2338(a).

In (a), rewrote the first and fifth sentences; and in (b), deleted a reference to N.J.S.A. 23:4-60.3.

7:25-5.38 Fish and Game Law Enforcement Region Headquarters

(a) Northern Region Office—Clinton WMA Region Office, 26 Rt. 173 West, Hampton, N.J. 08827, (908) 735-8240.

(b) Central Region Office—Assunpink WMA, 386 Clarksburg-Robbinsville Rd., Robbinsville, N.J. 08691, (609) 259-2120.

(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.

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. 2001-2002 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.439, 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).

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.

7:25-6.2 Definitions

The following words and terms shall have the following meanings unless the context clearly indicates otherwise.

"Baitfish" means the following species:

- | | |
|--|--|
| 1. Alewife (anadromous and land-locked forms) | Alosa pseudoharengus; |
| 2. Blueback herring | Alosa acstivalis; |
| 3. Golden shiner | Notemigonus crysoleucas; |
| 4. Banded killifish | Fundulus diaphanus; |
| 5. Mummichog | Fundulus heteroclitus; |
| 6. Spotfin killifish | Fundulus luciae; |
| 7. Rainwater killifish | Lucania parva; |
| 8. American brook lamprey | Lampetra lamottei; |
| 9. Fathead minnow | Pimephales promelas; |
| 10. Bluntnose minnow | Pimephales notatus; |
| 11. Stonecat | Noturus flavus; |
| 12. Tadpole madtom | Noturus gyrinus; |
| 13. Margined madtom | Noturus insignis; |
| 14. All shiner, dace, and minnows of the following genera: | Notropis, Rhinichthys, Luxilus, Cyprinella, and Semotilus. |
| 15. American eel | Anguilla rostrata, greater than six inches in length |

"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.

"Creel 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. Atlantic sturgeon | Acipenser oxyrhynchus; |
| 2. White sucker | Catostomus commersoni; |
| 3. Carp | Cyprinus carpio; |
| 4. American eel | Anguilla rostrata; |
| 5. Blueback herring | Alosa aestivalis; |
| 6. Hickory shad | Alosa mediocris; |
| 7. American shad | Alosa sapidissima; |
| 8. Gizzard shad | Dorosoma cepedianum; |
| 9. Alewife (anadromous form) | Alosa pseudoharengus; |
| 10. Yellow perch | Perca flavescens; |
| 11. White perch | Morone americana; |
| 12. White catfish | Ameiurus catus; |
| 13. Black bullhead | Ameiurus melas; |
| 14. Brown bullhead | Ameiurus nebulosus; |
| 15. Yellow bullhead | Ameiurus natalis; |
| 16. Channel catfish | Ictalurus punctatus; |
| 17. Bowfin | Amia calva; and |
| 18. Any other marine fish species that is legal for taking with net in marine waters. | |

"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.

"Other fish species," and all hybrids and strains thereof, which are provided for by the provisions of this Code, either directly or implied, are as follows:

- | | |
|-------------------------------|------------------------------------|
| 1. Shortnose sturgeon | Acipenser brevirostrum |
| 2. Atlantic sturgeon | Acipenser oxyrhynchus |
| 3. Striped bass hybrid | Morone saxatilis x Morone chrysops |
| 4. White sucker | Catostomus commersoni |
| 5. Creek chubsucker | Erimyzon oblongus |
| 6. American eel | Anguilla rostrata |
| 7. Blueback herring | Alosa aestivalis |
| 8. Hickory shad | Alosa mediocris |
| 9. American shad | Alosa sapidissima |
| 10. Gizzard shad | Dorosoma cepedianum |
| 11. Alewife (anadromous form) | Alosa pseudoharengus |
| 12. Chinook salmon | Oncorhynchus tshawytscha |
| 13. Sea lamprey | Petromyzon marinus |

"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.

"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. Brook trout | Salvelinus fontinalis |
| 2. Lake trout | Salvelinus namaycush |
| 3. Brown trout | Salmo trutta |
| 4. Rainbow trout | Oncorhynchus mykiss |

"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. Largemouth bass | Micropterus salmoides |
| 2. Smallmouth bass | Micropterus dolomieu |
| 3. Black crappie | Pomoxis nigromaculatus |
| 4. White crappie | Pomoxis annularis |
| 5. Rock bass | Ambloplites rupestris |
| 6. Redbreast sunfish | Lepomis auritus |
| 7. Green sunfish | Lepomis cyanellus |
| 8. Pumpkinseed | Lepomis gibbosus |
| 9. Bluegill | Lepomis macrochirus |
| 10. Longear sunfish | Lepomis megalotis |
| 11. Redear sunfish | Lepomis microlophus |
| 12. Yellow perch | Perca flavescens |
| 13. Walleye | Stizostedion vitreum vitreum |
| 14. White perch | Morone americana |
| 15. White catfish | Ameiurus catus |
| 16. Black bullhead | Ameiurus melas |
| 17. Brown bullhead | Ameiurus nebulosus |
| 18. Yellow bullhead | Ameiurus natalis |
| 19. Channel catfish | Ictalurus punctatus |
| 20. Redfin | Esox americanus americanus |
| 21. Northern pike | Esox lucius |
| 22. Muskellunge | Esox masquinongy |
| 23. Chain pickerel | Esox niger |
| 24. Bowfin | Amia calva |
| 25. Carp | Cyprinus carpio |
| 26. Striped bass | Morone saxatilis |

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).

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 (i) below, the trout season for 2001 shall commence 12:01 A.M. January 1, 2001 and extend to midnight March 18, 2001. The trout season shall re-open at 8:00 A.M. Saturday, April 7, 2001 and extend to include March 17, 2002.

(b) Except as provided in N.J.A.C. 7:26-6.4, 6.6 to 6.9 and (i) below, it shall be unlawful to fish for any species of fish from midnight March 18, 2001 to 8:00 A.M. on April 7, 2001 in ponds, lakes or those portions of streams that are listed herein for stocking during 2001.

(c) 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.

(d) 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. on dates indicated, provided that in the event of emergent conditions, the Division may suspend stocking of any or all of the following:

1. Big Flat Brook—100 feet above Stream Mill Bridge on Crigger Road in Stokes State Forest to Delaware River—April 13, 20, 27; May 4, 11, 18, 25.

2. Black River—Route 206 Chester, to the posted Black River Fish and Game club property at the lower end of Hacklebarney State Park—April 12, 19, 26; May 3, 10, 17, 24.

3. Manasquan River—Route 9 bridge downstream to Bennetts Bridge, Manasquan Wildlife Management Area—April 9, 16, 23, 30; May 7, 14, 21.

4. Metedeconk River, N. Br. Aldrich Road Bridge to Ridge Avenue—April 9, 16, 23, 30; May 7, 14, 21.

5. Metedeconk River, S. Br. Bennetts Mills dam to twin wooden foot bridge, opposite Lake Park Boulevard, on South Lake Drive, Lakewood—April 9, 16, 23, 30; May 7, 14, 21.

6. Musconetcong River—Lake Hopatcong Dam to Delaware River including all main stem impoundments,

but excluding Lake Musconetcong, Netcong—April 13, 20, 27; May 4, 11, 18, 25.

7. 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—April 12, 19, 26; May 3, 10, 17, 24.

8. Pequest River—Source to Delaware River—April 13, 20, 27; May 4, 11, 18, 25.

9. Pohatcong Creek—Route 31 to Delaware River—April 10, 17, 24; May 1, 8, 15, 22.

10. Ramapo River—State line to Pompton Lake—April 12, 19, 26; May 3, 10, 17, 24.

11. Raritan River, N. Br. Peapack Road Bridge in Far Hills to Jct. with S. Br. Raritan River—April 11, 18, 25; May 2, 9, 16, 23.

12. Raritan River, S. Br. Budd Lake dam through Hunterdon and Somerset Counties to Jct. with N. Br. Raritan River—April 10, 17, 24; May 1, 8, 15, 22.

13. Rockaway River—Longwood Lake dam to Jersey City Reservoir in Boonton—April 9, 16, 23, 30; May 7, 14, 21.

14. Tom's River—Ocean County Route 528, Holmansville, to confluence with Maple Root Branch and Route 70 to County Route 571—April 9, 16, 23, 30; May 7, 14, 21.

15. Wallkill River—Lake Mohawk Dam to Route 23, Hamburg—April 9, 16, 23, 30; May 7, 14, 21.

16. Wanaque River—Greenwood Lake Dam to Jct. with Pequannock River, excluding Wanaque Reservoir, Monksville Reservoir and Lake Inez—April 13, 20, 27; May 4, 11, 18, 25.

(e) Except as provided in N.J.A.C. 7:25-6.6 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.

(f) This subsection sets forth trout stocked waters for which no in-season closures will be in force. The figure in parenthesis indicates the anticipated number of stockings to be carried out from April 15 through May 28, provided that, in the event of emergency conditions, the Division may suspend stocking of any or all of the following:

1. Atlantic County

Birch Grove Park Pond—Northfield—(4)

Hammonton Lake—Hammonton—(4)

2. Bergen County

Hackensack River—Lake Tappan to Harriot Avenue, Harrington Park—(4)

Hohokus Brook—Forest Road to Whites Pond—(4)

Indian Lake—Little Ferry—(4)
 Mill Pond—Park Ridge—(3)
 Pascack Creek—Orchard Street, Hillsdale, to Lake Street,
 Westwood—(4)
 Saddle River—State Line to Dunkerhook Road, Fair
 Lawn—(5)
 Scarlet Oak Pond—Mahway—(0)
 Tenakill Creek—Closter, entire length—(3)
 Whites Pond—Waldwick—(4)

3. Burlington County

Crystal Lake—Willingboro—(4)
 Laurel Pond—Mt. Laurel—(3)
 Rancocas Creek, South Branch—Medford, Mill Street Park
 to Branch St. Bridge—(4)
 Sylvan Lake—Burlington—(3)

4. Camden County

Haddon Lake—Audubon—(0)
 Oak Pond—Sicklerville—(4)
 Rowands Pond—Clementon—(4)

5. Cape May County

Dennisville Lake—Dennisville—(3)
 West Pond—Cape May Courthouse—(4)

6. Cumberland County

Bostwick Lake—Friesburg—(3)
 Cohansey River—Dam at Seeley's Pond to powerline above
 Sunset Lake, Bridgeton—(4)
 Giampietro Park Lake—Vineland—(3)
 Mary Elmer Lake—Bridgeton—(3)
 Maurice River—Willow Grove Lake dam to Sherman Ave-
 nue, Vineland—(4)
 Shaw's Mill Pond—Newport—(3)

7. Essex County

Branch Brook Park Lake—Newark—(4)
 Clarks Pond—Bloomfield—(0)
 Diamond Mill Pond—Millburn—(3)
 Verona Park Lake—Verona—(4)

8. Gloucester County

Greenwich Lake—Gibbstown—(3)
 Grenloch Lake—Turnersville—(3)
 Harrisonville Lake—Harrisonville—(3)
 Iona Lake—Iona—(3)
 Mullica Hill Pond—Mullica Hill—(3)
 Swedesboro Lake—Swedesboro—(3)
 Westville Lake—Westville—(0)

9. Hudson County

West Hudson County Park Pond—Harrison—(0)
 Woodcliff Lake—North Bergen, James J. Braddock
 Park—(4)

10. Hunterdon County

Amwell Lake—East Amwell—(3)
 Beaver Brook—Clinton Township, entire length—(2)
 Capoolong Creek—Pittstown, entire length—(5)
 Delaware—Raritan Feeder Canal—Bulls Island to Hunter-
 don—Mercer County line—(6)
 Hakhokake Creek—Holland Township, entire length—(2)
 Lockatong Creek—Opdyke Road Bridge, Kingwood Town-
 ship to Delaware Raritan Feeder Canal—(5)
 Mulhockaway Creek—Pattensburg, source to Spruce Run
 Reservoir—(5)
 Neshanic River—Kuhl Road to Hunterdon County Route
 514—(2)
 Nishisakawick Creek—Frenchtown/Everittstown, entire
 length—(2)
 Rockaway Creek—Readington Township, entire length—(4)
 Rockaway Creek, S/Br. Lebanon to Whitehouse, entire
 length—(5)
 Round Valley Reservoir—Clinton Township—(3)
 Sidney Brook—Grandin, entire length—(1)
 Spring Mills Brook—Spring Mills, entire length—(2)
 Spruce Run—Glen Gardner and Lebanon Township, entire
 length—(5)
 Spruce Run Reservoir—Clinton—(3)
 Wickecheoke Creek—Covered Bridge County Rt. 604, Ser-
 geantsville to Delaware River—(2)

11. Mercer County

Assunpink Creek—Assunpink Site 5 dam upstream of Rt.
 130 Bridge to Carnegie Road, Hamilton Township—(4)
 Colonia Lake—Lawrence Township—(3)
 Delaware—Raritan Canal—Mulberry Street, Trenton, to Al-
 exander St., Princeton—(4)
 Delaware—Raritan Feeder Canal—Hunterdon—Mercer
 County line to Upper Ferry Road Bridge—(6)
 Rosedale Lake—Rosedale—(3)
 Stony Brook—Woodsville to Port Mercer—(4)

12. Middlesex County

Farrington Lake—North Brunswick—(3)
 Hook's Creek Lake—Cheesequake State Park—(4)
 Ireland Brook—Farrington Lake to point 500 feet upstream
 of Riva Avenue—(2)
 Lake Papaiani—Edison—(0)
 Lawrence Brook—Dam at Farrington Lake to 2nd RR
 Bridge (Raritan Railroad) below Main St.—Milltown—(4)

Roosevelt Park Pond—Edison Township—(3)

13. Monmouth County

- Englishtown Mill Pond—Englishtown—(3)
- Garvey's Pond—Navesink—(3)
- Hockhocks Brook—Hockhocks Road to Garden State Parkway Bridge (northbound)—(5)
- Holmdel Park Pond—Holmdel—(3)
- Mac's Pond—Manasquan—(0)
- Manasquan Reservoir—Howell Township—(3)
- Mingamahone Brook—Farmingdale, Hurley Pond Road to Manasquan River—(5)
- Mohawk Pond—Red Bank—(4)
- Pine Brook—Tinton Falls, Jersey Central Railroad to Hockhocks Brook—(2)
- Shadow Lake—Red Bank—(3)
- Shark River—Hamilton, Route 33 to Remsen Mill Road—(5)
- Spring Lake—Spring Lake—(3)
- Takanassee Lake—Long Branch—(4)
- Topenemus Lake—Freehold—(3)
- Yellow Brook—Heyers Mill Road to Muhlenbrink Road, Colts Neck Township—(2)

14. Morris County

- Beaver Brook—Rockaway, entire length—(3)
- Burnham Park Pond—Morristown—(4)
- Drakes Brook—Flanders, entire length—(3)
- Hibernia Brook—Hibernia, entire length—(5)
- India Brook—Mountainside Ave. to Rt. 24, Ralston—(5)
- Lake Hopatcong—Lake Hopatcong—(3)
- Lake Musconetcong—Netcong—(3)
- Mill Brook—Center Grove, entire length—(2)
- Mt. Hope Pond—Mt. Hope—(3)
- Passaic River—White Bridge to Dead River—(4)
- Pompton River—Pequannock Township (see Passaic Co.)—(4)
- Russia Brook—Jefferson Township, Ridge Road to Lake Swannanoa—(2)
- Speedwell Lake—Morristown—(4)
- Whippany River—Tingley Road, Morris Township, to Ridgedale Ave., Morristown—(2)

15. Ocean County

- Lake Shenandoah—Lakewood, Ocean County Park—(3)
- Prosperstown Lake—Prosperstown—(3)

16. Passaic County

- Barbour's Pond—West Paterson—(3)
- Clinton Reservoir—Newark Watershed—(3)
- Monksville Reservoir—Hewitt—(3)
- Oldham Pond—North Haledon—(3)

- Pequannock River—Route 23, Smoke Rise to Paterson—Hamburg Turnpike, Pompton Lakes—(6)
- Pompton Lake—Pompton Lakes—(3)
- Pompton River—Pompton Lake to Newark—Pompton Turnpike—(4)
- Ringwood Brook—State line to Sally's Pond, Ringwood Park—(5)
- Sheppard's Lake—Ringwood State Park—(3)

17. Salem County

- Harrisonville Lake—Harrisonville—(3)
- Maurice River—Willow Grove Lake Dam to Sherman Avenue, Vineland—(4)
- Riverview Beach Pond—Pennsville Township—(4)
- Schadler's Sand Wash Pond—Penns Grove—(3)

18. Somerset County

- Harrison Brook—Liberty Corner, entire length—(1)
- Lamington River—Rt. 523 (Lamington Road) at Burnt Mills to Jct. with North Branch of Raritan River—(4)
- Middle Brook E/Br.—Martinsville, entire length—(2)
- Passaic River—White Bridge to Dead River—(4)
- Peapack Brook—Peapack—Gladstone, entire length—(5)
- Raritan River—Jct. of Raritan River N/Br and S/Br to Rt. 206 Bridge—(4)
- Rock Brook—Zion, entire length—(1)
- Spooky Brook Park Pond—Franklin—(0)

19. Sussex County

- Alm's House Pond—Myrtle Grove, Hampton Township—(3)
- Andover Junction Brook—Andover, entire length—(2)
- Bier's Kill—Shaytown, entire length—(2)
- Big Flat Brook, Upper—Saw Mill Pond, High Point State Park, to 100 feet above Steam Mill Bridge on Crigger Road—(4)
- Blue Mountain Lake—Delaware Water Gap National Recreation Area—(3)
- Canistear Reservoir—Newark Watershed—(3)
- Clove River—Junction of Route 23 and Mt. Salem Road to Route 565 Bridge—(5)
- Cranberry Lake—Byram Township—(3)
- Culver's Creek—Frankford Township, entire length—(5)
- Dry Brook—Branchville, entire length—(3)
- Franklin Pond Creek—Hamburg Mountain Wildlife Management Area, entire length—(5)
- Glenwood Brook—Lake Glenwood to State line—(2)
- Lake Aeroflex—Andover—(3)
- Lake Musconetcong—Netcong—(3)
- Lake Hopatcong—Lake Hopatcong—(3)
- Lake Ocquittunk—Stokes State Forest—(3)
- Little Flat Brook—Sandyston Township, entire length—(5)
- Little Swartswood Lake—Swartswood—(3)

Lubbers Run—Byram Township, entire length—(5)
 Neldon Brook—Swartswood, entire length—(2)
 Papakating Creek—Plains Road bridge to Route 565, Lewis-
 burg—(2)
 Papakating Creek, W. Br.—Libertyville, entire length—(2)
 Pond Brook—Middleville, entire length—(5)
 Roy Spring Brook—Stillwater, entire length—(1)
 Saw Mill Pond—High Point State Park—(3)
 Shimers Brook—Montague Township, entire length—(2)
 Silver Lake—Hamburg Mountain Wildlife Management
 Area—(0)
 Stony Lake—Stokes State Forest—(3)
 Swartswood Lake—Swartswood—(3)
 Trout Brook—Middleville, entire length—(2)
 Tuttle's Corner Brook—Tuttle's Corner, entire length—(2)
 Wawayanda Lake—Vernon—(3)

20. Union County

Green Brook—Route 527, Berkeley Heights, to Route 22,
 Scotch Plains—(2)
 Lower Echo Park Pond—Mountainside—(3)
 Milton Lake—Madison Hill Road Bridge to Milton Lake
 Dam, Rahway—(4)
 Rahway River—Route I-78 Bridge, Springfield, to St.
 George Ave. (Route 27), Rahway—(4)
 Seeleys Pond—Berkeley Heights—(3)
 Warinanco Park Pond—Roselle—(0)

21. Warren County

Barker's Mill Brook—Vienna, entire length—(1)
 Beaver Brook—Silver Lake Dam to Pequest River—(4)
 Blair Creek—Hardwick Center to Blair Lake—(2)
 Blair Lake—Blairtown—(3)
 Buckhorn Creek—Roxburg, entire length—(2)
 Columbia Lake and Gatehole—Knowlton Township—(3)
 Furnace Brook—Oxford, entire length—(2)
 Furnace Lake—Oxford—(3)
 Honey Run—Swayze's Mill Road to Route 519, Hope
 Township—(2)
 Jacksonburg Creek—Jacksonburg, entire length—(2)
 Lopatcong Creek—Route 519 to South Main Street, Phil-
 lipsburg—(5)
 Merrill Creek Reservoir—Stewartsville—(0)
 Mountain Lake—Buttzeville—(3)
 Pohatcong Creek—Mt. Bethel to Route 31—(2)
 Pophandusing Creek—Oxford Road, Hazen, to Delaware
 River—(2)
 Roaring Rock Brook—Brass Castle, entire length—(2)
 Trout Brook—Hackettstown, entire length—(2)
 Trout Brook—Hope, entire length—(2)
 White Lake—Hardwick—(3)

(g) There shall be a seven inch minimum size prescribed for brook trout, brown trout, rainbow trout or hybrids thereof except as designated in N.J.A.C. 7:25-6.5 to 6.9.

(h) A person shall not take, kill or have in possession in one day more than six in total of brook trout, brown trout, rainbow trout, lake trout or hybrids thereof during the period extending from 8:00 A.M. April 7, 2001 until midnight May 31, 2001 or more than four of these species during the periods of January 1, 2001 to midnight March 18, 2001 and June 1, 2001 through midnight March 17, 2002 except as designated in N.J.A.C. 7:25-6.4 to 6.9.

(i) Spruce Run Reservoir, Hunterdon County, Farrington Lake, Middlesex County, Lake Hopatcong, Morris/Sussex County, Shenandoah Lake, Prospertown Lake, Ocean County, Pompton Lake, Passaic County, and the Manasquan Reservoir, Monmouth County, will remain open to angling year-round. Trout, if taken during the period commencing at midnight, March 18, 2001 and extending to 8:00 A.M. April 7, 2001, must be returned to the water immediately and unharmed.

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.

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

(a) Beginning January 1, 2001 to midnight March 18, 2001 and from 5:00 A.M. on Monday, April 16, 2001 to and including March 17, 2002, the following stretches are 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:

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.

2. South Branch of the Raritan River, Hunterdon County—the stretch of water known as the “Ken Lockwood Gorge,” a distance of approximately 2½ miles.

(b) Beginning January 1, 2001 to midnight March 18, 2001 and from 8:00 A.M. on April 7, 2001 to midnight March 17, 2002, 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:

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 stretch is open to fly fishing only year-round, but is closed to all fishing from 5:00 A.M. to 5:00 P.M. on the days listed for stocking.

1. Musconetcong River, Morris and Warren Counties—the stretch starting at the bridge on Schooley’s Mountain Road, extending downstream 1 mile to the entrance of the river into the Johnson property, this stretch being clearly defined by markers. This stretch is designated as a “no kill” area and all Trout caught must be returned to the water unharmed.

(d) The following regulations 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. Not more than six trout may be killed daily during the April 7 through May 31 portion of the season; at other times the limit is four. Trout in excess of the creel limit may be caught provided such trout are immediately returned to the water unharmed.

3. No bait or lures of any kind may 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. In the Musconetcong “no kill” area, only single pointed barbless hooks may be used.

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.

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, 2001 through April 6, 2001 and May 21, 2001 through April 5, 2002.

1. Pequest River—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—An approximate 1.2 mile stretch of river extending from the Route 23 bridge at Smith Mills upstream to the Route 23 bridge at Smoke Rise.

(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 in total length;

5. A person shall not have in possession, while fishing, any more than one dead, creeled 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. Additional trout may be caught providing they are returned to the water immediately and unharmed; and

6. Size limits and creel limits on species other than trout are in accordance with Statewide regulations.

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.

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

(a) The following streams, or portions thereof, are designated as the "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. Ledgewood Brook (Ledgewood);

14. Little York Brook (Little York);
15. Lomerson Brook, also known as Herzog Brook (Pottersville);
16. Merrill Creek (Stewartsville)
17. Mill Brook (Montague);
18. North Branch of Rockaway Creek (Mountainville);
19. Parker Brook (Montague);
20. Passaic River (Source to Rt. 202, Bernardsville);
21. Pequannock River (Newark Watershed, Oak Ridge; Road bridge downstream to railroad bridge; immediately upstream of Charlottesburg Reservoir);
22. Rhineharts Brook (Hacklebarney State Park);
23. Rocky Run (Clinton Twp.);
24. Stephensburg Creek (Stephensburg);
25. Stony Brook (Stokes State Forest);
26. Stony Brook (Washington Twp., Morris County);
27. Tetertown Brook (Tetertown);
28. Trout Brook (Hacklebarney State Park);
29. Turkey Brook (Mount Olive);
30. Van Campens Brook (Delaware Water Gap National Recreation Area);
31. West Brook (Source downstream to Windbeam Club Property); and
32. 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 kill or have in possession, while fishing the portions of the Pequannock River and Van Campens Brook designated as Wild Trout Streams, any brown trout less than 12 inches in total length. For all other designated Wild Trout Streams, and for brook and rainbow trout in the Wild Trout Stream designated portions of the Pequannock River and Van Campens Brook, the minimum length for trout shall be seven inches in total length.

5. During the period extending from 8:00 A.M. April 8, 2000 to September 15, 2000, no person shall have in possession while fishing any more than two legally sized dead, creeled or otherwise appropriated trout. No trout may be killed or possessed during other times of the year. Any number of trout may be caught provided they are immediately returned to the water unharmed.

6. Size limits and creel limits on species other than trout are in accordance with Statewide rules.

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.

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. East Branch of Paulinskill River, Sussex County—from the Limecrest Railroad Spur Bridge downstream to its confluence with the West Branch of the Paulinskill at Warbasse Junction, a distance of approximately 2.25 miles; and

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.

(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 in total length;

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;

5. A person shall not have in possession, while fishing, any more than one dead, creeled 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; and

6. Size limits and creel limits on species other than trout are in accordance with Statewide rules.

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

(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 at (a) above:

1. The minimum size of brown trout and rainbow trout 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 brown trout and rainbow trout.

3. The minimum size for lake trout shall be 20 inches at Round Valley Reservoir and 15 inches at Merrill Creek Reservoir. The daily bag and possession limit shall be one at Round Valley Reservoir and two at Merrill Creek Reservoir.

4. The season for lake trout shall extend from 12:01 A.M., January 1, 2001 to midnight September 15, 2001 and from December 1, 2001 to midnight September 15, 2002.

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.

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. Swartswood Lake;
3. Monksville Reservoir;
4. Wawayanda Lake;
5. Sheppard's Lake;
6. Aeroflex Lake; and
7. White Lake, Warren County.

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

1. Fishing is permitted year-round.
2. There shall be a seven inch minimum size limit for any species of brook, brown or rainbow trout, or any hybrids thereof.
3. A person shall not take, kill or have in possession, in one day, more than four in total of brook trout, brown trout, rainbow trout, lake trout or hybrids thereof, during the period extending from 8:00 A.M. April 7, 2001 until May 31 2001 or more than two of these species during the periods of January 1, 2001 to midnight March 18, 2001 and June 1, 2001 through midnight March 17, 2002. Trout, if taken during the period commencing at midnight, March 18, 2001 and extending to 8:00 A.M. April 7, 2001 must be returned to the water immediately and unharmed.

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.

7:25-6.10 Baitfish

(a) Any person, who has a fishing license or is entitled to fish without a license, may take up to 35 baitfish per day from the freshwaters of the State.

(b) Except as provided for in trout-stocked waters listed in N.J.A.C. 7:25-6.3 to 6.9 and (c) and (d) below, up to 35 baitfish per person per day may be taken from the freshwaters of the State with a seine not over 50 feet in length in all ponds and lakes which have an area of over 100 acres, and in all other waters with a seine not to exceed 30 feet in length, or half the width of the stream at the point of use, whichever is less, year-round. 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.

(c) In waters listed in N.J.A.C. 7:25-6.3 to be stocked with trout, it is prohibited to net, trap or attempt to net or trap baitfish from March 18 to June 15 except where the taking is otherwise provided for. For the remainder of the year, up to 35 baitfish per person per day 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.

(d) Up to 35 per day of alewife or blueback herring in the aggregate, may be taken per person with a dip net not more than 24 inches in diameter, hook and line or as otherwise provided for. Possession limit is one day's limit, regardless of the intent to use these fish, so taken, as bait or food.

(e) Baitfish may be taken from the freshwater of the State in numbers greater than 35 per day, under special permit issued by the Division in its discretion.

1. Required permit information shall be as follows:

- i. Permittee's name;
- ii. Permittee's address;
- iii. The location to be fished; and
- iv. The method to be used.

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. All reporting requirements;
 - 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).

7:25-6.11 Nets

(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 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 except striped bass may be used from November 1 to April 30.

- 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 except striped bass 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 mesh 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 excepting striped bass may be used from March 1 to June 15.

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

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

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).

7:25-6.12 Snagging prohibited

The foul hooking of largemouth bass, smallmouth bass, striped bass, chain pickerel, northern pike, muskellunge, walleye, brook trout, brown trout, lake trout and rainbow trout or any of the hybrids thereof, shall be prohibited in open waters. Any of the aforementioned fish so hooked must be immediately returned to the water. This shall not apply to fish so taken through the ice during the ice fishing season. Snagging of any species is prohibited in Monksville Reservoir and its tributaries, including the Wanaque River.

7:25-6.13 Warmwater fish

(a) Except as provided in N.J.A.C. 7:25-6.3, 6.19 and 6.20, closed seasons are hereby eliminated on all freshwater fish except walleye in Monksville Reservoir, Wanaque Res-

ervoir and the Wanaque River between Greenwood Lake and Monksville Reservoir.

(b) Except as provided in N.J.A.C. 7:25- 6.19 and 6.20, size limits prescribed for chain pickerel are hereby eliminated in all waters except in Lake Hopatcong and Swartswood Lake (Sussex County) and Hammonton Lake (Atlantic County) where there shall be a minimum size of 15 inches prescribed for chain pickerel.

(c) For those species of warmwater fish, which do not have specific daily creel and possession limits, the daily creel and possession limit shall be 25 in total.

(d) The minimum size of smallmouth bass shall be 12 inches, except for Boonton Reservoir where it shall be 15 inches.

(e) The minimum size of largemouth bass shall be 12 inches, except for Parvin Lake, Ryker Lake, Delaware Lake and Assunpink Lake where it shall be 15 inches.

(f) The daily creel and possession limit for largemouth bass and smallmouth bass shall be five in total, except for Parvin Lake, Boonton Reservoir, Split Rock Reservoir, Delaware Lake, and Assunpink Lake where it shall be three and Ryker Lake where it shall be two. During the period of April 15 through June 15 the possession of these bass is prohibited and all bass caught shall be immediately returned to the water unharmed.

(g) Warmwater fish in excess of the daily limit may be caught provided they are returned to the water immediately and unharmed.

(h) 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 in accordance with N.J.S.A. 23:3-55.

(i) The minimum length prescribed for northern pike shall be 24 inches, and 30 inches for the muskellunge and tiger muskie, and the daily creel and possession limit for these species shall be two in aggregate except for Lake Hopatcong (Morris and Sussex Counties) and Monksville Reservoir (Passaic County) where the minimum length for muskellunge and tiger muskie shall be 36 inches and the daily creel and possession limit shall be one and Mountain Lake (Warren County) and Echo Lake Reservoir (Passaic County) where the minimum length shall be 40 inches and the daily creel and possession limit shall be one.

(j) 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.

(k) **The daily creel and possession limit for chain pickerel shall be five.**

(l) The minimum length prescribed for walleye shall be 18 inches.

(m) The daily creel and possession limit for walleye shall be three, with a closed season during the period of March 1 to April 30.

(n) 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 minimum length shall be 28 inches and the daily creel and possession limit shall be two.

(o) The minimum length for channel catfish shall be 12 inches. The daily creel and possession limit shall be five.

(p) The minimum length for black crappie and white crappie shall be eight inches. The daily creel and possession limit for these species shall be 10 in aggregate.

(q) The daily creel and possession limit for striped bass shall be two, one fish between 24 and 28 inches in length and one fish of 28 inches or larger.

(r) Striped bass may not be taken or possessed during the period of January 1 to February 28.

(s) Hybrid striped bass may not be taken in the Raritan River downstream of the Duke Island Park dam during the period of January 1 to February 28.

(t) The daily creel and possession limit for shad (including both American shad and hickory shad) shall be six in total.

(u) 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.

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).

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 $\frac{1}{2}$ inch from point to point;
3. An artificial jigging lure with not more than three single hooks measuring not more than $\frac{1}{2}$ 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) Expressly prohibited are any devices with automatic hook setting capability. 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).

7:25-6.15 Bow and arrow fishing

(a) Except as provided in N.J.A.C. 7:25-6.3, 6.18 and 6.19, it shall be legal to take any species of fish except brook trout, lake trout, brown trout, rainbow trout, landlocked Atlantic salmon, largemouth bass, smallmouth bass, striped bass, chain pickerel, northern pike, walleye, muskellunge, 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.

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.

(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.

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

(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.

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).

7:25-6.19 Greenwood Lake

(a) In cooperation with the New York State Department of Environmental Conservation, Division of Fish, Game 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.

1.

Species	Season	Size	Daily Bag Limit
Trout	No closed season	No minimum	3
Largemouth bass and smallmouth bass	Jan. 1-April 14, and June 16-Dec. 31 April 15-June 15	12 inch minimum	5 singly or in aggregate
Chain pickerel	No closed season	15 inch minimum	Catch and Release Only 5
Muskellunge and any hybrid thereof	No closed season	36 inch minimum	1
Walleye	Jan. 1-Feb. 28 and May 1, 2001-Feb. 28, 2002	18 inches	3
Channel catfish	No closed season	12 inches	5
Black crappie and white crappie	No closed season	8 inches	10 singly or in total
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.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).

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

(a) In cooperation with the Pennsylvania Fish 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	Daily Bag Limit
Trout	April 8-Sept. 30	No minimum	5
American Shad and Hickory Shad	No closed season	No minimum	6 singly or in aggregate
Largemouth bass and smallmouth bass	No closed season	12 inch minimum	5 in total
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	30 inch minimum	2
Northern pike	No closed season	24 inch minimum	2
Baitfish, fish bait	No closed season	No minimum	50
Shortnose sturgeon	Closed—endangered species		
Striped bass	Downstream of Route 1	24 inches to	2 in total
and striped bass X white	Bridge March 1-30 and June 1-Dec. 31	28 inches or greater	1
bass hybrid	Upstream of Route 1 Bridge March 1-Dec. 31		1
All other freshwater species	No closed season	No minimum	No limit

2. Angling may be done with two 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 may be used to take shad, eels, carp, suckers, herring and bullheads by properly licensed fishermen, except within 50 rods (825 feet) of an eel weir.

5. Bait fish, including alewife and blueback herring, may be taken and possessed for personal uses 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 at any time of the year and at any time of day.

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).

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 entitled to fish without a license 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 shall 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) The open season for taking of snapping turtles shall extend from January 1, 2001 through April 30, 2001 and from June 16, 2001 through April 30, 2002. The open season for the taking of bull frogs and green frogs shall be from January 1, 2001 through March 31, 2001 and from July 1, 2001 and through March 31, 2002.

(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 at its discretion.

1. Required permit information is as follows:

i. The applicant's name;

ii. The applicant's address and telephone number; and

iii. The time period for permit.

2. Applications shall be directed to:

New Jersey Division of Fish and Wildlife

Bureau of Freshwater Fisheries

PO Box 400

Trenton, New Jersey 08625-0400

3. The following information will be needed by the Division to grant the permit:

i. Why is the extension necessary;

ii. How long will the extension be needed;

iii. Where will the trapping activity take place; and

iv. What method will be used.

4. The permittee shall agree to:

i. Comply with all reporting requirements in this subchapter;

ii. Display his or her name and address on any traps left in the water unattended;

iii. Notification of, and permission from, the owner of the waterbody where the trap is set;

iv. Tend all traps at least once every 24 hours;

v. Use only those traps that provide a means of escape, or survival, of species of turtles other than snapping turtles; and

vi. Comply with any local ordinances.

(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 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.

7:25-6.23 Special permit to organizations providing care for disabled persons

(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 086250400. Applications 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).

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) Applications shall be submitted to the Division of Fish and Wildlife, Bureau of Freshwater Fisheries, PO Box 400, Trenton, New Jersey 086250400. Applications shall contain the dates of the proposed event, the body or bodies of water involved, the details of the activity, including a listing of any equipment that is expected to be used, the disposition of any aquatic life collected, and the number of persons who will be authorized by the permit. The Director shall grant the permit 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.

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).

SUBCHAPTER 7. MISCELLANEOUS SHELLFISH RULES

Subchapter Historical Note

Subchapter 7, Miscellaneous Shellfish Rules, was adopted and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Subchapter 7, Miscellaneous Shellfish Rules, expired on March 13, 1984.

6. Protection of the public: The housing facilities must also be constructed to prevent public access to, and contact with, the animal. The potentially dangerous species may not be kept as a household pet except when compelled by the infancy of the animal. The public must not be allowed access to the animal, including animals used for exhibition purposes.

7:25-10.12 Denial, suspension, revocation, and hearings

(a) The department may suspend the permits described in N.J.A.C. 7:25-10.7 and 7:25-10.10 for periods of time up to their duration upon the violation of any permit condition or any regulation appearing in this subchapter. The department may revoke the permits described in N.J.A.C. 7:25-10.7 and 7:25-10.10 upon finding in any five-year period two or more violations of any permit condition(s) or any regulation appearing in this subchapter. After revocation, no permit shall be issued to the violator within two years from the date of the second violation, or within three years from the date of the third or subsequent violation.

(b) In the event the department determines the necessity for denial of a permit application for, suspension of, or revocation of, any permit described in N.J.A.C. 7:25-10.7 and 7:25-10.10, the department shall issue a notice of intent to deny, suspend, or revoke, setting forth the reasons for such action. Where appropriate, a compliance directive shall accompany the notice of intent.

(c) The recipient of the notice of intent may request a contested case hearing in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, by filing a written request with the Department therefor within 20 days from the receipt of the notice of intent described above at (b). The request for a hearing shall be sent to the Office of Legal Affairs, ATTENTION: Adjudicatory Hearing Requests, Department of Environmental Protection, PO Box 402, Trenton, New Jersey 08625-0402.

1. A request for a contested case hearing shall clearly state:

- i. The name of the recipient;
- ii. The departmental decision from which the recipient seeks relief;
- iii. The details of how the departmental decision aggrieves the recipient; and
- iv. The findings of fact incorporated within the notice of intent that the recipient contests.

2. The department shall review each hearing request and, upon a determination that the matter constitutes a contested case, grant a hearing. The denial of a request for a contested case hearing shall be considered to be final agency action on the matter.

3. The granting of a request for a contested case hearing shall not automatically stay the suspension or revocation.

(d) In the case of a notice of suspension or revocation of a permit issued pursuant to N.J.A.C. 7:25-10.10(b), the recipient of such notice shall immediately comply with any departmental directive as to disposal of the captive potentially dangerous species.

(e) Notwithstanding the provision at (c)3 above, in the case of a notice of suspension or revocation of a permit issued pursuant to N.J.A.C. 7:25-10.7, the recipient of such notice shall comply with any departmental directive as to disposal of the captive species upon final suspension or revocation.

Administrative correction and change in (c).
See: 23 N.J.R. 3325(b).

7:25-10.13 Miscellaneous provisions

(a) Any person who transfers possession, as distinguished from ownership, or location of any game animal or game bird for which a permit has been issued, shall, within 48 hours, report in writing to the division exactly which animal(s) was transferred, the name and address of the person to whom the animal(s) was transferred and the location to which the animal(s) was transferred. No transfer shall be permitted without prior written approval of the division of a potentially dangerous species as defined at N.J.A.C. 7:25-10.10.

(b) Any person, issued a permit, who violates or fails to continually conform to the criteria established for the issuance of his permit, shall be considered to have violated an express condition of the permit and shall be deemed to be in possession of the animal or bird without a permit. Permit violators shall be subject to prosecution for possession of the animal or bird without a permit, and may be subject to the penalty prescribed by statute.

(c) No person shall acquire additional game animals or game birds under any one permit without prior written permission from the division. Progeny of permitted captive game animals or game birds are exempt from this requirement provided the permittee can biologically substantiate the increase in numbers from permitted captive game animals or game birds and reports the increase on the annual inventory report.

(d) As a condition of any permit issued under this subchapter the division may require the permitted game animal or game bird be quarantined for the period specified by the division.

(e) Any permittee shall allow division personnel, at any reasonable time, to inspect the housing facilities of the permitted species to determine compliance with the permit requirements and criteria.

(f) Nothing in this subchapter relative to the possession of Game Animals and Game Birds is intended to preempt any federal, state, or local requirement that is more stringent nor exempt any person from obtaining any permit required by these governmental entities.

(g) Game animals and birds possessed under these permits may be dispatched in a manner as directed by N.J.S.A. 23:3-31 for legitimate purpose, including, but not limited to, the following:

1. Euthanasia of sick, injured or surplus animals, in order to cull individuals to prevent overcrowding or spread of disease; such euthanasia can also be ordered by the Commissioner when necessary to prevent spread of disease;
2. To utilize as food, or to utilize the hide, skin, or other body parts; record-keeping and tagging requirements must comply with those described in N.J.S.A. 23:3-28 to 39;
3. Euthanasia by an agent of the Division or as ordered by the Commissioner;
4. When an animal creates a danger or serious threat to persons or other animals as determined by the Commissioner; or
5. Euthanasia of research animals held under the scientific holding permit.

Amended by R.1991 d.132, effective March 18, 1991.
See: 23 N.J.R. 37(a), 23 N.J.R. 848(b).
Added (g).

SUBCHAPTER 11. (RESERVED)

Subchapter Historical Note

Subchapter 11, Endangered Species, was adopted as R.1974 d.348, effective December 19, 1974. See: 7 N.J.R. 6(c).

SUBCHAPTER 12. SURF CLAMS

Subchapter Historical Note

Subchapter 12, Sea Clams, was repealed and Subchapter 12, Surf Clams, was adopted as new rules by R.1990 d.46, effective January 16, 1990. See: 21 N.J.R. 3214(a), 22 N.J.R. 183(a).

7:25-12.1 Scope and authority

This subchapter constitutes the rules of the Department of Environmental Protection governing the protection, conservation, management and improvement of the surf clam resource and industry in New Jersey.

Case Notes

New Jersey has no statutory or regulatory prohibition on the creation of security interests in clamming licenses; creditor entitled to proceeds of clamming license sale to satisfy its perfected security interest in general intangibles of the debtor. *First Pennsylvania Bank, N.A. v. Wildwood Clam Co., Inc.*, 535 F.Supp. 266 (E.D.Pa.1982).

7:25-12.2 Purpose

The purpose of this subchapter is to regulate the harvest of surf clams from New Jersey waters in order to conserve, protect, manage and improve the surf clam resource and industry. The surf clam harvest regulatory program includes a limitation on the number of available licenses, a limitation on harvest to specific fishing times and areas, establishment of a seasonal harvest quota and other control methods as may be necessary.

7:25-12.3 Construction

These rules shall be liberally construed to permit the Department to effectuate the purposes of N.J.S.A. 50:1.5, 50:2-6.1 through 50:2-6.3 and 23:2B-14.

7:25-12.4 Severability

If any section, subsection, provision, clause or portion of this subchapter, or the application thereof to any person, is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subsection, provision, clause, portion or application directly involved in the controversy in which such judgment shall have been rendered and it shall not affect or impair the remainder of this subchapter or the application thereof to other persons.

7:25-12.5 Definitions

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

“Approved waters” means waters meeting established sanitary standards for approved shellfish harvesting, as delineated at N.J.A.C. 7:12.

“Bait clams” means surf clams taken from condemned waters, not for human consumption but only for use as bait.

“Bait clam vessel” means a vessel holding a bait clam vessel license issued pursuant to N.J.A.C. 7:25-12.15.

“Bushel” means 1.88 cubic feet of clams within the shell.

“Cage” means a container with a standard unit of measure containing 60 cubic feet (1,700 liters). The outside dimensions of a standard cage generally are three feet (91 cm) wide, four feet (122 cm) long, and five feet (152 cm) high.

“Commissioner” means the Commissioner of Environmental Protection or his or her designee.

“Condemned waters” means waters not meeting established sanitary standards for approved shellfish harvesting, including waters designated as Prohibited, Specially Restricted, Seasonal Special Restricted and Seasonal, as delineated at N.J.A.C. 7:12.

“Council” means the Atlantic Coast Section and the Delaware Bay Section of the New Jersey Shell Fisheries Council.

“Department” means the Department of Environmental Protection.

“Division” means the Division of Fish and Wildlife in the Department of Environmental Protection.

“Fishing trip” means a departure from port, transit to the fishing grounds, fishing and return to port.

“Land” means to transfer the catch of surf clams from any vessel to any land, pier, wharf, dock, or other man-made structure.

“Licensee” means the holder of a surf clam license or a bait clam vessel license or his or her agent.

“Offload” or “offloading” means to separate physically a cage from a vessel.

“Person” includes the captain, owner or other person responsible for the operation of a vessel.

“Season quota” means the total amount of surf clams, excluding bait clams, that may be harvested by all surf clam license holders from State waters during the annual surf clam season.

“Standing stock” means the amount of the surf clam resource in State waters, measured in bushels as determined by surf clam inventories conducted by the Division.

“Surf clams” means the species *Macra solidissima* also known as *Spisula solidissima*. Unless otherwise specified, the term “surf clams” includes bait clams.

“Surf clam vessel” means a vessel equipped to harvest surf clams by means of a dredge or dredges.

“Vessel,” in addition to its normal meaning, includes the captain, owner or other person responsible for the operation of a vessel.

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

7:25-12.6 Applicability

(a) The rules in this subchapter shall apply to all taking, attempting to take, harvesting, or dredging of surf clams, or the participation therein, in State waters, except the following:

1. Research, inventory or educational activities involving surf clams conducted under a certificate issued by the Division pursuant to N.J.S.A. 23:4-52 or a permit issued by the Department pursuant to N.J.S.A. 50:2-6.1 for research, inventory or educational purposes;

2. Gathering from beaches of surf clams cast there by the sea, in areas adjacent to approved waters. Such harvest activities are subject to the provisions of N.J.S.A. 50:2-1 through 50:2-5 and 50:4-2, and a clamming license is required therefor as described in N.J.A.C. 7:25-8; and

3. Harvest of surf clams for personal consumption and not for sale from areas in approved waters. Such harvest activities are subject to the provisions of N.J.S.A. 50:2-1 through 50:2-5 and 50:4-2, and a clamming license is required therefor as described in N.J.A.C. 7:25-8.

(b) Compliance with this subchapter shall not exempt any person from compliance with shellfish rules adopted to protect the public health by the Department, under authority of N.J.S.A. 58:24-1 et seq., or by any department of State government or any Federal agency.

7:25-12.7 General control methods

(a) Except as provided at N.J.A.C. 7:25-12.6(a), a person or vessel shall not take, attempt to take, harvest, or dredge for surf clams, or participate therein, in any State waters without first obtaining a surf clam license and harvest tags as described in N.J.A.C. 7:25-12.12 and 7:25-12.14, or bait clam vessel license as described in N.J.A.C. 7:25-12.15.

(b) The general methods by which the Department shall control the harvest of surf clams from State waters are as follows:

1. The captain of a surf clam vessel possessing a surf clam license, or of a licensed bait clam vessel, or his or her designee, shall notify the Department of the intended fishing location of the vessel and the intended port and time of landing each day it fishes in State waters. The notification shall be made by calling the Division's Marine Enforcement Unit, Bureau of Law Enforcement, at (609) 748-2050, prior to fishing in State waters and prior to change of location. Changes in port of landing or time of landing must be given four hours prior to landing.

2. Any person fishing for surf clams at any time, or who has reported his intention to fish, in State waters shall have the vessel's entire harvest for that fishing trip counted as part of the licensed season allocation of surf clams.

3. A person shall not transfer surf clams from a surf clam vessel or bait clam vessel to any other vessel. All surf clams harvested in State waters shall be landed in this State. Specific hours of landing may be designated by the Division. A person shall not operate a surf clam vessel or bait clam vessel to fish in or land surf clams from both State and Federal waters on a single fishing trip. A surf

clam vessel shall not land any quahogs or surf clams taken from Federal waters during the same fishing trip for which the Division's Marine Enforcement Unit, Bureau of Law Enforcement, has received notification of intent to use that vessel in State waters to harvest surf clams.

4. All surf clams shall be landed in their shells and offloaded in cages. All surf clam cages containing surf clams shall be tagged with tags obtained from the Division before offloading. The tags must be used sequentially as issued. Tags shall not be removed until cages are emptied at the processing plant, at which point the removed tags shall be destroyed and discarded.

5. It shall be unlawful to possess an empty cage to which a tag required at (b)4 above is affixed.

Amended by R.1995 d.632, effective December 4, 1995.
See: 27 N.J.R. 3269(a), 27 N.J.R. 4888(a).

7:25-12.8 Season

Except for bait purposes as provided in N.J.A.C. 7:25-12.11, the annual season for taking surf clams in State waters shall begin on October 1 and extend through and including May 31.

7:25-12.9 Prohibited fishing areas

(a) The areas in which surf clams may not be taken are as follows:

1. Those waters enclosed within the following descriptions as delineated by the Division by reference to the National Oceanic and Atmospheric Administration Nautical Chart 12318 (35th, August 11/84) available for inspection at the Nacote Creek Shellfish Office:

i. From the shore on the bay side of Little Beach, latitude 39 degrees 28.3 minutes N, longitude 74 degrees 19.4 minutes W;

ii. Thence seaward 090.5 degrees T one nautical mile to a point, latitude 39 degrees 28.3 minutes N, longitude 74 degrees 17.2 minutes W, LORAN C 9960-X-26958, 9960-Y-43099;

iii. And thence south following the line of the beach one nautical mile offshore to a point, latitude 39 degrees 21.0 minutes N, longitude 74 degrees 23.6 minutes W, LORAN C 9960-X-26983, 9960-Y-43020 (generally marked by a buoy charted as "1" F1 G 4s GONG);

iv. Thence 333 degrees T to latitude 39 degrees 21.5 minutes N, longitude 74 degrees 23.9 minutes W, LORAN C 9960-X-26986, 9960-Y-43026 (generally marked by a buoy charted as R "2" F1 R 2.5s); and

v. Thence 309 degrees T to the light charted as F1 G 4 sec. 29 ft. "7" at the end of the southernmost jetty in Absecon Inlet, latitude 39 degrees 21.8 minutes N, longitude 74 degrees 24.5 minutes W, LORAN C 9960-X-26990, 9960-Y-43029;

2. Those waters enclosed within the following description, as delineated by the Division by reference to the National Oceanic and Atmospheric Administration Nautical Chart 12323 (19th Edition, November 15/80), available for inspection at the Nacote Creek Shellfish Office:

i. The area off Island Beach from a point on the southern boundary of the area closed for shellfishing by N.J.A.C. 7:12 with latitude 39 degrees 53.6 minutes N, Longitude 74 degrees 03.5 minutes W, LORAN C 9960-X-26925, 9960-Y-43364;

ii. Thence south following the line of the beach one nautical mile off shore to a point; latitude 39 degrees 45.9 minutes N, longitude 74 degrees 4.5 minutes W, LORAN C 9960-X-26914, 9960-Y-43283;

iii. Thence to the shore 270 degrees T to the abandoned lighthouse with a latitude 39 degrees 45.8 minutes N, longitude 74 degrees 6.4 minutes W; and

3. Those areas closed to shellfishing by N.J.A.C. 7:12.

Amended by R.1995 d.632, effective December 4, 1995.
See: 27 N.J.R. 3269(a), 27 N.J.R. 4888(a).

7:25-12.10 Harvest limitations; surf clam harvest quota

(a) The Commissioner, with the advice of Council, shall establish annually a season quota of between 250,000 and 700,000 bushels of surf clams. The season quota shall be set at approximately 10 percent of the State's estimated standing stock of surf clams.

(b) By September 15 of each year the Department shall send notice to all license holders by first class mail, and file notice for publication in the New Jersey Register, of the season quota for the upcoming surf clam harvest season.

(c) If the Department does not give notice of the season quota for the surf clam harvest season pursuant to (b) above, the season quota for the upcoming season shall be 500,000 bushels.

(d) Each surf clam license allocation shall be 1/57th of the season quota.

Public Notice: 1993-94 harvest quota set at 600,000 bushels.

See: 25 N.J.R. 4795(c).

Public Notice: 1994-95 harvest quota set at 600,000 bushels.

See: 26 N.J.R. 4218(a).

Public Notice: Increase in surf clam harvest quota.

See: 27 N.J.R. 4011(c).

Public Notice: 1997-98 harvest quota set at 600,000 bushels.

See: 29 N.J.R. 5334(b).

Public Notice: 1998-99 harvest quota set at 600,000 bushels.

See: 30 N.J.R. 3973(a).

Public Notice: 1999-2000 harvest quota set at 700,000 bushels.

See: 31 N.J.R. 4125(a).

Public Notice: 2000-2001 harvest quota set at 700,000 bushels.

See: 32 N.J.R. 3872(a).

Public Notice: 2001-2002 harvest quota set at 700,000 bushels.

See: 33 N.J.R. 3767(a).

7:25-12.11 Bait clams

(a) A person or vessel shall not take, attempt to take, harvest, or dredge for bait clams, or participate therein, in any State waters without first obtaining:

1. A bait clam vessel license as provided for at N.J.A.C. 7:25-12.15; and
2. A special permit for bait clam harvest from the Division of Water Resources, as provided for at N.J.A.C. 7:12.

(b) Bait clam vessel licensees shall harvest bait clams only from condemned waters, as delineated at N.J.A.C. 7:12 and illustrated in the current Shellfish Growing Water Classification Charts, but not from condemned waters located within the prohibited fishing areas delineated at N.J.A.C. 7:25-12.9(a)1 and 2.

(c) Bait clam vessel licensees shall report fishing area daily as provided at N.J.A.C. 7:25-12.7(b)1 and file weekly harvest reports as provided at N.J.A.C. 7:25-12.13.

(d) The season for taking bait clams shall extend throughout the year.

(e) The time for taking bait clams shall be as follows:

1. October 1 through May 31: Daily, between 6:00 A.M. and 6:00 P.M. Eastern Standard Time; and
2. June 1 through September 30: Monday through Saturday, between one half-hour before sunrise (Trenton Time) and 4:00 Eastern Standard Time.

(f) A weekly bait clam vessel quota may be set by the Commissioner with notice by mail to all license holders.

(g) A person shall not operate the identical vessel to take surf clams in the waters of this State for bait purposes and for human consumption on the same day.

Adopted Concurrent Proposal, R.1991 d.173, effective April 1, 1991.
See: 23 N.J.R. 223(a), 23 N.J.R. 1001(a).

Provisions of new rule R.1991 d.49 readopted with text added to (b) "as delineated at N.J.A.C. 7:12 and illustrated in the current Shellfish Growing Water Classification Charts".

7:25-12.12 Landing fees, tags, transfers of tags

(a) Holders of surf clam license shall pay a landing fee of 15 cents (\$0.15) for each bushel landed by the purchase of tags to be attached to each 32 bushel cage (\$4.80 for each tag). Tags will be available from the Division's Nacote Creek Shellfish Office, Port Republic, New Jersey, in batches of 50 or more tags. Tags provided under this section shall be valid only for the season for which issued.

(b) Bait clam vessel licensees shall pay a landing fee of 15 cents (\$0.15) for each bushel of bait clams harvested from the waters of this State at the time of providing to the Division their weekly surf clam harvest report as required at N.J.A.C. 7:25-12.13.

(c) A licensee may transfer part or all of his or her assigned surf clam tags to another licensee, provided that the other licensee meets all statutory and regulatory criteria for licensing, and receives the Department's approval of a notarized statement of transferor's intent to transfer such tags. The statement of intent shall be signed by the transferor, and shall include the respective sequential surf clam tag numbers. Each license holder shall be limited to a maximum of three tag transfer actions during the term of the license. A transfer which would result in an allocation of tags to a single vessel greater than that allowed under three licenses is prohibited and will not be approved by the Department.

(d) For the 1990-91 season, any surf clams harvested during the season prior to adoption of these new rules shall be deducted from the licensee's seasonal allocation under these new rules.

7:25-12.13 Weekly reporting

(a) All surf clam licensees and bait clam vessel licensees shall provide to the Division weekly surf clam harvest reports on forms supplied by the Division. Weekly reports shall include the following:

1. The harvest vessel name and New Jersey surf clam license or bait clam vessel license number;
2. The dates fished and, for each date fished, the fishing time in hours, the numbers of bushels harvested and the number of the New Jersey Inshore Surf Clam Harvest Zone fished;
3. For each surf clam or bait clam landing, the port at which the clams were landed;
4. The name and signature of the captain of the surf clam vessel or bait clam vessel, or the captain's agent, attesting to the validity of the report (see N.J.A.C. 7:25-12.18); and
5. Sequential listing of surf clam tags used.

(b) The week for surf clam and bait clam harvest reporting purposes shall begin on Sunday and run through the following Saturday.

(c) Weekly surf clam bait harvest reports shall be mailed, together with a check or money order for the proper amount of the landing fee, as determined pursuant to N.J.A.C. 7:25-12.12, made payable to the "Treasurer, State of New Jersey," to:

Nacote Creek Shellfish Office
New Jersey Department of Environmental Protection
PO Box 418, Route 9
Port Republic, New Jersey 08241-0418

(d) Weekly surf clam harvest and bait clam harvest reports shall be submitted to the Division by Saturday, 6:00 P.M. of the week following the week fished.

(e) If a surf clam vessel or bait clam vessel does not fish in State waters during a given week, the licensee shall provide a weekly report to that effect. If a surf clam licensee has harvested his or her total season allocation, a final report shall be filed to that effect.

(f) The Division will furnish total State surf clam harvest information to all licensees on an annual basis.

(g) Except for the total State surf clam harvest in bushels, information provided on weekly surf clam and bait clam harvest reports is confidential and shall not be available for public inspection.

7:25-12.14 Issuance of surf clam licenses

(a) An applicant for a surf clam license or licenses shall be the bona fide owner of a surf clam vessel or vessels and a resident of New Jersey.

(b) The holder of a valid 1990 New Jersey surf clam vessel license shall be issued, upon proper application, a 1991 season surf clam license, good until June 30, 1992.

(c) No more than three surf clam licenses may be fished by a single license holder on a single surf clam vessel, to be identified at the time of application. The top and sides of the surf clam vessel shall be marked with the New Jersey surf clam license number or numbers in markings at least 18 inches in size, clearly legible and in good repair with no obstruction.

(d) Application for a surf clam license shall be made in person by the vessel owner or agent of the owner to:

Nacote Creek Shellfish Office
Division of Fish and Wildlife
New Jersey Department of Environmental Protection
PO Box 418, Route 9
Port Republic, New Jersey 08241-0418
(609) 748-2040

(e) The license year for surf clam licenses shall be July 1 to June 30.

(f) A licensee may transfer a surf clam license to a new licensee, provided that the new licensee meets all statutory and regulatory criteria for licensing (including, without limitation, application for a license under (d) above and payment of the fee prohibited in N.J.A.C. 7:25-12.16(a) below), and receives the Department's approval of a notarized statement of transferor's intent to transfer such tags. The **statement of intent** shall be signed by the transferor. A license may be transferred no more than three times during its term.

(g) A person shall not transfer a surf clam license or surf clam tags while an enforcement action by the Department for violation of this subchapter is pending. An enforcement action is pending against a license holder from the time the Department issues a Summons or Notice of Violation to the license holder until such time as a final legal disposition of the enforcement action has been rendered. If the final legal disposition of the enforcement action requires that a monetary penalty be paid or orders a suspension of the surf clam license, the surf clam license or surf clam tags shall not be transferred until the monetary penalty has been paid or the suspension time has run, whichever is later.

Amended by R.1995 d.632, effective December 4, 1995.
See: 27 N.J.R. 3269(a), 27 N.J.R. 4888(a).
Amended by R.2001 d.73, effective March 5, 2001.
See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

7:25-12.15 Issuance of bait clam vessel licenses

(a) An applicant for a bait clam vessel license shall be the bona fide owner of the bait clam vessel and a resident of New Jersey, as required by N.J.S.A. 50:2-6.1. Applicants shall submit proof of vessel ownership and proof of residency as part of the bait clam vessel license application.

(b) Application for a bait clam vessel license shall be made in person by the bait clam vessel owner or agent of the vessel owner to:

Nacote Creek Shellfish Office
Division of Fish, Game, Wildlife
New Jersey Department of Environmental Protection
PO Box 418, Route 9
Port Republic, New Jersey 08241-0418

(c) The license year for bait clam vessel license shall be July 1 to June 30.

(d) The top and sides of the bait clam vessel shall be marked with the New Jersey bait clam vessel license number in markings at least 18 inches in size, clearly legible and in good repair and with no visual obstruction.

Amended by R.1995 d.632, effective December 4, 1995.
See: 27 N.J.R. 3269(a), 27 N.J.R. 4888(a).

7:25-12.16 Licensing fees

(a) The annual fee for each surf clam license shall be the minimum provided for at N.J.S.A. 50:2-6.3.

(b) The annual fee for a bait clam vessel license shall be the minimum provided for at N.J.S.A. 50:2-6.3.

Amended by R.1995 d.632, effective December 4, 1995.
See: 27 N.J.R. 3269(a), 27 N.J.R. 4888(a).

7:25-12.17 Renewal of surf clam licenses and bait clam vessel licenses

(a) Surf clam licenses and bait clam vessel licenses shall be renewed annually by payment of the annual license fee on or before the June 30 immediately preceding the license year. If a surf clam licensee has not paid the annual license fee on or before the expiration date, the Department shall retire that surf clam license from the surf clam fishery.

(b) Surf clam license and bait clam vessel license renewal is specifically conditioned on the continuing compliance of the licensee with all the requirements of this subchapter and all statutory criteria for licensing and harvest. The Department shall not renew a surf clam license or a bait clam vessel license for a licensee who, by June 30, has not filed the required weekly reports in a timely fashion, as specified at N.J.A.C. 7:25-12.13, and, in the case of bait clams, paid the required landing fee in a timely fashion, as specified at N.J.A.C. 7:25-12.12, for any part of the preceding license year.

Amended by R.1995 d.632, effective December 4, 1995.
See: 27 N.J.R. 3269(a), 27 N.J.R. 4888(a).

7:25-12.18 Signatories; certification

(a) All applicants and licensees shall, upon submission of initial, renewal, replacement applications, transfer applications or weekly harvest reports, sign the following certification on the application or report forms:

1. "I certify under penalty of law that the information provided in this document is true, accurate and complete. I am aware that there are significant civil penalties for submitting false, inaccurate or incomplete information and significant criminal penalties, including fines and/or imprisonment for submitting false, inaccurate or incomplete information or information which I do not believe to be true."

(b) Penalties for false swearing or false reporting may include the penalties set forth in N.J.S.A. 2C:28-3 and the penalties set forth in N.J.A.C. 7:25-12.19.

7:25-12.19 Penalties

Violation of any section of this subchapter, or any license or order issued pursuant to it, shall subject the violator to the penalties set forth in the Marine Fisheries Management and Commercial Fisheries Act, N.J.S.A. 23:2B-1 et seq., at N.J.S.A. 23:2B-14. Penalties may include monetary penalties of \$100.00 to \$3,000 for a first violation, and \$200.00 to \$5,000 for any further violations. Penalties may also include confiscation of any vessel or equipment used in committing a violation, and revocation of any license issued under this subchapter and N.J.S.A. 50:2-6.1 through 50:2-6.3. The Department may compromise and settle any claim for a penalty under this subsection in such amount as in the discretion of the Department may appear appropriate and equitable under all the circumstances.

7:25-12.20 Hearings

(a) Except as provided in (b) below, prior to the suspension or revocation of any license, the licensee has the right to a hearing, upon the licensee's request to the Department. The request for a hearing shall be sent to the Office of Legal Affairs, ATTENTION: Adjudicatory Hearing Requests, Department of Environmental Protection, CN 402, Trenton, New Jersey 08625-0402. The hearing shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B and 52:14F, and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) When necessary to protect the public health, safety or welfare, the Department may immediately suspend a license without a pre-suspension hearing. In that case, the hearing shall be conducted on an expedited basis.

New Rule, R.1991 d.173, effective April 1, 1991.
See: 23 N.J.R. 223(a), 23 N.J.R. 1001(a).
Administrative change in (a).
See: 23 N.J.R. 3325(b).

SUBCHAPTER 13. LEASED TIDAL GROUNDS**7:25-13.1 Marking of leased tidal grounds; Delaware River and Bay**

No leased shellfish ground in the Delaware River and Bay shall be dredged upon unless it is properly staked or buoyed. Proper stakes or buoys shall extend at least four feet above mean high water; each corner marked with a stake or buoy shall have on it the number of the lots marked. Numbers shall be four inches high on a background of contrasting color. Corners that have to be marked shall be the same as those shown on the approved shellfisheries maps.

R.1977 d.16, effective January 26, 1977.
See: 8 N.J.R. 547(b), 9 N.J.R. 78(a).

SUBCHAPTER 14. CRAB AND LOBSTER MANAGEMENT**Authority**

N.J.S.A. 23:2B-6, 23:2B-14, and 50:3-16.13.

Subchapter Historical Note

Subchapter 14, Crab Management, was adopted as R.1977 d.196, effective June 1, 1977. See: 9 N.J.R. 117(a), 9 N.J.R. 319(b).

Pursuant to Executive Order No. 66(1978), Subchapter 14, Crab Management, was adopted as new rules by R.1985 d.560, effective November 4, 1985. See: 17 N.J.R. 1930(a), 17 N.J.R. 2608(a).

7:25-14.1 Definitions

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

“Blind crab pot line” means a length of submerged line to which crab pots are attached.

“Blue crab” means the crab *Callinectis sapidus*.

“Commercial crab pot” means a cube or rectangular shaped device not larger than 30 inches on a side with openings inward for the entrance of crabs. Any similar device may be approved by the Division. The material of which the pot is constructed shall have a mesh not less than one inch across measured on its longest axis. The openings into the interior of the pot shall be oval and not larger than seven inches wide and four inches high.

1. Effective January 1, 1998, no person shall possess on marine waters or sell or offer for sale a commercial crab pot which does not include a biodegradable panel or other mechanism which is designed to create an opening to allow the escape of crabs or other marine organisms after a pot has been abandoned or lost, and which meets the following criteria:

i. The opening covered by the panel, or created by another approved mechanism as identified in subparagraph 1iii below shall be oval or rectangular and measure at least six and one-half inches wide and five inches high, shall be located in the upper portion of the pot, and shall be in a position which allows the unobstructed exit of crabs or fish from the pot;

ii. The panel shall be constructed of, or fastened to the pot with one of the following materials: wood lath; cotton, hemp, sisal or jute twine not greater than $\frac{3}{16}$ inch in diameter; or nonstainless, uncoated ferrous metal not greater than $\frac{3}{32}$ inch in diameter, except that plastic floatable panels may be fastened to the pot on the top side only by nonbiodegradable material and fastened on any other side by one of the biodegradable materials listed above;

iii. The door or a side panel of the pot may serve as the ghost panel if the door or side panel is fastened to the pot with a material specified in subparagraph 1ii above; and

iv. Any similar device may be approved by the Division after consultation at a regularly scheduled meeting of the Marine Fisheries Council.

2. Effective January 1, 1998, all commercial crab pots set in any body of water, less than 150 feet wide from shoreline to shoreline at mean low water or in any man made lagoon shall include terrapin excluder devices attached to the inside of all pot entrance funnels which meet the following criteria:

i. The terrapin excluder device shall be rectangular or diamond shaped and no larger than six inches wide and two inches high; and

ii. The terrapin excluder device shall be securely fastened inside each funnel to effectively reduce the size of the funnel opening to no larger than six inches wide and two inches high; and

iii. Any similar device may be approved by the Division after consultation at a regularly scheduled meeting of the Marine Fisheries Council.

“Crab” means any species commonly known as a crab except horseshoe crab (*Limulus polyphemus*).

“Crab dredge area” means all marine waters of the State including the Atlantic Ocean with the exception of the Newark Bay Complex, the State oyster beds defined in N.J.A.C. 7:25-19.1, and the Delaware Bay north and west of a line:

1. Beginning at a point (Corner 1) on the shore line of Cape May County (Lat. 39 deg 04.35' N; Long 74 deg 54.81' W) thence running 247 deg 38.08' (T) 21,127 feet to a point (Corner 2) where the Clam Line intersects the Brandywine Dennis Creek Line (Lat. 39 deg 05.67' N; Long 74 deg 58.94' W);

2. Thence running 221 deg 14.32' (T) 4,871 feet to a point (Corner 3) (Lat. 39 deg 05.07' N; Long 74 deg 59.62' W) located on the Dennis Creek Range Line;

3. Thence running 320 deg 02.38' (T) 17,346 feet to a point (Corner 4) (Lat. 39 deg 07.25' N; Long 75 deg 01.98' W) located in Delaware Bay;

4. Thence running 270 deg 16.30' (T) 36,190 feet to a point (Corner 5) (Lat. 39 deg 07.25' N; Long 75 deg 09.64' W) in Delaware Bay;

5. Thence running 323 deg 58.08' (T) 16,354 feet to a point (Corner 6) (Lat. 39 deg 09.42' N; Long 75 deg 11.69' W) located in the Delaware Bay; and

6. Thence running 199 deg 15.29' (T) 11,735 feet to Miah Maull Shoal Lighthouse in Delaware Bay.

“Delaware Bay,” for the purpose of this subchapter, consists of the marine waters under the jurisdiction of the State of New Jersey north and west of the COLREGS Demarcation Line which runs from the Cape May Point Lighthouse in Cape May, New Jersey to F1 5sec Horn at Cape Henlopen, Delaware.

“Department” means the Department of Environmental Protection.

“Division” means the Division of Fish and Wildlife.

“Land” means to transfer the catch of crabs from any vessel to any land, pier, wharf or dock.