

NEW JERSEY STATE LIBRARY

CHAPTER 25

DIVISION OF FISH, GAME AND WILDLIFE

Authority

N.J.S.A. 13:1B-29 et seq., 13:1D-9, 23i1-1 et seq. and 50:1-1 et seq.

Source and Effective Date

R.1991 d.132, effective February 15, 1991.
See: 23 N.J.R. 37(a), 23 N.J.R. 848(b).

Executive Order No. 66(1978) Expiration Date

Chapter 25, Division of Fish, Game and Wildlife Rules, expires on February 15, 1996.

Chapter Historical Note

Chapter 25 was filed and became effective prior to September 1, 1969. Subchapter 2 was adopted as R.1975 d.292, effective October 1, 1975. See: 7 N.J.R. 411(a), 7 N.J.R. 499(c). Subchapter 12, Surf Clams, was repealed and replaced by R.1990 d.46, effective January 16, 1990. See: 21 N.J.R. 3214(a), 22 N.J.R. 183(a). Pursuant to Executive Order No. 66(1978), Chapter 25 was readopted as R.1991 d.132. See: Source and Effective Date. See, also, section annotations for specific rulemaking activity.

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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, Game and Shellfisheries and its various agencies to discharge its statutory functions.

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 of Fish, Game and Shellfisheries.

“Division” means the Division of Fish, Game and Shellfisheries 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.

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 of Fish, Game and Wildlife are as follows. The listed fees include, where applicable, a non-refundable \$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).

7:25-1.6 (Reserved)

R.1977 d.147, effective April 21, 1977.

See: 9 N.J.R. 118(a), 9 N.J.R. 219(b).

Repealed by R.1991 d.132, effective March 18, 1991.

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

Section 1.6—Shellfish license revocation schedule—deleted.

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.

(c) Pursuant to N.J.S.A. 50:2-5, each licensee, while at all times engaged in operating under his license who fails to have his clamming license in his possession or who fails to exhibit his clamming license for inspection upon proper request, shall be liable to a penalty of \$10.00 for the first offense and \$20.00 for each subsequent offense.

R.1980 d.395, effective September 17, 1980.

See: 12 N.J.R. 456(a), 12 N.J.R. 576(d).

R.1988 d.339, effective July 18, 1988.

See: 19 N.J.R. 2358(a), 20 N.J.R. 1743(b).

This section expired and new rules were adopted.

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

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

Monetary amount of penalty changed in (b). Deleted (d) and (e).

SUBCHAPTER 2. USE OF ALL LAND AND WATER AREAS UNDER THE CONTROL OF THE DIVISION OF FISH, GAME AND WILDLIFE

7:25-2.1 Cutting or damaging vegetation

No person or persons shall at any time cut, fell, dig up, pull up, damage, gather, carry away, take, remove or destroy any tree, shrub, vine or other vegetation or part thereof without written permission or other authorization of the Division of Fish, Game and Wildlife. Nothing in this section shall apply to public utility companies or their agents engaged in the maintenance of existing utility company rights-of-way, provided that prior notice is given to the Division.

Amended by R.1983 d.336, effective August 15, 1983.
 See: 15 N.J.R. 840(a), 15 N.J.R. 1374(c).
 Current text replaced existing text.
 Amended by R.1995 d.578, effective November 6, 1995.
 See: 27 N.J.R. 1890(a), 27 N.J.R. 4283(a).

7:25-2.2 All motor vehicles and other forms of conveyances

(a) No person shall operate any motor vehicle, motorboat, or other conveyance on or over any State Wildlife Management Area unless the motor vehicle or motorboat is properly registered and displays the proper and valid registration numbers. All boats used on the waters under the control of the Division of Fish, Game and Wildlife are subject to N.J.S.A. 12:7-1 et seq. and N.J.A.C. 13:82 and shall be operated in accordance with those provisions.

(b) All motor vehicles or other conveyances are restricted to established roads or designated parking areas. Motor vehicles or other conveyances shall not be operated at any time on or over any road, trail, survey line, dam, boundary or transmission line or other area designated as "closed" by signs or barriers, nor shall a vehicle or other conveyance be operated on or over any cultivated or planted areas or woods and fields in any Wildlife Management Area unless written permission or other authorization is granted by the Division.

1. Special permits may be granted to organized motorcyclists to operate on an established course or trail under regulations prescribed by the Division for a fee of \$100.00, plus a charge of \$1.00 for each participating motorcycle.

(c) No person shall operate motor vehicles, including conveyances, commonly known as off-road vehicles, all terrain vehicles, snowmobiles, dog sleds, dog carts or trail bikes, on State Wildlife Management Areas at any time without first obtaining a written permit or other authorization from the Division.

(d) No motor vehicle or other conveyances shall be stopped or parked so as to block any travelled portion of any road or restrict the free movement of any vehicle thereon, in any State Wildlife Management Area.

(e) A person operating a motor vehicle or other conveyance in any State Wildlife Management Area shall comply with all posted speed limits or other vehicle control signs. See N.J.A.C. 7:25-2.3 for specific vehicle control restrictions.

As amended, R.1971 d.124, effective July 22, 1971.
 See: 3 N.J.R. 106(a), 3 N.J.R. 149(c).
 As amended, R.1983 d.336, effective August 15, 1983.
 See: 15 N.J.R. 840(a), 15 N.J.R. 1374(c).
 (a) and (b): "or other conveyances" added, Wildlife Management Area specified as jurisdictional unit, (b)1 added.
 (c): current text replaced existing text.
 (d) and (e) added.
 Amended by R.1995 d.578, effective November 6, 1995.
 See: 27 N.J.R. 1890(a), 27 N.J.R. 4283(a).

7:25-2.3 Vehicle traffic controls in Wildlife Management Areas

(a) In the Assunpink Wildlife Management Area, the following motor vehicle speed limits are established:

1. Clarksburg-Robbinsville Road speed limits are as follows:
 - i. Zone 1—15 mph between Englishtown Road and Millstone-Hightstown Road.
 - ii. Zone 2—25 mph between Millstone-Hightstown Road and Sharon Station-East Branch Road (AKA Eldridge Road).
 - iii. Zone 3—35 mph between Sharon Station-East Branch Road (AKA Eldridge Road) and Roosevelt Road.
2. East Branch-Stone Tavern Road—35 mph.
3. Millstone-Hightstown Road—25 mph.
4. Roosevelt Road speed limits are as follows:
 - i. Zone 1—15 mph between the southernmost jurisdictional line and Clarksburg-Robbinsville Road.
 - ii. Zone 2—35 mph between Clarksburg-Robbinsville Road and the northernmost jurisdictional line.
5. Sharon Station-East Branch Road (AKA Eldridge Road)—25 mph.

(b) In the Assunpink Wildlife Management Areas the following intersections are designated as stop intersections:

1. Clarksburg-Robbinsville Road and Roosevelt Road (southerly approach), stop on Roosevelt Road.
2. Clarksburg-Robbinsville Road and Sharon Station, stop on Sharon Station-East Branch Road (AKA Eldridge Road).
3. Sharon Station-East Branch Road (AKA Eldridge Road) and East Branch-Stone Tavern Road, stop on East Branch-Stone Tavern Road.
4. Millstone-Hightstown Road and Clarksburg-Robbinsville Road (westerly approach), stop on Clarksburg-Robbinsville Road.

(c) In the Assunpink Wildlife Management Area the following intersection is designated as a stop and yield intersection:

1. Clarksburg-Robbinsville Road and Roosevelt Road (northerly approach), stop sign on the left turn lane of Roosevelt Road (northerly approach) and yield sign on the right turn lane of Roosevelt Road (northerly approach).

(d) In the Prospertown Lake Wildlife Management Area, all vehicles over 30,000 Gross Vehicle Weight Rating are prohibited from using the parking area.

As amended, R.1983 d.336, effective August 15, 1983.

See: 15 N.J.R. 840(a), 15 N.J.R. 1374(c).

Current text replaced text on drugs and marijuana.

Amended by R.1995 d.578, effective November 6, 1995.

See: 27 N.J.R. 1890(a), 27 N.J.R. 4283(a).

7:25-2.4 Alcoholic beverages

No person or persons shall consume or have in possession or control any intoxicating beverage or any beverage containing alcohol while on any land or water area under the control of the Division of Fish, Game and Wildlife, except that organized groups may, with written permission or other authorization from the Division, possess or consume alcoholic beverages on designated Wildlife Management Areas.

As amended, R.1983 d.336, effective August 15, 1983.

See: 15 N.J.R. 840(a), 15 N.J.R. 1374(c).

Exception for "organized groups" added.

7:25-2.5 Restricted areas and hours

(a) No unauthorized person or persons shall enter upon in any manner any land or water areas controlled by the Division of Fish, Game and Wildlife between the hours of 9:00 P.M. and 5:00 A.M. (2100 and 0500 hours) EST or EDT as listed in Trenton, New Jersey, whichever is in effect on the given date.

1. This shall not preclude a person engaged in lawful and proper hunting, trapping or fishing activity or other activities authorized by the Division.

2. No person shall enter any area designated with signs by the Division as "restricted" or "closed" without first obtaining written permission from the Division.

As amended, R.1983 d.336, effective August 15, 1983.

See: 15 N.J.R. 840(a), 15 N.J.R. 1374(c).

(a)1 and 2 clarified.

7:25-2.6 Division Fish Hatcheries

(a) No unauthorized person shall take or attempt to take fish by any means, or feed, molest, disturb, kill, net or attempt to net any fish in or from the waters of State Fish Hatcheries, except the public may take or attempt to take fish in or from those waters specifically posted for public fishing by the Division of Fish, Game and Wildlife.

(b) In the Pequest Wildlife Management Area, no unauthorized person shall take or attempt to take fish by any means, or feed, molest, disturb, kill, net or attempt to net any fish within the restricted area posted as being a portion of, or adjacent to, the outflow of the Pequest Trout Hatchery.

(c) In the Pequest Trout Hatchery, the taking or attempting to take fish by any means, or feeding, molesting, disturbing, killing, netting or attempting to net any fish in the "Fishing Education Pond" is prohibited unless specifically authorized by the Division.

As amended, R.1983 d.336, effective August 15, 1983.

See: 15 N.J.R. 840(a), 15 N.J.R. 1374(c).

"No unauthorized person" was "No person"; posting exception added.

Amended by R.1995 d.578, effective November 6, 1995.

See: 27 N.J.R. 1890(a), 27 N.J.R. 4283(a).

7:25-2.7 Outboard motors

(a) No person shall operate or use any boat or other flotation device using an engine commonly known as an outboard motor, inboard motor or inboard-outboard motor on any freshwater lake or pond located within a Wildlife Management Area (note (c) below) without written permission from the Division.

1. This section does not preclude the use of battery-powered electric motor on these areas, with exception as noted in (b) below.

(b) On Prospertown Lake in Ocean County only manually operated boats are permitted.

(c) On Union Lake Wildlife Management Areas in Cumberland County, a person may operate a boat equipped with not more than one outboard motor, and this motor shall not exceed 10 horsepower.

As amended, R.1983 d.336, effective August 15, 1983.

See: 15 N.J.R. 840(a), 15 N.J.R. 1374(c).

(a), (b) and (c) replaced existing (a) and (b).

7:25-2.8 Horseback riding

(a) No person shall ride a horse in or on any land or water area controlled by the Division without first procuring a proper and valid permit from the Division of Fish, Game and Wildlife. The permit is to be in the possession of the horseback rider at all times when riding a horse in these areas.

1. The riding of horses on or over any wildlife food area, dams, cultivated fields, gardens or lawns shall be unlawful at all times.

2. On State Wildlife Management Areas where such activity may be permitted, it shall be done only in designated areas.

(b) The fee for any individual permit for horseback riding on State Wildlife Management Areas shall be \$25.00 per calendar year. All horseback riding permits will expire on December 31, of each year.

1. The prospective permittee shall maintain public liability and property damage insurance for the period of authorized use, with an insurance company recognized to do business in the State of New Jersey, in the amount of \$100,000/\$300,000 personal liability and \$50,000 property damage, or \$300,000 aggregate.

2. Each application to ride horseback must be accompanied by a statement from the applicant's insurance carrier denoting the insurance coverage as it applies to the riding of a horse on a State Wildlife Management Area.

(c) The Division may issue group horseback riding permits, covering a specified time period, to the Equine Advisory Board of the State Department of Agriculture. No fee will be charged for these permits.

1. The Department of Agriculture when applying for such a permit will provide the Division with a complete application for a permit, on a form to be provided by the Division. A copy of the valid permit must be posted at the New Jersey Horse Park facility or in possession of the event coordinator. Each participant must possess a copy of a completed registration form, which will be provided by the Division.

i. The Department of Agriculture will be required to provide proof of insurance in the amounts specified at (b)1 above for the group permits they sponsor.

(d) The Division may also issue group horseback riding permits to clubs or organizations on a daily basis. The fee for such a permit will be \$75.00 per day.

1. The prospective group permittee shall maintain public liability and property damage insurance according to the insurance requirements delineated at (b)1 above.

2. At least five days before the event, the club or organization applying for such a permit will provide the Division with an application for a permit which includes a roster of riders who will be participating in the event.

3. Each group permit application must be accompanied by a statement from the applicant's insurance company specifying the insurance coverage as it applies to the riding of horses on State WMA's.

4. A copy of the valid permit and roster must be in possession of at least one of the participating riders. For the purpose of this section, a group will be defined as two or more riders.

(e) The Division may determine and designate the areas where the riding of horses is permitted and the number of permits to be issued per area during any one time period. Permittees shall be liable for any damage that may occur as a result of their horseback riding activities.

(f) This section shall not preclude a person participating in a field trial, during the period of time stated in the field trial permit under authority of N.J.A.C. 7:25-2.14, from riding a horse in designated Wildlife Management Areas without a horseback riding permit.

(g) The use of horse drawn carriages on all designated wildlife management areas will require an individual or group permit from the Division. The insurance coverage

requirements set forth in (b)1 above for horseback riders shall apply to horse drawn carriage riders.

As amended, R.1983 d.336, effective August 15, 1983.
See: 15 N.J.R. 840(a), 15 N.J.R. 1374(c).

Permit text clarified; (b)2, (c), (d) and (e) added.
Amended by R.1995 d.578, effective November 6, 1995.
See: 27 N.J.R. 1890(a), 27 N.J.R. 4283(a).

7:25-2.9 Swimming

(a) Swimming and bathing are prohibited on all State Wildlife Management Areas except those designated by the Division where a State appointed lifeguard is on duty.

1. No wading is permitted except for the purpose of hunting, trapping or fishing.

2. For the purpose of this section, the use of such devices as vehicle inner tubes, surf boards, inflatable mats or underwater breathing devices commonly known as "scuba" (self contained underwater breathing apparatus) gear shall be considered as swimming or bathing.

As amended, R.1983 d.336, effective August 15, 1983.
See: 15 N.J.R. 840(a), 15 N.J.R. 1374(c).

(a)2 added.

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 Naturalists v. Lower Twp.*, 219 N.J.Super. 103, 529 A.2d 1047 (Law Div.1987).

7:25-2.10 Camping, picnicking and vending

(a) Camping or picnicking is prohibited on all Division controlled areas, including State Wildlife Management Areas. For the purpose of this section, "camping" means any temporary shelter such as a tent, trailer, recreation vehicle, sleeping bag, hut or other structure that a person or persons use as sleeping, resting, or living quarters.

(b) This shall not preclude a person with proper permission or other authorization from the Division from picnicking on the designated areas of the Pequest Trout Hatchery.

(c) No person shall sell or offer for sale any food, beverage or other merchandise on any State Wildlife Management Area without first obtaining a written permit from the Division of Fish, Game and Wildlife.

As amended, R.1983 d.336, effective August 15, 1983.
See: 15 N.J.R. 840(a), 15 N.J.R. 1374(c).

(a): picnicking prohibited; "structure" was "lodging place" under "camping".

(b) and (c) added.

7:25-2.11 Fires

No person shall set or cause to be set, start, build or maintain any fire on any State Wildlife Management Area

without written permission of the Division of Fish, Game and Wildlife. This shall not preclude State Fire wardens from setting fires as required to check or extinguish any fire on such areas, under authority of N.J.S.A. 13:9-15.

As amended, R.1983 d.336, effective August 15, 1983.
See: 15 N.J.R. 840(a), 15 N.J.R. 1374(c).

Current text replaced text on picnicking.

7:25-2.12 Target practice

(a) No target practice of any kind is permitted on State Wildlife Management Areas except within designated areas provided by the Division. This shall not preclude the use of shotguns, muzzleloaders, .22 rifles, or bow and arrows for the purpose of authorized hunter education or other authorized purposes in designated areas.

(b) The following regulations apply to all activities on the archery range, shotgun range, muzzleloading rifle and shotgun slugs range, and rifle range:

1. Hours of operation are from 8:00 A.M. to sunset daily.
2. No person shall stand beyond the shooting line while shooters are firing.
3. At least one member of each shooting group shall have a valid New Jersey hunting license in his or her possession.
4. No littering shall be permitted.
5. All spectators shall stand behind all firing positions at the range.
6. All hunter education classes shall have priority use of the range facility.
7. Violation of any of the foregoing restrictions, or of any requirement listed in (c), (d), (e) or (f) below, may result in expulsion from the range, the imposition of fines, or license revocation pursuant to N.J.S.A. 23:3-22.

(c) In addition to the requirements listed in (b) above, the following requirements shall apply to all training activities on the archery range:

1. No arrows other than field tips or target points shall be used.
2. No broadheads shall be used.
3. All targets used shall be paper, foam or straw. Targets constructed of other materials are prohibited.
4. No damaged or unsafe equipment shall be used. Prior to shooting all shooters shall be sure of their target and beyond.
5. Archers shall shoot only from marked shooting positions and shall shoot only at backstops.

6. No archer shall nock an arrow or draw a bow when any other person is in front of him or her or is down range.

7. When drawing his or her bow, no archer shall raise his or her arrow point higher than the top of the backstop.

8. All shooting shall cease when a cease fire is called.

(d) In addition to the restrictions listed in (b) above, the following requirements shall apply to all training activities on the shotgun range:

1. No weapons other than shotguns and muzzleloading shotguns shall be used at the range.
2. Only fine shot smaller than No. 4 Lead or No. T Steel ammunition shall be used.
3. No slugs or buckshot shall be used.
4. Only clay birds and paper pattern boards shall be used. All other forms of targets are prohibited.
5. The pointing of a firearm loaded or unloaded at anything except a target is prohibited.
6. Muzzles shall always be kept pointed in a safe direction and prior to shooting all shooters shall be sure of their target and beyond.
7. Shooting shall only occur from marked firing positions into marked shotfall areas.
8. All shotgun actions shall be kept open at all times except when on the firing line.
9. All uncased shotguns being carried to or from the firing line shall be unloaded and shall have their actions open.
10. Eye and ear protection equipment shall be used.
11. When any person is down range of the firing line, the handling of shotguns is prohibited. In addition, all shotguns shall be unloaded and shall have their actions opened.
12. No person shall smoke on the firing line when a black powder shotgun is being used.
13. When a cease fire is called, all shooting shall stop and all firearms shall be unloaded and shall have their actions open.
14. A target change may be made by calling a cease fire on the hour and the half hour.

(e) In addition to the requirements listed in (b) above the following requirements shall apply to all activities on the muzzleloading rifle and shotgun slugs range:

1. No weapons other than muzzleloading rifles and shotguns shall be permitted at the range.

2. Only paper type targets are permitted to be used. All other forms of targets are prohibited.

3. All persons using the range shall observe the primary safety rule of treating every gun as if it were loaded.

4. All muzzles shall be kept pointed in a safe direction and prior to shooting all shooters shall be sure of their target and beyond.

5. Eye and ear protection equipment shall be used.

6. All shooting shall occur only from marked firing line positions into the designated backstop area.

7. No muzzle of a loaded firearm shall be raised higher than the top of the backstop.

8. All firearms actions shall be kept open at all times except when the shooter is on the firing line.

9. All uncased firearms being carried to or from the firing line shall be unloaded and shall have their actions opened.

10. When any person is down range of the firing line, all firearms shall be unloaded and shall have their actions opened.

11. When any person is down range, no handling of firearms shall occur, including the adjustment of sights.

12. When a cease fire is called, all shooting shall stop and all firearms shall be unloaded and shall have their actions open.

13. A target change may be made by calling a cease fire on the hour and the half hour.

14. No smoking shall occur on the firing line when a black powder firearm is being used.

(f) In addition to the requirements listed in (b) above, the following requirements shall apply to all activities on the rifle range:

1. No firearms shall be used except modern action rim-fire or center fire rifles and muzzleloading rifles.

2. Shooters may load and fire only one round at a time.

3. Only paper type targets are permitted to be used. All other types of targets are prohibited.

4. The primary safety rule of treating every gun as if it were loaded shall be observed.

5. All shooters shall keep all muzzles pointed in a safe direction and prior to shooting shall be sure of their target and beyond.

6. Eye and ear protection equipment shall be used.

7. No shooting shall occur except from marked firing line positions into the designated backstop area.

8. No muzzle of a loaded firearm shall be raised higher than the top of the backstop.

9. All firearms actions shall be kept open at all times except when the shooter is on the firing line.

10. When any person is down range of the firing line, all firearms shall be unloaded and all firearms actions shall be opened.

11. All uncased firearms being carried to or from the firing line shall be unloaded and shall have their actions opened.

12. When any person is down range, no handling of a firearm, including the adjusting of sights, shall occur.

13. When a cease fire is called, all shooting shall stop and all firearms shall be unloaded and all firearm actions shall be opened.

14. Target changes may be made by calling a cease fire on the hour and on the half hour.

15. No smoking shall occur on the firing line when a black powder firearm is being used.

As amended, R.1983 d.336, effective August 15, 1983.

See: 15 N.J.R. 840(a), 15 N.J.R. 1374(c).

Second sentence added.

Amended by R.1995 d.578, effective November 6, 1995.

See: 27 N.J.R. 1890(a), 27 N.J.R. 4283(a).

7:25-2.13 Daily use permit

On designated State Wildlife Management Areas, a charge of not more than \$2.00 per each passenger vehicle other than a bus, and not more than \$10.00 for each bus shall be charged. This section shall not apply to properly licensed hunters, anglers or trappers.

As amended, R.1983 d.336, effective August 15, 1983.

See: 15 N.J.R. 840(a), 15 N.J.R. 1374(c).

Fee schedule revised.

7:25-2.14 Field trial activities

(a) Permits for the use of State Fish and Wildlife Management Areas for conducting field trials or retrieving field trials as defined in (c) below may be granted by the Division of Fish, Game and Wildlife in accordance with the provisions of this section. General authority for this section is found in N.J.S.A. 23:4-26.

(b) No person shall conduct a field trial or retrieving field trial on any fish and wildlife management area without a permit from the Division.

(c) Definitions include the following.

1. "Field trial" means an organized training or competitive event in which dogs are used to locate and/or pursue game animals while their performance is evaluated in a manner as prescribed by the standards set forth by the sponsoring organization. Retrieving and firearms are not employed.

2. "Retrieving field trial" means a training or competitive event in which dogs are used to locate and/or pursue game animals culminated by the retrieving of said animals. The performance of each dog is evaluated as prescribed by the standards set forth by the sponsoring organization. Firearms may be employed in this type of event.

3. "Division" means the Division of Fish, Game and Wildlife or its successor in the Department of Environmental Protection.

(d) Application procedures are:

1. A permit for a field trial or retrieving field trial may be issued to an organization that is organized as a "field trial club". The Division shall describe the form of the permit and the form of the application.

2. An application for the holding of a spring field trial or retrieving field trial shall be made no later than January 1. An application for the holding of a fall field trial or retrieving field trial shall be filed no later than August 1.

3. Fees: A fee of \$100.00 per day shall be charged for all field trials or retrieving field trials using the designated course or areas and building facilities provided by the Division on Wildlife Management Areas. A fee of \$50.00 per day shall be charged for all field trials or retrieving field trials using only the designated course or area on the Wildlife Management Areas.

(e) Field trials and retrieving field trials may be authorized during the period of February 15 to April 30 and September 1 to October 31 except, however, field trials and retrieving field trials may be authorized for the Assunpink wildlife management area from February 15 through October 31 inclusive. A permit will specify the location within the wildlife management area in which the permitted event shall be conducted.

(f) General provisions include:

1. Only birds in excellent physical condition shall be liberated for any event. Birds with clipped wings or otherwise mutilated shall not be liberated. Birds are not to be mishandled, handled cruelly, or injured at the time of liberation. The club is responsible for the liberation of the birds.

2. At retrieving field trials, only pen reared game birds and domestic mallards may be used. Only birds specified in the permit may be liberated. Any bird carcass must be tagged before it is removed from the event location. Tags shall be secured from the Division at a fee of \$ 0.25 each. All bird carcasses shall be properly disposed of by the permittee at another location outside the designated Wildlife Management Area in use.

3. All individuals using firearms shall possess and display a firearms hunting license valid for the current calendar year.

4. The riding of horses by field trial judges, entrants, handlers and trainers without riding permits required by Regulation No. 4 (N.J.A.C. 7:25-2.8) is allowed, providing the field trial sponsoring organization or association has first obtained the proper field trial permit, and promulgates and maintains a written roster of the names of persons participating in the field trial in the listed capacities, who will be horseback riding on the dates listed in the field trial permit.

i. The valid roster shall be available for inspection by conservation officers, deputy conservation officers or other law enforcement officers at any time during the dates listed on the field trial permit.

ii. Spectators, gallery and observers of field trials who ride horses, or persons engaged in leasing or renting of riding horses at field trials, must obtain and, while riding, have in their possession a valid horseback riding permit.

(g) These regulations are not intended to prohibit the running of coonhound trials utilizing a laid trial and live raccoon placed in a tree at the end of the chase. The owner of a raccoon utilized for the laid trail must be licensed by the Division of Fish, Game and Wildlife for the possession of a live raccoon.

(h) Liability rules are:

1. The prospective permittee shall maintain public liability and property damage insurance for the requested period of use, with an insurance company recognized to do business in the State of New Jersey, in the amount of \$100,000/300,000 personal liability and \$50,000 property damage. Certificate for such coverage shall be submitted with the application for field trial permits and/or the application for retrieving field trial permits.

2. All persons shall use every precaution to prevent damage, destruction, or fire. The permittee shall be completely responsible for any damage occurring in the location and at the time the field trial or retrieving field trial is being conducted. No permit shall be issued to any organization or persons who have damaged or destroyed state lands or property and who have failed to reimburse the state.

(i) The organization or persons sponsoring the event shall be responsible for the removal of all litter, trash, the cleaning of barns, the cleaning of dog kennels, clubhouse facilities including kitchen facilities and sanitary facilities. The permittee shall be billed by the state for any expenses necessary to clean the facilities used by the permittee. No permit shall be issued to any organization or person who has failed to reimburse the state.

As amended, R.1975 d.291, effective October 1, 1975.

See: 7 N.J.R. 412(a), 7 N.J.R. 499(b).

As amended, R.1979 d.189, effective May 11, 1979.

See: 11 N.J.R. 172(a), 11 N.J.R. 276(b).

As amended, R.1983 d.185, effective June 6, 1983.

See: 15 N.J.R. 387(a), 15 N.J.R. 894(b).

(a)6 added.

Amended by R.1995 d.578, effective November 6, 1995.

See: 27 N.J.R. 1890(a), 27 N.J.R. 4283(a).

7:25-2.15 Rental of clubhouses

(a) Use of clubhouses or designated facilities for outings, trap shoots, or other events will be authorized at a fee of \$100.00 a day: use for meeting purposes will be permitted at a \$50.00 daily fee. Permittee shall be responsible and liable for any damage which may occur.

(b) The prospective permittee shall maintain public liability and property damage insurance for the period of authorized use, with an insurance company recognized to do business in the State of New Jersey, in the amount of \$100,000/\$300,000 personal liability and \$50,000 property damage. Certificates of such coverage shall be submitted with each application before a permit is issued.

As amended, R.1983 d.336, effective August 15, 1983.

See: 15 N.J.R. 840(a), 15 N.J.R. 1374(c).

(a): "facilities" was "areas".

Amended by R.1995 d.578, effective November 6, 1995.

See: 27 N.J.R. 1890(a), 27 N.J.R. 4283(a).

7:25-2.16 Revocation

The Division may revoke any permit or other authorization issued hereunder for due cause or for violation of any provision set forth herein, whether or not prosecution is brought as provided in N.J.S.A. 23:7-9.

As amended, R.1983 d.336, effective August 15, 1983.

See: 15 N.J.R. 840(a), 15 N.J.R. 1374(c).

"or other authorization" and "for due cause or" added.

7:25-2.17 Securing permits

Information on securing any of the permits described in this subchapter may be obtained by writing or telephoning the Division of Fish, Game and Wildlife, CN 400, Trenton, New Jersey 08625. Telephone (609) 984-1401.

As amended, R.1983 d.336, effective August 15, 1983.

See: 15 N.J.R. 840(a), 15 N.J.R. 1374(c).

Information updated.

Amended by R.1995 d.578, effective November 6, 1995.

See: 27 N.J.R. 1890(a), 27 N.J.R. 4283(a).

7:25-2.18 Wildlife Management Areas

(a) This subchapter applies to the following designated Wildlife Management Areas:

1. Absecon
2. Amwell Lake
3. Assunpink
4. Baldwin Lake

5. Beaver Swamp
6. Belvidere
7. Berkshire Valley
8. Berrytown
9. Millville
10. Black River
11. Butterfly Bogs
12. Capoolong Creek
13. Cedarville Pond
14. Clarks Pond
15. Clinton
16. Colliers Mills
17. Corson
18. Kingwood
19. Holland Church
20. Dennis Creek
21. Dix
22. Egg Island
23. Flatbrook
24. Forked River Game Farm
25. Fortescue
26. Glassboro
27. Great Bay Boulevard
28. Greenwood Forest
29. Greenwood Pond
30. Hackettstown
31. Hainesville
32. Hamburg Mountain
33. Harrisonville Lake
34. Heislerville
35. Higbee Beach
36. Imlaystown Lake
37. Ken Lockwood Gorge
38. Logan Pond
39. Tuckahoe
40. Mad Horse Creek
41. Manahawkin
42. Manasquan River

43. Manchester
44. Marmora
45. Maskels Mill Pond
46. Medford
47. Menantico Ponds
48. Nantuxent
49. New Sweden
50. Old Wharf
51. Osborne
52. Oyster Creek
53. Pasadena
54. Peaslee
55. Pequest
56. Port Republic
57. Prospertown Lake
58. Rockport Game Farm
59. Round Valley Angler Access
60. Rowands Ponds
61. Roy
62. Saw Mill Creek
63. Sedge Islands
64. Stafford Forge
65. Swan Bay
66. Turkey Swamp
67. Union Lake
68. Van Nest Refuge
69. Walpack
70. Wanaque
71. Whiting
72. Whittingham
73. Winslow
74. Bear Swamp
75. Cape May Wetlands
76. Columbia Lake
77. Hummers Beach
78. Knowlton
79. Lebanon Laboratory
80. Makepeace Lake

81. Mannington
82. New Sweden
83. Oyster Creek
84. Elmer Lake
85. Pemberton Lake
86. Maple Lake
87. Point Pleasant Canal Access
88. Budd Lake
89. Feather Bed Lane
90. Musconetcong River Access
91. Pork Island

(b) Interested persons may obtain information on Wildlife Management Areas by contacting the Division at (609) 292-2965. A Guide to Wildlife Management Areas, containing maps of each area, is available from:

Division of Fish, Game and Wildlife
New Jersey Department of Environmental Protection
CN 400
Trenton, New Jersey 08625

As amended, R.1983 d.336, eff. August 15, 1983.

See: 15 N.J.R. 840(a), 15 N.J.R. 1374(c).

Section was "Reserved".

Amended by R.1987 d.250, effective June 15, 1987.

See: 19 N.J.R. 398(a), 19 N.J.R. 1090(a).

Moved 71. Belvidere to # 6; added 48. Musconetcong and renumbered everything else to coincide.

Amended by R.1989 d.215, effective April 17, 1989.

See: 21 N.J.R. 267(b), 21 N.J.R. 1002(a).

New # 50. New Sweden added, renumbered existing 50 and 51 as 51 and 52, added new # 53. Oyster Creek, renumbered existing text accordingly; added (b) containing address to obtain information.

Amended by R.1995 d.578, effective November 6, 1995.

See: 27 N.J.R. 1890(a), 27 N.J.R. 4283(a).

Case Notes

State was absolutely immune from liability in personal injury and wrongful death action arising from boating accident on lake. *Troth v. State*, 222 N.J.Super. 420, 537 A.2d 315 (A.D.1988), certification granted 111 N.J. 565, 546 A.2d 496, reversed 117 N.J. 258, 566 A.2d 515.

7:25-2.19 Higbee Beach

(a) In addition to all regulations prescribed in this subchapter affecting the designated Wildlife Management Areas listed at N.J.A.C. 7:25-2.18, the following additional regulations shall apply to the public use of the Higbee Beach Wildlife Management Area (HBWMA):

1. From 12:01 A.M. on September 15 until 8:00 A.M. on November 1 of each year, use of the HBWMA shall be limited to trails designated on the map posted at the HBWMA parking lot, and on maps available at the division's Endangered and Nongame Species Program office located at the HBWMA.

2. Fields on the HBWMA shown on the map described at (a)1 above may be designated as "refuge areas" from 12:01 A.M. on September 15 until 8:00 A.M. on November 1 of each year. Observations of these refuge areas will be permitted only from blinds established and maintained by the division's Endangered and Nongame Species Program. Permits for observation from established trails within these refuge areas may be issued by the division's Endangered and Nongame Species Program office upon written request received in the division's Trenton office (CN 400, Trenton NJ 08625) at least five days in advance of the effective date of the permit and provided the specific permitted activity is consistent with the intent of this section.

3. During the time period specified at (a)1 above, group size will be limited to six people. Permits for groups numbering more than six people will be available at no charge from the division's Endangered and Nongame Species Program office located at the HBWMA.

4. No person may hunt or trap on the HBWMA from 12:01 A.M. on September 1 to 12:01 A.M. on the first Monday after the white-tailed deer (*Odocoileus virginianus*) six day firearm season ends in accordance with the provisions of N.J.A.C. 7:25-5.27.

5. Motor vehicles may be used on designated roads and on the beach area (the area seaward of the dunes) of the HBWMA only as follows:

i. The operator must have in possession a valid permit issued for use on the HBWMA and available at no charge upon written request received in the division's Trenton office (CN 400, Trenton, NJ 08625);

ii. Motor vehicles may not be present on the beach area from two hours before high tide to two hours after high tide, as the times of such tides are posted at the HBWMA parking lot;

iii. Motor vehicles may not be present on the beach area between Memorial Day (the last Monday in May) and Labor Day (the first Monday in September) from 10:00 A.M. to 5:00 P.M. and as further limited at (a)5ii above; and

iv. Motor vehicles may be excluded from the beach area upon departmental determination that this action is necessary to maintain and enhance the use of HBWMA by migratory and resident endangered and threatened species of wildlife.

6. From 12:01 A.M. on April 15 until 12:01 A.M. on September 15 of each year, that part of the HBWMA designated as the south-end beach area, as described on the maps posted at the HBWMA parking lot, available at the Division's Endangered and Nongame Species office located at the HBWMA and at the Division's Trenton office (501 E. State Street, Station Plaza 5, Third Floor, CN 400, Trenton, N.J. 08625), and on file with the Office of Administrative Law, shall be closed to all public access and use, except upon prior written approval from the Department, which may be obtained from the Division's Trenton office.

7. That part of the HBWMA designated as the north-end beach area, as described on the maps posted and available in accordance with (a)6 above, shall be open year-round to public access and use for those activities permissible under N.J.A.C. 7:25-2.

8. At all times, the dune areas of HBWMA are closed to all public access and use, except upon prior written approval from the Department, which may be obtained from the Division's Trenton office at the address listed in (a)6 above. Dune areas may be observed from established trails as designated and described on the maps posted and available in accordance with (a)6 above. Entry onto the dunes from established trails is prohibited at all times.

Emergency New Rule, R.1985 d.514, effective September 20, 1985. (Operative September 22, 1985, expires November 21, 1985).

See: 17 N.J.R. 2459(a).

New Rule R.1986 d.437, effective October 20, 1986.

See: 18 N.J.R. 1511(b), 18 N.J.R. 2123(b).

Amended by R.1988 d.266, effective June 6, 1988.

See: 20 N.J.R. 460(a), 20 N.J.R. 1292(a).

Added (a)6.-8.

Recodified from 7:25-2.20 by R.1995 d.578, effective November 6, 1995.

See: 27 N.J.R. 1890(a), 27 N.J.R. 4283(a).

Former 7:25-2.19, "Restricted access to Lake Musconetcong", repealed.

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 Naturalists v. Lower Twp.*, 219 N.J.Super. 103, 529 A.2d 1047 (Law Div.1987).

7:25-2.20 Dog training

(a) A person may exercise or train dogs on State Fish and Wildlife Management Areas from May 1 to August 31, inclusive, on the following designated Wildlife Management Areas:

1. Assunpink;
2. Millville;
3. Black River;
4. Clinton;
5. Colliers Mills;
6. Glassboro;
7. Hainesville;
8. Tuckahoe;
9. Manasquan;
10. Stafford Forge; and
11. Whittingham.

(b) A person may exercise or train dogs on any State Wildlife Management Area from September 1 to April 30.

(c) There shall be no exercising or training of dogs on any Wildlife Management Area on the Friday before the opening day of the regular small game season.

(d) All dogs involved with training activities must be properly licensed according to State law.

(e) Pheasants, quail and partridge may be released for dog training on wildlife management areas. The game birds must be obtained from a licensed game breeder. Any person releasing pheasants, quail or partridge in a Wildlife Management Area must have in their possession a "Game Animal—Game Bird Sales Receipt" for the birds to be released. These receipts are provided to licensed game breeders by the Division and are issued by the breeder to the purchaser of game birds.

(f) Pigeons may be used for dog training. However, the shooting of pigeons for dog training is prohibited.

(g) Game birds used for dog training on Wildlife Management Areas may not be brailed or tethered to restrain the bird in any way after release. Mechanical bird holding devices may be used to restrain game birds prior to release. Upon release the game birds used for dog training are subject to all rules and regulations pertaining to seasons, bag limits and methods and means of take specified in the New Jersey Game Code.

(h) No firearms may be used outside of the prescribed hunting seasons for the training of dogs. Starter pistols, dummy launchers and other noise making devices which are not capable of firing a projectile that could cause harm may be used.

(i) Frozen or otherwise preserved game birds obtained during the legal hunting season may be used for dog training purposes.

(j) The release of rabbits, hares, raccoons, and foxes for dog training is prohibited.

(k) The use of call back pens for game birds on any Wildlife Management Area is prohibited.

New Rule, R.1995 d.578, effective November 6, 1995.
See: 27 N.J.R. 1890(a), 27 N.J.R. 4283(a).
Former 7:25-2.20 recodified as 7:25-2.19.

7:25-2.21 Waterfowl blinds

(a) No permanent waterfowl blinds, including pit blinds, shall be constructed, hunted from or used in any manner in any of the following wildlife management areas:

1. Assunpink;
2. Black River;
3. Colliers Mills;
4. Hainesville;
5. Tuckahoe;
6. Manahawkin;
7. Stafford Forge;
8. Whittingham;
9. Beaver Swamp;
10. Sedge Island WMA;

11. Mannington; or
12. Prospertown Lake.

(b) Any blind used in the areas in (a) above must be portable and shall be completely removed at the end of the day. Blinds remaining in the Wildlife Management Areas in (a) above will be classified as abandoned property and will be subject to confiscation and disposal by the Division.

New Rule, R.1995 d.578, effective November 6, 1995.
See: 27 N.J.R. 1890(a), 27 N.J.R. 4283(a).
Former 7:25-2.21 recodified as 7:25-2.25.

7:25-2.22 Special Events Permits

(a) Any person or group wishing to conduct an activity within a Wildlife Management Area ("WMA"), other than those specifically permitted pursuant to this chapter, shall apply for and receive a Special Events Permit from the Superintendent of the Wildlife Management Areas and the Regional Captain of the Bureau of Law Enforcement prior to commencement of such activities. For assemblies of 10 or fewer persons, an application shall be filed with the Division at least 30 days prior to the date of the assembly. For assemblies of more than 10 persons, an application for a special events permit shall be filed at least 90 days before the date of the event.

(b) A map listing the designated locations within the State's Wildlife Management Areas available for public assemblies shall be available in the office of the Superintendent. Locations suitable for public assemblies will be chosen based upon the environmental sensitivity of such areas, the safety of all users of the Wildlife Management Areas, the likelihood of interference with the facilities, services and other activities in the Wildlife Management Area and the ability of the participants to make their presence known and to communicate their message to the group they wish to target.

(c) Such permit application shall be submitted on the form provided by the Division and shall set forth the name of the applicant; the date, time, duration, and requested location for the proposed event; the type of event to be conducted; an estimate of the number of persons expected to attend the event; and a list of the type(s) of equipment and/or facilities to be used for such event. No Special Event permit shall be valid until the permittee submits a security deposit in the form of a certified or bank check or bond in an amount sufficient to ensure full compliance with the terms and conditions of the permit and to protect the Department for the cost of any damage to the WMA or its facilities which may occur as a result of the event. If the security deposit is not received by the Superintendent of the WMAs within five business days of the scheduled event, the permit shall be void and the event may not occur on the WMA. If upon expiration or termination of the permit, the agency determines that a permittee has not complied with the terms and conditions of the permit, has violated any law, ordinance, statute or rule, or the event has resulted in damage to the Wildlife Management Area or its facilities, the following applies:

1. Any security submitted by the permittee to the Department shall be forfeited and retained by the Department to the extent necessary to remedy or compensate the Department for the damage(s);

2. The permittee shall be liable for any additional sum necessary to correct or compensate the Department for such damage; and

3. Neither forfeiture of any security nor payment for such damage shall in any way relieve the permittee of civil or criminal liability arising from the permittee's actions.

(d) The Superintendent and the Regional Captain of the Bureau of Law Enforcement shall, jointly, issue a permit within 10 days of receipt of a complete permit application.

(e) Such permit shall be issued unless:

1. A prior permit application for a permit for the same time and location has been made to the Division and will be granted and such permitted activities do not allow multiple occupancy or use of the designated area;

2. The Division has scheduled an event for the same time and location which does not allow multiple occupancy or use of the designated areas;

3. The event is expected to include activities which will present a clear and present danger to the public health or safety or which are prohibited pursuant to Federal or State law;

4. The event is of such a scale or duration that it may result in damage or disruption to the Wildlife Management Area's environment, resources or facilities; or

5. Within the preceding four years, the applicant has been granted a permit and did, on that prior occasion, knowingly violate a material term or condition of the permit, or any law, ordinance, statute or regulation or cause damage to a WMA or its facilities.

(f) If a permit application is denied, the applicant shall be informed, in writing, within five days of the reason(s) for such denial.

(g) A permit may contain conditions consistent with the protection and continued use of the Wildlife Management Area in conformance with the purpose for which such WMAs were established; to provide wildlife oriented recreation through the proper protection and management of fish and wildlife habitat for the benefit of all New Jersey's citizens. It may also contain limitations on the type(s) of equipment to be used. Any permittee aggrieved by the conditions contained within a permit may request an administrative hearing pursuant to the procedures delineated at (n) below.

(h) A permit shall be issued for a period not to exceed seven days. A permit, however, may be extended for another seven day period upon the submission of a new

application and provided that another applicant has not previously requested use of the same location for an activity for which multiple occupancy of said location is impossible.

(i) Activities authorized pursuant to a permit will be allowed within the WMA only if such activities are performed in strict accordance with the terms and conditions set forth in the permit. Permittees and their agents, employees and invitees shall comply with all applicable local, State and Federal laws, rules and regulations.

(j) All persons participating in an event permitted by a Special Events Permit including, but not limited to, the permittee and its agents, employees and/or invitees, shall comply with the lawful direction or command of any Police Officer, Conservation Officer, WMA or Department Employee and any, written or printed, WMA sign, except upon order of a Police Officer, Conservation Officer or WMA or Department Employee.

(k) Permittees and their agents, employees and invitees shall not obstruct or impede pedestrians or vehicle and may not prevent any person from engaging in activities authorized to be conducted within the WMA.

(l) Violation of any of the provisions of this section may result in revocation or suspension of a permit and imposition of penalties as provided in N.J.S.A. 23:7-9. Notice of such revocation or suspension shall be made in writing and shall clearly set forth the reason(s) for the revocation or suspension.

(m) Violation of the terms and conditions of a permit issued in accordance with this section may result in suspension or revocation of the permit in addition to the penalties provided in N.J.S.A. 23:7-9.

(n) Any applicant or permittee who is aggrieved by the conditions placed upon a Special Events Permit issued to them, by the denial of their application for the same, or the suspension or revocation of their Special Events permit may request an administrative hearing. Requests for administrative hearings shall be submitted in writing within 10 days from the date of the issuance of the permit or other Department decision and shall set forth the reasons why the Department's action is improper, specifying all legal and factual issues to be raised in support of the applicant's position. A request for a hearing shall be sent to:

Office of Legal Affairs
 ATTENTION: Adjudicatory Hearing Requests
 Department of Environmental Protection
 401 East State Street
 CN 402
 Trenton, NJ 08625-0402

Upon receipt of such a request, the Commissioner may conduct the hearing or refer the matter to the Office of Administrative Law which shall conduct a hearing on the

matter pursuant to 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. Within 45 days of receipt of the Administrative Law Judge's decision, the Commissioner shall affirm, reject, or modify the decision. The Commissioner's final decision affirming, rejecting or modifying the recommended findings by the Office of Administrative Law shall constitute final agency action pursuant to R.2:2-3(a)2 and shall be subject only to judicial review as provided in the Rules of Court.

New Rule, R.1995 d.578, effective November 6, 1995.
See: 27 N.J.R. 1890(a), 27 N.J.R. 4283(a).
Former 7:25-2.22 recodified as 7:25-2.26.

7:25-2.23 Boat Ramp Maintenance Permit

(a) Any vehicle used to transport or launch a vessel or water conveyance on the following wildlife management areas must have affixed to the lower corner of the driver's side rear window a boat ramp maintenance permit or receipt from a valid hunting, fishing or trapping license. The boat ramp maintenance permit shall be purchased for a fee of \$15.00 from the Division.

1. Round Valley Angler Access;
2. Kingwood;
3. Assunpink;
4. Dennis Creek;
5. Tuckahoe;
6. Mad Horse Creek;
7. Union Lake;
8. Menantico Ponds; or
9. Prospertown Lake.

(b) Any vehicle found in violation of N.J.A.C. 7:25-2.23 shall subject the driver or registered owner to prosecution under N.J.S.A. 23:7-9, possible license revocation pursuant to N.J.S.A. 23:3-22 and penalties in the amount of \$50.00 to \$200.00.

New Rule, R.1995 d.578, effective November 6, 1995.
See: 27 N.J.R. 1890(a), 27 N.J.R. 4283(a).

7:25-2.24 Fishing tournaments

(a) No person or persons shall conduct a fishing tournament on or from any fish and wildlife management area without a permit from the Division.

(b) "Fishing tournament" means any organized competitive fishing event, from shoreline or from boat, with or without remuneration of any form, that is engaged in by more than 10 anglers or five boats, whichever is less.

(c) Permits for the use of any fish and wildlife management area for conducting fishing tournaments may be granted by the Division in accordance with the provisions of this section.

(d) Application procedures are as follows:

1. A permit for a fishing tournament may be issued to any organization, including, but not limited to, sportsmen's organizations, civic organizations and governmental councils or agencies.

2. An application for the holding of a fishing tournament shall be made to the N.J. Division of Fish, Game and Wildlife at CN 400, Trenton, NJ 08625, no later than 60 days in advance of the proposed date for the event.

3. Such application will contain the following information:

- i. The name of the tournament organizer and/or sponsor;
- ii. The address and telephone number of the tournament organizer and/or sponsor;
- iii. The proposed date of the tournament;
- iv. The number of participants and boats;
- v. The starting time and ending time; and
- vi. The rules and restrictions placed on the event by the organizer and/or sponsor.

4. A \$15.00 per day fee shall be included with the application for all fishing tournaments conducted on or from a Wildlife Management Area. The fee may be waived for charitable-oriented events.

(e) The organizer or sponsor of the tournament will be responsible for, and required to report, the number of tournament participants, hours fished and the species, number and sizes of fish caught and released, and the species, number and sizes of fish harvested. Failure to report this information will result in future denial of fishing tournament permits.

(f) Issuance of a permit for a fishing tournament does not convey any special privileges in regards to the taking of fish or in the use of boat motors. All tournament participants must comply with all of the provisions of the Fish Code and Wildlife Management Area regulations in effect at the time of the tournament. All tournament participants, that fish, must possess and display a fishing license valid for the calendar year in which the tournament occurs.

(g) Issuance of a permit does not grant an exclusive right to use the designated area. Tournament organizers, sponsors and/or participants shall not impede the rights of others to use the area.

(h) By issuing a permit, the Division does not assume any responsibility or liability for such fishing tournament. Judging and awarding of prizes is the sole responsibility of the permittee, organizer and/or sponsor.

(i) The permittee organizer and/or sponsor of the tournament shall be responsible for the proper disposal of all litter and trash generated by the event.

(j) All persons shall use every precaution to prevent damage, destruction, or fire to the Wildlife Management Area. The permittee shall be completely responsible for any damage as a result of the fishing tournament. No permit shall be issued to any organization or persons who have damaged or destroyed State lands or property and who have failed to reimburse the State for such damage and/or destruction.

New Rule, R.1995 d.578, effective November 6, 1995.
See: 27 N.J.R. 1890(a), 27 N.J.R. 4283(a).

7:25-2.25 Severability

If any clause, sentence, paragraph, or part of this subchapter or the application thereof to any person or circumstances, shall for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this subchapter.

R.1983 d.336, effective August 15, 1983.
See: 15 N.J.R. 840(a), 15 N.J.R. 1374(c).
Recodified from 7:25-2.20.
Recodified from 7:25-2.21 by R.1995 d.578, effective November 6, 1995.
See: 27 N.J.R. 1890(a), 27 N.J.R. 4283(a).

7:25-2.26 Restrictions on use

(a) Nothing contained in N.J.A.C. 7:25-2 shall preclude the Division of Fish, Game and Wildlife from limiting, or closing from, public use any specific land and water areas under its control, effective immediately upon making the finding that prevailing conditions warrant such restriction to protect the users, or to protect and preserve the land and water areas, or both, and continuing for so long as such conditions warrant.

(b) Notice of the restrictions shall be given by the posting of signs on or about the restricted area or other appropriate location and one of the following:

1. Distribution of a press release to the news media;
 2. Public notice published in the New Jersey Register;
- or
3. Public notice published in a newspaper in the locale.

New Rule, R.1987 d.250 effective June 15, 1987.
See: 19 N.J.R. 398(a), 19 N.J.R. 1090(a).
Public Notice: Prohibits all public access and use of the south-end beach area, except upon prior approval from the Department of

Environmental Protection and all dune areas of the Higbee Wildlife Management Area in Lower Township, Cape May County.
See: 20 N.J.R. 815(d).
Recodified from 7:25-2.22 by R.1995 d.578, effective November 6, 1995.
See: 27 N.J.R. 1890(a), 27 N.J.R. 4283(a).

SUBCHAPTER 3. USE OF MECHANICAL NOISEMAKING DEVICES

7:25-3.1 Procedure for securing permit

(a) A formal application form as prepared by the Division of Fish, Game and Wildlife will be completed by the landowner, who will then arrange an on-site inspection with the Division to determine the facts and approve or disapprove a permit. Upon approval by the conservation officer or a wildlife control representative, the application shall be forwarded to the Trenton office of the Division of Fish, Game and Wildlife. If disapproved, the property owner may apply to the Director of the Division of Fish, Game and Wildlife for timely review of the application.

(b) In case of emergency, the conservation officer or wildlife control representative may give verbal approval for use of the device for a period of five days pending processing of the application.

(c) The need for protection of agricultural crops must be established prior to the issuance of any permit. The term of the permit will be the period for which protection of the crop specified will actually be necessary.

(d) The application shall state the type of device to be used, location of farm where device will be in operation, bird or animal threatening or causing damage, crop or crops to be protected, period for which protection is needed, and name and address of the owner of the agricultural land to be protected.

Amended by R.1991 d.132, effective March 18, 1991.
See: 23 N.J.R. 37(a), 23 N.J.R. 848(b).
Removed permit issuance, fee assessment. Added Division wildlife control representative as contact agent in permit process in (a) and (b). Deleted (d). Recodified (e) to (d).

7:25-3.2 Devices

(a) Only LP exploders, acetylene exploders, carbide exploders and such other devices as are approved by the Division of Fish and Game shall be permitted. The permit shall not authorize use of firecrackers.

(b) No device shall be used which has a sound level in excess of 128 decibels at 100 feet from the device.

(c) Any mechanical repelling device to be used is to be provided by the landowner.

7:25-3.3 Standards on distance

(a) No device shall be set in any manner or in any location that will endanger the public.

(b) No device shall be set within 25 feet of any public road and the exhaust from any device shall be directed away from the road.

(c) No device shall be set, erected or maintained within 300 feet of any dwelling occupied by another person except with permission of that occupant.

7:25-3.4 Hours of operation

(a) Noise devices to repel or scare birds may be operated from ½ hour before sunrise to ½ hour after sunset only.

(b) Noise devices to repel or scare deer or other marauding wild animals may be operated 24 hours daily if necessary.

7:25-3.5 Revocation

The Division of Fish and Game shall have the right to revoke a permit issued pursuant to this regulation for violation of any provision set forth in this subchapter.

SUBCHAPTER 4. ENDANGERED, NONGAME AND EXOTIC WILDLIFE

Subchapter Historical Note

Filed and effective prior to September 1, 1969. Amended on July 22, 1971 by R.1971 d.125. See: 3 N.J.R. 107(a), 3 N.J.R. 149(d). Further amended on January 10, 1979 by R.1979 d.9. See: 10 N.J.R. 532(b), 11 N.J.R. 63(b).

7:25-4.1 Definitions

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

“Butt-end band” means a band with an open seam locked around the leg of a bird of any age using pliers or a similar tool and which is obtained from a source approved by the Department, inscribed with a code approved by the Department in sizes stipulated by the Department for each species of bird.

“Captive-bred bird” means any bird that is hatched in captivity from eggs produced by captive parent birds.

“Color mutation” means a color which is different and distinctive from the normal, natural color for that species of animal, as defined in reference texts commonly recognized as authoritative in the field of zoology, ornithology or aviculture, which is produced by breeding together animals with aberrant (mutated) color-producing genes.

“Declining” (D) means a species which has exhibited a continued decline in population numbers over the years.

“Department” means the State’s Department of Environmental Protection.

“Director” means the Director of the Division of Fish, Game and Wildlife or its successor within the Department of Environmental Protection.

“Division” means the Division of Fish, Game and Wildlife or its successor within the Department of Environmental Protection.

“Endangered” (E) means a species whose prospects for survival within the State are in immediate danger due to one or many factors: A loss of or change in habitat, overexploitation, predation, competition, disease. An endangered species requires immediate assistance or extinction will probably follow. See N.J.A.C. 7:25-4.12(b) for listing.

“Exotic mammal, bird, reptile or amphibian”, means any nongame species or mammal, bird, reptile or amphibian not indigenous to New Jersey.

“Extirpated” (Ex) means a species that formerly occurred in New Jersey, but is not known to exist within the State.

“Increasing” (INC) means a species whose population has exhibited a significant increase beyond the normal range of its cycle, over a long term period.

“Introduced” (I) means a species not native to New Jersey, that could not have established itself here without the assistance of man.

“Nongame species” means any wildlife for which a legal hunting or trapping season has not been established in New Jersey or which has not been classified as an endangered species by statute or regulation of this State.

“Peripheral” (P) means a species whose occurrence in New Jersey is at the extreme edge of its present natural range.

“Person” shall be defined to include but not limited to corporations, companies, associations, societies including non-profit organizations, firms, partnerships, joint stock companies, individuals and governmental entities.

“Seamless leg band” means a solid ring leg band from a source approved by the Department, inscribed with a code approved by the Department, in sizes stipulated by the Department for each species of bird, which is slipped onto the leg of a newly hatched captive-bred bird and which is incapable of being removed or reopened when the bird has reached adult size without either destroying the band or injuring the bird.

“Special case” means a species not known to nest regularly in New Jersey (marine reptiles) but that does occur off our shores, some occurring with regularity close to our shore or in our bays (marine reptiles and mammals).

“Stable” (S) means a species whose population is not undergoing any long term increase/decrease within its natural cycle.

“Threatened” (T) means a species that may become endangered if conditions surrounding it begin to or continue to deteriorate.

“Undetermined” (U) means a species about which there is not enough information available to determine the status.

“Wild bird” means any bird other than a native, introduced, or feral game bird as defined in N.J.S.A. 23:4-49 and other than a domesticated bird such as a chicken, turkey, guinea fowl, goose, duck, pigeon, or peafowl. “Wild bird” also means the egg of a wild bird.

Amended by R.1984 d.132, effective April 16, 1984.

See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).

“Special case” and definitions with a letter code recodified from 7:25-20.1.

Amended by R.1995 d.48, effective January 17, 1995.

See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

7:25-4.2 Permit required

(a) Except as hereinafter provided, no person shall possess any nongame species or exotic species of any mammal, bird, reptile or amphibian unless such person has first received both the appropriate permit from the Department as listed in N.J.A.C. 7:25-4.6(a) as well as any other state, municipal, or Federal permits or licenses which may be required to possess such species. Any permit issued to an applicant by the Department for the possession of any animal shall not exempt that applicant from compliance with any other law of the State of New Jersey or any municipal or Federal law. An application to the Department for a permit shall be made using the form prescribed by the Department. Any false representation by the applicant or a permittee who knows or reasonably should know that the representation is false, and who has submitted the representation to induce the Department to issue a permit or take any other action, shall subject the applicant or permittee to all penalties available under State law, including revocation of any permit obtained based upon false information. All permits issued by the Department under this chapter are valid only when used by the permittee in accordance with the terms and conditions of the permit and the regulations governing that permit. The Department shall, upon written notice to the permittee, revoke any permit listed in N.J.A.C. 7:25-4.6(a) issued to any person who ceases to consistently meet the eligibility criteria for that particular permit and may, in its discretion, seek an order from the Director or a court of competent jurisdiction allowing immediate removal of any animal possessed under that permit. Written notices of violation against a permittee shall set forth the terms of

the permit or the regulation which the Department alleges the permittee has violated and the penalty sought. Notices of violation shall be brought and if not settled, contested, pursuant to the Administrative Procedure Act, N.J.S.A. 52:14-1 et seq., or the rules of the court with jurisdiction over the claim of violation. The Department may settle all claims for penalties pursuant to N.J.S.A. 23:2A-10. Revocation of all Department-issued permits for repeated violations shall occur as set forth in (c) below.

(b) No person shall liberate within this State any nongame species or exotic mammal, bird, reptile or amphibian unless such person has first received a permit from the Department which explicitly allows the release of nongame species or exotic mammals, birds, reptiles or amphibians.

(c) Upon written notice to the permittee, the Department may suspend any type of exotic or nongame species permit described in (a) above as listed in N.J.A.C. 7:25-4.6 for six months based upon final agency action establishing that a violation of a permit condition has occurred or that a violation of any regulation appearing in this subchapter has occurred as a result of a plea of guilt, court conviction or final agency action establishing guilt. A notice of suspension may be mailed to the permittee together with any administrative notice of violation on which it is based, but the suspension shall not take effect until the deadline to request a hearing concerning the notice of violation has elapsed. In the event of a timely request to the Department for a hearing on an administrative notice of violation, no proposed suspension shall take effect until final agency action on the notice of violation and, if appealed, until all appeals of the final agency action have been concluded and the violation has been affirmed. In the event of municipal or Superior Court conviction of a violation of any regulation in this subchapter, no proposed suspension mailed to the permittee shall take effect until all appeals from the conviction have been concluded and conviction of the violation has been affirmed. If the permit expires during the period of its suspension, no application for any other permit to reacquire possession of any animal possessed pursuant to the suspended permit may be made until the six month suspension period has elapsed. During the suspension period, all animals possessed pursuant to any suspended permit must be removed from the custody and control of the permittee and placed in the custody of an individual licensed by the Division or, as permitted by Federal law, with a person residing outside of New Jersey in accordance with that state's laws, at the sole expense of the permittee.

(d) Upon written notice to the permittee, the Department may revoke all Division-issued permits described in (a) above as listed in N.J.A.C. 7:25-4.6 upon a finding that in any five year period, two or more violations of any permit condition or any regulations appearing in this subchapter have occurred. Except by order of the Division Director as provided below, no permit whatsoever shall be issued by the Division to the violator of permit conditions or regulations within two years from the date of the final agency action

affirming a violation or within two years of a conviction or guilty plea in municipal or Superior Court, whichever constitutes the second violation or within three years from the date of the final agency action affirming a violation or within three years of a conviction or guilty plea in municipal or superior court, whichever constitutes the third or subsequent violation. The two and three year period of disqualification above shall be computed beginning from the date of any court order or final agency action affirming the violation which is not appealed, or, if appealed, from the filing date of the order as entered by the last court of competent jurisdiction to which any party has appealed which affirms the conviction or final agency action. In the event of the imposition of a two or three year period of disqualification, a permittee whose violations do not arise from possession of animals authorized pursuant to a hobby permit previously issued to the now-disqualified permittee may petition the Division Director to retain the hobby permit and the animal specifically authorized for possession pursuant to that permit which was in the physical possession of the permittee prior to the date of the Notice of Revocation if the Director determines, in his or her sole discretion and based upon the evidence submitted by the permittee, that there is a high probability that the animal's well-being will be jeopardized or its life endangered if the animal is separated from daily contact with the permittee during the course of the disqualification period. In the event the Director denies this petition, the former permittee may petition the Director for permission to reapply for a hobby permit to regain possession of the animal if the Division Director determines that there is physical evidence verified by an affidavit from a licensed veterinarian submitted by the former permittee that the animal's life is plainly in danger or its well-being is jeopardized solely as a result of its separation from the former permittee. The permittee may not possess any animals under a hobby permit issued or extended at the discretion of the Director other than those animals authorized by the Director and originally possessed by the permittee and the offspring from interbreeding between those individual animals. No animal may be possessed pursuant to a hobby permit extended by discretion of the Director if possession of the animal violates any Federal, state or local law.

1. The violator may request a hearing to contest an administrative notice of violation, proposed suspension or revocation, as the case may be, in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules of Practice, N.J.A.C. 1:1. No administrative hearing shall be afforded a violator in order to contest a notice of proposed suspension or revocation based upon repeated violations as set forth in (c) above when the objection to the proposed suspension or revocation constitutes a challenge to the facts underlying a violation for which an opportunity for a hearing and appeal has already been afforded the permittee.

2. The request for an administrative hearing must be received in writing by the Department within 20 days from the date of mailing of the Division's notice of violation or intent to suspend or revoke the permit. If a timely request for a hearing concerning any notice of proposed agency action is not received by the Department, any alleged violation contained in the notice shall be deemed admitted by the permittee and any suspension or revocation proposed in that notice, or in any separately-mailed notice, shall become effective without further action by the agency on the date stipulated in the notice of suspension or revocation.

Amended by R.1985 d.251, effective May 20, 1985.

See: 17 N.J.R. 516(a), 17 N.J.R. 1289(a).

(c) added.

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

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

Clarification of types of animals to which permits apply in (b).

Amended by R.1995 d.48, effective January 17, 1995.

See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

7:25-4.3 Exotic species and nongame species requiring a permit for possession

(a) Exotic species and nongame species requiring a permit for possession include, but are not limited to the following:

1. Birds:
 - i. Red-fronted parrot—*Amazona viridigenalis*;
 - ii. Turquoise-fronted parrot—*Amazona aestiva*;
 - iii. Yellow-cheeked parrot—*Amazona a. autumnalis*;
 - iv. Half-moon conure—*Aratinga canicularis eburnirostrum*;
 - v. Jenday parrot—*Aratinga jendays*;
 - vi. African gray parrot—*Psittacus erithacus*;
 - vii. Macaws—*Ara* spp. & *Anodorhynchus* spp. (Except endangered forms).
2. Mammals:
 - i. Ferrets—*Mustela pertorius furo*;
 - ii. Kinkajou—*Potos flavus*;
 - iii. Coatimundi—*Nasua* spp.;
 - iv. European hedgehog—*Erinaceus europeaus*;
 - v. Llama—*Lama glama*;
 - vi. Exotic Sheep—Except *Ovis aries*;
 - vii. Exotic Goats—except *Capra hircus*.
3. Reptiles:
 - i. Pythons—Family *Pythonidae*;
 - ii. Rat Snakes—*Elaphe* spp.;

- iii. Bosas—Family Boidae (other than Boa Constrictors);
- iv. King Snakes—*Lampropeltis* spp.;
- v. Racer—*Coluber* spp.;
- vi. Ringneck Snakes—*Diadophis punctatus*;
- vii. Green Snakes—*Opheodrys* spp.;
- viii. Collared Lizard—*Crotaphytus collaris*;
- ix. Monitor—*Varanus* spp.;
- x. Skinks—Family Scincidae;
- xi. Ameiva—*Ameiva* spp.;
- xii. Chuckwalla—*Sauromalus obesus*;
- xiii. Alligator Lizard—*Gerrhonitus* spp.;
- xiv. Geckos-family—Gekkonidae other than Tokay Gecko;
- xv. Armadillo Lizard—*Cordylus cataphractus*;
- v. Mice and Rats—*Mus* spp. and *Rattus* spp.;
- vi. Chipmunk—*Tamias* spp. & *Eutamias* spp.;
- vii. Red Squirrel—*Tamiasciurus hudsonicus* & *douglasii*;
- viii. Flying Squirrel—*Glaucomys* spp.

3. Reptiles:

- i. American anole—*Anolis carolinensis*;
- ii. Common iguana—*Iguana iguana*;
- iii. Boa Constrictor—*Constrictor constrictor*;
- iv. Eastern painted turtles—*Chrysemys picta picta*;
- v. Snapping turtles—*Chelydra serpentina*;
- vi. Fence lizard—*Sceloporus occidentalis* & *undulatus*;
- vii. Garter snake—*Thamnophis* spp. (except *T. sirtalis tetrataenia*);
- viii. Tokay gecko—*Gekko gecko*;
- ix. Ribbon snake—*Thamnophis* spp. (except *T. sirtalis tetrataenia*).

4. Amphibians:

- i. Leopard frogs—*Rana pipiens*;
- ii. Green frogs—*Rana clamitans*;
- iii. American toad—*Bufo woodhousei americana*;
- iv. Fowlers toad—*B.w.fowleri*;
- v. Bullfrogs—*Rana catesbeiana*;
- vi. Red Newts—*Notophthalmus viridescens*;
- vii. Dusky salamanders—*Desmognathus fuscus*.

(b) Such exotic or nongame mammals, birds, reptiles or amphibians must be housed or caged in such a manner as to prevent liberation.

Amended by R.1995 d.48, effective January 17, 1995.
See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

7:25-4.5 Additional species

A permit shall be required for any other exotic mammals, birds, reptiles or amphibians or nongame species not specifically exempted by N.J.A.C. 7:25-4.4.

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

Clarification of types of animals to which permits apply.

7:25-4.6 Categories of permits, expiration, fees, sales receipts required, records and reports required

(a) The Division may issue, but shall not be limited to, the following categories of permits:

(b) The Department may issue a permit for the possession of the above exotic mammals, birds, reptiles or amphibians or nongame species provided the applicant has satisfactorily met the criteria contained within N.J.A.C. 7:25-4.7.

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

Clarification of types of animals to which permits apply in (b).

7:25-4.4 Exempted species

(a) The following listed species of exotic or nongame mammals, birds, reptiles or amphibians may be possessed in this State without a permit.

- 1. Birds:
 - i. Budgerigar—*Melopsittacus undulatus*;
 - ii. Cockatiel—*Nymphicus hollandicus*;
 - iii. Peafowl—*Pavo cristatus*;
 - iv. Rock dove—*Columba livia*;
 - v. Canary—*Serinus canaria*;
 - vi. House sparrow—*Passer domesticus*;
 - vii. European starling—*Sturnis vulgaris*;
 - viii. Zebra finch—*Poephila guttatus*;
 - ix. Society finch—*Lonchura domesticus*.
- 2. Mammals:
 - i. Hamster—*Mesocricetus auratus*;
 - ii. Gerbil—*Meriones mongolinensis*;
 - iii. Guinea pig—*Cavia porcellus*;
 - iv. Pigmy goats—*Capra hircus*;

1. Individual hobby—issued to persons holding exotic mammals, birds, reptiles or amphibians or nongame species for hobby purposes or as pets.

2. Scientific holding—issued to qualified persons holding exotic mammals, birds, reptiles or amphibians or nongame species for scientific observation, captive breeding attempts and other scientific or educational study.

3. Zoological holding—issued to private and public institutions which exhibit exotic mammals, birds, reptiles or amphibians or nongame species, including possession, importation, exportation and sale of species listed in the permit.

4. Pet shop—issued to individuals and establishments engaged in the retail sale of exotic mammals, birds, reptiles or amphibians or nongame species, including importation, exportation and sale of species listed in the permit.

5. Animal Dealer—issued to individuals and establishments engaged in the wholesale of exotic mammals, birds, reptiles or amphibians or nongame species, including importation, exportation and sale of species listed in the permit.

6. Animal Exhibitor—issued to exhibitors of exotic mammals, birds, reptiles or amphibians or nongame species other than zoos. Traveling exhibits, small exhibitions not qualifying as zoos, and circuses are included, including importation, exportation, and sale of species listed in the permit.

7. Animal Theatrical Agencies—issued to persons owning exotic mammals, birds, reptiles or amphibians or nongame species to be hired for advertising, acting or theatrical appearances, including importation, exportation and sale of species listed in the permit.

8. Scientific Collecting—issued to persons to collect nongame species or escaped exotic mammals, birds, reptiles or amphibians for scientific studies or other approved purposes, when such activity is shown to have a beneficial effect on the conservation of the species, the public welfare or the environment.

9. Special Purpose Salvage—issued to persons or institutions to salvage dead migratory birds or parts thereof for scientific or educational purposes.

10. Special Wildlife Salvage—issued to persons or institutions to salvage dead nongame species or parts thereof, other than migratory birds, for scientific or educational purposes.

11. Endangered Species—issued to persons or institutions for the possession of endangered species for conservation or research purposes.

12. Depredation Control—issued to persons or establishments to control nongame species which are creating a hazard to public safety, crops, livestock or similar concerns.

13. Rehabilitation—issued to persons to rescue, rehabilitate and release nongame and endangered birds.

14. Bird Breeder—issued to persons meeting the regulatory criteria for possessing wild-caught bird species to acquire birds for use as new breeding stock to increase genetic variety (see N.J.A.C. 7:25-4.19). This permit does not authorize the resale of wild-caught birds acquired under this permit except with the permission of the Department to another holder of a bird breeder permit. Those engaged in the retailing or wholesaling of birds must also have a pet shop or animal dealer permit.

(b) All possession permits shall expire on December 31 of the year of issue, unless otherwise indicated.

(c) The possession permits shall require an annual application and inspection fee as listed:

Categories of Permits	Annual Application and Inspection Fee
Individual Hobby	\$ 10.00
Individual Hobby/Birds	\$ 20.00
Scientific Holding	\$ 35.00
Zoological Holding	
—less than 10 animals	\$ 60.00
Zoological Holding	
—more than 10 animals	\$110.00
Pet Shop	\$100.00
Animal Dealer	\$100.00
Animal Exhibitor	
Single Exhibit	\$ 35.00
Annual	\$110.00
Animal Theatrical Agency	\$110.00
Scientific Collecting	\$ 22.00
Special Purpose Salvage	\$ 7.00
Special Wildlife Salvage	\$ 7.00
Endangered Species	\$ 7.00
Depredation Control	\$ 22.00
Rehabilitation	\$ 7.00
Bird Breeder	\$150.00

(d) Pet shop, animal dealer, zoo, nature center and animal theatrical agency possession permits must be displayed in a prominent place. The sale of exotic mammals, birds, reptiles or amphibians, or nongame species to any individual must be accompanied by an "Exotic or Nongame Sales Receipt" the form of which shall be prescribed by the Department, and an application packet. This "Exotic or Nongame Sales Receipt" will be a temporary possession permit valid for a period of 20 days after the date of sale.

(e) Pet shops and animal dealers shall submit to the Division an annual inventory of acquisitions, sales and exchanges, and white copies of temporary permits issued for sale of any regulated species, upon expiration or renewal of their permits.

(f) Zoos and nature centers must submit quarterly reports of birth, deaths, acquisitions and disposals.

(g) Periodic inspections shall be made by Division designated personnel and shall consist of examination of exotic mammals, birds, reptiles or amphibians or nongame species, their food, facilities, holding pen and exhibit area, and a review of relevant records pertaining to these species.

(h) Animal exhibitors and animal theatrical agencies shall notify the Division no less than two weeks prior to any scheduled activity in New Jersey covered by permit in order to permit inspection of the activity by Division personnel.

(i) Persons holding permits listed above at (a)8 to 12 shall submit reports to the Division of permit activities no more than one month after the expiration of their permits.

(j) Any person holding an Exotic or Nongame Species Possession Permit pursuant to this subchapter which expires or is revoked shall file a report with the Division within 15 days after expiration or revocation explaining the final disposition of all animals in his or her possession during the calendar year of issue. The explanation shall set forth the following information: the species and number of individuals of each species possessed; the date of birth and current age of each animal; births; deaths and cause of each death; the complete name, address and telephone number of the person to whom an animal was transferred or sold; the date the animal was transferred or sold; and the current location of each animal's records.

(k) Pet shops or other establishments dealing in birds other than canary, budgerigar and cockatiel shall prominently display a sign visible to the public on the premises where such birds are offered for sale, which states: After December 10, 1991, only captive-bred birds or birds legally in possession pursuant to New Jersey regulations prior to December 10, 1991 may be offered for sale or purchased in New Jersey. All birds offered for sale except those exempted by New Jersey regulations, must also be marked with a band or micro-chip approved by the New Jersey Division of Fish, Game and Wildlife. To report violations, or questions, call (908) 735-5450.

Amended by R.1981 d.513, effective January 18, 1982.
See: 13 N.J.R. 806(a), 14 N.J.R. 102(a).

(a)1 and 2: "persons" was "individuals"; (a)6: "and circuses" added; (a)7: "persons owning" was "owners of"; (c): old text deleted and new text substituted therefor; (e): "acquisitions" added; (g) and (h) added.
Amended by R.1985 d.716, effective January 21, 1986.
See: 17 N.J.R. 2589(a), 18 N.J.R. 166(a).

Fees amended in (c).
Amended by R.1991 d.132, effective March 18, 1991.
See: 23 N.J.R. 37(a), 23 N.J.R. 848(b).

Clarification of types of animals to which permits apply. Added (a)8 through 13. Categories of fee list in (c) expanded with new set of permits. Added (i).
Amended by R.1995 d.48, effective January 17, 1995.
See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

Case Notes

Regulation providing for permitting of animal exhibitions does not suggest that a consideration may not be charged by the exhibitor; statute forbidding use of animals for the purpose of soliciting funds did not forbid operation of petting zoo. State v. Bernstein, 189 N.J.Super. 212, 459 A.2d 1185 (App.Div.1983).

7:25-4.7 General possession criteria

(a) Prior to the issuance of any permit permitted by these regulations, every applicant shall, on the forms provided by the Department, demonstrate that:

1. The animal will be fed an adequate diet; and
2. The animal is housed or caged in a manner that:
 - i. Allow the animal to perform the normal behavior patterns of its species; and
 - ii. Prevents disease, liberation or accidental injury to the animal and the public; and
3. The method of acquisition did not violate the laws and regulations of this State, any other state or the Federal Government; and
4. The animal shall receive prompt treatment for any illness or injury from a licensed veterinarian; and
5. The animal is free of infectious diseases and parasites which may be dangerous to the animal, livestock or people of the State, provided that the Division may request certification that the animal for which the permit is being sought is free from infectious diseases and parasites from a licensed New Jersey veterinarian or a person recognized as qualified to make such certification by the Director of the Division of Fish, Game and Shellfisheries.

Amended by R.1995 d.48, effective January 17, 1995.
See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

7:25-4.8 Potentially dangerous species

(a) "Potentially dangerous species" is defined as any exotic mammals, birds, reptiles or amphibians or nongame species which, in the opinion of the Division, is capable of inflicting serious or fatal injuries or which has the potential to become an agricultural pest or a menace to the public health or indigenous wildlife populations, including, but not limited to the following:

Class/Order	Family/Genus
Primates	Cebidae—New World Monkeys Cercopithecidae—Old World Monkeys and Baboons Pongidae—Apes
Carnivora	Canidae—Nondomestic dogs Ursidae—Bears Felidae—Nondomestic cats
Saura (Venomous) Serpentes (Venomous)	Helodermatidae—Gila Monsters Elapidae—Coral snakes and cobras Viperidae—Vipers Crotalidae—Pit Vipers
Crocodylia	Alligatoridae—Alligators and caiman Crocodylidae—crocodiles Gavialidae—gavials

Class/Order	Family/Genus
Psittaciformes	Psittaculis spp.—Ring-necked parakeets Myiopsitta spp.—Monk parakeets Cyanoliseus patagonus— Patagonian Conures
Rodentia	Cynomys spp.—Prairie dogs Spermophilus spp.—Ground Squirrels

(b) The Department, in its discretion, may issue a permit for possession of a potentially dangerous species only after a clear showing that the criteria for the possession of such potentially dangerous species contained in N.J.A.C. 7:25-4.9 have been met.

Amended by R.1980 d.448, effective October 15, 1980.

See: 12 N.J.R. 390(a), 12 N.J.R. 643(b).

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

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

Clarification of "Potentially dangerous species". Added the order of Crocodylia to the list of potentially dangerous species with other technical changes.

7:25-4.9 Criteria for the possession of potentially dangerous species

(a) In addition to the general criteria enumerated above in N.J.A.C. 7:25-4.7, every person applying for a permit to possess potentially dangerous species shall meet each and every of the following criteria to the satisfaction of the Division.

1. Education and Background: Persons wishing to apply for a permit to possess a potentially dangerous species must have extensive experience in maintaining the species desired or related species.

2. Knowledge: Persons wishing to apply for a permit to possess potentially dangerous species must demonstrate a working knowledge and expertise in handling and caring for each of the species desired.

3. Protection of the Public: The housing facilities shall also be constructed to prevent public access to and contact with the animal. The potentially dangerous species shall not be kept as a pet, for hobby purposes or in situations, which, in the judgment of the Department, could adversely affect the health of the animal or which could constitute a hazard to the public.

4. Purpose and Intent: Persons applying to possess potentially dangerous species must submit a written statement of the purpose and intent of keeping the species.

5. Housing and Feeding: Persons applying for a permit to possess a potentially dangerous species must supply a written description of the housing and caging facilities for the species required. A summary must be submitted of a continuous source of food for the specific diet of the animals. Division personnel may inspect the completed facilities to determine if the facilities are suitable for the animal. Facilities must be constructed to prevent the possible escape of the animal.

6. Other restrictions: Under no circumstances shall a person issued a pet shop or animal dealer permit possess any potentially dangerous species on the commercial premises, except in emergencies and for a limited period of time as stipulated by the Department in writing and subsequently agreed to by the animal dealer or pet shop owner, who shall assume full responsibility for the safety and welfare of both the animal and the public during its temporary storage. A potentially dangerous animal already on display at the premises of a pet shop or animal dealer and already under a permit for such display as of January 17, 1995 may remain so displayed under the terms and conditions of that permit for the lifetime of that animal.

Amended by R.1995 d.48, effective January 17, 1995.

See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

7:25-4.10 Endangered species prohibited

(a) Except as specifically hereinafter provided, no permit shall be issued for the possession of any species designated as endangered by the U.S. Department of the Interior or the New Jersey Department of Environmental Protection pursuant to N.J.S.A. 23:2A-4.

(b) The Department, in its discretion, may issue a permit for the possession of any designated endangered species only after a clear showing by the applicant that all the requirements for the possession of endangered species (N.J.A.C. 7:25-4.14) are met. If the designated endangered species is also designated as an exotic mammal, bird, reptile or amphibian or nongame species or potentially dangerous species, the criteria established by 7:25-4.7 and 7:25-4.9 must also be met.

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

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

Clarification of types of animals to which permits apply in (b).

7:25-4.11 Miscellaneous provisions

(a) Any person who transfers possession, as distinguished from ownership, or location of any animal for which a permit has been issued shall, within 48 hours, report to the Division of Fish, Game and Wildlife exactly which animals were transferred and the name and address of the person to whom the animals were transferred.

(b) (Reserved)

(c) Exotic mammals, birds, reptiles or amphibians, or nongame species possessed under these permits may be dispatched in a manner as directed by the Commissioner and consistent with the provisions of the permit for legitimate purposes, including, but not limited to, the following:

1. Euthanasia of sick, injured or surplus animals, 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 use as food, or to utilize the hide, skin, or other body parts;

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 permits or scientific collecting permit.

Amended by R.1984 d.132, effective April 16, 1984.

See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).

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

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

Added (c).

Amended by R.1995 d.48, effective January 17, 1995.

See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

7:25-4.12 Notice of a denial of permit, procedure, review, time limitations, hearing

(a) In the event of a denial of an application for any permit required by this subchapter or the revocation of any permit, the Division shall issue to the applicant or prior permittee a written statement setting forth the reasons for the denial or revocation.

(b) Any such person may request a hearing for a review of such determination within 30 days from the date of issuance of the denial, pursuant to the applicable provisions of the Administrative Procedure Act. 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.

(c) Any permittee shall permit division personnel, at any reasonable time to inspect the housing facilities of the animal or animals to determine compliance with the permit requirements and criteria.

Administrative change in (b).

See: 23 N.J.R. 3325(b).

Amended by R.1995 d.48, effective January 17, 1995.

See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

7:25-4.13 List of endangered species

(a) Section 23:2A-4 of the revised statutes provides that the Department shall conduct investigations concerning wildlife in order to develop information relating to populations, distributions, habitat needs, limiting factors and other biological and ecological factors. On the basis of such investigations of wildlife and other available scientific and commercial data, the Department may by regulation promulgate a list of those species and subspecies of wildlife indigenous to the State which are determined to be endangered, giving their common and scientific names by species and subspecies.

(b) In accordance therewith, the following species are determined to be endangered:

1. Shortnose Sturgeon, *Acipenser brevirostrum*
2. Trembly's Salamander, *Ambystoma tremblayi*
3. Blue-spotted Salamander, *Ambystoma laterale*
4. Eastern Tiger Salamander, *Ambystoma tigrinum tigrinum*
5. Pine Barrens Treefrog, *Hyla andersoni*
6. Southern Gray Treefrog, *Hyla chrysocelis*
7. Bog Turtle, *Clemmys muhlenbergi*
8. Timber Rattlesnake, *Crotalus horridus horridus*
9. Corn Snake, *Elaphe guttata guttata*
10. Bald Eagle, *Haliaeetus leucocephalus*
11. Peregrine Falcon, *Falco peregrinus*
12. Cooper's Hawk, *Accipter cooperii*
13. Northern Harrier, *Circus cyaneus*
14. Red-shouldered Hawk, *Buteo lineatus* (Breeding population)
15. Short-eared Owl, *Asio flammeus*
16. Pied-billed Grebe, *Podilymbus podiceps*
17. Upland Sandpiper, *Bartramia longicauda*
18. Sedge Wren, *Cistothorus platensis*
19. Loggerhead Shrike, *Lanius ludovicianus*
20. Henslow's Sparrow, *Ammodrammus henslowii*
21. Vesper Sparrow, *Poocetes gramineus*
22. Piping Plover, *Charadrius melodus*
23. Roseate Tern, *Sterna dougallii*
24. Least Tern, *Sterna abifrons*
25. Black Skimmer, *Rynchops niger*
26. Atlantic Hawksbill, *Eretmochelys imbricata imbricata*
27. Atlantic Loggerhead, *Caretta caretta*
28. Atlantic Ridley, *Lepidochelys kempi*
29. Atlantic Leatherback, *Dermochelys coriacea coriacea*
30. Sperm Whale, *Physeter catodon*
31. Blue Whale, *Balaenoptera musculus*
32. Finback Whale, *Balaenoptera physalus*
33. Sei Whale, *Balaenoptera borealis*
34. Humpback Whale, *Megaptera novaeangliae*

35. Right Whale, *Eubalaena glacialis*
36. Bobcat, *Lynx rufus*
37. Eastern Woodrat, *Neotoma floridana*
38. Mitchell's Satyr, *Neonympha mitchellii mitchellii*
39. Northeastern Beach Tiger Beetle, *Cicindela dorsalis dorsalis*
40. American Burying Beetle, *Nicrophorus americanus*
41. Dwarf Wedge Mussel, *Alasmodonta heterodon*

R.1974 d.348, effective December 19, 1974.

See: 7 N.J.R. 6(c).

Amended by R.1975 d.164, effective June 13, 1975.

See: 7 N.J.R. 146(b), 7 N.J.R. 311(a).

Amended by R.1979 d.128, effective March 29, 1979.

See: 11 N.J.R. 10(a), 11 N.J.R. 229(a).

Amended by R.1983 d.638, effective January 17, 1984.

See: 15 N.J.R. 1623(a), 16 N.J.R. 131(b).

(b): Indiana bat delisted; (b)9 and 14 through 23 added.

Amended by R.1984 d.132, effective April 16, 1984.

See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).

Section recodified from 7:25-11-1.

Amended by R.1985 d.215, effective May 6, 1985.

See: 17 N.J.R. 350(a), 17 N.J.R. 1091(a).

Deleted (b)12; renumbered 13.-35. as 12.-34.

Amended by R.1987 d.308, effective July 20, 1987.

See: 19 N.J.R. 491(a), 19 N.J.R. 1293(a).

New (b)19; old 19.-34. renumbered 20.-35.

Amended by R.1991 d.277, effective June 3, 1991.

See: 22 N.J.R. 1308(a), 23 N.J.R. 1788(a).

Added new 14 in (b); redesignated existing 14 through 16 as 15 through 17. Deleted existing 17—"Cliff Swallow." Added 36 through 41.

7:25-4.14 Requirements for possession of endangered wildlife species

(a) Individuals wishing to apply for a permit to possess endangered wildlife must meet all criteria for a Federal endangered species permit (issued by the United States Fish and Wildlife Service), when applicable, and for the New Jersey nongame and exotic species permit pursuant to N.J.A.C. 7:25-4.7 (issued by the Division of Fish, Game and Wildlife). The Department will require and review the Federal permit before issuing a State permit.

(b) The Division shall issue a permit for possession of specific individual animals classified as endangered wildlife to an applicant who fulfills the criteria in (a) above, and who:

1. Has obtained a sponsoring organization and designated professional who have submitted to the Division all information required in (a)2 and 3 below;
2. Has submitted to the Division a detailed written proposal for scientific research to be completed by the applicant within the time stated by the applicant which, in the judgment of the Division, requires use of the species in question, will not jeopardize the animal's health and has a reasonable probability of yielding, when performed by the applicant under the supervision of the Division and the sponsor pursuant to scientific protocol approved in writing by the Division, scientifically-reliable, new information of use to researchers or zoologists specializing in the study or conservation of the species in question;

i. All proposals shall stipulate the intervals at which the applicant shall submit periodic reports to the Division stating the applicant's progress with the research and improvements in the applicant's expertise in handling and caring for the animals; and

3. Has submitted to the Division written records of the applicant's relevant education, past and current research, publications, funding, equipment and any other information (including personal demonstration as may be required by the Division) which demonstrates to the satisfaction of the Division that the applicant has working knowledge and expertise in handling and caring for the species in question, and that it is reasonably probable that the applicant will accept guidance from both the sponsor and the Division to improve that expertise and that the applicant will accomplish the research within the time stated to the Division in accordance with the scientific protocol approved by the Division.

(c) Amateur attempts or intent to propagate an endangered species will not be considered as sufficient purpose for an individual to be issued a permit to keep an endangered species.

(d) Applicants for a permit to possess endangered wildlife species in New Jersey must be sponsored by a scientific institution, zoological society or similar organization accredited by its professional peers. The goal of sponsorship is to improve the applicant's expertise in the handling, care and breeding of the animal in question, to ensure that the applicant's research requires use of the species in question and has a reasonable probability of producing scientifically-reliable, new data useful to other researchers or zoologists specializing in the study and conservation of the species in question. All research proposals, scientific protocols (including the frequency of reports to the Division by the applicant), and supervisory procedures must be described in writing to the Division by the applicant and receive written approval from both the Division, the sponsor, and the monitoring professional for a permit to be issued. Any permit issued pursuant to this section is conditioned upon the applicant's consistent compliance with instruction from the Division and the professional monitoring the applicant's research as well as the diligent pursuit and timely completion of the Division-approved research project by the applicant pursuant to the scientific protocols approved by the Division. Applicants shall produce their research and exhibit their animals to Division personnel on 24 hours notice. Should the Division determine that the applicant has failed to meet these conditions, the Division shall suspend or revoke the applicant's permit and place the animals possessed pursuant to that permit under immediate constructive seizure, pending permanent removal of the animals by the Division from the possession of the applicant at the applicant's own expense. All research by the applicant shall cease immediately upon receipt of a notice of suspension or revocation, except as approved in writing by the Division.

(e) An offer of sponsorship must contain the following:

1. An agreement to commit the organization to the responsibilities of sponsorship as defined in this section, executed by the president, director or other employee of the organization with authority to so bind the organization;

2. Confirmation that the organization is acquainted with the relevant training and experience of the applicant, has reviewed the applicant's proposed research and has determined that it is reasonably probable that the proposed research, as performed by the applicant pursuant to the supervision and scientific protocol described by the sponsor shall yield scientifically-reliable, new information which will be useful to other researchers or zoologists specializing in the study or conservation of the species in question. All scientific protocol and supervisory practices proposed are subject to approval by the Division. Any Division modification of the proposed protocol or practices shall be resubmitted to the sponsoring organization for its comment;

3. The name and address of a professional with well-established, recently-practiced expertise in the handling, care and breeding of the species at issue (or a species closely related) who has agreed to monitor all aspects of the applicant's research on behalf of the organization in accordance with the procedures approved in advance of commencement of the work by the Division and fulfill all the obligations set forth in (e)4 below. The sponsoring organization shall acknowledge its responsibility to locate another professional with credentials acceptable to the Division who shall monitor the applicant's work, report to the Division, and fulfill all the obligations set forth in (e)4 below in the event the professional initially chosen and approved by the Division is unable, for reasons unrelated to the performance of the applicant, to continue in assisting the Division in monitoring the applicant's work;

4. A letter from the professional identified in (e)3 above which lists his or her professional qualifications, verifies that he or she has personally met the applicant, reviewed the applicant's relevant training and experience as well as the proposed research, finds the research meritorious and believes, based upon his or her experience, that it is reasonably probable that the proposed research, as performed by the applicant within the time stated by the applicant pursuant to the supervision and scientific protocol described by the professional, shall yield scientifically-reliable, new information which will be useful to the other researchers or zoologists specializing in the study or conservation of the species in question. All scientific protocol and supervisory practices proposed are subject to approval by the Division. Any Division modification of the proposed protocol or practices shall be resubmitted for the professional's comment. The professional shall agree in writing to guide the applicant in the proper handling, care and breeding of the animals in question and review the applicant's research protocol

and data as frequently as needed to ensure the applicant's research meets the criteria for the issuance of this permit. The professional shall agree to personally meet with the applicant and review the applicant's work no less than once every three months and to submit a written report to the Division on the applicant's progress every three months. The applicant may prepare and submit this report as long as the report is approved in writing by the professional in advance of its submission to the Division. Reports must be submitted to the Division no later than the 15th day following the end of each three month reporting period;

5. A written statement that the professional agrees to notify the Division and the sponsoring organization in writing if the applicant fails to follow the professional's or the Division's guidance or the scientific protocol approved by the Division and the professional believes that such failure is jeopardizing the probability that scientifically-reliable, useful, new information shall be produced as a result of the applicant's research or that the research cannot be accomplished within the time stated by the applicant; and

6. The applicant shall execute a written acknowledgement releasing the Department, the sponsoring organization and any professionals monitoring the applicant's work from liability for any damages of whatsoever nature arising from the suspension or revocation of any permit issued by the Division. The applicant shall be solely responsible for all costs of maintaining and relocating at the direction of the Division all the animals possessed under this permit when a permit is suspended, revoked or expires.

R.1977 d.39, effective February 22, 1977.

See: 8 N.J.R. 175(a), 9 N.J.R. 118(c).

Amended by R.1984 d.132, effective April 16, 1984.

See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).

Section recodified from 7:25-11.2.

Amended by R.1985 d.251, effective May 20, 1985.

See: 17 N.J.R. 516(a), 17 N.J.R. 1289(a).

(f) added.

Administrative correction and change in (f) and (f)1.

See: 23 N.J.R. 3325(b).

Amended by R.1995 d.48, effective January 17, 1995.

See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

7:25-4.15 Protection of animal and welfare of public

(a) Individuals applying for a permit to possess endangered wildlife species must supply a written description of the housing and caging facilities for the species requested. A summary must be submitted of a continuous feed source available for the specific diet of the animals. Department personnel will inspect the completed facilities and determine if the facilities are suitable for the animal. Facilities must be constructed to prevent the possible escape of the animal.

(b) The housing facilities must be constructed to prevent public access to and contact with the animal, including all animals used for exhibition purposes. The animal may not be kept as a pet, for hobby purposes or in situations which,

in the judgment of the Department, could adversely affect or provide no net benefit to the health of the animal or the welfare of the species. The individual must demonstrate to the satisfaction of Division personnel that the security of the housing and caging facilities protects the animal and the public.

(c) Qualified veterinarian service must be readily available to the animal at all times.

R.1977 d.39, effective February 22, 1977.

See: 8 N.J.R. 175(a), 9 N.J.R. 118(c).

Amended by R.1984 d.132, effective April 16, 1984.

See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).

Section recodified from 7:25-11.3.

Amended by R.1995 d.48, effective January 17, 1995.

See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

7:25-4.16 Violations

Any person violating any provision of these rules and regulations will be subject to the penalties imposed by N.J.S.A. 23:2A-1 et seq.

R.1977 d.39, effective February 22, 1977.

See: 8 N.J.R. 175(a), 9 N.J.R. 118(c).

Amended by R.1984 d.132, effective April 16, 1984.

See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).

Section recodified from 7:25-11.4.

7:25-4.17 Defining status of indigenous wildlife species of New Jersey

The following table defines the status of indigenous non-game wildlife species of New Jersey:

Species	Scientific Name	Species Status
REPTILES		
Common Snapping Turtle	Chelydra s. serpentina	S
Common Musk Turtle	Kinosternon odoratum	S
Eastern Mud Turtle	Kinosternon s. subrubrum	U
Spotted Turtle	Clemmys guttata	U
Wood Turtle	Clemmys insculpta	T
Eastern Box Turtle	Terrapene c. carolina	S
Map Turtle	Graptemys geographica	U
Red-bellied Turtle	Pseudemys rubriventris	U
Red-eared Turtle	Chrysemys scripta elegans	I
Eastern Painted Turtle	Chrysemys p. picta	S
Midland Painted Turtle	Chrysemys picta marginata	U
Atlantic Green Turtle	Chelonia mydas	T
Eastern Spiny Softshell	Trionyx spiniferus	I
Northern Fence Lizard	Sceloporus undulatus hyacinthinus	S
Five-lined Skink	Eumeces fasciatus	U
Ground Skink	Scincella lateralis	U
Northern Water Snake	Nerodia s. sipedon	S
Queen Snake	Regina septemvittata	U
Northern Brown Snake	Storeria d. deckayi	S
Northern Red-bellied Snake	Storeria o. occipitamaculata	S
Eastern Garter Snake	Thamnophis s. sirtalis	S
Eastern Ribbon Snake	Thamnophis s. sauritus	S
Eastern Smooth Earth Snake	Virginia v. valeriae	U
Eastern Hognose Snake	Heterodon Platyrhinos	D
Northern Ringneck Snake	Diadophis punctatus edwardsi	S
Southern Ringneck Snake	Diadophis p. punctatus	S
Eastern Worm Snake	Carpophis a. amoenus	U
Northern Black Racer	Coluber c. constrictor	U
Rough Green Snake	Ophiodrys acstivus	S
Eastern Smooth Green Snake	Ophiodrys v. vernalis	U
Black Rat Snake	Elaphe o. obsoleta	U
Northern Pine Snake	Pituophis m. melanoleucus	T
Eastern King Snake	Lampropeltis g. getulus	U
Eastern Milk Snake	Lampropeltis t. triangulum	S
Northern Scarlet Snake	Cemophora coccinea copci	U

Species	Scientific Name	Species Status
Northern Copperhead	Agkistrodon contortrix mokascn	U
AMPHIBIANS		
Marbled Salamander	Ambystoma opacum	D
Jefferson Salamander	Ambystoma jeffersonianum	D
Silvery Salamander	Ambystoma platinicum	D
Spotted Salamander	Ambystoma maculatum	D
Red-spotted Newt	Notophthalmus v. viridescens	S
Northern Dusky Salamander	Desmognathus f. fuscus	S
Mountain Dusky Salamander	Desmognathus ochrophacus	U
Red-backed Salamander	Plethodon c. cinereus	S
Slimy Salamander	Plethodon g. glutinosus	S
Four-toed Salamander	Hemidactylium scutatum	D
Northern Spring Salamander	Gyrinophilus p. porphyriticus	D
Northern Red Salamander	Pseudotriton r. ruber	D
Eastern Mud Salamander	Pseudotriton m. montanus	T
Northern Two-lined Salamander	Eurycea b. bislineata	S
Long-tailed Salamander	Eurycea l. longicauda	T
Eastern Spadefoot Toad	Scaphiopus h. holbrookii	D
American Toad	Bufo americanus	S
Fowler's Toad	Bufo woodhouseii fowleri	S
Northern Cricket Frog	Acris c. crepitans	U
Northern Spring Peeper	Hyla c. crucifer	S
Barking Treefrog	Hyla gratiosa	U
Northern Gray Treefrog	Hyla versicolor	S
New Jersey Chorus Frog	Pseudacris triseriata kalmi	S
Upland Chorus Frog	Pseudacris triseriata feriarum	U
Bullfrog	Rana catesbciana	S
Carpenter Frog	Rana varigatipes	U
Green Frog	Rana clamitans mclanota	S
Wood Frog	Rana sylvatica	S
Southern Leopard Frog	Rana sponocephala	S
Pickerel Frog	Rana palustris	S
MAMMALS		
Masked Shrew	Sorex cinereus	S
Tuckahoe Masked Shrew	Sorex cinereus nigriculus	U
Water Shrew	Sorex palustris	U
Smokey Shrew	Sorex fumeus	U
Long-tailed Shrew	Sorex dispar	U
Short-tailed Shrew	Blarina brevicauda	S
Least Shrew	Cryptotis parva	U
Hairy-tailed Mole	Parascalops breweri	U
Eastern Mole	Scalopus aquaticus	S
Star-nosed Mole	Condylura cristata	U
Little Brown Bat	Myotis Lucifugus	S
Keen Myotis	Myotis keenii	U
Small-footed Myotis	Myotis subulatus	U
Silver-haired Bat	Lasionycteris noctivagans	U
Eastern Pipistrel	Pipistrellus subflavus	U
Big Brown Bat	Eptesicus fuscus	S
Red Bat	Lasiurus borealis	S
Northern Yellow Bat	Lasiurus intermedius	P
Hoary Bat	Lasiurus cinereus	U
New England Cottontail	Sylvilagus transitionalis	U
European Hare	Lepus capensis	I
Black-tailed Jackrabbit	Lepus californicus	I
Eastern Chipmunk	Tamias striatus	S
Red Squirrel	Tamiasciurus hudsonicus	S
Southern Flying Squirrel	Glaucomys volans	U
Northern Flying Squirrel	Glaucomys sabrinus	U
Marsh Rice Rat	Oryzomys palustris	S
White-footed Mouse	Peromyscus leucopus	S
Red-backed Mouse	Clethrionomys gapperi	S
Meadow Vole	Microtus pennsylvanicus	S
Pine Vole	Pitymys pictorum	S
Southern Bog Lemming	Synaptomys cooperi	U
Black Rat	Rattus rattus	I
Brown Rat	Rattus norvegicus	I
House Mouse	Mus musculus	I
Woodland Jumping Mouse	Napacozyapus isignis	U
Meadow Jumping Mouse	Zapus hudsonius	U
Porcupine	Erethizon dorsatum	INC
Harbor Seal	Phoca vitulina	S
Harp Seal	Pagophilus groenlandica	P
Gray Seal	Halichoerus grypus	P
Hooded Seal	Cystophora cristata	P
Goose-beaked Whale	Ziphius cavirostris	U
Dense Beaked Whale	Mesoplodon densirostris	U
Gervais Beaked Whale	Mesoplodon europaeus	U

Species	Scientific Name	Breeding Status	Non-Breed Status	Species	Scientific Name	Breeding Status	Non-Breed Status
Pilcated Woodpecker	Dryocopus pilcatus	S	S	Prothonotary Warbler	Protonotaria citrea	INC	S
Olive-sided Flycatcher	Contopus borealis	S	S	Worm-eating Warbler	Helmitheros vermivorus	S	S
Eastern Wood Pewee	Contopus virens	S	S	Ovenbird	Sciurus aurocapillus	S	S
Yellow-bellied Flycatcher	Empidonax flaviventris	S	S	Northern Waterthrush	Sciurus noveboracensis	S	S
Acadian Flycatcher	Empidonax virens	INC	S	Louisiana Waterthrush	Sciurus motacilla	S	S
Alder Flycatcher	Empidonax alnorum	S	S	Kentucky Warbler	Oporornis formosus	S	S
Willow Flycatcher	Empidonax traillii	INC	S	Connecticut Warbler	Oporornis agilis	S	S
Least Flycatcher	Empidonax minimus	S	S	Mourning Warbler	Oporornis philadelphia	S	S
Eastern Phoebe	Sayornis phoebe	S	S	Common Yellowthroat	Geothlypis trichas	S	S
Great Crested Flycatcher	Myiarchus crinitus	S	S	Hooded Warbler	Wilsonia citrina	D	S
Western Kingbird	Tyrannus verticalis	S	S	Wilson's Warbler	Wilsonia pusilla	S	S
Eastern Kingbird	Tyrannus tyrannus	D	D	Canada Warbler	Wilsonia canadensis	S	S
Horned Lark	Eremophila alpestris	D	S	Yellow-breasted Chat	Icteria virens	D	S
Purple martin	Progne subis	D	S	Summer Tanager	Piranga rubra	S	S
Tree Swallow	Tachycineta bicolor	S	S	Scarlet Tanager	Piranga olivacea	S	S
Northern Rough-winged Swallow	Stelgidopteryx serripennis	S	S	Northern Cardinal	Cardinalis cardinalis	INC	INC
Bank Swallow	Riparia riparia	S	S	Rose-breasted Grosbeak	Pheucticus ludovicianus	S	S
Cliff Swallow	Hirundo pyrrhonota	T	S	Blue Grosbeak	Guiraca caerulea	INC	S
Barn Swallow	Hirundo rustica	S	S	Indigo Bunting	Passerina cyanea	S	S
Blue Jay	Cyanocitta cristata	INC	S	Dickcissel	Spiza americana	EX	U
Fish Crow	Corvus ossifragus	INC	S	Rufous-sided Towhee	Pipilo erythrophthalmus	S	S
Black-capped Chickadee	Parus atricapillus	INC	S	American Tree Sparrow	Spizella arborea	S	S
Carolina Chickadee	Parus carolinensis	S	S	Chipping Sparrow	Spizella passerina	S	S
Boreal Chickadee	Parus hudsonicus	S	S	Field Sparrow	Spizella pusilla	S	S
Tufted Titmouse	Parus bicolor	INC	S	Lark Sparrow	Chondestes grammacus	S	S
Red-breasted Nuthatch	Sitta canadensis	S	S	Savannah Sparrow	Passerculus sandwichensis	T	T
White-breasted Nuthatch	Sitta carolinensis	S	S	Ipswich Sparrow	Passerculus sandwichensis princeps	T	T
Brown Creeper	Certhia americana	S	S	Grasshopper Sparrow	Ammodramus savannarum	T	T
Carolina Wren	Thryothorus ludovicianus	S	S	Sharp-tailed Sparrow	Ammodramus caudacuta	S	S
House Wren	Troglodytes aedon	S	S	Seaside Sparrow	Ammodramus maritima	S	S
Winter Wren	Troglodytes troglodytes	S	S	Fox Sparrow	Passerella iliaca	S	S
Marsh Wren	Cistothorus palustris	D	S	Song Sparrow	Melospiza melodia	S	S
Golden-crowned Kinglet	Regulus satrapa	S	S	Lincoln's Sparrow	Melospiza lincolni	S	S
Ruby-crowned Kinglet	Regulus calendula	S	S	Swamp Sparrow	Melospiza georgiana	S	S
Blue-gray Gnatcatcher	Poliophtila caerulea	INC	S	White-throated Sparrow	Zonotrichia albicollis	S	S
Eastern Bluebird	Sialia sialis	S	S	White-crowned Sparrow	Zonotrichia leucophrys	S	INC
Veery	Catharus fuscescens	S	S	Dark-eyed Junco	Junco hyemalis	S	S
Gray-checked Thrush	Catharus minimus	S	S	Lapland Longspur	Calcarius lapponicus	S	S
Swainson's Thrush	Catharus ustulatus	S	S	Snow Bunting	Plectrophenax nivalis	S	S
Hermit Thrush	Catharus guttatus	S	S	Bobolink	Dolichonyx oryzivorus	T	T
Wood Thrush	Hylocichla mustelina	S	S	Red-winged Blackbird	Agelaius phoeniceus	S	S
American Robin	Turdus migratorius	S	S	Eastern Meadowlark	Sturnella magna	D	S
Catbird	Dumetella carolinensis	S	S	Rusty Blackbird	Euphagus carolinus	S	S
Northern Mockingbird	Mimus polyglottos	INC	S	Boat-tailed Grackle	Quiscalus major	INC	S
Brown Thrasher	Toxostoma rufum	D	S	Common Grackle	Quiscalus quiscula	INC	S
Water Pipit	Anthus spinoletta	S	S	Brown-headed Cowbird	Molothrus ater	INC	S
Cedar Waxwing	Bombicilla cedrorum	S	S	Orchard Oriole	Icterus spurius	S	S
Northern Shrike	Lanius exubitor	S	S	Northern Oriole	Icterus galbula	S	S
European Starling	Sturnus vulgaris	I	S	Pine Grosbeak	Pinicola enucleator	S	S
White-eyed Vireo	Virco griseus	D	S	Purple Finch	Carpodacus purpureus	S	S
Solitary Vireo	Virco solitarius	S	S	House Finch	Carpodacus mexicanus	INC	S
Yellow-throated Vireo	Vireo flavifrons	S	S	Red Crossbill	Loxia curvirostra	S	S
Warbling Vireo	Vireo gilvus	S	S	White-winged Crossbill	Loxia leucoptera	S	S
Philadelphia Vireo	Vireo philadelphicus	S	S	Common Redpoll	Carduelis flammea	S	S
Red-eyed Vireo	Vireo olivaceus	INC	INC	Pine Siskin	Carduelis pinus	S	S
Blue-winged Warbler	Vermivora pinus	INC	S	American Goldfinch	Carduelis tristis	S	S
Golden-winged Warbler	Vermivora chrysoptera	D	S	Evening Grosbeak	Hesperiphona vespertina	S	INC
Tennessee Warbler	Vermivora peregrina	S	S	House Sparrow	Passer domesticus	I	S
Orange-crowned Warbler	Vermivora cclata	S	S				
Nashville Warbler	Vermivora reficapilla	S	S				
Northern Parula	Parula americana	P	S				
Yellow Warbler	Dendroica ptechia	S	S				
Chestnut-sided Warbler	Dendroica pensylvanica	S	S				
Magnolia Warbler	Dendroica magnolia	S	S				
Cape May Warbler	Dendroica tigrina	S	S				
Black-throated Blue Warbler	Dendroica caerulescens	S	S				
Yellow-rumped Warbler	Dendroica coronata	S	S				
Black-throated Green Warbler	Dendroica virens	S	S				
Blackburnian Warbler	Dendroica fusca	S	S				
Yellow-throated Warbler	Dendroica dominica	S	S				
Pine Warbler	Dendroica pinus	S	S				
Prairie Warbler	Dendroica discolor	S	S				
Palm Warbler	Dendroica palmarum	S	S				
Bay-breasted Warbler	Dendroica castanea	S	S				
Blackpoll Warbler	Dendroica striata	S	S				
Cerulean Warbler	Dendroica cerulea	S	S				
Black and White Warbler	Miniotilta varia	S	S				
American Redstart	Setophaga ruticilla	S	S				

As amended, R.1983 d.638, effective January 17, 1984.
 See: 15 N.J.R. 1623(a), 16 N.J.R. 131(b).
 As amended, R.1984 d.132, effective April 16, 1984.
 See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).
 Section recodified from 7:25-20.2.
 Amended by R.1985 d.215, effective May 6, 1985.
 See: 17 N.J.R. 350(a), 17 N.J.R. 1091(a).
 Amended by R.1985 d.251, effective May 20, 1985.
 See: 17 N.J.R. 516(a), 17 N.J.R. 1289(a).
 (a): Added text "and endangered".
 Amended by R.1986 d.230, effective June 16, 1986.
 See: 18 N.J.R. 601(a), 18 N.J.R. 1280(b).
 "S" substituted for "T".
 Amended by R.1987 d.308, effective July 20, 1987.
 See: 19 N.J.R. 491(a), 19 N.J.R. 1293(a).
 Substantially amended.
 Repeal and New Rule, R.1991 d.277, effective June 3, 1991.
 See: 22 N.J.R. 1308(a), 23 N.J.R. 1788(a).

Repealed section—"Defining status of indigenous nongame and endangered wildlife species of New Jersey."

Case Notes

Endangered species list under the New Jersey Endangered and Nongame Species Conservation Act includes the rattlesnake (citing former N.J.A.C. 7:25-11.1 as N.J.A.C. 7:251101); discussion of compliance with federal environmental procedural requirements in construction of interstate highway. County of Bergen v. Dole, 620 F.Supp. 1009 (D.N.J.1985), affirmed 800 F.2d 1130 (1986).

7:25-4.18 Endangered and Nongame Species Advisory Committee

(a) The Endangered and Nongame Species Advisory Committee (committee) shall consist of 11 members appointed by the Commissioner. Prior to the making of any said appointments, the Commissioner shall consult with the committee as to their recommendations.

1. Members shall be reflective of various public groups concerned with, and supportive of, the endangered and nongame species program established by P.L. 1973, c.309, codified at N.J.S.A. 23:2A-1 to -13, and shall possess special knowledge, expertise, and/or interest relating to endangered and nongame species of New Jersey. Member affiliation shall be as follows:

Affiliation	Number of Members
i. Academic/research communities	4
ii. Public health/veterinary medicine	1
iii. Qualified non-profit organization (as defined by the Internal Revenue Code at § 501(c)(3)) with strong interest in promoting the nonconsumptive use of wildlife	3
iv. Public at large (that is, not in the capacity of an organizational representative)	3

2. Of the 11 members to be appointed by the Commissioner, initially, two shall be appointed for a term of one year, three for a term of two years, three for a term of three years, and three for a term of four years. Thereafter, all appointments shall be made for terms of four years. All appointed members shall serve, after the expiration of their terms, until their respective successors are appointed. Any vacancy occurring in the appointed membership of the committee, by expiration of term or otherwise, shall be filled by the Commissioner in the identical manner as the original appointment, for the unexpired term only, notwithstanding that the previous incumbent may have held over and continued in office as aforesaid.

3. The Commissioner may remove any member of the committee for cause upon notice and opportunity to be heard.

4. The committee shall select its chairperson from its membership, subject to the approval of the Commissioner, for a term of four years, and consecutive terms shall be permitted.

(b) The committee shall advise and assist the Commissioner in matters related to the intent of "The Endangered and Nongame Species Act," P.L. 1973, c.309, codified at N.J.S.A. 23:2A-1 to -13. Notwithstanding subsequent departmental action, the Commissioner shall respond in writing to all reasonable written comments on policy received from the committee.

(c) The committee shall transmit its business during regular meetings, held once each month, at a time and place designated by the committee. Adequate notice, as defined under the "Open Public Meetings Law," P.L. 1975, c.231, codified at N.J.S.A. 10:4-6 to -21, shall be given to the Secretary of State. Six members present shall constitute a quorum.

(d) Members of the committee shall serve without compensation, but shall be reimbursed for expenses actually incurred in attending committee meetings and in the performance of their duties as members thereof.

R.1984 d.509, effective November 5, 1984.

See: 16 N.J.R. 2033(a), 16 N.J.R. 3010(a).

Amended by R.1995 d.357, effective July 3, 1995.

See: 27 N.J.R. 797(a), 27 N.J.R. 2614(a).

Deleted former (a)3 and recodified existing (a)4 and (a)5 as new (a)3 and (a)4.

7:25-4.19 Criteria for possession of wild-caught bird species for breeding, zoological, scientific or educational purposes

(a) No permit shall be issued for the purpose of selling any wild-caught bird. Except as provided in this subchapter, a person issued a permit to possess wild bird species shall possess only birds bred from captive parent birds and eggs produced from captive parent birds. To preserve the genetic integrity of species of regulated birds, distinct species of birds shall not be cross-bred with other different species of birds to produce hybrid birds.

(b) In addition to meeting the general criteria in N.J.A.C. 7:25-4.7, every person applying for a permit to possess individuals of a species of wild-caught bird shall meet each and every of the following criteria:

1. Education and background, as follows:

i. A person applying for a permit to possess individuals of species of birds which have been wild-caught, or their eggs, primarily for breeding purpose, including those persons designated by institutions or businesses as those responsible for breeding birds, shall affirmatively demonstrate that he or she possesses extensive and thorough experience in breeding the species which is the subject of the application, or of a closely related species.

ii. A person applying for a permit to possess individuals of species of birds which have been wild-caught or their eggs primarily for zoological, scientific or educational purposes which include breeding only as a

secondary purpose, including those persons designated by institutions or businesses as those responsible for breeding and handling birds, shall demonstrate that he or she possesses a thorough knowledge of the handling, care and breeding of the species which is the subject of the application, or of a related bird species. As a condition for the issuance of the permit the Division may require that the applicant be supervised by an aviculturist approved by the Department. In the case of scientific or educational projects of limited duration, the applicant shall identify the final disposition of the bird(s);

2. Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall obtain, in addition to a New Jersey Exotic Species or Nongame Species Permit, all other permits applicable to the possession of such species. Any permit issued for the possession of birds by the Department shall not exempt an applicant from compliance with any other relevant Federal, state, county or municipal law;

3. Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall state in writing the purpose and intent of keeping the birds, the species of birds, and the number of individuals of each species the applicant intends to possess under the permit. In the case of multiple purposes and intents, the applicant shall rank his or her intentions in order of decreasing importance to the applicant;

4. Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall describe in written detail the caging facilities for each bird species, including those aspects of the facilities designed to prevent escape. For each building in which birds are to be housed, its street address and on which floors the birds are to be housed shall be stated. For each room in which birds are to be housed, that room's dimensions, the nearest source of natural and artificial light available for each bird, the type of heating, cooling and ventilation in each room and its source in each room relative to each bird's caging facilities and the location of each room within the building shall be described. Acceptance of any permit authorized under this subchapter shall entitle and authorize Department personnel to inspect the housing and caging of the licensed birds from 8:00 A.M. to 9:00 P.M., Monday through Saturday, in order to determine if the housing and caging is suitable for the species and will ensure accomplishment of the applicant's stated purposes;

5. Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall describe in written detail a reliable, continuous source of food for each bird species, including adult, nestling and hatchling diets for each bird species to be kept; and

6. Except as stated in this section, no person or organization shall possess for any purpose any wild-caught bird or egg produced from such a bird unless that person or organization produces credible documentary evidence that the bird (or egg) was legally possessed pursuant to this subchapter before December 10, 1991, the effective date of the Wild Bird Act.

i. All wild-caught birds possessed before December 10, 1991 by persons or organizations with a permit or other written approval from the Department are exempt from this proof requirement. The Department may consider, among other things, the following as proof of a wild-caught bird's pre-Act status: affidavits from persons with relevant knowledge and sworn-true copies of such documents as bills of lading, contracts of sale, pet shop records and veterinary records.

ii. No person or institution shall sell or otherwise transfer possession of any wild-caught bird or its egg which is possessed pursuant to a Department permit, or purchase or otherwise receive any new wild-caught birds without first obtaining written permission from the Department.

iii. Sellers or transferors of both pre-Act and post-Act birds shall maintain written documentation as per (b)6i above showing that all birds are either captive-bred or were legally possessed pursuant to these regulations before December 10, 1991. Copies of such documents for each regulated bird sold or otherwise transferred must be provided to the purchaser or receiver of each bird and to the Department.

New Rule, R.1995 d.48, effective January 17, 1995.
See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

7:25-4.20 Birds which must be banded; criteria for identifying and marking birds; permitted alterations of appearance; miscellaneous

(a) Regulated birds possessed under a permit issued prior to January 17, 1995 shall be exempt from banding until the bird is sold or otherwise transferred to a different person. All other regulated birds shall not be possessed until such time as an application to possess the bird, accompanied by proper documentation, is made to the Department and the bird is banded in accordance with this subchapter. Department denial of an application to possess regulated bird(s) shall result in the forfeiture of the bird(s) to the Department without compensation to the applicant.

(b) The natural appearance of any bird shall not be altered by any person in any way for any purpose, except as follows:

1. Seamless or butt-end bands as provided in this section;
2. Subcutaneous coded identification as provided in this section;

3. Clipped flight feathers of wing; or

4. Surgical or other medical procedure mandated in writing by a licensed veterinarian to preserve the life or health of the bird.

(c) Captive-bred birds hatched in New Jersey shall have seamless bands slipped onto one of their legs. A properly-sized seamless band slipped onto the leg of a hatchling shall be of such a size as to later fit a full-grown adult comfortably, but must not be so large that it could have been slipped over the foot of an older or full-grown bird. The Division shall publish and distribute a list of those species of birds exempt from the banding requirements because of adverse health effects.

(d) Captive-bred birds hatched outside the State of New Jersey and wild-caught birds (except for zebra finches, society finches, canaries, budgerigars and cockatiels) which remain in New Jersey for more than 48 hours and are not wearing seamless bands shall have butt-end bands placed around one of their legs upon arrival in New Jersey. All aviculturally recognized color mutations of any parrot species will be exempt from banding due to their captive-bred origin.

(e) In lieu of or in addition to banding as set forth in (a) through (d) above, birds may be identified by micro-chips (subcutaneous implants or coded information) obtained solely from manufacturers expressly authorized by the Department.

New Rule, R.1995 d.48, effective January 17, 1995.
See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

SUBCHAPTER 5. 1995-96 GAME CODE

Subchapter Historical Note

The Game Code is revised annually to reflect changing conditions in the State's wildlife resource. Previous revisions in the Code were as follows:

- R.1971 d.74, effective May 21, 1971.
See: 3 N.J.R. 58(a), 3 N.J.R. 108(a).
- R.1972 d.115, effective September 1, 1972.
See: 4 N.J.R. 101(a), 4 N.J.R. 158(a).
- R.1972 d.202, effective October 13, 1972.
See: 4 N.J.R. 213(b), 4 N.J.R. 265(a).
- R.1972 d.211, effective November 1, 1972.
See: 4 N.J.R. 232(b), 4 N.J.R. 264(a).
- R.1973 d.164, effective August 1, 1973.
See: 5 N.J.R. 139(c), 5 N.J.R. 221(b).
- R.1973 d.226, effective September 1, 1973.
See: 5 N.J.R. 221(a), 5 N.J.R. 304(b).
- R.1973 d.263, effective September 17, 1973.
See: 5 N.J.R. 261(b), 5 N.J.R. 336(b).
- R.1973 d.293, effective October 15, 1973.
See: 5 N.J.R. 304(a), 5 N.J.R. 370(a).
- R.1974 d.149, effective August 1, 1974.
See: 6 N.J.R. 174(a), 6 N.J.R. 262(c).
- R.1974 d.150, effective August 1, 1974.
See: 6 N.J.R. 175(a), 6 N.J.R. 263(a).

- Amended by R.1975 d.178, effective August 1, 1975.
See: 7 N.J.R. 204(a), 7 N.J.R. 310(c).
- R.1975 d.277, effective September 18, 1975.
See: 7 N.J.R. 359(b), 7 N.J.R. 464(a).
- R.1975 d.281, effective September 24, 1975.
See: 7 N.J.R. 308(b), 7 N.J.R. 464(b).
- R.1975 d.290, effective October 1, 1975.
See: 7 N.J.R. 413(a), 7 N.J.R. 499(a).
- R.1976 d.187, effective August 1, 1976.
See: 8 N.J.R. 221(b), 8 N.J.R. 328(a), 8 N.J.R. 460(a).
- R.1976 d.307, effective October 1, 1976.
See: 8 N.J.R. 378(b), 8 N.J.R. 509(b).
- R.1977 d.85, effective March 15, 1977.
See: 9 N.J.R. 170(a).
- R.1977 d.86, effective March 15, 1977.
See: 9 N.J.R. 170(b).
- R.1977 d.219, effective August 1, 1977.
See: 9 N.J.R. 213(a), 9 N.J.R. 322(a).
- R.1977 d.355, effective October 3, 1977.
See: 9 N.J.R. 360(c), 9 N.J.R. 465(a).
- R.1978 d.199, effective August 1, 1978.
See: 10 N.J.R. 186(a), 10 N.J.R. 279(c).
- R.1979 d.329, effective August 16, 1979.
See: 11 N.J.R. 324(b), 11 N.J.R. 434(b).
- R.1979 d.404, effective October 12, 1979.
See: 11 N.J.R. 433(a), 11 N.J.R. 544(a).
- R.1980 d.266, effective August 1, 1980.
See: 12 N.J.R. 259(a), 12 N.J.R. 392(a).
- R.1981 d.253, effective July 9, 1981 (operative August 1, 1981).
See: 13 N.J.R. 262(a), 13 N.J.R. 403(c).
- R.1982 d.212, effective July 19, 1982 (operative August 1, 1982).
See: 14 N.J.R. 302(b), 14 N.J.R. 755(d).
- R.1982 d.351, effective October 18, 1982.
See: 14 N.J.R. 871(a), 14 N.J.R. 1158(a).
- R.1983 d.302, effective August 1, 1983.
See: 15 N.J.R. 7118(a), 15 N.J.R. 1247(b).
- Amended by R.1985 d.419, effective August 19, 1985.
See: 17 N.J.R. 1177(a), 17 N.J.R. 2021(c).
- Amended by R.1986 d.325, effective August 4, 1986.
See: 18 N.J.R. 1026(b), 18 N.J.R. 1566(a).
- Amended by R.1987 d.321, effective August 3, 1987.
See: 19 N.J.R. 808(a), 19 N.J.R. 1434(a).
- R.1988 d.376, effective August 1, 1988.
See: 20 N.J.R. 1035(b), 20 N.J.R. 1895(a).
- R.1989 d.418, effective August 7, 1989.
See: 21 N.J.R. 1289(b), 21 N.J.R. 2356(a).
- R.1990 d.404, effective August 6, 1990.
See: 22 N.J.R. 1459(a), 22 N.J.R. 2288(a).
- R.1991 d.416, effective August 5, 1991.
See: 23 N.J.R. 1494(a), 23 N.J.R. 2347(a).
- R.1992 d.315, effective August 3, 1992.
See: 24 N.J.R. 1847(a), 24 N.J.R. 2715(b).
- R.1993 d.390, effective August 2, 1993.
See: 25 N.J.R. 1930(a), 25 N.J.R. 3519(a).
- R.1994 d.412, effective August 1, 1994 (operative August 6, 1994).
See: 26 N.J.R. 1913(b), 26 N.J.R. 3193(a).

7:25-5.1 General provisions

(a) Judicial Notice. N.J.S.A. 13:1B-34 provides in pertinent part, "(C)opies of the State Fish and 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."

(b) Time. The hours listed in this Code are EST or EDT at date and are based on Trenton time. Time tables for Trenton time are published in the annual Summary of Game Regulations and Trenton time shall be the statewide official time.

(c) This Code, when adopted and when effective, shall supersede the provisions of 1994-95 Game Code.

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

1. "Bag limit" means the amount of permitted take per person per season except in a permit season the "bag limit" is the amount of permitted take per permit per season.

2. "Leftover permits" means those permits within the amount presented as the permit quota remaining after closure of the initial permit-granting process.

3. "Permit quota" means the maximum amount of permits allocated for a given locality, season, or species category.

4. "Possession tag" means the tag or metal seal affixed to the animal by Division personnel or designated agent.

5. "Transportation tag" means the tag portion of the hunting license or special permit which is removed and affixed to the animal immediately upon kill or removal from the trap. It is also a tag supplied by the Division with the beaver and otter trapping license.

6. "New Jersey Second Deer Permit and Transportation Tag" means the paper deer permit and transportation tag issued by mandatory deer check stations after registration of a deer taken on a regular license or special season permit. The "New Jersey Second Deer Permit and Transportation Tag" will allow the hunter to continue hunting and take one additional deer subject to applicable sections of this Code. The transportation tag portion is completed and affixed to a deer immediately upon killing by the hunter.

7. "New Jersey Bonus Deer Permit and Transportation Tag" means the paper deer permit and transportation tag issued by mandatory deer check stations after registration of an antlerless deer taken pursuant to N.J.A.C. 7:25-5.25(b)1. The "New Jersey Bonus Deer Permit and Transportation Tag" will allow the hunter to continue hunting and take one additional deer subject to applicable provisions of N.J.A.C. 7:25-5.25(b)1. It is not valid on the day of issuance. The transportation tag portion is completed and affixed to a deer immediately upon killing by the hunter.

(e) For the purpose of this subchapter, "Trenton Office" shall mean the Bureau of Wildlife Management, Division of Fish, Game and Wildlife, New Jersey Department of Environmental Protection, 501 East State Street, 5 Station Plaza, CN 400, Trenton, New Jersey 08625.

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

Case Notes

Shell fisherman did not have right to adjudicatory hearing on proposed coastal development by reason of his occupation. *Spalt v. New Jersey Dept. of Environmental Protection*, 237 N.J.Super. 206, 567 A.2d 264 (A.D.1989), certification denied 122 N.J. 140, 584 A.2d 213.

7:25-5.2 Pheasant-Chinese ringneck (*Phasianus colchicus torquatus*), English or blackneck (*P. c. colchicus*), Mongolian (*P. mongolicus*), Japanese green (*Phasianus versicolor*); including mutants and crosses of above

(a) The duration for the male pheasant season is November 11 to December 2, 1995 inclusive, and December 11, 1995 through January 6, 1996 except closed during the December portion of the permit shotgun deer season in those management zones on the prescribed dates that the season is open and also excluding any extra permit deer season day(s) in December if declared open.

(b) The duration for the male pheasant season for properly licensed persons engaged in falconry is September 1 to December 2, 1995 and December 11, 1995 through March 31, 1996 except closed on November 10, 1995 and during the December portion of the permit shotgun deer season in those management zones on the prescribed dates that the season is open and also excluding any extra permit deer season day(s) in December if declared open.

(c) The daily bag limit is two male pheasants, except as hereinafter in this section provided.

(d) The duration of the season for pheasants of either sex in the area described as Warren County north of Route 80, Morris County north of Route 80, Ocean County south of Route 70 and the counties of Sussex, Passaic, Bergen, Hudson, Essex, Camden, Atlantic and Cape May and the Lakehurst Naval Air Warfare Center and on all wildlife management areas is November 11 to December 2, 1995 inclusive, and December 11, 1995 through February 19, 1996 except closed during the December portion of the permit shotgun deer season in those management zones on the prescribed dates that the season is open and also excluding any extra permit deer season day(s) in December if declared open.

(e) The hours for hunting pheasants on November 11, 1995 are 8:00 A.M. to ½ hour after sunset. All other days on which the hunting for pheasants is legal, the hours are sunrise to ½ hour after sunset.

(f) Hen Pheasants: In the area described as Warren County north of Route 80, Morris County north of Route 80, Ocean County South of Rt. 70, and in the Counties of Sussex, Passaic, Bergen, Hudson, Essex, Camden, Atlantic, and Cape May, and the Lakehurst Naval Air Warfare Center and on all State Fish and Wildlife Management Areas, the daily bag limit shall be two pheasants of either sex. Unlawful to take or attempt to take female pheasants elsewhere or to have female pheasants in possession afield other than in areas above described.

(g) Nothing contained in this section shall preclude properly licensed and permitted persons between 10 and 15 years of age from hunting pheasants on the Saturday before the opening of the pheasant season on selected wildlife management areas or portions thereof, if such activity is authorized by the Division. Hunting hours, application procedures, permit quotas and the form of the permit shall be determined by the Division.

(h) The season for properly licensed semi-wild preserves is November 11, 1995 to March 15, 1996 inclusive. The Director with approval of the Council may extend the pheasant season on licensed semi-wild preserves for a period not to exceed 20 days.

(i) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1, 23:3-32, 23:4-2, 23:4-8, and other applicable statutes.

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.3 Cottontail rabbit (*Sylvilagus floridanus*), black-tailed jack rabbit (*Lepus californicus*), white-tailed jack rabbit (*Lepus townsendii*), European hare (*Lepus europeus*), chukar partridge (*Alectoris graeca*), and quail (*Colinus virginianus*)

(a) The duration of the season for the hunting of cottontail rabbit, black-tailed jack rabbit, white-tailed jack rabbit, European hare, chukar partridge, and quail is November 11 through December 2, 1995, inclusive, and December 11, 1995 to February 19, 1996 except closed during the December portion of the permit shotgun deer season in those management zones on the prescribed dates that the season is open and also excluding any extra permit deer season day(s) in December if declared open.

(b) The duration of the season for the hunting of the animals enumerated by (a) above for properly licensed persons engaged in falconry is September 1 to December 2, 1995, inclusive, and December 11, 1995 through March 31, 1996 except closed on November 10, 1995 and during the December portion of the permit shotgun deer season in those management zones on the prescribed dates that the season is open and also excluding any extra permit deer season day(s) in December if declared open.

(c) The daily bag limit is one jack rabbit or hare, seven quail, three chukar partridge, four cottontail rabbits.

(d) The hunting hours for the animals enumerated in this section are as follows: November 11, 1995, 8:00 A.M. to ½ hour after sunset. On all other days for which hunting for these animals is legal, the hours are sunrise to ½ hour after sunset.

(e) The quail and chukar partridge season for properly licensed semi-wild preserves is November 11, 1995 to March

15, 1996 inclusive. The Director with approval of the Council may extend the quail and chukar partridge season on licensed semi-wild preserves for a period not to exceed 20 days.

(f) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1 and 23:4-2 and other applicable statutes.

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.4 Ruffed grouse (*Bonasa umbellus*)

(a) The duration of the season for the hunting of grouse is October 7 through December 2, 1995 inclusive, and December 11, 1995 to February 19, 1996 except closed during the December portion of the permit shotgun deer season in those management zones on the prescribed dates that the season is open and excluding any extra deer permit season day(s) in December that is declared open.

(b) Daily bag limit: three grouse. No season limits.

(c) The hunting hours for ruffed grouse are sunrise to ½ hour after sunset, with the exception of November 11, 1995 when legal hunting hours are 8:00 A.M. to ½ hour after sunset.

(d) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1 and 23:4-2 and other applicable statutes.

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.5 Eastern gray squirrel (*Sciurus carolinensis*)

(a) The duration of the season for the hunting of squirrels is October 7 through December 2, 1995, inclusive, and December 11, 1995 to February 19, 1996 except closed during the December portion of the permit shotgun deer season in those management zones on the prescribed dates that the season is open and also excluding any extra permit season day(s) in December if declared open.

(b) The duration of the season for the hunting of squirrels for properly licensed persons engaged in falconry is September 1 to December 2, 1995, inclusive, and December 11, 1995 through March 31, 1996, except closed during the December portion of the permit shotgun deer season in those management zones on the prescribed dates that the season is open and also excluding any extra permit deer season day(s) in December if declared open.

(c) Daily bag limit: five squirrels.

1. No season limit.

(d) Hunting hours for squirrels are sunrise to ½ hour after sunset, with the exception of November 11, 1995 when legal hunting hours are 8:00 A.M. to ½ hour after sunset.

(e) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1 and 23:4-2 and other applicable statutes.

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.6 Black bear (*Ursus americanus*), bobcat (*Felis rufus*)

(a) It shall be illegal to possess, take, kill or attempt to take or kill a black bear, or a bobcat at any time. It shall be illegal to use dogs to pursue or run black bear.

(b) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1 and other applicable statutes.

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.7 Wild turkey (*Meleagris gallapavo*)

(a) The duration of the Spring Wild Turkey Gobbler hunting season includes five separate hunting periods of four, five or 10 days each. The hunting periods for all hunting areas shall be:

1. Monday, April 22, 1996-Friday, April 26, 1996
2. Monday, April 29, 1996-Friday, May 3, 1996
3. Monday, May 6, 1996-Friday, May 10, 1996
4. Monday, May 13, 1996-Friday, May 17, 1996;
Monday, May 20, 1996-Friday, May 24, 1996
5. Saturday, April 27, 1996; Saturday, May 4, 1996;
Saturday, May 11, 1996 and Saturday, May 18, 1996.

(b) Bag limit: One male wild turkey may be taken with each special wild turkey hunting permit and with each special farmer turkey permit. Only one turkey may be taken in a given day.

(c) The hunting hours for wild turkey gobbler shall be ½ hour before sunrise to noon daily.

(d) Special wild turkey hunting permits are valid only during the hunting period designated and only in the designated turkey hunting area. Permits are not transferable.

(e) Hunting methods shall be restricted to calling or stand-hunting. No person shall stalk or attempt to approach a wild turkey for the purpose of taking or attempting to take the bird. All persons must have a turkey calling device in their possession while turkey hunting. No person shall use an electronic calling device at any time during the open season. Persons may not drive or chase wild turkeys for the purpose of putting them in range of hunters. The use of dogs is prohibited. No live decoys may be used. Fluorescent hunters orange is not required on outer clothing for turkey hunting. No shot size larger than number four fine shot or smaller than number seven and one-half fine shot may be used for turkey hunting. No shotgun larger than 10 gauge or smaller than 20 gauge may be used for turkey hunting. A person shall not have in possession or control, a firearm or other weapon within 300 feet of a baited area. A baited area is defined as the collection, deposit, concentration or unnatural gathering of feed including, but not limited to, corn, wheat, oats or other substance that may constitute a lure or enticement to turkeys.

(f) Method: The taking of one male wild turkey per special turkey permit with firearm or bow and arrow is permitted in any designated turkey hunting areas by holders of a special wild turkey permit.

1. Special wild turkey permits will be issued on an individual basis to holders of valid and current firearm or archery hunting licenses. Only one application per person may be submitted for the spring wild turkey season during the initial application period and only one application per person may be submitted for a leftover permit during the initial application period. All persons, while their hunting licenses are void under authority of N.J.S.A. 23:3-22, are prohibited from making application for, or otherwise procuring a turkey hunting permit.

(g) Special permits consist of a back display which includes a wild turkey transportation tag. The back portion of the permit will be conspicuously displayed on the outer clothing in addition to the valid firearm or archery license. Any wild turkey killed must be tagged immediately with the completed wild turkey transportation tag. This completely filled in wild turkey transportation tag allows legal transportation of the wild turkey to an authorized checking station only. Personnel at the checking station will issue a "possession tag". Any permit holder killing a wild turkey must transport this wild turkey to an authorized checking station by 3:00 P.M. on the day killed to secure the legal "possession tag". The possession of a wild turkey after 3:00 P.M. on the date killed without a legal "possession tag" shall be deemed illegal possession.

(h) Wild Turkey Hunting Permits shall be applied for as follows:

1. Only holders of valid and current firearm or archery hunting licenses, including juvenile licenses, may apply by detaching from the hunting license the stub marked "Special Spring Turkey", signing as provided on the back, and sending the stub together with an application form which has been properly completed in accordance with instructions. Application forms may be obtained from:

- i. License issuing agents;
- ii. Division of Fish, Game and Wildlife, CN 400, Trenton, NJ 08625;
- iii. Wildlife Management Area Offices; or
- iv. District Law Enforcement Headquarters.

2. Only one application for an initial permit and only one application for a leftover permit may be submitted by any one individual during the prescribed application period. Duplicate applications will cause all applications by an individual to be void.

3. The application form shall be filled in to include: Name, address, 1996 firearm or archery hunting license number, turkey hunting areas applied for, hunting periods applied for, and any other information requested. Only those applications will be accepted for participation in random selection which are received in the Trenton office during the period of February 1-22, 1996, inclusive. Applications received after February 22 will not be considered for the initial drawing. Selection of permits will be by random drawing.

i. If a fall turkey hunting season is authorized for 1996, application shall be made in conjunction with the spring season application procedures in a form as prescribed by the Division.

4. Unless otherwise indicated, the permit fee in the form of a check or money order made payable to "Division of Fish, Game and Wildlife," must accompany the completed application form.

5. Unsuccessful applicants will be notified by return of permit fees, less an application fee per permit applied for. Any permit obtained by fraud is void.

6. Nothing contained herein shall preclude the Division from issuing unfilled permits on a first come-first served basis to any properly licensed bow and arrow hunter, firearm hunter or qualified farmer after the permit selection process.

(i) Special Farmer Spring Turkey Permits shall be applied for as follows:

1. Only the owner or lessee of a farm, who resides thereon, or immediate members of his family 10 years of age or older who also reside thereon, may apply on forms provided for a special farmer spring turkey permit. Under this section a farm is an area of five acres or more and producing a gross income in excess of \$500.00 and is tax assessed as farmland. Special farmer spring turkey permits will be issued only in those Turkey Hunting Area where a spring gobbler season is prescribed.

2. Application forms may be obtained from the Division of Fish, Game and Wildlife, CN 400, Trenton, N.J. 08625, or from Conservation Officers.

3. The application form shall be filled in to include: Name, age, address and any other information requested thereon. Properly completed application forms will be accepted in the Trenton office only during the period of February 1-22, 1996. There is no fee required and all qualified applicants will receive a Special Farmer Spring Turkey Permit delivered by mail.

4. Only one farmer application may be submitted per individual during the initial application period. Application for a farmer turkey permit shall not preclude a farmer from applying for and the Division's issuing one regular turkey season permit as a holder of a valid hunting license.

(j) Spring Turkey Hunting Permits and Special Farmer Spring Turkey Permits shall be used as follows:

1. The spring turkey hunting permit is valid only in the turkey hunting area (THA) designated and during the time period designated and is not transferable. The spring turkey hunting permit hunter is responsible for hunting in the correct THA and time period as indicated and in ascertaining the boundaries. The Special Farmer Spring Turkey Permit is valid for all five turkey hunting periods and only on the farm designated on the application and is not transferable.

2. The spring turkey hunting permit is not transferable from turkey hunting area to turkey hunting area, or from hunting period to hunting period, from individual to individual or from farm to farm. The permit must be used in the Turkey Hunting Area, in the hunting period, and by the individual to whom it was issued.

(k) Turkey Hunting Area Map is on file at the Office of Administrative Law and is available from that agency or the Division. The 1996 Spring Turkey Hunting Season Permit Quotas are as follows:

1996 SPRING TURKEY HUNTING SEASON PERMIT QUOTAS

Turkey Hunting Area Number	Weekly Permit Quota*	Season Total	Portions of Counties Involved
1	120	600	Sussex
2	140	700	Sussex, Warren
3	80	400	Sussex, Warren
4	120	600	Sussex, Warren, Morris
5	160	800	Sussex
6	200	1,000	Sussex, Passaic, Bergen
7	200	1,000	Sussex, Morris, Passaic
8	160	800	Warren, Hunterdon
9	105	525	Warren, Hunterdon, Morris
10	80	400	Essex, Middlesex, Morris, Somerset, Union
11	105	525	Middlesex, Mercer, Hunterdon, Somerset
12	90	450	Mercer, Middlesex, Monmouth
14	70	350	Burlington, Ocean, Monmouth
15	55	275	Burlington, Camden, Atlantic
16	70	350	Burlington, Atlantic, Ocean, Cape May, Cumberland
20	175	875	Cumberland, Salem
21	50	250	Atlantic, Cumberland, Salem
22	0	0	Atlantic, Cape May, Cumberland
Total	1,985	9,925	

*Applied to each of the five hunting periods (A, B, C, D, E) in all areas:

- A. Monday, April 22, 1996—Friday, April 26, 1996
- B. Monday, April 29, 1996—Friday, May 3, 1996
- C. Monday, May 6, 1996—Friday, May 10, 1996
- D. Monday, May 13, 1996—Friday, May 17, 1996
Monday, May 20, 1996—Friday, May 24, 1996
- E. Saturday, April 27, 1996; Saturday, May 4, 1996; Saturday, May 11, 1996 and Saturday, May 18, 1996

(l) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1, 23:4-2, 23:4-11, 23:4-12 and other applicable statutes.

(m) Turkey Hunting Areas are as follows:

1. Turkey Hunting Area No. 1: That portion of Sussex County lying within a continuous line beginning at the

intersection of Routes 206 and 519 at Branchville; then northwest along Rt. 206 to its intersection with Rt. 560; then west along Rt. 560 to its intersection with the Delaware River at Dingman's Ferry; then north along the east bank of the Delaware River to the New York State Line; then east along the New York State Line to Rt. 519; then south along Rt. 519 to the point of beginning at Branchville. The islands of Namanock, Minisink and Mashapacong lying in the Delaware River are included in the Hunting Area.

2. Turkey Hunting Area No. 2: That portion of Sussex and Warren Counties lying within a continuous line beginning at the intersection of Rt. 94 and the Blairstown-Millbrook Road at Blairstown; then northwest along the Blairstown-Millbrook Road to Millbrook Village; then northwest along the Millbrook-Flatbrookville Road to its intersection with the Flatbrook at Flatbrookville; then south along the west bank of the Flatbrook to its confluence with the Delaware River; then north along the east bank of the Delaware River to the intersection with Rt. 560 at Dingman's Ferry; then east along Rt. 560 to its intersection with Rt. 206; then southeast along Rt. 206 to its intersection with Rt. 519 at Branchville; then south along Rt. 519 to its intersection with Rt. 94 at Newton; then southwest along Rt. 94 to the point of beginning at Blairstown.

3. Turkey Hunting Area No. 3: That portion of Warren and Sussex Counties lying within a continuous line beginning at the intersection of Rts. 80 and 94 at Columbia; then west along Rt. 80 to its intersection with the Delaware River at Delaware Water Gap; then north along the east bank of the Delaware River to its confluence with the Flatbrook; then north along the east bank of the Flatbrook at its intersection with the Millbrook-Flatbrookville Road at Flatbrookville; then southeast along the Millbrook-Flatbrookville Road to Millbrook Village; then south on the Blairstown-Millbrook Road to its intersection with Rt. 94 at Blairstown; then southwest along Rt. 94 to the point of beginning at Columbia. The islands of Tocks and Labar lying in the Delaware River are also included within this Hunting Area.

4. Turkey Hunting Area No. 4: That portion of Sussex, Warren and Morris Counties lying within a continuous line beginning at the intersection of Routes 94 and 206 at Newton; then south along Rt. 206 to its intersection with Rt. 183 at Netcong; then southeast along Rt. 183 to its intersection with Rt. 46; then west along Rt. 46 to its intersection with Rt. 94 at Columbia; then northeast along Rt. 94 to the point of beginning at Newton.

5. Turkey Hunting Area No. 5: That portion of Sussex County lying within a continuous line beginning at the intersection of Routes 206 and 517 at Andover; then north along Rt. 206 to its intersection with Rt. 519 at Newton; then north along Rt. 519 to the New York State Line; then east along the New York State Line to its intersection with Rt. 517; then south along Rt. 517 to the point of origin at Andover.

6. Turkey Hunting Area No. 6: That portion of Sussex, Passaic and Bergen Counties lying within a continuous line beginning at the intersection of Rt. 23 and Rt. 517 at the Hardystonville; then north along Rt. 517 to the New York State Line; then east along the New York State Line to its intersection with Rt. 202; then south along Rt. 202 to its intersection with Rt. 23; then west along Rt. 23 to the point of beginning at Hardystonville.

7. Turkey Hunting Area No. 7: That portion of Sussex, Passaic and Morris Counties lying within a continuous line beginning at the intersection of Route 23 and Route 517 at Hardystonville; then east along Rt. 23 to its intersection with Rt. 202 at Wayne; then south and west along Rt. 202 to its intersection with Rt. 287; then south along Rt. 287 to its intersection with Rt. 80; then west along Rt. 80 to its intersection with Rt. 183 at Netcong; then east along Rt. 183 to its intersection with Rt. 206; then north along Rt. 206 to its intersection with Rt. 517; then northeast along Rt. 517 to the point of beginning at Hardystonville.

8. Turkey Hunting Area No. 8: That portion of Hunterdon and Warren Counties lying within a continuous line beginning at the Delaware River at Manunkachunk; then east along Rt. 46 to its intersection with Rt. 31; then south along Rt. 31 to its intersection with Rt. 12 at Flemington; then west along Rt. 12 to its intersection with the Delaware River at Frenchtown; then north along the east bank of the Delaware River to the point of beginning at Manunkachunk.

9. Turkey Hunting Area No. 9: That portion of Hunterdon, Warren and Morris Counties lying within a continuous line beginning at the intersection of Rts. 31 and 46 at Butzville; then east along Rt. 46 to its intersection with Rt. 80; then east along Rt. 80 to its intersection with Rt. 206; then south along Rt. 206 to its intersection with Rt. 287; then south along Rt. 287 to its intersection with Rt. 202; then south and west along Rt. 202 to its intersection with Rt. 31 at Flemington; then north along Rt. 31 to the point of beginning at Butzville.

10. Turkey Hunting Area No. 10: That portion of Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties lying within a continuous line beginning at the intersection of Routes 206 and 80; then east along Route 80 to its intersection with Route 287; then north along Route 287 to its intersection with Route 202; then north and east along Route 202 to the New York State Line; then east along the west shore of the Hudson River to Upper New York Bay; then south along the shore of Upper New York Bay to the Kill Van Kull; then west along the north shore of the Kill Van Kull to Newark Bay; then west across Newark Bay to its confluence with the Arthur Kill; then south along the west shore of the Arthur Kill to its intersection with Route 440; then west along Route 440 to its intersection with Route 287; then north along Route 287 to its intersection with Route 206; then north along Route 206 to the point of beginning.

11. Turkey Hunting Area No. 11: That portion of Hunterdon, Mercer, Middlesex and Somerset Counties lying within a continuous line beginning at the intersection of Route 12 and the Delaware River at Frenchtown; then east along Route 202 to its intersection with Route 287; then south and east along Route 287 to its intersection with Route 1; then south and west along Route 1 to its intersection with the Delaware River at Trenton; then north along the east bank of the Delaware River to the point of beginning. The islands of Skyhawks, Rush, Bull, Treasure and Eagle are included in this area.

12. Turkey Hunting Area No. 12: That portion of Mercer, Middlesex and Monmouth Counties lying within a continuous line beginning at the intersection of Route 1 and Route 106, then north and east along Route 1 to its intersection with Route 287; then south and east along Routes 287 and 440 to its intersection with the Arthur Kill at Perth Amboy; then south along the west shore of the Arthur Kill to Raritan Bay, then south and east along the shore of Raritan Bay to Sandy Hook; then north along the east shore of Sandy Hook Bay to the tip of Sandy Hook; then south along the Atlantic Ocean to Belmar and Route 38; then west along Route 38 to its intersection with Route 195; then west along Route 195 to its intersection with Route 524; then north along Route 524 to its intersection with Route 206; then north along Route 206 to the point of beginning.

13. Turkey Hunting Area No. 14: That portion of Burlington, Mercer, Monmouth and Ocean Counties lying within a continuous line beginning at the intersection of Route 1 and the Delaware River; then east along Route 1 to its intersection with Route 206; then south along Route 206 to its intersection with Route 524; then east along Route 524 to its intersection with Route 195; then east along Route 195 to its intersection with Route 38; then east along Route 38 to Belmar and the Atlantic Ocean; then south along the Atlantic Ocean to Ship Bottom; then north and west along Route 72 to its intersection with Route 70; then west along Route 70 to its intersection with Route 38 at Cherry Hill; then west along Route 38 to its intersection with Route 30; then west along Route 30 to the Delaware River; then north along the east bank of the Delaware River to the point of beginning.

14. Turkey Hunting Area No. 15: That portion of Atlantic, Burlington, Camden and Gloucester Counties lying within a continuous line beginning at the intersection of Routes 70 and 206 at Red Lion; then south along Route 206 to Hammonton; then south along Route 54 from Hammonton to its intersection with Route 40 at Buena; then west along Route 40 to its intersection with Route 77 at Upper Pittsgrove; then north on Route 77 to its intersection with Route 45 at Mullica Hill; then north along Route 45 to its intersection with Route 322, then west along Route 322 to its intersection with the Delaware River; then north along the east bank of the Delaware River to its intersection with Route 30 at

Camden; then east along Route 30 to its intersection with Route 38; then east along Route 38 to its intersection with Route 70; then east along Route 70 to the point of beginning.

15. Turkey Hunting Area No. 16: That portion of Burlington and Atlantic Counties lying within a continuous line beginning at the intersection of Routes 206 and 70 at Red Lion; then east along Route 70 to its intersection with Route 72; then southeast along Route 72 to Ship Bottom and the Atlantic Ocean; then south along the Atlantic Ocean to Sea Isle Boulevard (Route 625) in Sea Isle City; then west along Sea Isle Boulevard to its intersection with Route 9; then north along Route 9 to its intersection with Route 50; then north along Route 50 to its intersection with Route 557; then north and west along Route 557 to its intersection with Route 40; then west along Route 40 to its intersection with Route 54; then north along Route 54 to its intersection with Route 206; then north along Route 206 to the point of beginning.

16. Turkey Hunting Area No. 20: That portion of Cumberland and Salem Counties beginning at the intersection of east bank of the Delaware River and Route 322 near Bridgeport; then southeast on Route 322 to its intersection with Route 45 near Mullica Hill; then south on Route 45 to its intersection with Route 77; then south on Route 77 to its intersection with Route 40; then east along Route 40 to its intersection with Route 553; then south along Route 553 to its intersection with Route 49; then west along Route 49 to Bridgeton and its intersection with the Cohansey River; then south along the west bank of the Cohansey River to its confluence with the Delaware River; then north along the east bank of the Delaware River to the point of beginning.

17. Turkey Hunting Area No. 21: That portion of Atlantic, Cumberland, Gloucester and Salem Counties lying within a continuous line beginning at the intersection of Routes 40 and 553; then east along Route 40 to Lincoln Ave., in Buena Vista; then south along Lincoln Ave. to its intersection with Route 55 in Vineland; then south along Route 55 to its intersection with Route 49; then west along Route 49 to the Maurice River; then south along the west bank of the Maurice River to its confluence with Delaware Bay; then west along the Delaware Bay shore to the Cohansey River; then north along the east bank of the Cohansey River to its intersection with Route 49 at Bridgeton; then east along Route 49 to its intersection with Route 553; then north along Route 553 to the point of beginning.

18. Turkey Hunting Area No. 22: That portion of Atlantic, Cape May and Cumberland Counties lying within a continuous line beginning at the intersection of Rt. 55 and Rt. 552 spur; then east along Rt. 552 spur to its intersection with Rt. 552; then east along Rt. 552 to its intersection with Rt. 557; then southeast along Rt. 557 to its intersection with Rt. 50; then southeast along Rt. 50 to

its intersection with Rt. 9 at Seaville; then south along Rt. 9 to its intersection with Sea Isle Boulevard; then east along Sea Isle Boulevard to the Atlantic Ocean at Sea Isle City; then south along the Atlantic Coast to the Delaware Bay shore then north and west along the shore of Delaware Bay to its intersection with the Maurice River; then north along the east bank of the Maurice River to its intersection with Rt. 49 at Millville; then east along Rt. 49 to its intersection with Rt. 55; then north along Rt. 55 to the point of beginning.

Amended by R.1988 d.530, effective November 7, 1988.

See: 20 N.J.R. 2217(a), 20 N.J.R. 2757(a).

Amended Spring turkey hunting season permit quotas and areas in subsection (k).

Amended by R.1995 d.427, effective August 7, 1995.

See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.8 Mink (*Mustela vison*), muskrat (*Ondatra zibethicus*) and nutria (*Myocaster coypus*) trapping only

(a) Mink, muskrat and nutria are to be taken by trapping only.

(b) The duration of the mink, muskrat and nutria trapping season is as follows:

1. Northern Zone: 6:00 A.M. on November 15, 1995 through March 15, 1996, inclusive, except on State Fish and Wildlife Management Areas.

2. Southern Zone: 6:00 A.M. on December 1, 1995 through March 15, 1996, inclusive, except on State Fish and Wildlife Management Areas.

3. Trapping Zone Boundaries: Trapping zones shall be defined as follows: That section of New Jersey situated North (or South) of a line starting at the intersection of U.S. Route 1 and the Pennsylvania border at Trenton, then Northeast along Route 1 to its intersection with Route 287 in Middlesex County, then east along Route 287 to its intersection with the New York State line at Staten Island.

4. On State Fish and Wildlife Management Areas: 6:00 A.M. on January 1 through March 15, 1996, inclusive.

(c) General provisions: No trap stakes or traps shall be placed or set before the times as indicated in this section.

(d) Authority: N.J.S.A. 23:4-37, 23:3-1, 23:4-1 and other applicable statutes.

(e) See N.J.A.C. 7:25-5.12, General trapping rules.

Amended by R.1995 d.427, effective August 7, 1995.

See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.9 Beaver (*Castor canadensis*) trapping

(a) Beaver may only be taken by means of a trap approved by the Division of Fish, Game and Wildlife.

(b) The duration of the trapping season for beaver shall be January 14 through February 10, 1996, inclusive. If the anticipated harvest of beaver has not been accomplished during this season, up to 14 additional days may be authorized by the Director.

(c) Special Permit: A special permit obtained from the Division of Fish, Game and Wildlife shall be required to trap beaver. (If the number of applications received in the Trenton office exceeds the quotas listed, a random drawing will be held to determine permit holders.) Applications shall be received in the Trenton office during the period November 15-December 15, 1995. Applicants may apply for only one beaver trapping permit and shall provide their 1995 trapping license number. Permits will be allotted on a zone basis as follows: Zone 1-9, Zone 2-7, Zone 3-3, Zone 4-6, Zone 5-4, Zone 6-18, Zone 7-4, Zone 8-2, Zone 9-4, Zone 10-6, Zone 11-4, Zone 12-4, Zone 13-0, Zone 14-2, Zone 15-0, Zone 16-4, Zone 17-5, Zone 18-3. Total 85. Successful applicants must trap with a valid, current trapping license.

(d) Special Site Specific Permit: During the initial application period, applicants may also apply for one special site specific beaver permit. The total number of permits available shall not exceed 15. Site specific permits will be issued for specific locations or properties where the Division has determined that beaver damage or nuisance problems exist. A random drawing will be held to determine permit holders; however, applicants unsuccessful in obtaining the special permit as set forth at (c) above will be given first opportunity. Permits will be valid only during the beaver trapping season.

(e) The season limit for beaver trapping is five beaver per special permit and 10 beaver per special site specific permit.

(f) A "beaver transportation tag" provided by the Division shall be affixed to each beaver taken immediately upon removal from trap, and all beaver shall be taken to a designated beaver checking station at the times and dates specified on the beaver permit and, in any case, no later than seven days after the close of the season.

(g) Each beaver trapper shall be restricted to a maximum of five traps. However, holders of both a Special Permit and a Special Site Specific Permit may use five additional traps per Special Site Specific Permit provided they are used only on the property or site specified in the Special Site Specific Permit. Each trap shall be tagged pursuant to N.J.A.C. 7:25-5.12 with the tag clearly visible above the level of the water or ice. The Division, in its discretion, may designate and suitably post certain beaver colonies and prohibit all trapping within their dams, or within 500 feet thereof, during the beaver trapping season as indicated in this section.

(h) Special Beaver Permit and Special Site Specific Permits are valid only in the zone or site designated and are not transferable from person to person.

(i) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:3-1, 23:4-1, 23:4-37, 23:4-38.1, 23:4-38.2, 23:4-38.3, 23:4-39, 23:4-40, 23:4-41, 23:4-55 and other applicable statutes.

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.10 River otter (*Lutra canadensis*) trapping

(a) Otter may only be taken under special permit by means of a trap approved by the Division of Fish, Game and Wildlife. Steel leghold traps with a jaw spread greater than eight inches are prohibited.

(b) The duration of the trapping season for otter shall be January 14 through February 10, 1996, inclusive. If the anticipated harvest of otter has not been accomplished, up to 14 additional days may be authorized by the Director.

(c) Special Permit: A special permit obtained from the Division of Fish, Game and Wildlife shall be required to trap otter. (If the number of applications received in the Trenton office exceeds the quotas listed, a random drawing will be held to determine permit holders). Beaver permit holders will be given first opportunity for otter permits in their respective zones. Applications shall be received in the Trenton office during the period November 15-December 15, 1995. Only one application per person may be submitted for trapping otter and applicants shall provide their 1995 trapping license number. Permits will be allotted on a zone basis as follows: Zone 1-7, Zone 2-7, Zone 3-2, Zone 4-3, Zone 5-2, Zone 6-9, Zone 7-3, Zone 8-6, Zone 9-3, Zone 10-4, Zone 11-5, Zone 12-2, Zone 13-14, Zone 14-7, Zone 15-12, Zone 16-4, Zone 17-2, Zone 18-5. Total 97. Successful applicants must trap with a valid, current trapping license.

(d) The season limit for otter trapping is one otter.

(e) The "otter transportation tag" provided by the Division must be affixed to each otter taken immediately upon removal from the trap. All otter pelts and carcasses shall be taken to a beaver-otter check station at dates specified on the otter permit and, in any case, no later than seven days after the close of the season, where a pelt tag will be affixed and the carcass surrendered.

(f) Each otter trapper is restricted to a maximum of three traps and each trap must be tagged pursuant to N.J.A.C. 7:25-5.12 with the tag clearly visible above the level of the water or ice.

(g) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:3-1, 23:4-1, 23:4-37, 23:4-38.1, 23:4-38.2, 23:4-38.3, 23:4-39, 23:4-40, 23:4-41, and 23:4-55 and other applicable statutes.

(h) Beaver and Otter Zones are described as follows:

1. Zone 1: That portion of Sussex County lying within a continuous line beginning at the intersection of the New York-New Jersey state line with Rt. 519, then south on Rt. 519 to its intersection with Rt. 23, then south on Rt. 23 to its intersection with Rt. 519 at Colesville, then south on Rt. 519 to its intersection with County Rt. 636 above Branchville, then west on 636 to its intersection with Rt. 206, then south on Rt. 206 to Rt. 521, then southwest on 521 to its intersection with County Rt. 617, then south on Rt. 617 to its intersection with Rt. 624 near Fairview Lake, then northwest on Rt. 624 to its intersection with Rt. 615, and then west on 615 to the Delaware River, then north along the Delaware River to the state line and south along the state line to Rt. 519, the point of beginning.

2. Zone 2: That portion of Sussex County lying within a continuous line beginning at the intersection of the New York-New Jersey state line with Rt. 519, then south on Rt. 519 to its intersection with Rt. 3, then south on Rt. 23 to its intersection with Rt. 519 at Colesville, then south on Rt. 519 to its intersection with County Rt. 636 above Branchville, then west on County Rt. 636 to its intersection with Rt. 206, then southeast on Rt. 206 to its intersection with Rt. 15 at Ross Corner, then south on Rt. 15 to its intersection with Rt. 517 at Sparta, then north on Rt. 517 to its intersection with Rt. 23, then east on Rt. 23 to its intersection with Rt. 515 at Stockholm, then north on Rt. 515 to its intersection with Rt. 94 at Vernon, then north on Rt. 94 to the state line, then west along the state line to its intersection with Rt. 519, the point of beginning.

3. Zone 3: That portion of Sussex, Passaic and Bergen Counties lying within a continuous line beginning at the intersection of the state line and Rt. 94, then south on Rt. 94 to its intersection with Rt. 515 at Vernon, then south on Rt. 515 to its intersection with Rt. 23 at Stockholm then east on Rt. 23 to its intersection with Rt. 202 near Wayne, then north on Rt. 202 to the state line at Suffern, then west along the state line to its intersection with Rt. 94, the point of beginning.

4. Zone 4: That portion of Sussex and Warren Counties lying within a continuous line beginning at the intersection of Rt. 615 and the Delaware River at Flatbrookville, then east along 615 to its intersection with Rt. 624, then south on Rt. 624 to its intersection with Rt. 617, then north on 617 to its intersection with Rt. 521, then northeast on Rt. 521 to its intersection with Rt. 206, then south on Rt. 206 to its intersection with Rt. 94 at Newton, then south on Rt. 94 to its intersection with Rt. 608 at Marksboro, then south on Rt. 608 to its intersection with Rt. 521, then south on Rt. 521 to its intersection with Rt. 80 near Hope, then west on Rt. 80 to the Delaware River near Columbia, then north and northeast along the Delaware River to its intersection with Rt. 615, the point of beginning.

5. Zone 5: That portion of Sussex and Warren Counties lying within a continuous line beginning at the intersection of the Delaware River and Rt. 80 at Columbia, then east on Rt. 80 to its intersection with Rt. 521 near Hope, then north on Rt. 521 to its intersection with Rt. 608, then northeast on Rt. 608 to its intersection with Rt. 94 at Marksboro, then north and east on Rt. 94 to its intersection with Rt. 206 at Newton, then north on Rt. 206 to its intersection with Rt. 15 at Ross Corner, then south on Rt. 15 to its intersection with Rt. 517 at Sparta, then southwest on Rt. 517 to its intersection with Rt. 46 at Hackettstown, then west on Rt. 46 to the Delaware River, then north on the Delaware River to Rt. 80 at Columbia, the point of beginning.

6. Zone 6: That portion of Warren, Morris, Sussex and Passaic Counties lying within a continuous line beginning at the intersection of Rt. 46 and Rt. 517 in Hackettstown, then north on Rt. 517 to its intersection with Rt. 23 at Franklin, then south on Rt. 23 to its intersection with Rt. 699 (Berkshire Valley Rd.) at Oak Ridge, then south on Rt. 699 to its intersection with Rt. 15, then south on Rt. 15 to its intersection with Rt. 80, then west on Rt. 80 to its intersection with Rt. 10 near Ledgewood, then east on Rt. 10 to its intersection with Rt. 513, then west on Rt. 513 to its intersection with Rt. 517 at Long Valley, then north on Rt. 517 to its intersection with Rt. 182, then north on Rt. 182 to its intersection with Rt. 46, then northwest on Rt. 46 to its intersection with Rt. 517 at Hackettstown, the point of beginning.

7. Zone 7: That portion of Morris, Passaic and Essex Counties lying within a continuous line beginning at the intersection of Rt. 699 (Berkshire Valley Rd.) and Rt. 23 at Oak Ridge, then southeast on Rt. 23 to its intersection with Rt. 80 near Singac, then west on Rt. 80 to its intersection with Rt. 287, then south on Rt. 287 to its intersection with Rt. 10 near Whippany, then west on Rt. 10 to its intersection with Rt. 80 at Ledgewood, then east on Rt. 80 to its intersection with Rt. 15, then north on Rt. 15 to its intersection with Rt. 699 at Mt. Hope, then north on Rt. 699 to its intersection with Rt. 23 at Oak Ridge, the point of beginning.

8. Zone 8: That portion of Ocean County lying within a continuous line beginning at the intersection of Rt. 537 and Rt. 539 at Hornerstown, then south on Rt. 539 to its intersection with Rt. 72 near Howardsville, then east on Rt. 72 to its intersection with Rt. 532, then east on Rt. 532 to the Atlantic Ocean, then north along the Atlantic Ocean to its intersection with Rt. 528 at Mantoloking, then west along Rt. 528 (527/528) to its intersection with Rt. 195 near Jackson Mills, then west along Rt. 195 to its intersection with Rt. 537 near Holmeson, then southwest along Rt. 537 to its intersection with Rt. 539 at Hornerstown, the point of beginning.

9. Zone 9: That portion of Ocean and Burlington Counties lying within a continuous line beginning at the intersection of Rt. 537 and Rt. 539 at Hornerstown, then south on Rt. 539 to its intersection with Rt. 72 near Howardsville, then northwest on Rt. 72 to its intersection with Rt. 532, then west on Rt. 532 to its intersection with Rt. 206 near Tabernacle, then north on Rt. 206 to its intersection with Rt. 537 at Chambers Corner, then east on Rt. 537 to its intersection with Rt. 539 at Hornerstown, the point of beginning.

10. Zone 10: That portion of Burlington, Camden and Atlantic Counties lying within a continuous line beginning at the intersection of Rt. 73 and Rt. 561 near Blue Anchor, then north on Rt. 73 to its intersection with Rt. 70 at Marlton, then east on Rt. 70 to its intersection with Rt. 541 at Medford, then southeast on Rt. 541 to its intersection with Rt. 532 at Medford Lakes, then east on Rt. 532 to its intersection with Rt. 206, then south on Rt. 206 to its intersection with Rt. 54, then southwest on Rt. 54 to its intersection with Rt. 561 near Hammonton, then northwest on Rt. 561 to its intersection with Rt. 73 near Blue Anchor, the point of beginning.

11. Zone 11: That portion of Ocean, Burlington and Atlantic Counties lying within a continuous line beginning at the intersection of Rt. 563 and Rt. 532 at Chatsworth, then east on Rt. 532 to its intersection with Rt. 72, then southeast on Rt. 72 to its intersection with Rt. 532 near Howardsville, then east on Rt. 532 to the Atlantic Ocean, then south along the Atlantic Ocean to the Absecon Lighthouse in Atlantic City, then northwest on Rt. 30 to its intersection with Rt. 563 in Egg Harbor, then north on Rt. 563 to its intersection with Rt. 532 at Chatsworth, the point of beginning.

12. Zone 12: That portion of Atlantic, Gloucester and Camden Counties lying in a continuous line beginning at the intersection of Rt. 322 and Spur 536 Williamstown, then northeast on Spur 536 to its intersection with Rt. 73 near Tansboro, then south on Rt. 73 to its intersection with Rt. 561 at Blue Anchor, then southeast on Rt. 561 to its intersection with Rt. 54 near Hammonton, then southwest on Rt. 54 to its intersection with Rt. 557 at Buena, then northwest on Rt. 557 to its intersection with Rt. 322/536 near Williamstown, then east on Rt. 322/536 to its intersection with Spur 536 Williamstown, the point of beginning.

13. Zone 13: That portion of Cape May, Atlantic and Cumberland Counties lying within a continuous line beginning at the intersection of Rt. 557 and County Rt. 671 at Buena, then southeast on Rt. 557 to its intersection with Rt. 50 near Buck Hill, then south on Rt. 50 to its intersection with Rt. 9 at Seaville, and south on Rt. 9 to its intersection with Sea Isle Boulevard (Rt. 625) at Ocean View, then east on Sea Isle Boulevard to the Atlantic Ocean, then south along the Atlantic Ocean, then north along the Delaware Bay to its intersection with East Point Rd. in Heislerville Management Area, then north on East Point Rd. to its intersection with Rt. 616 (Dorchester-Heislerville Rd.), then north on Rt. 616 to its intersection with Rt. 740, then northeast on Rt. 740 to its intersection with Rt. 47, then north on Rt. 47 to its intersection with Rt. 646 (Cumberland-Port Elizabeth Rd.) near Port Elizabeth, then north on Rt. 646 to its intersection with Rt. 49 near Cumberland, then west on Rt. 49 to its intersection with Rt. 671 (Union Rd.), then north on Rt. 671/71 to its intersection with Rt. 557 near Buena, the point of beginning.

14. Zone 14: That portion of Cumberland, Salem, Gloucester and Atlantic Counties lying within a continuous line beginning at the intersection of Delaware Bay and the west bank of the Maurice River, then north along the west bank of the Maurice River to Rt. 631, then north along Rt. 631 to its intersection with Rt. 553, then north along Rt. 553 to its intersection with Rt. 536/322 at Glassboro, then east along Rt. 322/536 to its intersection with Rt. 555 near Williamstown, then south along Rt. 555/557 to its intersection with Rt. 71 (Union Rd.) near Buena, then south on Rt. 71/671 to its intersection with Rt. 49 at Cumberland, then east on Rt. 49 to its intersection with Rt. 646 (Cumberland-Port Elizabeth Rd.), then south on Rt. 646 to its intersection with Rt. 47 at Port Elizabeth, then south on Rt. 47 to its intersection with Rt. 740, then southwest on Rt. 740 to Rt. 616 (Dorchester-Heislerville Rd.), then south on Rt. 616 to East Point Rd. in Heislerville Management Area, then south on East Point Rd. to the Delaware Bay, then west along the Delaware Bay to its intersection with the west bank of the Maurice River, the point of beginning.

15. Zone 15: That portion of Salem and Cumberland Counties lying within a continuous line beginning at the intersection of the Delaware River at Rt. 25 at Oakwood Beach, then east on Rt. 25 to its intersection with Rt. 49 at Salem, then southeast on Rt. 49 to its intersection with Rt. 32, then east on Rt. 32 to its intersection with Rt. 540, then east on Rt. 540 to its intersection with Rt. 553, at Centerton, then south on Rt. 553 to its intersection with Rt. 631 near Port Norris, then south on Rt. 631 to the Delaware Bay, then northwest along the Delaware Bay and Delaware River to its intersection with Rt. 25 at Oakwood Beach, the point of beginning.

16. Zone 16: That portion of Burlington and Atlantic Counties lying with a continuous line beginning at the intersection of Rt. 206 and Rt. 532 near Tabernacle, then

southeast on Rt. 532 to its intersection with Rt. 563 at Chatsworth, then south on Rt. 563 to its intersection with Rt. 30 at Egg Harbor, then northwest on Rt. 30 to its intersection with Rt. 206, then north on Rt. 206 to its intersection with Rt. 532 near Tabernacle, the point of beginning.

17. Zone 17: That portion of Atlantic County lying within a continuous line beginning at the intersection of Rt. 557 and Rt. 54 at Buena, then northeast on Rt. 54 to its intersection with Rt. 30 at Hammonton, then southeast along Rt. 30 to its intersection with Rt. 50 at Egg Harbor, then southeast along Rt. 50 to its intersection with Rt. 557 near Buck Hill, then northwest on Rt. 557 to its intersection with Rt. 54 at Buena, the point of beginning.

18. Zone 18: That portion of Atlantic and Cape May Counties lying within a continuous line beginning at the intersection of Rt. 50 and Rt. 557 near Buck Hill, then northeast along Rt. 50 to its intersection with Rt. 30/563 at Egg Harbor, then southeast on Rt. 30/563 to the Absecon Lighthouse in Atlantic City, then south along the Atlantic Ocean to Sea Isle Boulevard (Rt. 625) in Sea Isle, then west on Sea Isle Boulevard to its intersection with Rt. 9, then north on Rt. 9 to its intersection with Rt. 50 at Seaville, then northwest on Rt. 50 to its intersection with Rt. 557 near Buck Hill, the point of beginning.

(i) Special otter permits are valid only in the zone designated and are not transferable from person to person.

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.11 Raccoon (*Procyon lotor*), red fox (*Vulpes vulpes*), gray fox (*Urocyon cinereoargenteus*), Virginia opossum (*Didelphis virginiana*), striped skunk (*Mephitis mephitis*), long-tailed weasel (*Mustela frenata*), short-tailed weasel (*Mustela erminea*), and coyote (*Canis latrans*) trapping only

(a) The trapping of raccoon, red fox, gray fox, Virginia opossum, striped skunk, long-tailed weasel, short-tailed weasel and coyote shall be permitted as fur bearing animals under the authority of a proper and valid trapping license.

(b) The duration of the regular raccoon, red fox, gray fox, Virginia opossum, striped skunk, long-tailed weasel, short-tailed weasel and coyote trapping season is 6:00 A.M. on November 15, 1995 to March 15, 1996, inclusive, except on State Fish and Wildlife Management Areas.

(c) The duration for trapping on State Fish and Wildlife Management Areas is 6:00 A.M. on January 1, 1996 to March 15, 1996, inclusive.

(d) Special Permits: The Division in its discretion may issue a special permit for trapping of raccoon, fox and opossum.

(e) There shall be no daily nor season bag limit.

(f) Farmers or their agents may trap fox and coyote by lawful procedures at any time when found destroying poultry, crops or property subject to State law and local ordinances.

(g) Any person including a farmer trapping a coyote shall notify one of the regional law enforcement offices within 24 hours.

(h) Authority: The authority of the adoption of the foregoing section is found in N.J.S.A. 23:3-1, 23:4-1, 23:4-2, and other applicable statutes.

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.12 General trapping

(a) All traps set or used in this State must bear a durable and legible tag with the name and address of the person setting, using and maintaining the traps. The Division may issue a trap identification number to licensed trappers which may be used in lieu of a name and address.

(b) No trap of any kind shall be permitted to remain set on any property at the close of the trapping season. It shall be illegal to possess, in the woods or fields of this State any conibear or killer type trap with a jaw spread greater than six inches except under permit for the trapping of beaver or otter.

(c) No person shall set, use or maintain any type of conibear or killer-type trap for the purpose of trapping any muskrat or other furbearing animal in this state unless such trap is completely submerged underwater. This shall not preclude the setting of conibear or killer-type traps in tidal waters of this State for the purpose of taking muskrats, whereby the traps may be exposed above the surface of the water due to the ebb and flow of the tide, and provided that all such traps shall be completely submerged at mean high tide.

(d) No conibear or killer-type traps with a jaw spread larger than six inches shall be used or set in this State except for the trapping of beaver or otter. No conibear or killer-type traps with a jaw spread larger than 10 inches shall be used, set or maintained at any time in this State for the purpose of trapping any animal. Jaw spread shall be measured across the trigger of a set trap to the outer edges of the jaws.

(e) Steel-jaw leghold type trap:

1. Effective October 27, 1985, and thereafter, no person in this State shall:

i. Manufacture, sell, offer for sale, possess, import or transport an animal trap of the steel-jaw leghold type;

ii. Take or attempt to take any animal by means of a trap of the steel-jaw leghold type; or

iii. Use a steel-jaw leghold type trap.

2. The possession of a trap of the steel-jaw leghold type shall be prima facie evidence of a violation of these regulations except under the conditions prescribed by N.J.S.A. 23:4-22.5 which are:

i. The use of steel-jaw leghold traps for the purpose of exhibition by humane or educational institutions or organizations; or

ii. The possession of such traps by a person in the act of turning over the traps to a law enforcement agency.

(f) Body gripping restraining snares shall be subject to the following requirements:

1. No person shall set, use or maintain any type of snare unless they have first satisfactorily completed a division-approved snare training course and carry on their person appropriate certification thereof.

2. Except when submerged underwater, all snares of the body gripping type used in trapping must be constructed of aircraft cable or crucible wire measuring 5/64 to 3/32 inches in diameter and be equipped with a swivel.

3. Except when submerged underwater, no body gripping snare shall be set, used, or maintained with a loop diameter average (arithmetic mean) greater than eight inches.

4. No body gripping snare shall be set, used, or maintained with the distance between the ground or walking surface to the top of the loop greater than 18 inches.

5. Except when submerged underwater, no body gripping snare shall be set, used, or maintained unless it is equipped with a stop six inches from the end to restrict loop closure to no less than six inches in circumference and a stop to restrict the average (arithmetic mean) diameter of the loop opening to no greater than eight inches.

(g) All natural or artificial baits used in trapping consisting of fish, bird or mammal carcasses or flesh must be covered or concealed from view.

(h) Except on Sunday, legally licensed trappers possessing a valid and proper rifle permit may carry and use a .22 caliber rifle and .22 caliber short rimfire cartridges only, to kill legally trapped animals other than muskrats.

(i) All traps set or in use must be checked, tended and maintained at least once in every 24 hours.

(j) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-13, 23:4-37, 23:4-38.2, 23:4-39 and 23:4-41 et seq. and other applicable statutes.

Amended by R.1986 d.24, effective February 3, 1986.
See: 17 N.J.R. 2714(b), 18 N.J.R. 354(a).

New (e) added; Old (e)-(i) renumbered (f)-(j).

7:25-5.13 Migratory birds

(a) Should any open season on migratory game birds including waterfowl, be set by Federal regulation which would include the date of November 11, 1995 the starting time on such date will be 8:00 A.M. to coincide with the opening of the small game season on that date. However, this shall not preclude the hunting of migratory game birds, including waterfowl, on the tidal marshes of the State as regularly prescribed throughout the season by Federal regulations.

(b) Unless otherwise provided hunting methods shall be in accordance with the code of Federal hunting regulations described in the current regulatory announcement, U.S. Department of the Interior, U.S. Fish and Wildlife Service.

(c) A person shall not take, attempt to take, hunt for or have in possession, any migratory game birds including waterfowl, except at the time and in the manner prescribed in the Code of Federal Regulations by the U.S. Department of the Interior, U.S. Fish and Wildlife Service, for the 1995-96 hunting season. The species of migratory game birds, including waterfowl, that may be taken or possessed and unless otherwise provided the daily bag limits shall be the same as those prescribed by the U.S. Department of the Interior, U.S. Fish and Wildlife Service for the 1995-96 hunting season.

(d) Herring Island: There shall be no open season for hunting any game birds or animals, including migratory waterfowl, in the following designated area of Barnegat Bay including all of Herring Island in the Township of Brick and that portion of Barnegat Bay lying between the northern and southern tips of Herring Island easterly to the adjacent shoreline of the Borough of Mantaloking in the County of Ocean.

(e) Shark River: There shall be no open season for hunting any game birds or animals, including migratory waterfowl, on the Shark River in Monmouth County, or the shores thereof.

(f) State laws and regulations can be more stringent but not more lenient than the time and manner prescribed by the Code of Federal Regulations (Title 50).

(g) A special New Jersey woodcock stamp is required to hunt woodcock.

(h) Hunting hours for waterfowl shall be those hours that are prescribed by the Department of the Interior, United

States Fish and Wildlife Service for the 1995-96 hunting season.

(i) A special canvasback permit shall be required to hunt canvasback ducks, and a special swan permit shall be required to hunt swans, if the appropriate prescribed special season is established by Federal regulations. If a special season for canvasback ducks is established by Federal regulations, the special canvasback hunting area shall be that portion of the State south of Routes 287 and 440 (Perth Amboy), east of the Garden State Parkway and north of Route 36 (Long Branch) and that portion of the State south of Route 88 (Bay Head), east of the Garden State Parkway and north of Route 72 (Ship Bottom). If a special season for swan is established by Federal regulations, the special swan hunting area shall be the counties of Burlington, Cumberland and Salem. A special September Canada goose hunting season permit shall be required to hunt Canada geese, if the appropriate prescribed special season is established by Federal regulations. The Special September Canada Goose hunting area shall be that portion of the State designated by Federal regulations. A special late season Canada goose hunting season permit shall be required to hunt Canada geese if the appropriate prescribed special season is established by Federal regulations. The special late season Canada goose hunting areas shall be that portion of the State established by Federal regulations.

(j) Federal and State waterfowl stamps are required for hunting ducks and geese for everyone 16 years of age or over. Regular State valid hunting license is also required to hunt ducks and geese.

(k) Waterfowl hunting on Delaware River is governed by State boundaries and restricted to respective State seasons.

(l) The prohibition against shooting waterfowl or placing a boat or other structure at a greater distance than 100 feet from shore shall not apply in all the waters of the State and Atlantic Ocean.

(m) A person shall not take or attempt to take migratory game birds:

1. With a shotgun capable of holding more than three shells at one time or that may be fired more than three times without reloading;

2. With a trap, net, snare, crossbow, rifle, pistol, shotgun larger than 10 gauge, fish hook, poison, drug or explosive;

3. From a sinkbox (a low floating device affording the hunter a means of concealment beneath the surface of the water);

4. From any motorboat or sailboat unless the motor has been shut off and/or the sail furled and the boat has stopped. However, crippled birds may be shot from craft under power in the sea duck area;

5. From a car or other motor-driven conveyance, or any aircraft;

6. Using live birds as decoys, or by the use or aid of livestock as a blind or means of concealment;

7. Using records or tapes of migratory bird calls, or electrically amplified imitations of bird calls (except crows);

8. By driving or chasing birds with any motorized conveyance or any sailboat to put them in range of hunters;

9. By the aid of baiting (placing feed seeds such as corn, wheat, salt, or other feed to constitute a lure or enticement) in or over any baited area, with or without knowledge that the area is baited. The prohibition contained in this paragraph does not apply to crows (*Corvus* spp.). A baited area is considered to be baited for 10 days after the removal of the bait;

10. Without making reasonable effort to retrieve dead or crippled birds and including them in the daily limit, crippled birds must be immediately killed;

11. Before 8:00 A.M. on November 11, 1995. However this shall not preclude the hunting of migratory game birds on tidal waters or tidal marshes of the State.

12. In or on the shores of Shark River;

13. In that portion of the Manasquan River from the ocean inlet upstream to Route 70 bridge;

14. Except at the time and manner prescribed by the State or Federal regulation, or by the 1995-96 Game Code.

15. With shotgun shells loaded with pellets larger than No. 4 fine shot except those persons engaged in hunting waterfowl may use nothing larger than T (.200 inch) steel shot and nothing larger than the shot size authorized by Federal regulations for other forms of non-toxic shot;

16. And possess more than one daily bag while in the field or while returning from the field to one's car, hunting, camping, home, etc.;

17. And leave them at any place or in the custody of another person unless the birds are tagged by the hunter with the following information:

- i. The hunter's signature and address.
- ii. The total number and species of birds involved.
- iii. The date such birds were killed.

18. And ship them unless the package is marked on the outside with:

- i. The name and address of person sending the birds.
- ii. The name and address of the person to whom the birds are being sent.

iii. The number of each species contained in the package.

19. And completely field dress them and transport them from the field. The head or one fully feathered wing must remain attached to all such birds while being transported from the field to one's home or to a commercial preservation facility.

(n) Seasons and bag limits are as follows:

1. Mourning dove (*Zenaidura macroura*) are protected. There will be no open season on these birds during 1995-96.

2. Rail and gallinule season and bag limits are as follows:

i. The duration of the season for hunting clapper rail (*Rallus longirostris*), Virginia rail (*Rallus limicola*), sora rail (*Porzana carolina*) and common gallinule or moorhen (*Gallinula chloropus*) is September 1 through November 9, 1995 inclusive.

ii. Bag limits: Clapper rail, common gallinule: 10 daily, 20 in possession of each species. Virginia rail, sora rail, 25 daily or in possession singly or in aggregate.

(o) Woodcock zones and hunting hours are as follows:

1. North Zone: That portion of the State situated north of Route 70 from Point Pleasant west to Camden.

2. South Zone: That portion of the State situated south of Route 70 from Point Pleasant west to Camden.

3. Hunting hours for Woodcock are sunrise to sunset except on November 11, when the hunting hours are 8:00 A.M. to sunset.

(p) The special sea duck hunting area for New Jersey is defined as any waters of the Atlantic Ocean and, in addition, any tidal waters of any bay which are separated by at least one mile of open water from any shore, island, or emergent vegetation.

(q) The special scaup hunting area for New Jersey is defined as the Delaware Bay, Delaware River and tidal waters east of the Garden State Parkway (tributaries of the Delaware Bay, Delaware River, or the non-tidal section of the Delaware River above Trenton Falls are not included).

(r) Parker Creek and Oceanport Creek: There shall be no open firearm season for hunting any game bird or mammal including waterfowl on Parker Creek and Oceanport Creek, Monmouth County, or the shores thereof, southwest or upstream of the Conrail R.R. bridge.

(s) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1, 23:4-11, 23:4-12, 23:4-15, 23:4-18, 23:4-19, 23:4-24.2, 23:4-24.3, 23:4-27, 23:4-30 and 23:4-3, 50 C.F.R. Parts 10.1 and 20.1 et seq. and other applicable statutes.

Amended by R.1992 d.423, effective October 19, 1992.
See: 24 N.J.R. 2773, 24 N.J.R. 3725(a).

New (r) added; existing (r) recodified to (s).
Administrative correction to N.J.A.C. 7:25-5.13(c).
See: 25 N.J.R. 2001(c).

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.14 Special regulation limiting use of shotguns and shotgun shells containing lead pellets

(a) No person shall have in possession or use in hunting waterfowl and coot or any snipe, rail or gallinules after the regular season for hunting waterfowl commences any shotgun shell containing lead shot or lead pellets or have in possession or use any shotgun containing lead shot in New Jersey, including all territorial waters.

1. Only shotgun shells containing steel pellets not larger than T (.200 inch) or other non-toxic shot not larger than the shot authorized by Federal regulations and only shotguns containing steel pellets or other non-toxic shot authorized by Federal regulations shall be used for hunting waterfowl.

(b) A person found in possession of any of the following items at (b)1 to 3 below, while hunting for, pursuing, taking, or attempting to take waterfowl, coot or any snipe, rail or gallinule after the regular waterfowl season commences is in violation of this section. Each violation shall constitute an additional, separate and distinct offense subjecting the person to a penalty of \$20.00 for each offense.

1. Each shotgun shell containing lead shot or pellets;
2. Each shotgun loaded with lead shot or pellets; or
3. Any lead shot or any pellets or each cartridge or each charge containing lead shot or pellets.

(c) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 13:1B-30 and N.J.S.A. 23:4-12, et seq.

7:25-5.15 Crow (*Corvus spp.*)

(a) Duration for the season for hunting the crow shall be Monday, Thursday, Friday and Saturday from August 7, 1995 through March 16, 1996 inclusive, except closed during the December portion of the permit shotgun deer season in those management zones on the prescribed dates that the season is open.

(b) There is no daily bag limit. There is no season limit.

(c) The hours for hunting crows shall be sunrise to ½ hour after sunset, except on November 11, 1995 when the hours are 8:00 A.M. to ½ hour after sunset.

(d) Hunting methods shall be in accordance with Federal regulations as adopted by the U.S. Department of the Interior, U.S. Fish and Wildlife Service.

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.16 General falconry rules

(a) The following rules govern the taking, possession, training, transfer, marking and housing facilities of raptors, the classification of permittees and the use of raptors for falconry, to take, kill, or pursue wild birds or wild animals.

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

i. Falconry: The sport of hunting with trained raptors—including the training of raptors. The use of raptors to hunt, take, kill, pursue to attempt to take wild game animals.

ii. Raptors: Live birds of the family Accipitrididae, other than the bald eagle (*Haliaeetus leucocephalus*) or of the family Falconidae or the great horned owl (*Bubo virginianus*) of the family Strigidae.

iii. Take: To trap or capture, or attempt to trap or capture, a raptor for the purpose of falconry.

iv. Facilities: Equipment and shelters necessary to protect, house and train raptors.

v. Nestlings or eyasses: Young raptors not yet capable of flight.

vi. Passage birds: Raptors in their first year of life.

vii. Permit year: All permits expire on June 30 of the second calendar year after issue.

viii. Transfer: To convey, carry, remove or send from one person, place, or position to another.

ix. Sponsor: A holder of a general or master falconry permit who has accepted the responsibility for the conduct and training of an apprentice falconer.

x. Endangered, threatened: Includes all raptors appearing on a U.S. Department of Interior or N.J. Division of Fish, Game and Wildlife list of endangered, threatened or rare species.

xi. Captive bred: Raptors hatched and raised in captivity by breeders with necessary Federal permits.

xii. Hacking-back: Return of a captive raptor to the wild through the gradual process, eliminating any dependency on man.

xiii. Imping: The replacement of broken or damaged wing or tail feathers by affixing previously molted feathers to the damaged feather.

2. Classes of permits are as follows:

i. Apprentice: Permittee shall be at least 14 years of age.

(1) A sponsor who is holder of a general or master falconry permit is required for all permittees in the apprentice class. Apprentice permittee must notify the Division of Fish, Game and Wildlife in writing 10 days after his sponsorship has been withdrawn for any reason.

(2) Permittee shall not possess more than one raptor and may not obtain more than one raptor for replacement during any 12-month period.

(3) Permittee shall possess only an American kestrel (*Falco sparverius*) or a red-tailed hawk (*Buteo jamaicensis*).

ii. General: Permittee shall be at least 18 years of age.

(1) Permittee shall have been licensed at least two years as an apprentice falconer and have had a raptor in possession for at least 12 months. Permittee shall have had two seasons of active field flying experience with a raptor. Sponsor for apprentice must certify in writing that the apprentice is now qualified to become a general falconer.

(2) Permittee may not have more than two raptors in possession and may not take more than two raptors for replacement birds during any one permit year.

(3) Permittee may not take, transport or possess any golden eagle (*Aquila chrysaetos*) or any species listed as endangered or threatened by the U.S. Department of the Interior or the N.J. Division of Fish, Game and Wildlife provided, however, that captive bred Cooper's hawks (*Accipiter cooperi*), or one legally acquired from the wild from states outside New Jersey where it is not classified as endangered or threatened, may be possessed. Notwithstanding the above, passage or captive bred red-shouldered hawks (*Buteo lineatus*) or goshawks (*Accipiter gentilis*) may be possessed. Eyass birds or nestlings of threatened or endangered raptors may not be taken.

(4) Permittee who refused sponsorships of any apprentice applicant for any reason shall report his reasons for his refusal to the N.J. Division of Fish, Game and Wildlife in writing within 10 days upon written request of the Division.

iii. Master: Permittee shall have at least five years of falconry experience in the practice of falconry at the general class. A raptor shall have been in possession for no less than 36 months during this time.

(1) Permittee may not possess more than three raptors, and may not take more than two raptors for replacements during any permit year.

(2) A permittee may not take, transport or possess any species listed as endangered on a U.S. Department of Interior or N.J. Division of Fish, Game and Wildlife list, provided, however, that captive bred birds, when legally acquired and possessed in compliance with Federal authorization may be used. Captive bred Cooper's hawks or Cooper's hawks legally acquired from the wild from outside New Jersey where it is not classified as endangered or threatened may be possessed. Notwithstanding the above, passage or captive bred red-shouldered hawks or goshawks may also be possessed. Eyass birds or nestlings of threatened or endangered species may not be taken.

(3) Permittee may not take, transport or possess any golden eagle for falconry purposes unless authorized in writing by both the U.S. Fish and Wildlife Service and the N.J. Division of Fish, Game and Wildlife.

(4) A permittee may not take, transport or possess as part of his three bird limitation, more than one raptor listed as threatened on U.S. Dept. of the Interior or N.J. Division of Fish, Game and Wildlife list and then only in compliance with all Federal requirements and written permission of the N.J. Division of Fish, Game and Wildlife.

(5) Permittee who refuses sponsorship of an applicant for any reason shall report his reasons for this refusal to the Division in writing within 10 days upon written request of the Division.

3. The examination and assignment of class of falconry permit holders are as follows:

i. After the adoption of these rules, all persons desiring a falconry permit will be required to answer correctly at least 80 per cent of the questions on a supervised examination. All falconry examinations will be provided or approved by the U.S. Fish and Wildlife Service.

ii. All applicants will be given examinations once a year. The examinations may relate to basic biology, care and handling of raptors, literature regulations and other appropriate subject matter.

iii. During the first six-month period following the adoption of these regulations any individual who, after passing the required examination and complying with all facility requirements, feels he or she should be placed in the "General" or "Master" class shall advise the Division of this fact in writing. Such individuals will then be interviewed by a recognized authority on the sport of falconry to be designated by the Division. This authority shall advise the Division in writing (with a copy to the individual requesting such interview) of which class he feels the individual should be placed. The Division, after consideration of the recommendation of the authority, may place the individual in a higher class to provide Apprentice class falconers with the necessary sponsors.

4. Facilities and equipment: Falconry equipment shall be inspected and certified by a representative of the Division as meeting the following standards:

i. Facilities: The primary consideration for raptor housing facilities whether indoors (mews) or outdoors (weathering area) is protection from the environment, predators or undue disturbance. The applicant shall have the following facilities:

(1) Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than one raptor is to be kept in the mews, the raptors shall be separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird's body, and a secure door that can be easily closed. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.

(2) Outdoor facilities (weathering area) shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbance and attack by predators. The enclosed area shall be large enough to insure the birds cannot strike the fence when flying from the perch. Protection from excessive sun, wind and inclement weather shall be provided for each bird. Adequate perches shall be provided.

ii. Equipment: The following items shall be in the possession of the applicant before he can obtain a permit or license:

(1) Jesses—At least one pair of Aylmeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free. This flying jess should have no slits, only one hole no longer than 0.1 inch in diameter. Traditional one piece jesses may be used on raptors when not being flown.

(2) Leashes and swivels—At least one flexible weather-resistant leash and one strong swivel of acceptable falconry design.

(3) Proper glove with a snap and falconer's bag with food storage area.

(4) Bath container—At least one suitable container, 2 to 6 inches deep and wider than the length of the raptor, for drinking and bathing for each raptor.

(5) Outdoor perches—At least one weathering area perch of an acceptable design shall be provided for each raptor.

(6) Weighing device—A reliable scale or balance suitable for weighing the raptor(s) held and graduated in increments of not more than one-half ounce (15 grams) shall be provided.

(7) Hoods—A well fitted hood should be available for use with each bird during transport. (Birds need not necessarily be hooded for transport.)

iii. Maintenance: All facilities and equipment shall be kept at or above the preceding standards at all times.

iv. Transportation: temporary holding—A raptor may be transported or held in temporary facilities which shall be provided with an adequate perch and protected from extreme temperatures and excessive disturbances, for a period not to exceed 30 days.

v. Veterinary care: The falconer shall prove to the satisfaction of the Division that he has on call consultation for medical care of the raptor. (Name and telephone number of veterinarian shall be supplied on application.)

5. Restrictions on taking raptors are as follows:

i. No person shall take, possess, transport or obtain a raptor unless they are in possession of a current falconry permit, nongame permit as described in N.J.A.C. 7:25-4.2(a) or endangered species permit as described in N.J.A.C. 7:25-4.10(b). Apprentice falconers shall take or attempt to take their first raptor while in the accompaniment of a general or master falconer.

ii. Young birds not yet capable of flight (eyasses) may only be taken by a general or master falconer and only during the period April 15 to June 29 inclusive. No more than two eyasses may be taken by the same permittee during the specified period. No more than one eyass per nest may be taken, leaving at least one eyass in the nest. A three foot metal flashing painted a dark color must be fastened completely around the nest tree at least four feet from the base of the tree. The flashing shall be removed after the nestlings have fledged.

iii. First year (passage) birds may only be taken during the period September 19 to December 31 inclusive.

iv. Captive bred raptors may be used for falconry in accordance with Federal regulations. Captive bred raptors in possession of a permittee shall be counted as part of the possession limit of said permittee.

v. Adult American kestrels (*Falco sparverius*) and great horned owls (*Bubo virginianus*) may only be taken during the period September 19 to December 31 inclusive. No other adult raptors may be taken with the exception that any raptor other than endangered or threatened species that may be taken under a depredation (or special purpose) permit may be used for falconry by General and Master falconers.

vi. A master or general permittee may trade or transfer a raptor to another master or general permittee if the transaction occurs entirely within the state

and no money or other consideration is involved. A master or general permittee may transfer a raptor to another master or general permittee in an interstate transaction if the prior written approval of the State agency which issued the permit is obtained and no money or other consideration is involved in the transaction.

vii. Bal-Chatrri type live traps, other live traps and nets may be used for taking raptors providing they are used in such a manner which would minimize any danger of injuring the raptor. All traps or nets used must have attached thereto a tag or label clearly showing the name and address, permit number and class of the permittee.

viii. Owners of escaped raptors marked in accordance with these regulations may recapture these marked raptors at any time. However, all other banded raptors trapped while attempting to capture a raptor for falconry shall immediately be released unharmed and a report containing the date, time, band number, location and species shall be submitted to the Division within 10 days of capture.

6. Marking of raptors shall be as follows:

i. An inventory of all raptors held within New Jersey, except those held for scientific or zoological purposes, shall be made and reported to the Division within 90 days of the date when New Jersey is listed under the State's meeting Federal Falconry Standards. This paragraph applies to all such raptors whether or not the owner intends to submit an application for a falconry permit.

ii. Wild-caught birds must be tagged with the falconer's name and phone number on the jesses or bells. Captive bred birds must have a seamless Federal marker affixed to one leg.

iii. Any marker, mutilated or lost, shall be reported in writing within 72 hours to the Division of Fish, Game and Wildlife, Trenton. Markers no longer legible shall be reported in the same manner. Markers causing leg damage must be removed and reported.

iv. It shall be unlawful for any person to alter or deface a marker. However, the falconer may smooth any imperfect surface provided the integrity of the marker and numbering is not affected. It shall be unlawful to use or possess a counterfeit marker.

v. Markers shall be removed from birds which die or are intentionally released into the wild and shall be forwarded to the Trenton office within 10 days along with a report of the probable cause of death or the area of the release. When possible, a U.S. Fish and Wildlife Service numbered band should be put on the raptor before release. Raptors of a species not indigenous to New Jersey shall not be released intentionally without written authorization of the Division.

7. Hunting with raptors shall be as follows:

i. The flying and training of raptors by holders of valid falconry permits may be conducted on a year round basis.

ii. Game species may be hunted only in accordance with the Game Laws and the seasons and bag limits established each year for falconry by the Division.

iii. Raptors may be used to take game birds on a licensed semi-wild or commercial game preserve by holders of valid falconry permits.

8. Rules for non-resident falconers are as follows:

i. Non-residents of New Jersey who possess Federal falconry permits or falconry permits issued by states designated as a participant in a joint Federal/State falconry permit system may bring any raptor legally possessed by them under authority of their falconry permit into New Jersey to attend falconry meets or to hunt, provided:

(1) No laws or regulations of other states are violated;

(2) No Federal laws are violated; and

(3) Non-resident New Jersey hunting license is obtained and all hunting regulations are observed.

ii. Non-residents of New Jersey who possess Federal falconry permits or falconry permits issued by states designated as a participant in joint Federal/State falconry permit system who move into New Jersey for the purpose of becoming a resident may bring any raptors with them that they legally possess provided that they construct required facilities within 30 days and apply for New Jersey Falconry Permit no later than 60 days after moving into New Jersey. A permit in the same classification as one they held in their previous state of residence may be issued without a written examination.

(1) The falconry permit issued by the former state of residence will be authority to possess and exercise raptors until a New Jersey permit is obtained provided no raptors are taken from the wild and raptors are not used to take any quarry without a valid New Jersey hunting license.

9. Miscellaneous rules are as follows:

i. A proper and valid firearm hunting license must be displayed while hunting with raptors. The falconry permit, or a photocopy thereof, must be carried by permittee when engaged in the sport of falconry.

ii. Persons having and holding raptors under authority of a falconry permit whose facilities do not meet the established standards shall take immediate action to have the facilities comply within 30 days. No permit will be renewed at any time after adoption of these rules if the facilities do not meet the required standards.

iii. Persons having raptors in their possession whose falconry permits are not renewed or are revoked with cause shall have 30 days to return their birds to the wild by "hacking back", transfer to a licensed general or master falconer, or shall forfeit the raptors to the Division.

iv. Whoever, while engaged in the sport of falconry, should unintentionally kill any wildlife for which there is no open season, shall leave the killed specimen at the site and notify a Regional Law Enforcement Office or the Trenton Office of the Division of Fish, Game and Wildlife, within 12 hours of such killing.

v. Another person may care for the raptors of a permittee if written authorization, showing period covered, from the permittee accompanies the raptors when transferred, provided that if the period of care will exceed 30 days, written permission shall be obtained from the Division.

vi. Feathers that are molted or feathers from birds held in captivity that die, may be retained by the permittee for imping purposes only. Carcasses of birds which die in captivity must be turned over to the Division for disposal.

vii. A sponsor may have more than three apprentices at any one time.

viii. A person who possesses a lawfully acquired raptor acquired before the enactment of these regulations and who fails to meet the permit requirements shall be allowed to retain the raptors provided facility requirements at (a)4 above are met and a permit is obtained pursuant to N.J.A.C. 7:25-4. All such birds shall be identified with markers supplied by the U.S. Fish and Wildlife Service and cannot be replaced if death loss, release, or escape occurs. These raptors may not be used for falconry.

ix. A person who lawfully possesses raptors before the enactment of these regulations, in excess of the number allowed under his class permit, shall be allowed to retain the extra raptors provided facility requirements are met and the birds are included on the falconry permit. All such birds shall be identified with markers supplied by the U.S. Fish and Wildlife Service and no replacement can occur, nor may an additional raptor be obtained, until the number in possession is at least one less than the total number authorized by the class of permit held by the permittee.

x. Species of raptors not native to the state of New Jersey or otherwise covered by the regulations shall be allowed for the purpose of falconry provided they are legally acquired and are in compliance with all applicable Federal and State regulations. A falconer may not possess more than six species of raptors not native to the North American Continent during any one year.

xi. The possession of firearms while engaged in falconry is illegal.

10. Reporting shall be as follows:

i. Whenever a raptor is acquired, transferred, released or lost, due to escape or death, a copy of Federal Form 3-186A must be submitted to the division within 10 days of the transaction or occurrence.

ii. A report is also required upon termination of the permit for any reason.

iii. This report must be an accurate account of all activities carried on under authority of the permit.

11. Penal Provisions: It shall be unlawful to hunt for, take, possess, transfer any raptor, or practice falconry contrary to the rules and regulations adopted by the Division or to make a false statement on any required report or document. Any person who violates any provision of N.J.S.A. 23:1-1 et seq., N.J.A.C. 7:25-6, or this chapter, is subject to the revocation of any permits issued pursuant to this section and any other penalties prescribed by law.

12. Authority: N.J.S.A. 23:4-12, 23:2A-1 et seq. and other applicable statutes.

7:25-5.17 Raccoon (*Procyon lotor*) and Virginia opossum (*Didelphis virginiana*) hunting

(a) The duration for the season of hunting raccoons and Virginia opossum is one hour after sunset on October 2, 1995 to one hour before sunrise on March 1, 1996. The hours for hunting are one hour after sunset to one hour before sunrise.

(b) There shall be no daily bag limit. There shall be no season limit.

(c) A person shall not hunt for raccoon or opossum with dogs and firearms or weapons of any kind during the six day firearm deer season and the December portion of the permit shotgun deer season in those management zones on the prescribed dates that the season is open and including any extra permit deer season day(s) in December.

(d) A person shall not train a raccoon or opossum dog other than during the period of September 1 to October 1, 1995 and from March 1 to May 1, 1996. The training hours are one hour after sunset to one hour before sunrise.

(e) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1, 23:4-2, 23:4-12 and 23:4-25 and other applicable statutes.

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.18 Woodchuck (*Marmota monax*) hunting

(a) Duration for the hunting of woodchucks with a rifle including a muzzleloading rifle in this State is March 9 through September 27, 1996. Licensed hunters may also take woodchuck with shotgun or long bow and arrow or by means of falconry during the regular woodchuck rifle season and during the upland game season established in N.J.A.C. 7:25-5.3.

(b) The hours for the hunting of woodchuck shall be sunrise to one-half hour after sunset.

(c) No person shall hunt a woodchuck with a rifle without a proper and valid rifle permit issued by the division.

(d) There shall be no rifle hunting for woodchuck on the State Fish and Wildlife Management Areas.

(e) There shall be no bag limit.

(f) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1, 23:4-13 and other applicable statutes.

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.19 Red fox (*Vulpes vulpes*) and gray fox (*Urocyon cinereoargenteus*) hunting

(a) The duration of the red fox and gray fox hunting season is as follows:

1. Bow and Arrow Only—September 30 through November 10, 1995.

2. Firearm or Bow and Arrow—November 11, 1995 through February 19, 1996 except closed during the six day firearm deer season and the December portion of the permit shotgun deer season in those management zones on the prescribed dates that the season is open and also excluding any extra permit deer season day(s) in December if declared open.

(b) The use of dogs shall not be allowed for fox hunting during the Statewide bow and arrow only season of September 30–November 10, 1995. There shall be no fox hunting during the firearm deer season, except that a person hunting deer during deer season may kill fox if the fox is encountered before said person kills a deer. However, after a person has killed a deer he or she must cease all hunting immediately.

(c) The hours for hunting fox are 8:00 A.M. to ½ hour after sunset on November 11, 1995 and on other days from sunrise to ½ hour after sunset.

(d) There is no bag limit.

(e) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-42 and 23:4-58.1 and other applicable statutes.

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.20 Dogs

(a) A person shall not exercise or train dogs on State Fish and Wildlife Management Areas May 1 to August 31, inclusive, except on portions or various wildlife management areas designated as dog training areas, and there shall be no exercising or training of dogs on any Wildlife Management Area on November 10, 1995.

(b) This section shall not preclude a properly licensed field trial association from conducting a field trial or from handling and working dogs during the period of time covered by the field trial license on the Assunpink Wildlife Management Area, only.

(c) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-25 and other applicable statutes.

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.21 Squirrel (*Sciurus spp.*), raccoon (*Procyon lotor*), opossum (*Didelphis virginianus*), skunk (*Mephitis mephitis*), weasel (*Mustela spp.*), woodchuck (*Marmota monax*) and coyote (*Canis latrans*) damage

(a) Property owners and occupants of dwellings suffering damage from squirrel, raccoon, opossum, skunk, weasel, and woodchuck, or their agents designated in writing, may control these animals by lawful procedures at any time subject to state law and local ordinances in the following counties: Bergen, Essex, Hudson and Union; and also, in municipalities with a population of 2,000 and over.

(b) At any other location in this State a permit from the division shall be obtained.

(c) Farmers or their agents may control coyotes by lawful procedures at any time when found destroying livestock, crops or poultry, subject to State law and local ordinances and must notify one of the Regional Law Enforcement Offices within 24 hours.

(d) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1 and 23:4-9 and other applicable statutes.

7:25-5.22 Wild birds or mammals; possession, killing

(a) No person shall have in possession, kill, attempt to take, hunt for, pursue, shoot, shoot at, trap, or attempt to trap any wild mammal or wild birds unless an open season for the taking of such birds or mammals has been declared by the New Jersey Fish and Game Laws or Code and then only during the respective open seasons fixed by the New Jersey Fish and Game Laws or Code, except as provided in N.J.A.C. 7:25-5.15(a), (b) and (c).

(b) This section shall not apply to the taking of English sparrows, European starlings, or blackbirds that are doing damage to crops or property; nor shall it apply to the taking of household pests such as Norway rats and house mice.

1. Under Federal regulations, a person may kill yellow-headed, red-winged, bicolored red-winged, tricolored red-winged, and Brewer's blackbirds, cow-birds, all grackles, common crows and magpies when found committing or about to commit serious depredations upon any ornamental or shade tree, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance. None of the birds killed, nor their plumage, shall be sold or offered for sale, but may be possessed, transported, and otherwise disposed of or utilized.

(c) Persons holding valid permits issued by the New Jersey Division of Fish, Game and Wildlife for the possession or taking of any specific bird or mammal shall not be in violation of this section.

(d) The fact that a bird or mammal is not native to this State shall not constitute a defense to the possession, taking or attempting to take any wild bird or mammal in violation of this section.

(e) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-50 and other applicable statutes.

7:25-5.23 Firearms and missiles, etc.

(a) Except when legally engaged in deer hunting during the prescribed firearm deer seasons no person shall have in his or her possession in the woods, fields, marshlands or on the water any shell or cartridge with missiles of any kind larger than No. 4 fine shot. This shall not preclude a properly licensed person from hunting woodchuck with a rifle during the woodchuck season. For hunting woodchuck, center-fire rifles of .25 caliber or smaller or rimfire rifles may be used. Center-fire rifles larger than .25 caliber may also be used provided that the bullets used do not exceed 100 grains in weight. All center-fire rifle ammunition used in hunting woodchucks must be hollow point, soft point or expanding lead core bullets. All rimfire rifle ammunition used in hunting woodchuck must be hollow point or soft point type. Also excepted is the use of a muzzleloading rifle, .36 caliber or smaller, loaded with a single projectile during the prescribed portion of the squirrel season in designated areas. Waterfowl hunters may possess and use shotgun shells loaded with T (.200 inch) steel fine shot or smaller or forms and sizes of other non-toxic shot authorized by Federal regulations and properly licensed persons hunting for raccoon or opossum with hounds or engaged in trapping for furbearing animals may possess and use a .22 caliber rifle and raccoon, or opossum or legally trapped furbearing animals other than muskrat.

(b) All persons in possession of a rifle while hunting or trapping must have in addition to their proper license, a valid and proper rifle permit.

(c) No person shall use in hunting fowl or animals of any kind, any shotgun capable of holding more than three shells at one time or that may be fired more than three times without reloading. No person shall use in hunting or trapping of any kind, a rifle loaded with more than three cartridges. No person shall have in his or her possession while deer hunting on Monmouth Battlefield State Park any shell or cartridge with missiles of any kind other than shotgun slugs or No. 4 buckshot or No. 000 buckshot.

(d) It shall be legal to use a .22 caliber rifle and .22 caliber short cartridge only for hunting raccoon and opossum with hounds and for killing legally trapped animals other than muskrats on State wildlife management areas.

(e) Within the areas described as portions of Passaic, Mercer, Hunterdon, Warren, Morris and Sussex Counties lying within a continuous line beginning at the intersection of Rt. 513 and the New York State line; then south along Rt. 513 to its intersection with Rt. 511; then south along Rt. 511 to its intersection with Rt. 46; then west along Rt. 46 to its intersection with Rt. 80; then west along Rt. 80 to its intersection with Rt. 15; then north along Rt. 15 to its intersection with the Morris-Sussex County line; then south along the Morris-Sussex County line to the Warren County line; then southwest along the Morris-Warren County line to the Hunterdon County line; then southeast along the Morris-Hunterdon County line to the Somerset County line; then south along the Somerset-Hunterdon County line to its intersection with the Mercer County line; then west and south along the Hunterdon-Mercer County line to its intersection with Rt. 31; then south along Rt. 31 to its intersection with Rt. 546; then west along Rt. 546 to the Delaware River; then north along the east bank of the Delaware River to the New York State line; then east along the New York State line to the point of beginning at Lakeside; and in that portion of Salem, Gloucester, Camden, Burlington, Mercer, Monmouth, Ocean, Atlantic, Cape May and Cumberland counties lying within a continuous line beginning at the intersection of Rt. 295 and the Delaware River; then east along Rt. 295 to its intersection with the New Jersey Turnpike; then east along the New Jersey Turnpike to its intersection with Rt. 40; then east along Rt. 40 to its intersection with Rt. 47; then north along Rt. 47 to its intersection with Rt. 536; then east along Rt. 536 to its intersection with Rt. 206; then north along Rt. 206 to its intersection with the New Jersey Turnpike; then northeast along the New Jersey Turnpike to its intersection with Rt. 571; then southeast along Rt. 571 to its intersection with the Garden State Parkway; then south along the Garden State Parkway to its intersection with Rt. 9 at Somers Point; then south along Rt. 9 to its intersection with Rt. 83; then west along Rt. 83 to its intersection with Rt. 47; then north along Rt. 47 to its intersection with Dennis Creek; then south along the west bank of Dennis Creek to its intersec-

tion with Delaware Bay; then northwest along the east shore of Delaware Bay and the Delaware River to the point of beginning; persons holding a valid and proper rifle permit in addition to their current firearm hunting license may hunt for squirrels between October 7–November 10, 1995 and January 22–February 19, 1996 using a .36 caliber or smaller muzzleloading rifle loaded with a single projectile.

(f) Except as specifically provided below for waterfowl hunters, semi-wild and commercial preserves, muzzleloader deer hunters and trappers, from December 4–9, 1995 inclusive, it shall be illegal to use any firearm of any kind other than a shotgun. Nothing herein contained shall prohibit the use of a shotgun not smaller than 20 gauge nor larger than 10 gauge with a rifled bore for deer hunting only. Persons hunting deer shall use a shotgun not smaller than 20 gauge or larger than 10 gauge with the lead, lead alloy or copper slug only or a shotgun not smaller than 20 gauge nor larger than 10 gauge with the buckshot shell. It shall be illegal to have in possession while hunting deer, any firearm missile except the 20, 16, 12 or 10 gauge lead, lead alloy or copper slug or the 12, 10, 16 or 20 gauge buckshot shell. Shotgun shells containing a single spherical projectile may not be possessed or used in deer hunting. (This does not preclude a person legally engaged in hunting on semi-wild or commercial preserves for the species under license or a person legally engaged in hunting woodcock from being possessed solely of shotgun(s) and nothing larger than No. 4 fine shot, nor a person engaged in hunting waterfowl only from being possessed solely of shotgun and nothing larger than T (.200 inch) steel shot or other forms and sizes of non-toxic shot authorized by Federal regulations during the shotgun deer seasons). A legally licensed trapper possessing a valid rifle permit may possess and use a .22 rifle and short rimfire cartridge only while tending his or her trap line.

1. Persons who are properly licensed may hunt for deer with a muzzleloader rifle during the 1995 six day firearm deer season and the permit muzzleloader rifle deer season.

2. Muzzleloader rifles used for hunting deer are restricted to single-shot single barreled weapons with flintlock or percussion actions, shall not be less than .44 caliber and shall fire a single missile or projectile. Except as provided in (p) below, only open iron sights and peep sights shall be attached or affixed to the muzzleloader rifle while engaged in hunting for deer or squirrel. Only one muzzleloader rifle may be possessed while hunting. Double barrel and other types of muzzleloader rifles

capable of firing more than one shot without reloading or holding more than one charge are prohibited. Persons who are properly licensed may hunt for deer with a single-shot, single barreled, flintlock or percussion action, smoothbore muzzleloader during the permit muzzleloader rifle season. Single shot, smoothbore muzzleloaders used during the permit muzzleloader season shall fire a single missile or projectile and shall not be smaller than 20 gauge or larger than 10 gauge. Double barrel and other types of smoothbore muzzleloaders capable of firing more than one shot without reloading or holding more than one charge are prohibited during the permit muzzleloader season. Persons who are properly licensed may hunt deer with single or double barrel, smoothbore muzzleloader during the six day firearm and permit shotgun deer seasons. Smoothbore muzzleloaders used for deer hunting during the six day firearm and permit shotgun deer seasons shall not be smaller than 20 gauge or larger than 10 gauge, and shall fire a single missile or projectile, or buckshot no smaller than No. 4 (.24 inch) or larger than 000 (.36 inch). Except as provided in (p) below, no telescopic sights shall be attached or affixed to the smoothbore muzzleloader while engaged in hunting for deer or squirrel. Only one muzzleloader rifle or smoothbore muzzleloader may be possessed while deer hunting.

3. Properly licensed persons 14 years of age and older engaged in hunting with a muzzleloader rifle must have in possession a proper and valid rifle permit. Properly licensed persons 14 years of age or older, hunting during the muzzleloader rifle permit deer season with a smoothbore muzzleloader must also have in possession a proper and valid rifle permit. Rifle permits for 14 to 17-year olds will be valid for muzzleloader deer hunting, muzzleloader squirrel hunting and woodchuck hunting.

4. A muzzleloader is considered unloaded when, in the case of a percussion cap rifle or shotgun, the percussion cap has been removed from the nipple; in the case of a flintlock, when the powder is removed from the pan and a boot or cover made of a nonmetallic material is placed over the frizzen.

5. Whenever a firearm is in a motor vehicle, in addition to the requirements found in N.J.A.C. 7:25-5.23(f)4 (unloaded), it shall be enclosed in a securely fastened case.

(g) No person shall hunt, hunt for, or attempt to capture, kill, take, injure or destroy game birds or animals except at the time and in the manner provided by N.J.S.A. Title 23 and the valid State Game Code.

(h) The prohibition against shooting waterfowl or placing a boat or other structure at a greater distance than one hundred feet from shore shall not apply in all areas, and in the Atlantic Ocean. (Sinkbox prohibited by U.S. regulations).

(i) Wild waterfowl, migratory game birds, rabbits, hares, jack rabbits, squirrels, grouse, chukar partridge, pheasants, and quail shall not be hunted for or taken on Sunday. However, pheasants, quail and chukar partridge may be hunted for or taken on Sunday on semi-wild and commercial shooting preserve lands that are properly licensed for the taking thereof.

(j) Except for conservation officers and their deputies, no person shall carry or possess a bow and arrow, firearm of any kind or any instrument capable of firing or throwing a projectile of any type within the limits of a state game refuge unless authorized by the Division.

(k) Deer shall not be hunted for or taken on Sunday except on wholly enclosed preserves that are properly licensed for the propagation thereof.

(l) No person shall, for the purpose of hunting for, pursuing, taking or killing, or attempting to hunt, pursue, take or kill any bird or animal, have in an automobile or vehicle of any kind, any firearm loaded with missiles of any kind, under a penalty of not less than \$20.00 nor more than \$50.00.

(m) The Division may issue special permits without fee, to shoot or hunt from a standing vehicle that is parked off the road, to licensed hunters who, after investigations, are found to be paraplegics. Permittees are subject to all applicable New Jersey Fish and Game laws and regulations.

(n) No person shall have both a firearm and a bow and arrow in his possession or under his control in the woods or fields or on the water while hunting any wild bird or mammal. This does not apply to duly constituted law enforcement officers.

(o) No person shall hunt with the aid of a deer decoy, except during the fall bow, special permit bow and winter bow seasons in deer management Zones 9, 13, 21, 23, 24, 36, 37, 39, 40, 42, 49 and 52. Any person while carrying or moving deer decoys in the woods and fields for the purpose of hunting and properly licensed shall wear a cap of fluorescent hunters orange or some other garment containing at least 200 square inches of fluorescent orange material which shall be visible from all sides. No person shall hunt for deer with the aid of an electronic calling device or any device which projects a beam of light upon the target.

(p) The Division may issue a Special Muzzleloader Rifle Scope permit to certain visually handicapped individuals which would allow these individuals as specified below in this subsection to hunt with a muzzleloader rifle during the

prescribed seasons. Special Muzzleloader Rifle Scope Permit applications will require certification by a Doctor of Ophthalmology or Optometry, licensed to practice in New Jersey and be subject to Division review and ratification. For the purposes of this permit, a visually handicapped individual is defined as one who is incapable of achieving proper sight alignment/sight picture using a muzzleloader rifle equipped with open sights or peep sights due to a permanent vision disability which cannot be adequately addressed through the use of corrective lenses. The rifle scopes permitted under a Special Muzzleloader Rifle Scope Permit shall be non-magnifying or fixed power of not more than 1.5x.

(q) No person shall carry or possess a shotgun and any shotgun slug in the woods and fields or on the water while hunting unless he or she has in possession a shotgun which has adjustable open iron or peep sights or a scope affixed. No person shall use any shotgun containing shotgun slugs for the purpose of hunting unless it has adjustable open iron or peep sights or a scope affixed.

(r) Persons required by law to wear corrective lenses to operate a motor vehicle shall wear corrective lenses when hunting with a bow or a firearm of any kind.

(s) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:3-1, 23:4-1, 23:4-12, 23:4-13, 23:4-16, 23:4-18, 23:4-19, 23:4-24.1, 23:4-29, 23:4-42, 23:4-44 and 23:8-10 and other applicable statutes.

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.24 Bow and arrow, general provisions

(a) A bow means longbow, recurved bow or compound bow that is hand held and hand drawn and that has no mechanical devices built into or attached to, that will enable the archer to lock the bow at full or partial draw. Except as provided in N.J.A.C. 7:25-5.24(e) all draw locking and draw holding devices are prohibited and all crossbows or variations thereof are prohibited. Hand-held releasing devices are permitted.

(b) No person shall use a bow and arrow for hunting, during the firearm deer permit seasons in those deer management zones on the prescribed dates the season is open, on any additional Permit Deer Season Day(s) if declared open, or during the Six-Day Firearm Deer Season, except when the permit bow deer season runs concurrent with the firearm deer seasons. Bow and arrow hunting is not permitted between ½ hour after sunset and ½ hour before sunrise during other seasons. Deer shall not be hunted for or taken on Sunday except on wholly enclosed preserves that are properly licensed for the propagation thereof.

(c) During the season for taking deer or turkey with bow and arrow (as listed elsewhere in this subchapter), all arrows

used for taking deer or turkey must be fitted with an edged head of the following specifications:

1. Minimum width shall be $\frac{3}{4}$ inch.
2. Minimum length—None.
3. Cutting edges shall be of well-sharpened metal only.
4. Arrows fitted with heads other than specified for deer may be carried in the woods and fields during the Upland Game Season or other seasons which overlap with the Bow and Arrow Deer Season, in addition to arrows specified for deer. It is unlawful to hunt with any device propelled by any means that is used for the purpose of injecting or delivering any type of drug into an animal.
5. All bows, except compounds, must have a minimum draw pull weight of 35 pounds at the archers' draw length. Compound bows must have a minimum peak weight of 35 pounds.

(d) No person shall hunt deer with the aid of a deer decoy except during the fall bow, winter bow and special permit bow seasons in deer management Zones 9, 13, 21, 23, 24, 36, 37, 39, 40, 42, 49 and 52. No person shall hunt for deer with an electronic calling device or any device which projects a beam of light upon the target.

(e) The Division may issue a Special Bow Use Permit to certain physically handicapped individuals which would allow these individuals as specified below in this subsection to hunt with a longbow, recurved bow or compound bow that has been modified such that it has a mechanical device built into or attached to, that will enable the archer to draw and lock the bow at full or partial draw. Crossbows are prohibited. Special Bow Use Permit applications will require certification by a physician licensed to practice medicine in the State of New Jersey and be subject to Division's review and ratification. For the purposes of this permit, a handicapped individual is defined as one who is incapable of using a bow due to a permanent disability resulting from the loss of, or loss of use of, one or both arms as a result of birth defect, injury or disease.

(f) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1, 23:4-12, 23:4-16, 23:4-43, 23:4-44, 23:4-45 and other applicable statutes.

Correction: Deleted subsection (d) and renumbered old (e)-(g) as (d)-(f).

See: 20 N.J.R. 2936(a).

Amended by R.1995 d.427, effective August 7, 1995.

See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.25 White-tailed deer (*Odocoileus virginianus*) fall bow season (either sex)

(a) Deer of either sex and any age may be taken by bow and arrow exclusively from September 30–November 10, 1995, inclusive; except in Zones 1, 4 and 24 only deer with antlers at least three inches long may be taken from September 30–October 20, 1995. Legal hunting hours shall be $\frac{1}{2}$ hour before sunrise to $\frac{1}{2}$ hour after sunset.

(b) Bag Limit: Two deer of either sex, except as noted in (a) above and (b)1 below. Only one deer may be taken in a given day. Deer shall be tagged immediately with completely filled in "transportation tag" and shall be transported to a deer checking station before 8:00 P.M. E.S.T. on the day killed. Upon completion of registration of first deer, one valid and proper "New Jersey Second Deer Permit and Transportation Tag" (second tag) will be issued which will allow this person to continue hunting and take one additional deer of either sex during the current fall bow deer season. The second tag shall not be valid on the day of issuance and all registration requirements apply.

1. In deer management Zones 2, 5-17, 19, 20, 22, 23, 25-29, 31, 33, 35-37, 39-42, 45-51, 63 and 66, one additional deer may be taken by any properly licensed hunter who harvests an antlerless deer first in these zones, exclusively. A "New Jersey Bonus Deer Permit and Transportation Tag" will only be issued for the purpose of this provision at deer check stations located in or within fifteen miles of these zones. The New Jersey Bonus Deer Permit and Transportation Tag will be issued in addition to the New Jersey Second Deer Permit and Transportation Tag. The transportation portion of this tag is completed and affixed to the deer immediately upon killing by the hunter. All other deer registration requirements apply. A deer of either sex and any age may be taken with a bonus deer permit. Bonus tags may only be used in bonus tag zones. This bonus deer tag shall not be valid on the day of issuance and is not transferable. Persons possessing both a bonus tag and second tag may not take more than one deer per day.

2. Any legally killed deer which is recovered too late to be brought to the deer check station by closing time must be immediately reported by telephone to the nearest Division of Fish, Game and Wildlife law enforcement regional headquarters. Said deer must be brought to a checking station on the next open day to receive a legal "possession tag". If the season has concluded, said deer must be taken to a regular deer checking station on the following weekday to receive a legal possession tag.

(c) This season shall be open only to holders of a valid and current bow and arrow hunting license which contains an attached fall bow and arrow deer "transportation tag" or a proper and valid second tag. If the anticipated harvest of deer has not been accomplished during this season, additional days of bow and arrow deer hunting may be authorized by the Director. Such authorization and dates thereof shall be announced by press and radio. Handicapped individuals hunting with a modified bow must have a valid Special Bow Use Permit on their person while hunting in addition to a valid Bow and Arrow Hunting License.

(d) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-42, 23:4-43, 23:4-45, 23:4-47 and other applicable statutes.

Amended by R.1995 d.427, effective August 7, 1995.

See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.26 White-tailed deer winter bow season (either-sex)

(a) Deer of either sex and any age may be taken by bow and arrow exclusively from January 1-31, 1996, inclusive, except closed in zones open for shotgun permit season when authorized. Legal hunting hours shall be ½ hour before sunrise to ½ hour after sunset.

(b) Bag Limit: Two deer of either sex. Only one deer may be taken in a given day. Deer shall be tagged immediately with the "transportation tag" appropriate for the season, completely filled in, and shall be transported to a checking station before 7:00 P.M. E.S.T. on the day killed. Upon completion of the registration of the first deer, one valid and proper "New Jersey Second Deer Permit And Transportation Tag" (second tag) will be issued which will allow that person to continue hunting and take one additional deer of either sex during the current winter bow deer season. The second tag shall not be valid in the day of issuance and all registration requirements apply. Any legally killed deer which is recovered too late to be brought to a check station by closing time shall be immediately reported by telephone to the nearest Division of Fish, Game and Wildlife law enforcement regional headquarters. This deer shall be brought to a checking station on the next open day to receive a legal "possession tag." If the season has concluded, this deer shall be taken to a regular deer checking station on the following weekday to receive a legal "possession tag."

(c) This season will be open only to holders of a valid and current bow and arrow hunting license which contains an attached winter bow season "transportation tag" or a proper and valid second tag, in addition to the regular fall bow season "transportation tag". If the anticipated harvest of deer has not been accomplished during this season, additional days of special winter bow and arrow deer hunting may be authorized by the Director. Such authorization and dates thereof shall be announced by press and radio. Handicapped individuals hunting with a modified bow must have a valid Special Bow Use Permit on their person while hunting in addition to a valid Bow and Arrow Hunting License.

(d) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-45, 23:4-42, 23:4-43, 23:4-47 and other applicable statutes.

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.27 White-tailed deer six day firearm season

(a) Duration for this season will be December 4-9, 1995, inclusive, with shotgun or muzzleloader rifle, exclusively.

(b) Bag Limit: Two deer, with antlers at least three inches long; except in those zones designated as "hunters choice" indicated in (d) below, where the bag limit is two

deer of either sex and (b)1 below. Only one deer may be taken in a given day per person on a regular firearm hunting license. Deer shall be tagged immediately with the "transportation tag" appropriate for the season, completely filled in and shall be transported to a checking station before 7:00 P.M. E.S.T. on the day killed. Upon completion of the registration of the first deer, one valid and proper "New Jersey Second Deer Permit and Transportation Tag" (second tag) will be issued which will allow that person to continue hunting and take one additional deer with antlers at least three inches long or one additional deer of either sex in the "hunters choice" zones, exclusively, during the current, six-day firearm season. The second tag shall not be valid on the day of issuance and all registration requirements apply. Any legally killed deer which is recovered too late to be brought to a check station by closing time shall be immediately reported by telephone to the nearest Division of Fish, Game and Wildlife law enforcement regional headquarters. This deer must be brought to a checking station on the next open day to receive a legal "possession tag." If the season has concluded, this deer must be taken to a regular deer checking station on the following weekday to receive a legal "possession tag."

1. Hunters that take an antlerless deer on their first tag in the designated hunter's choice deer management zones listed in (d) below will be eligible for a bonus deer tag. The bonus tags shall be valid on the date of issuance and will be good for a deer of either sex and any age in Zones 13 and 36 or an antlered deer in other zones open for six day firearm season. The New Jersey bonus deer tag will be issued in addition to the New Jersey second deer tag at designated check stations located in or within 15 miles of the hunter's choice zones.

(c) This season shall be open only to holders of a valid and current firearm hunting license which contains an attached six-day firearm season transportation tag or a proper and valid second tag or a proper and valid bonus tag. If the anticipated harvest of deer has not been accomplished during this season, additional days of deer hunting may be authorized by the Director, with the approval of the Council. Such authorization and dates thereof shall be announced by press and radio.

(d) Hunter's Choice zones include: Deer management Zones 13 and 36, as described in N.J.A.C. 7:25-5.29(p).

(e) Hunting Hours: December 4-9, 1995, inclusive, 7:00 A.M. E.S.T. to 5:00 P.M. E.S.T. with shotgun or muzzleloader rifle.

(f) No person shall take, attempt to take, hunt or attempt to hunt, kill or attempt to kill, shoot at or attempt to shoot at, in any one day or in any one year more than the number of deer permitted by this Code.

(g) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-42, 23:4-43, 23:4-45, 23:4-47, 23:4-48 and other applicable statutes.

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.28 White-tailed deer muzzleloader rifle permit season (either sex)

(a) The Director with the approval of the Council may authorize the issuance of permits for the taking of deer with a muzzleloader rifle or smoothbore muzzleloader loaded with a single projectile anywhere within this State or at any State or Federal installation.

(b) If the anticipated harvest of deer has not been accomplished during this season, additional days of muzzleloader rifle permit deer hunting may be authorized by the Director. Such authorization and the date thereof shall be announced by press and radio.

(c) Bag Limit: Two deer of either sex and any age per permit, except in Zones 37 and 52 where the limit shall be one deer with antlers at least three inches long during the first season segment and one deer of either sex and any age during the second season segment. Only one deer may be taken in a given day per permit. Deer shall be tagged immediately with the muzzleloader rifle permit season permit "transportation tag" completely filled in, and shall be transported to a checking station before 7:00 P.M. E.S.T. on the day killed. Upon completion of the registration of the first deer, one valid and proper "New Jersey Second Deer Permit And Transportation Tag" (second tag) will be issued which will allow the person to continue hunting and take one additional deer of either sex during the current muzzleloader rifle permit season. The second tag shall not be valid on the day of issuance and all registration requirements apply. Any legally killed deer which is recovered too late to be brought to a check station by closing time shall be immediately reported by telephone to the nearest Division of Fish, Game and Wildlife law enforcement regional headquarters. Said deer shall be brought to a checking station on the next open day to receive a legal "possession tag". If the season has concluded, said deer shall be taken to a regular deer checking station on the following weekday to receive a legal "possession tag". It is unlawful to attempt to take or continue to hunt for more than the number of deer permitted.

(d) Duration of the muzzleloader rifle permit season is December 11, 12, 16, 18-23, 26-30, 1995 in Zones 1-36, 41-51, 55, 57, 58, 61, 63 and 65; November 11-18 (first segment); December 11-22 and 26-30 (second segment), 1995 in Zones 37 and 52; December 11-29, 1995 in Zone 39; November 25 and 27 through December 2, 11-23, 26-30, 1995 in Zone 53; December 11-16, 18-23, 26-30, 1995 in Zone 54; December 11-22, 1995 in Zone 66; or any other time as determined by the Director. There is no season in the following Zones 38, 40, 56, 59, 60, 62, and 64. Legal hunting hours shall be sunrise to ½ hour after sunset E.S.T.

(e) Permits for muzzleloader rifle permit season are valid only in the designated deer management zones or other designated areas and are not transferrable.

(f) Method: The taking of two deer of either sex and any age or the taking of deer as designated for special hunts is authorized to holders of valid permits for muzzleloader rifle permit season in designated deer management zones. Only one deer may be taken in a given day per permit. The taking of two deer of either sex and any age or the taking of deer as designated for special hunts is authorized to holders of valid farmer permits for muzzleloader rifle permit season only on the farm occupied and designated on the permit application. Only one deer may be taken in a given day per permit.

1. Permits for muzzleloader rifle permit season will be issued on an individual basis to holders of valid and current firearm licenses and qualified farmers. Only one application per regular firearm license holder may be submitted, whether for muzzleloader rifle or shotgun permit seasons, during the initial application period. During the initial application period, regular firearm license holders may also submit one application for either a left-over shotgun or muzzleloader deer permit in the event such permits are available following the initial drawing. Duplicate or multiple applications will cause all applications to be void. All persons, while their hunting licenses are void under the authority of N.J.S.A. 23:3-22, are prohibited from making application for, or otherwise procuring a muzzleloader deer permit.

(g) Permits for muzzleloader rifle permit season consist of back display which includes a "deer transportation tag" or proper and valid second tag. The back display portion of the permit will be conspicuously displayed on the outer clothing in addition to the valid firearm license. The "deer transportation tag" portion of the permit must be completely filled out, and affixed to the deer immediately upon killing. This completely filled in "deer transportation tag" allows legal transportation of the deer of either sex to an authorized checking station only. Personnel at the checking station will issue a "possession tag". Any permit holder killing a deer must transport the deer to an authorized checking station by 7:00 P.M. E.S.T. on the day killed to secure the legal "possession tag". The possession of a deer of either sex after 7:00 P.M. E.S.T. on the day killed without a legal "possession tag" shall be deemed illegal possession. Any legally killed deer which is recovered too late to be brought to the check station by closing time must be immediately reported by telephone to the nearest Division of Fish, Game and Wildlife law enforcement regional headquarters. Said deer must be brought to a checking station on the next open day to receive a legal "possession tag". If the season has concluded said deer must be taken to a regular deer check station on the following weekday to receive a legal possession tag.

(h) Muzzleloader Rifle Permit Season Permits shall be applied for as follows:

1. Only holders of valid and current firearm hunting licenses may apply by detaching from their hunting license the stub marked "Special Deer Season 1995" signing as provided on the back, and sending the stub, together with the permit fee and an application form which has been properly completed in accordance with instructions. Application forms may be obtained from:

- i. Division of Fish, Game and Wildlife, CN400 Trenton, New Jersey 08625.
- ii. License issuing agents.
- iii. Conservation Officers.
- iv. Other Division officers.
- v. Other Division field offices.

2. No juvenile license holders are eligible.

3. Only one application whether for muzzleloader rifle or shotgun permit season, accompanied by the hunting license stub, may be submitted by any regular firearm license holder during the initial permit application period. During the initial application period, regular firearm license holders may also submit one application for either a left-over shotgun or muzzleloader deer permit in the event such permits are available following the initial drawing. Applications for more than the allowable number of permits during the initial application period will cause all applications by an individual to be void.

4. The application form shall be filled in to include: Name, address, current firearm hunting license number, deer management zone applied for, and any other information requested. Only those applications will be accepted for participation in random selection which are received in the Trenton office during the period of August 15—September 10, 1994 inclusive. Applications post-marked after the September 10 will not be considered for the initial drawing. Selection of permittees will be made by random selection.

5. Unsuccessful applicants will be notified by return of permit fees, less application fee per permit applied for. Any permit obtained by fraud shall be void.

6. Successful applicants will receive their permits by mail. Unless otherwise indicated the permit fee in the form of a check or money order, made payable to "Division of Fish, Game and Wildlife," must accompany the completed application form.

7. Nothing contained herein shall preclude the Division from issuing unfilled permits on a first come-first served basis to any properly licensed hunter or qualified farmer after the permit selection process.

(i) Farmer Muzzleloader Rifle Permit Season Permits shall be applied for as follows:

1. Only the owner or lessee of a farm, who resides thereon, or the immediate members of his family 14 years of age or older who also reside thereon, may apply on forms provided for a farmer muzzleloader rifle permit season permit. Under this subsection a farm is an area of five acres or more and producing a gross income in excess of \$500.00 and is tax assessed as farmland. Farmer muzzleloader rifle permit season permits will be issued only in those deer management zones where a muzzleloader rifle permit season is prescribed.

2. Application forms may be obtained from the County Agricultural Agent, the Division of Fish, Game and Wildlife, CN 400, Trenton, N.J. 08625, conservation officers, or other Division offices.

3. The application form shall be filled in to include: Name, age, size of farm, address, and any other information requested thereon. Properly completed application forms will be accepted in the Trenton office during the period of August 1 to 15. There is no fee required, and all qualified applicants will receive a farmer muzzleloader rifle permit season permit, delivered by mail.

4. Qualified farmers may apply for one shotgun permit season permit in any management zone in addition to one muzzleloader rifle permit season permit in any management zone where a muzzleloader rifle permit season is prescribed. Qualified farmers may also apply for either the muzzleloader rifle permit season permit or shotgun permit season permit as a regular firearm hunting license applicant. Application for more than the allowable number of permits during the initial application period will cause all applications by an individual to be void.

5. Nothing contained herein shall preclude the Division from issuing unfilled or unclaimed permits on a first come-first served basis to any qualified farmer or properly licensed hunter after the permit selection process.

(j) Muzzleloader Rifle Season Permits and Farmer Muzzleloader Rifle Season Permits shall be used as follows:

1. The muzzleloader rifle permit season permit is valid only in the deer management zone (DMZ) designated and is not transferrable. The farmer muzzleloader rifle permit season permit is valid only on the farm occupied and designated in the application and is not transferrable. The DMZ quota and DMZ map follow. The permit hunter is responsible for hunting in the correct DMZ or farm as indicated and in ascertaining the boundaries.

2. Neither the muzzleloader rifle permit season permit nor the farmer muzzleloader rifle permit season permit is transferrable from deer management zone to deer management zone, from farm to farm, or from individual to individual. The permit must be used on the farm, in the management zone, and by the individual to whom it was issued.

(k) The Deer Management Zone Map is on file at the Office of Administrative Law and is available from that agency or the Division. The 1995 Muzzleloader Rifle Deer Season Permit Quotas (either sex) are as follows:

1995 MUZZLELOADER RIFLE PERMIT SEASON PERMIT QUOTAS

Deer Mgmt. Zone No.	Season Dates Code	Anticipated	Permit Quota	Portions of Counties Involved
		Deer Harvest 1995	1995	
1	1	103	530	Sussex
2	1	180	875	Sussex
3	1	111	845	Sussex, Passaic, Bergen
4	1	176	590	Sussex, Warren
5	1	387	1,810	Sussex, Warren
6	1	118	700	Sussex, Morris, Passaic, Essex
7	1	194	900	Warren, Hunterdon
8	1	345	1,650	Warren, Hunterdon, Morris, Somerset
9	1	70	360	Morris, Somerset
10	1	258	1,050	Warren, Hunterdon
11	1	180	690	Hunterdon
12	1	256	1,150	Mercer, Hunterdon, Somerset
13	1	49	340	Morris, Somerset
14	1	124	600	Mercer, Somerset, Middlesex, Burlington
15	1	151	550	Mercer, Monmouth, Middlesex
16	1	204	670	Ocean, Monmouth
17	1	95	320	Ocean, Monmouth
18	1	48	260	Ocean
19	1	109	500	Camden, Burlington
20	1	105	425	Burlington
21	1	183	645	Burlington, Ocean
22	1	55	185	Burlington, Ocean
23	1	303	1,050	Burlington, Camden, Atlantic
24	1	144	475	Burlington, Ocean
25	1	143	620	Gloucester, Camden, Atlantic, Salem
26	1	281	950	Atlantic
27	1	133	570	Salem, Cumberland
28	1	135	500	Salem, Cumberland, Gloucester
29	1	132	490	Salem, Cumberland
30	1	46	190	Cumberland
31	1	27	100	Cumberland
32	1	13	68	Cumberland
33	1	44	130	Atlantic
34	1	187	710	Cape May, Cumberland
35	1	220	850	Gloucester, Salem
36	1	11	60	Bergen, Hudson, Essex, Morris, Union, Somerset, Middlesex
37	2	84	335	Burlington (Fort Dix Military Reservation)
38		0	0	Morris (Great Swamp National Wildlife Refuge)
39	3	22	30	Monmouth (Earle Naval Weapons Station)
40		0	0	Monmouth (Earle Naval Weapons Station—Waterfront)
41	1	76	350	Mercer, Hunterdon
42	1	26	80	Atlantic
43	1	70	190	Cumberland
44	1	20	95	Cumberland
45	1	80	340	Cumberland, Atlantic, Cape May
46	1	118	350	Atlantic
47	1	38	200	Atlantic, Cumberland, Gloucester
48	1	58	250	Burlington
49	1	12	25	Burlington, Camden, Gloucester
50	1	30	205	Middlesex, Monmouth
51	1	50	270	Monmouth, Ocean
52	2	43	120	Ocean (Fort Dix Military Reservation)
53	4	25	50	Ocean (Lakehurst Naval Engineering Center)
54	5	2	9	Morris (Picatinny Arsenal-ARRAD Com)
55	1	2	80	Gloucester
56	1	0	0	Atlantic (Forsythe National Wildlife Refuge)
57	1	3	40	Atlantic (Forsythe National Wildlife Refuge)
58	1	6	50	Burlington, Ocean (Forsythe National Wildlife Refuge)
59		0	0	Salem (Supawna National Wildlife Refuge)
60		0	0	Hunterdon (Round Valley Recreation Area)

Deer Mgmt. Zone No.	Season Dates Code	Anticipated Deer Harvest	Permit Quota
		1995	1995
61	1	19	75
62		0	0
63	1	41	200
64		0	0
65	1	41	160
66	6	12	50
TOTAL		6,218	25,962

Portions of Counties Involved
 Atlantic (Atlantic County Parks)
 Monmouth (Fort Monmouth)
 Salem
 Monmouth (Monmouth Battleground State Park)
 Gloucester
 Atlantic (Federal Aviation Administration Technical Center)

(l) The Season Dates Code referred in the table in (k) above is as follows:

1. Indicates the season dates will be December 11, 12, 16, 18-23, 26-30, 1995.
2. Indicates the season dates will be November 11-18, 1995 (first segment); and, December 11-22, and 26-30, 1995 (second segment).
3. Indicates the season dates will be December 11-29, 1995.
4. Indicates the season dates will be November 25-December 2, 11-23, 26-30, 1995.
5. Indicates the season dates will be December 11-16, 18-23, 26-30, 1995.
6. December 11-22, 1995.

(m) Permit quotas in zones 37, 39, 52-54, 57, 58, 61, 62 and 66 are contingent upon approval by appropriate land management agencies for those zones.

(n) Muzzleloader rifle permit season permits not applied for by September 10 will be reallocated to shotgun and bow permit season applicants.

Amended by R.1995 d.427, effective August 7, 1995.
 See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.29 White-tailed deer shotgun permit season (either sex)

(a) The Director with the approval of the Council may authorize the issuance of shotgun permit season permits for the taking of deer anywhere within the State or at any State or Federal installation.

(b) If the anticipated harvest of deer has not been accomplished during this season, one additional day of shotgun permit deer hunting may be authorized by the Director. Such authorization and date thereof shall be announced by press and radio.

(c) The season bag limit per permit shall be one deer of either sex and any age with a shotgun permit season permit in Zones 1, 3, 4, 18, 21, 23, 30, 43, 45, 52, 55, and 65; two deer of either sex and any age in Zones 2, 6, 15, 16, 19, 20, 22, 26, 27, 31, 33, 34, 37, 44, 46, 48, 53, 54, and 64; three deer of either-sex and any age in Zones 5, 6, 7, 10, 11, 17, 25, 28, 29, 35, 39, 42, 59, 60 and 61; four deer of either sex

and any age in Zones 8, 9, 12, 13, 14, 36, 41, 47, 49, 50, 51 and 63; six deer of either sex and any age in Zones 56, 57, 58 and 66; and eight deer of either sex and any age in Zones 38 and 39. Only one deer may be taken in a given day per permit except in Zones 38, 39, 56, 59, 64 and 66 where the limit is two deer in a given day per permit.

(d) Duration of the permit shotgun deer season is from sunrise to ½ hour after sunset E.S.T. on the following dates:

1. December 13, 1995, in Zones 1, 3, 4, 18, 21, 23, 30, 43, 45, 55 and 65.
2. December 13, 14, and 15, 1995 in Zones 2, 20, 26, 31, 33, 34, 44, 56 and 60.
3. December 13, 14 and 15, 1995, and January 19, 20, 26 and 27, 1996 in Zones 6, 15, 16, 17, 19, 22, 27, 28, 29, 46, 48 and 61.
4. December 13, 14 and 15, 1995 and January 19-27, 1996 in Zones 5, 7, 10, 11, 25, 35 and 42.
5. December 13, 14 and 15, 1995 and January 15-27, 1996 in Zones 8, 9, 12, 13, 14, 36, 41, 47, 49, 50, 51 and 63.
6. December 23 and January 20, 1996 in Zone 37.
7. November 28, 29, 30 and December 1, 1995 in Zone 38.
8. December 23 and 30, 1995 and January 6 and 13, 1996 in Zone 39.
9. December 23, 1995 in Zone 52.
10. January 6 and 20, 1996 in Zone 53.
11. December 16, 1995 and January 20, 1996 in Zone 54.
12. December 4, 5, 6, 13, 14 and 15, 1995 in Zone 57 and 58.
13. December 4-6, 1995 (first segment); December 13-15, 1995 (second segment); January 18-20, 1996 (third segment); and, January 25-27, 1996 (fourth segment) in Zone 59.
14. January 17, 1996 (first segment); January 19, 1996 (second segment); January 24, 1996 (third segment); and January 26, 1996 (fourth segment) in Zone 64.
15. December 23, 26-30, 1995 in Zone 66.

16. At other times as determined by the Director.

17. The permit shotgun season for persons possessing farmer shotgun permit season permits includes the six-day firearm season (December 4-9, 1995) in addition to the day or days the season is open for applicable zones by qualified farmers on the farm occupied and designated in the application. All other regulations applicable to the zone and farmer shotgun permits shall apply.

(e) Shotgun permit season permits are valid only in the designated deer management zones or other designated areas and are not transferrable.

(f) Method: The taking of deer of either sex and any age with a shotgun under a shotgun permit season permit or a farmer shotgun permit season permit is permitted in designated deer management zones by holders of a shotgun permit season permit and, on their own property, by holders of a farmer shotgun permit season permit.

1. Shotgun permits for shotgun permit season will be issued on an individual basis to holders of valid and current firearm licenses and qualified farmers. Only one application, whether for shotgun or muzzleloader permit season, accompanied by the hunting license stub, may be submitted by regular firearm license holders for the initial permit drawing. During the initial application period, regular firearm license holders may also submit one application for either a leftover shotgun or muzzleloader permit in the event such permits are available following the initial drawing. Applications for more than the allowable number of permits during the initial application period will cause all applications by an individual to be void. All persons, while their hunting licenses are void under the authority of N.J.S.A. 23:3-22, are prohibited from making application for, or otherwise procuring, a shotgun deer permit.

(g) Permits for shotgun permit season consist of back display which includes a "deer transportation tag" or proper and valid second tag. The back display portion of the permit will be conspicuously displayed on the outer clothing in addition to the valid firearm license in the case of a shotgun permit season permit, and without the license in the case of the farmer shotgun permit season permit. The "deer transportation tag" portion of the permit must be completely filled out, and affixed to the deer immediately

upon killing. This completely filled in "deer transportation tag" allows legal transportation of the deer of either sex to an authorized checking station only. Personnel at the checking station will issue a "possession tag." Any permit holder killing a deer of either sex during this season must transport this deer to an authorized checking station by 7:00 P.M. E.S.T. on date killed to secure the legal "possession tag." The possession of a deer of either sex after 7:00 P.M. E.S.T. on the date killed without a legal "possession tag" shall be deemed illegal possession. Any legally killed deer which is recovered too late to be brought to the check station by closing time must be immediately reported by telephone to the nearest Division of Fish, Game and Wildlife law enforcement regional headquarters. Said deer must be brought to a checking station on the next open day to receive a legal "possession tag." If the season has been concluded said deer must be taken to a regular deer checking station on the following weekday to receive a legal "possession tag." For deer management zones where the shotgun permit season is more than one day and the bag limit is two deer, a second valid and proper "New Jersey Second Deer Permit and Transportation Tag" (second tag) will be issued upon registration of the first deer. This permit will allow this person to continue hunting and take one additional legal deer during the shotgun permit season, provided the season is open the following day(s) or on any additional days that shotgun permit season hunting is authorized. For deer management zones where the shotgun permit season is three days or more and the bag limit is three deer or more, additional "New Jersey Permit and Transportation Tags" will be issued upon registration of the second, third or applicable deer until the bag limit is reached. This permit will allow this hunter to continue hunting and take one additional legal deer during the shotgun permit season, provided the season is open or on any additional days that shotgun permit season hunting is authorized. Permittees will be able to continue hunting on the following designated season dates after registration of deer and issuance of appropriate tags. For deer management Zones 38, 56, 59, 64 and 66 where two deer may be taken per permit per day, an additional valid and proper "New Jersey Permit and Transportation Tag" will be issued to the permittee, directly from the Division.

(h) Shotgun Permit Season Permits shall be applied for as follows:

1. Only holders of valid and current firearm hunting licenses including juvenile firearm license holders may apply by detaching from their hunting license the stub marked Special Deer Season for the current year, signing as provided on the back, and sending the stub, together with the permit applied for and an application form properly completed in accordance with instructions. Application forms may be obtained from:

- i. Division of Fish, Game and Wildlife, CN 400, Trenton, New Jersey 08625.
- ii. License issuing agents.
- iii. Conservation Officers.
- iv. Other division offices.

2. Permits for shotgun permit season will be issued on an individual basis to holders of valid and current firearm licenses. Only one application, whether for shotgun or muzzleloader permit season, accompanied by the hunting license stub, may be submitted by any one individual during the initial application period and only one application, whether for a leftover shotgun or leftover muzzleloader permit, may be submitted by any one individual during the initial application period. Applications for more than the allowable number of permits during the initial application period will cause all applications to be void.

3. The application form shall be filled in to include: Name, address, current firearm hunting license number, deer management zone applied for, and any other information requested. Only those applications will be accepted for participation in random selection which are received in the Trenton office during the period of August 15—September 10. Applications postmarked after September 10 will not be considered for the initial drawing. Selection of permittees will be made by random selection.

4. Unsuccessful applicants will be notified by return of permit fees less the application fee per permit applied for. Any permit obtained by fraud is void.

5. Successful applicants will receive their permits by mail. Unless otherwise indicated, the permit fee in the form of a check or money order made payable to "The Division of Fish, Game and Wildlife" shall accompany the completed application form.

6. Nothing herein contained shall preclude the Division from issuing unfilled and unclaimed permits on a first come-first served basis to any properly licensed hunter after the permit selection process.

(i) Farmer Shotgun Permit Season Permits shall be applied for as follows:

1. Only the owner or lessee of a farm, who resides thereon, or the immediate members of his family 10 years of age or older who also reside thereon, may apply on forms provided for a farmer shotgun permit season permit. Under this section, a farm is an area of five acres or more and producing a gross income in excess of \$500.00 and is tax assessed as farmland. The Farmer Shotgun Permit Season Permit will be issued in all deer management zones.

2. Applications forms may be obtained from the County Agricultural Agent, the Division of Fish, Game and Wildlife, CN 400, Trenton, N.J. 08625, or the conservation officers.

3. The application form shall be filled in to include: Name, age, size of farm, address, and any other information requested thereon. Properly completed application forms will be accepted in the Trenton office during the period of August 1 to 15. There is no fee required, and all qualified applicants will receive a farmer shotgun permit season permit, delivered by mail.

4. Qualified farmers may apply for one shotgun permit season permit in any management zone in addition to one muzzleloader rifle permit season permit in any management zone where a muzzleloader rifle permit season is prescribed. Qualified farmers may also apply for either the permit shotgun or permit muzzleloader season permit as a regular firearm hunting license applicant. Application for more than the allowable number of permits during the initial application period will cause all applications by an individual to be void.

(j) Shotgun and Farmer Shotgun Permit Season Permits shall be used as follows:

1. The shotgun permit season permit is valid only in the deer management zone (DMZ) designated and is not transferable. The farmer shotgun permit season permit is valid only on the farm occupied and designated in the application and is not transferable. The DMZ quota and DMZ map follow. The shotgun permit season permit hunter is responsible for hunting in the correct DMZ or farm as indicated and in ascertaining the boundaries.

2. Neither the shotgun permit season permit nor the farmer shotgun permit season permit is transferable from deer management zone to deer management zone, or from farm to farm, or from individual to individual. The permit must be used on the farm, in the deer management zone, and by the individual to whom it was issued.

(k) The Deer Management Zone Map on file at the Office of Administrative Law and is available from that agency or the Division. The 1995 Shotgun Permit Season Permit Quotas (Either Sex) are as follows:

1995 SHOTGUN PERMIT SEASON PERMIT QUOTAS (EITHER SEX)

Deer Mgt. Zone No.	Season Dates Code	Anticipated	Permit Quota	Portions of Counties Involved
		Deer Harvest 1995	1995	
1	1	86	545	Sussex
2	2	492	1,930	Sussex
3	1	38	467	Sussex, Passaic, Bergen
4	1	103	590	Sussex, Warren
5	4	2,314	4,246	Sussex, Warren
6	3	478	1,110	Sussex, Morris, Passaic, Essex
7	4	1,025	1,880	Warren, Hunterdon
8	5	2,558	4,054	Warren, Hunterdon, Morris, Somerset
9	5	423	966	Morris, Somerset
10	4	1,315	2,413	Warren, Hunterdon
11	4	769	1,411	Hunterdon
12	5	1,792	2,682	Mercer, Hunterdon, Somerset
13	5	254	977	Morris, Somerset
14	5	849	1,563	Mercer, Somerset, Middlesex, Burlington
15	3	452	1,304	Mercer, Monmouth, Middlesex
16	3	254	675	Ocean, Monmouth
17	3	476	788	Ocean, Monmouth, Burlington
18	1	13	81	Ocean
19	3	271	600	Camden, Burlington
20	2	61	280	Burlington
21	1	46	208	Burlington, Ocean
22	3	89	302	Burlington, Ocean
23	1	42	336	Burlington, Camden, Atlantic
24		0	0	Burlington, Ocean
25	4	578	1,210	Gloucester, Camden, Atlantic, Salem
26	2	115	447	Atlantic
27	3	355	841	Salem, Cumberland
28	3	231	546	Salem, Cumberland, Gloucester
29	3	472	916	Salem, Cumberland
30	1	31	173	Cumberland
31	2	31	93	Cumberland
32		0	0	Cumberland
33	2	47	147	Atlantic
34	2	125	417	Cape May, Cumberland
35	4	539	1,128	Gloucester, Salem
36	5	54	155	Bergen, Hudson, Essex, Morris, Union, Somerset, Middlesex
37	6	40	117	Burlington (Fort Dix Military Reservation)
38	7	284	500	Morris (Great Swamp National Wildlife Refuge)
39	8	148	94	Monmouth (Earle Naval Weapons Station)
40		0	0	Monmouth (Earle Naval Weapons Stations—Waterfront)
41	5	441	795	Mercer, Hunterdon
42	4	53	133	Atlantic
43	1	18	74	Cumberland
44	2	20	70	Cumberland
45	1	15	61	Cumberland, Atlantic, Cape May
46	3	93	279	Atlantic
47	5	153	289	Atlantic, Cumberland, Gloucester
48	3	313	692	Burlington
49	5	111	85	Burlington, Camden, Gloucester
50	5	373	733	Middlesex, Monmouth
51	5	189	328	Monmouth, Ocean
52	9	8	41	Ocean (Fort Dix Military Reservation)
53	10	17	51	Ocean (Lakehurst Naval Engineering Center)
54	11	43	48	Morris (Picatinny Arsenal—ARRAD Com)
55	1	2	25	Gloucester, Atlantic
56	2	13	20	(Forsythe National Wildlife Refuge)
57	12	13	40	Atlantic (Forsythe National Wildlife Refuge)
58	12	18	50	Burlington, Ocean (Forsythe National Wildlife Refuge)
59	13	40	100	Salem (Supawna National Wildlife Refuge)
60	2	26	120	Hunterdon (Round Valley Recreation Area)
61	3	25	85	Atlantic (Atlantic County Parks)
62		0	0	Monmouth (Fort Monmouth)
63	5	359	387	Salem
64	14	128	180	Monmouth (Monmouth Battleground State Park)
65	1	9	63	Gloucester, Camden
66	15	19	75	Atlantic (Federal Aviation Administration Technical Center)
TOTAL		19,749	41,016	

(l) Shotgun permit season permits not applied for by September 10, 1995 may be reallocated to muzzleloader rifle, permit season applicants.

(m) The Season Dates Code referred to in the table in (k) above is as follows:

1. Indicates one day shotgun permit season—December 13, 1995.
2. Indicates three-day shotgun permit season—December 13, 14 and 15, 1995.
3. Indicates seven-day shotgun permit season December 13, 14 and 15, 1995 and January 19, 20, 26 and 27, 1996.
4. Indicates an 11-day shotgun permit season December 13, 14 and 15, 1995 and January 19–27, 1996.
5. Indicates a 15-day shotgun permit season December 13, 14 and 15, 1995 and January 15–27, 1996.
6. Indicates a two-day shotgun permit season December 23 and January 20, 1996.
7. Indicates a four-day shotgun permit season November 28, 29, 30 and December 1, 1995.
8. Indicates a four-day shotgun permit season December 23 and 30, 1995 and January 6 and 13, 1996.
9. Indicates a one-day shotgun permit season December 23, 1995.
10. Indicates a two-day shotgun permit season January 6 and 20, 1996.
11. Indicates a two-day shotgun permit season—December 16, 1995 and January 20, 1996.
12. Indicates a six-day shotgun permit season—December 4, 5, 6, 13, 14, 15, 1995.
13. Indicates four, three-day shotgun permit season segments—December 4–6, 1995 (first segment); December 13–15, 1995 (second segment); January 18–20, 1996 (third segment); and January 25–27, 1996 (fourth segment).
14. Indicates four, one-day shotgun permit season segments—January 17, 1996 (first segment); January 19, 1996 (second segment); January 24, 1996 (third segment); and January 26, 1996 (fourth segment).
15. Indicates a six-day shotgun permit season—December 23, 26–30, 1995.

(n) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:3–56.2, 23:4–42, 23:4–43, 23:4–47, 23:4–48 and all other applicable statutes.

(o) Permit quotas for Zones 37, 38, 39, 52–54, 56–62, 64 and 66 are contingent upon approval by appropriate land management agencies for those zones.

(p) Deer Management zones are located as follows:

1. Zone No. 1: That portion of Sussex County lying within a continuous line beginning at the intersection of Rt. 521 (River Rd.) and Mashipacong Rd.; then west along the northern boundary of the Delaware Water Gap National Recreation Area to the east bank of the Delaware River; then north along the east bank of the Delaware River to the New York State line; then east along the New York State line to Rt. 519; then south along Rt. 519 to its intersection with Rt. 206 at Branchville; then northwest along Rt. 206 to the intersection with Rt. 560; then west along Rt. 560 to the intersection with Ridge Rd.; then north on Ridge Rd. to the intersection with Rt. 646; then east on Rt. 646 to the intersection with Rt. 645 in Hainesville; then north on Rt. 645 to the intersection with Rts. 206 and 521; then north on Rts. 206 and 521 to Montague; then north on Rt. 521 (River Rd.) to the intersection with Mashipacong Rd., the point of beginning. The island of Mashipacong lying in the Delaware River is included in this zone.

2. Zone No. 2: That portion of Sussex County lying within a continuous line beginning at the intersection of Rt. 94 and the New York State line; then south along Rt. 94 to its intersection with Rt. 23 at Hamburg, then southeast along Rt. 23 to its intersection with Rt. 517 at Franklin; then south along Rt. 517 to its intersection with Rt. 206 at Andover; then north along Rt. 206 to its intersection with Rt. 519 at Newton; then north along Rt. 519 to the New York State line; then east along the New York State line to Rt. 94 to the point of beginning.

3. Zone No. 3: That portion of Sussex, Morris, Passaic, and Bergen Counties lying within a continuous line beginning at the intersection of Rt. 94 and the New York State line; then east along the New York State line to its intersection with Rt. 202 near Suffern; then south along Rt. 202 to its intersection with Rt. 23; then west along Rt. 23 to its intersection with Rt. 94 at Hamburg; then north along Rt. 94 to the point of beginning on the New York State line.

4. Zone No. 4: That portion of Sussex and Warren Counties lying within a continuous line beginning at the intersection of Rt. 521 (River Road) and New Mashipacong Road; then running south along Rt. 521 to the intersection with Rt. 206 in Montague; then south on Rt. 206 to the intersection with Rt. 645 (Layton–Hainesville Road); then south on Rt. 645 to the intersection with Rt. 646 in Hainesville (Jagger Road); then west on Rt. 646

(Jagger Road) to the intersection with Ridge Road; then south on Ridge Road to the intersection with Rt. 560 (Dingman's Bridge Road); then southeast along Rt. 560 to the intersection with Rt. 206; then south on Rt. 206 to the intersection with the base of the Kittatinny Ridge at Culvers Inlet; then southwest along the east base of the Kittatinny Ridge to the Delaware River at the Delaware Water Gap north and west of Quarry Road; then north along the east bank of the Delaware River to the northern park boundary of the Delaware Water Gap National Recreation Area; then east along the northern park boundary of the Delaware Water Gap National Recreation Area to Rt. 521 (River Road), the point of beginning. Namonock, Minisink, Depew, Tocks, Poxono and Labar Islands in the Delaware River are included in this zone.

5. Zone No. 5: That portion of Warren and Sussex Counties lying within a continuous line beginning at the intersection of the base of the Kittatinny Ridge and Rt. 206 at Culvers Inlet; then southeast along Rt. 206 to its intersection with Rt. 519 at Branchville; then south along Rt. 519 to its intersection with Rt. 206 at Newton; then south along Rt. 206 to its intersection with Rt. 517 at Andover; then south along Rt. 517 to its intersection with Rt. 46 at Hackettstown; then west along Rt. 46 to its intersection with the Delaware River at Manuakachunk; then north along the east bank of the Delaware River to its intersection with the Zone 4 boundary at the Delaware Water Gap north and west of Quarry Road; then northeast along the base of the Kittatinny Ridge to its intersection with Rt. 206, the point of beginning.

6. Zone No. 6: That portion of Morris, Sussex, Passaic and Essex Counties lying within a continuous line beginning at the intersection of Rt. 80 and Rt. 517 at Allamuchy; then northeast along Rt. 517 to its intersection with Rt. 23 at Franklin; then southeast along Rt. 23 to its intersection with Rt. 80; then west along Rt. 80 to the point of beginning at Allamuchy. Picatinny Arsenal (Zone 54) is excluded from Zone 6.

7. Zone No. 7: That portion of Hunterdon and Warren Counties lying within a continuous line beginning at the intersection of Rts. 31 and 78 at Clinton; then north along Rt. 31 to its intersection with Rt. 46 at Buttsville; then west on Rt. 46 to the Delaware River at Manunkachunk; then south along the east bank of the Delaware to its intersection with Rt. 78 at Phillipsburg; then east along Rt. 78 to the point of beginning at Clinton.

8. Zone No. 8: That portion of Hunterdon, Morris, Somerset and Warren Counties lying within a continuous line beginning at the intersection of Rts. 22 and 206 near Somerville; then north along Rt. 206 to its intersection with Rt. 80 near Netcong; then west along Rt. 80 to its

intersection with Rt. 517 at Allamuchy; then south along Rt. 517 to its intersection with Rt. 46 at Hackettstown; then west along Rt. 46 to its intersection with Rt. 31 at Buttsville; then southeast along Rt. 31 to its intersection with Rt. 22 at Clinton; then east along Rt. 22 to the point of beginning at Somerville.

9. Zone No. 9: That portion of Morris County lying within a continuous line beginning at the intersection of Rt. 206 and Rt. 80 near Netcong; then east along Rt. 80 to its intersection with Rt. 46 at Denville; then east on Rt. 46 to its intersection with Rt. 511 near Boonton Reservoir; then south on Rt. 51 to its intersection with Rt. 202 at Morristown; then southwest along Rt. 202 to the point of beginning at Bedminster; then east on Rt. 46 to the intersection with Rt. 10 in Ledgewood; then east on Rt. 10 to the intersection with Morris Tpk.; then east and south on Morris Tpk. to Calais Rd.; then west on Calais Rd. to Combs Hollow Rd.; then south on Combs Hollow Rd. to Calais Rd.; then south on Calais Rd. to Mountain Ave. in Mendham; then south and east on Mountain Ave. to Hilltop Rd. (Rt. 525); then south on Rt. 525 to the intersection with Rt. 78; then west on Rt. 78 to the intersection with Rt. 206 near Pluckemin; then north on Rt. 206 to the intersection with Rt. 80 in Netcong, the point of beginning.

10. Zone No. 10: That portion of Hunterdon and Warren Counties lying within a continuous line beginning at the intersection of Rts. 31 and 12 in Flemington; then north along Rt. 31 to its intersection with Rt. 78 at Clinton; then west along Rt. 78 to the Delaware River at Phillipsburg; then south along the east bank of the Delaware River to Rt. 12 at Frenchtown; then east along Rt. 12 to the point of beginning at Flemington.

11. Zone No. 11: That portion of Hunterdon County lying within a continuous line beginning at the intersection of Rts. 12 and 31 and 202 at Flemington; then southwest along Rt. 202 to the Delaware River; then northwest along the east bank of the Delaware River to its intersection with Rt. 12 at Frenchtown; then east along Rt. 12 to the point of beginning at Flemington. Shyhawks, Treasure, Rush, Bull and Eagle Islands lying in the Delaware River are in this zone.

12. Zone No. 12: That portion of Somerset, Hunterdon and Mercer Counties lying within a continuous line beginning at the intersection of Rts. 31 and 22 at Clinton; then east on Rt. 22 to its intersection with Rt. 206 at Somerville; then south along Rt. 206 to its intersection with Rt. 546 at Lawrenceville; then west on Rt. 546 to its intersection with Rt. 31 at the Pennington traffic circle; then north along Rt. 31 to the point of beginning at Clinton. That portion of Round Valley Recreation Area designated as open to deer hunting (Zone 60) is excluded from Zone 12.

13. Zone No. 13: That portion of Morris, Somerset and Union Counties lying within a continuous line beginning at the intersection of Rts. 22 and 206 at Somerville; then north on Rt. 206 to the intersection with Rt. 78 near Pluckemin; then east on Rt. 78 to the intersection with Rt. 525; then north on Rt. 525 to Mountain Ave. in Mendham; then north and west on Mountain Ave. to Calais Rd.; then north on Calais Rd. to Combs Hollow Rd., then north on Combs Hollow Rd. to Calais Rd.; then east on Calais Rd. to Morris Tpk.; then north and west on Morris Tpk. to Rt. 10; then west on Rt. 10 to Rt. 46 in Ledgewood; then west on Rt. 46 to the intersection with Rt. 80 near Netcong; then east on Rt. 80 to the intersection with Rt. 511; then south on Rt. 511 to the intersection with Rt. 24 in Morristown; then southeast along Rt. 24 to its intersection with Rt. 82; then southwest along Rt. 82 to its intersection with Rt. 22; then southwest along Rt. 22 to the point of beginning at Somerville. The Great Swamp National Wildlife Refuge (Zone 38) is excluded from Zone 13.

14. Zone No. 14: That portion of Mercer, Middlesex, Somerset and Burlington Counties lying within a continuous line beginning at the intersection of Rts. 22 and 206 at Somerville; then east along Rt. 22 to its intersection with Rt. 287; then south on Rt. 287 to its intersection with Rt. 18; then south on Rt. 18 to its intersection with the New Jersey Turnpike; then southwest along the New Jersey Turnpike to its intersection with Rt. 545; then northwest along Rt. 545 to its intersection with the Delaware River at Bordentown; then northwest along the east bank of the Delaware to Rt. 546 at Washington's Crossing; then east on Rt. 546 to its intersection with Rt. 206 at Lawrenceville; then north along Rt. 206 to the point beginning at Somerville. Rotary and Blauguard Islands lying in the Delaware River are in this zone.

15. Zone No. 15: That portion of Monmouth, Mercer and Middlesex Counties lying within a continuous line beginning at the intersection of the New Jersey Turnpike and Rt. 522 near Jamesburg; then south on the Turnpike to its intersection with Rt. 195; then east on Rt. 195 to its intersection with Rt. 537 near Holmeson; then northeast on Rt. 537 to its intersection with Rt. 522 in Freehold; then northwest on Rt. 522 to its intersection with the New Jersey Turnpike, the point of beginning. Monmouth Battlefield State Park is excluded from this zone.

16. Zone No. 16: That portion of Monmouth and Ocean Counties lying within a continuous line beginning at the intersection of Rt. 537 and Rt. 571 near Holmeson; then southeast on Rt. 571 to the intersection with Rt. 547; then northeast on Rt. 547 through Farmingdale to the intersection with Tinton Falls Rd.; then north on Tinton Falls Rd. to the intersection with Rt. 33 and Rt. 34; then north on Rt. 34 to the intersection with the fenced boundary of the Earle Naval Weapons Depot property;

then westward along the fenced border of the Earle Depot to the intersection with Rt. 33; then west along Rt. 33 to the intersection with Rt. 537 in Freehold; then southwest on Rt. 537 to the intersection with Rt. 571 near Holmeson, the point of beginning.

17. Zone No. 17: That portion of Mercer, Monmouth, Burlington and Ocean Counties lying within a continuous line beginning at the intersection of the New Jersey Turnpike and the Mercer County line near Yardville; then north along the Turnpike to the intersection with Interstate 195; then east along Interstate 195 to the intersection with Rt. 537 near Holmeson; then southwest along Rt. 537 to the intersection Hawkin Road (Prosper-town-Colliers Mills Road: Rt. 640); then southeast along Hawkin Road (Prosperstown-Colliers Mills Road: Rt. 640) to the intersection with Colliers Mills Road; then west along Colliers Mills Road to the intersection with Woodruff Rd.; then southwest along Woodruff Rd. to the intersection with Rt. 539; then southeast along Rt. 539 to the border of Fort Dix Military Reservation; then westward along the Fort Dix Military Reservation boundary to Rt. 545 near Wrightstown; then northwest along Rt. 545 to the intersection with the New Jersey Turnpike; then northeast along the New Jersey Turnpike to its intersection with the Mercer County line near Yardville, the point of beginning.

18. Zone No. 18: That portion of Ocean County lying within a continuous line beginning at the intersection of Rt. 530 and the Garden State Parkway at South Toms River; then west along Rt. 530 to the intersection with Rt. 70; then west along Rt. 70 to the border of Fort Dix Military Reservation; then northward along the Fort Dix Military Reservation boundary to the northernmost intersection of the Fort Dix Military Reservation border and Rt. 539; then northwest along Rt. 539 to the intersection with Woodruff Rd.; then northeast along Woodruff Rd. to the intersection with Colliers Mills Road; then east along Colliers Mills Road to the intersection with Hawkin Road (Prosperstown-Colliers Mills Road: Rt. 640); then northwest along Hawkin Road (Prosperstown-Colliers Mills Road: Rt. 640) to the intersection with Rt. 537 near Prosperstown; then northeast along Rt. 537 to the intersection with Rt. 571 near Holmeson; then southeast along Rt. 571 to the Garden State Parkway; then south along the Garden State Parkway to the point of beginning near South Toms River.

19. Zone No. 19: That portion of Burlington and Camden Counties lying within a continuous line beginning at the intersection of Rt. 530 and Rt. 206 near Birmingham; then south along Rt. 206 to its intersection with Rt. 532, Chatsworth Road; then east along Rt. 532 to its intersection with Buttersworth Bogs Road; then south and west along Buttersworth Bogs Road to its intersection with Bozartown Road; then southwest along Bozartown

Road to its intersection with Dingtletown Road; then southwest along Dingtletown Road which becomes Forked Neck Road and curves to the west; then west along Forked Neck Road to its intersection with Rt. 206; then south along Rt. 206 to its intersection with Rt. 541, Stokes Road; then northwest along Rt. 541 to its intersection with Willow Grove Road; then southwest on Willow Grove Road to its intersection with Atsion Road; then northwest on Atsion Road to its intersection with Rt. 534, Jackson Road; then west along Rt. 534 to its intersection with Rt. 73; then north along Rt. 73 to its intersection with the New Jersey Turnpike; then northeast along the New Jersey Turnpike to its intersection with Rt. 38; then east along Rt. 38 to its intersection with Rt. 530; then east along Rt. 530 to its intersection with Rt. 206 near Birmingham, the point of beginning.

20. Zone No. 20: That portion of Burlington and Ocean Counties lying within a continuous line beginning at the intersection of Rts. 206 and 530; then east along Rt. 530 to its intersection with the border of Fort Dix Military Reservation; then continuing east, north and east along the Fort Dix Military Reservation boundary to its intersection with Rt. 70; then southwest along Rt. 70 to its intersection with Rt. 72; then southeast along Rt. 72 to its intersection with Rt. 532; then west along Rt. 532 to its intersection with Rt. 206; then north along Rt. 206 to its intersection with Rt. 530, the point of beginning.

21. Zone No. 21: That portion of Ocean and Burlington Counties lying within a continuous line beginning at the intersection of Rt. 530 and the Garden State Parkway at South Toms River; then south along the Parkway to its intersection with Rt. 72; then northwest along Rt. 72 to its intersection with Rt. 70; then northeast along Rt. 70 to its intersection with Rt. 539 and Rt. 530 near Whiting; then east along Rt. 530 to its intersection with the Garden State Parkway at South Toms River, the point of beginning.

22. Zone No. 22: That portion of Ocean and Burlington Counties lying within a continuous line beginning at the intersection of the Garden State Parkway and Rt. 37 near Toms River; then south along the Garden State Parkway to its intersection with the Mullica River and Atlantic County line; then east to the Atlantic Ocean; then north along the Atlantic Ocean to Rt. 37 in Seaside Heights Boro; then west along Rt. 37 to its intersection with the Garden State Parkway near Toms River, the point of beginning. The Edwin B. Forsythe National Wildlife Refuge (Zone 58) is excluded from Zone 22.

23. Zone No. 23: That portion of Burlington, Atlantic and Camden Counties lying within a continuous line beginning at the intersection of Rts. 542 and 563 at Green Bank; then west along Rt. 542 to its intersection with Nescochague Creek at Pleasant Mills; then northwest along Nescochague Creek to Great Swamp Branch; then westward along Great Swamp Branch to its intersection with Rt. 206 (just south of the intersection of Rt. 206 and Middle Road); then north along Rt. 206 to its intersection with Albertson Brook (about four miles north of Hammonton); then westward along Albertson Brook until it becomes Blue Anchor Brook; then westward along Blue Anchor Brook to its intersection with Rt. 30, near Cedar Ave., south of Ancora; then northwest along Rt. 30 to its intersection with Rt. 73; then north on Rt. 73 to its intersection with Rt. 534, Jackson Road; then east along Rt. 534 to its intersection with Atsion Road; then southeast on Atsion Road to its intersection with Willow Grove Road; then northeast on Willow Grove Road to its intersection with Rt. 541, Stokes Road; then southeast along Rt. 541 to its intersection with Rt. 206; then north along Rt. 206 to its intersection with Forked Neck Road; then east along Forked Neck Road which becomes Dingtletown Road, curving to the northeast; then northeast along Dingtletown Road to its intersection with Bozartown Road; then northeast along Bozartown Road to its intersection with Buttersworth Bogs Road; then east and north along Buttersworth Bogs Road to its intersection with Rt. 532, Chatsworth Road; then east along Rt. 532 to its intersection with Rt. 563 at Chatsworth; then south along Rt. 563 to Rt. 542 the point of beginning at Green Bank.

24. Zone No. 24: That portion of Burlington and Ocean Counties lying within a continuous line beginning at the intersection of Rt. 563 and Rt. 532 at Chatsworth; then east along Rt. 532 to its intersection with Rt. 72; then southeast along Rt. 72 to its intersection with the Garden State Parkway; then south along the Parkway to the Mullica River; then west along the north bank of the Mullica River to its intersection with Rt. 563 near Green Bank; then north along Rt. 563 to its intersection with Rt. 532 at Chatsworth, the point of beginning.

25. Zone No. 25: That portion of Salem, Gloucester, Atlantic and Camden Counties lying within a continuous line beginning at the intersection of Rts. 54 and 40 near Buena; then west on Rt. 40 to its intersection with Rt. 553; then north on Rt. 553 to its intersection with Rt. 610 (Aura Road); then southeast on Rt. 610 to its intersec-

tion with Rt. 655 (Fries Mill Road) then north on Rt. 655 to its intersection with Rt. 322; then west on Rt. 322 to its intersection with Rt. 47 at Glassboro; then north on Rt. 47 to its intersection with County Road 635 (Hurville-Grenloch Road); then eastward on County Road 635 to its intersection with County Road Rt. 707 (Woodbury-Turnersville Road); then southeast along Gloucester County road Rt. 707 (which becomes Camden County Road Rt. 705) to its intersection with County Road 688 (Turnerville-Hickstown Road); then eastward along County Road 688 to its intersection with County Road 689 (Berlin-Crosskeys Road); then northeast along County Road 689 to its intersection with Rt. 73 at Berlin; then south on Rt. 73 to its intersection with Rt. 30; then southeast along Rt. 30 to its intersection with Blue Anchor Brook, just past Cedar Avenue, south of Ancora; then eastward along Blue Anchor Brook until it becomes Albertson Brook at Fleming Pike; then eastward along Albertson Brook to its intersection with Rt. 206 (about four miles north of Hammonton); then south on Rt. 206 to its intersection with Great Swamp Branch (just past the intersection of Rt. 206 and Middle Road); then eastward along Great Swamp Branch to its intersection with Nescochague Creek; then eastward along Nescochague Creek to Nescochague Lake, at Pleasant Mills; then westward along the north and western shore of Nescochague Lake to its intersection with Hammonton Creek; then westward along Hammonton Creek to its intersection with Rt. 30 (White Horse Pike), near Hammonton; then southeast on Rt. 30 to its intersection with Rt. 559 (Weymouth Road); then southward on Rt. 559 to its intersection with the Atlantic City Expressway; then west along the Atlantic City Expressway to its intersection with Eighth Street; then south along Eighth Street to its intersection with Rt. 322; then westward on Rt. 322 to its intersection with Rt. 54; then southward on Rt. 54 to its intersection with Rt. 40 near Buena, the point of beginning. Zone 65 is excluded from Zone 25.

26. Zone No. 26: That portion of Atlantic and Burlington Counties lying within a continuous line beginning at the intersection of Rts. 40 and 54 near Buena; then southeast on Rt. 40 (40-322) to its intersection with Rt. 575; then northeast on Rt. 575 to its intersection with Moss Mill Road (Alt. Rt. 561); then east on Alt. Rt. 561 to its intersection with Oyster Creek; then east along the south bank of Oyster Creek to Great Bay; then north along the west shore of Great Bay to its intersection with the Mullica River; then northwest along the south bank on the Mullica River to its intersection with Rt. 563 at Green Bank; then north on Rt. 563 to its intersection with Rt. 542, then west on Rt. 542; to its intersection with Nescochague Creek at Pleasant Mills; then south along the west bank of Nescochague Creek to Nescochague

Lake; then southwest along the western bank of Nescochague Lake to its intersection with Hammonton Creek; then westward along Hammonton Creek to its intersection with Rt. 30 (White Horse Pike), near Hammonton; then south on Rt. 30 to its intersection with Rt. 559 (Weymouth Rd.); then south on Rt. 559 to its intersection with the Atlantic City Expressway; then northwest along the Atlantic City Expressway to its intersection with Eighth Street; then southwest along Eighth Street to its intersection with Rt. 322 (Black Horse Pike); then northwest along Rt. 30 to its intersection with Rt. 54; then southwest along Rt. 54 to its intersection with Rt. 40 at Buena, the point of beginning. The Atlantic County Park System (Zone 61) and the Edwin B. Forsythe National Wildlife Refuge (Zone 57) are excluded from Zone 26.

27. Zone No. 27: That portion of Cumberland and Salem Counties lying within a continuous line beginning at the intersection of Rts. 77 and 40 at Pole Tavern; then northwest on Rt. 40 to its intersection with Rt. 48; then west on Rt. 48 through Penns Grove to the Delaware River; then south along the east bank of the Delaware River to its intersection with the Salem Canal at Deepwater; then eastward along the south bank of the Salem Canal to its intersection with the Salem River; then southward along the west bank of the Salem River to its intersection with Rt. 49 at Salem; then southeast on Rt. 49 to its intersection with Salem County Rt. 667 (Pecks Corner-Cohansey Road) at Pecks Corner; then eastward along Rt. 667 to its intersection with Rt. 540; then east along Rt. 540 to its intersection with Rt. 77; then north on Rt. 77 to its intersection with Rt. 40 at Pole Tavern, the point of beginning.

28. Zone No. 28: That portion of Gloucester, Cumberland and Salem Counties lying within a continuous line beginning at the intersection of Rts. 77 and 40 at Pole Tavern; then east on Rt. 40 to its intersection of Rt. 47 at Malaga; then south on Rt. 47 to its intersection of Rt. 49 in Millville; then west on Rt. 49 to its intersection with Salem County Rt. 667 (Pecks Corner-Cohansey Road) at Pecks Corner; then eastward along Rt. 667 to its intersection with Rt. 540; then east on Rt. 540 to its intersection with Rt. 77; then north on Rt. 77 to Pole Tavern, the point of beginning.

29. Zone No. 29: That portion of Salem and Cumberland Counties lying within a continuous line beginning with the intersection of Rts. 77 and 49 at Bridgeton; then northwest on Rt. 49 to its intersection with Alloway Creek at Quinton; then southwest along the northern bank of the Alloway Creek to its intersection with the Delaware River; then south along the east bank of the Delaware River to the Cohansey River; then along the northwest bank of the Cohansey River to Bridgeton, the point of beginning.

30. Zone No. 30: That portion of Cumberland County lying within a continuous line beginning at Fairton on

the Cohanse River; then west along the south bank of the Cohanse River to the Delaware River; then southeast along the east bank of the Delaware River to the Maurice River; then north along the west bank of the Maurice River to Cumberland County Rt. 32 at Port Norris; then north on Cumberland County Rt. 32 to its intersection with Rt. 553; then northwest on Rt. 553 to Fairton, the point of beginning.

31. Zone No. 31: That portion of Cumberland County lying within a continuous line beginning at the intersections of Rts. 77 and 49 at Bridgeton; then east on Rt. 49 to the Maurice River near Millville; then south along the west bank of the Maurice River near Millville; then south along the west bank of the Maurice River to Buckshutem Creek; then west on the north bank of Buckshutem Creek to its intersection with Buckshutem Road (County Road 670); then northwest on Buckshutem Road to its intersection with Cedarville Road (County Road 610); then southwest on Cedarville Road to its intersection with Newport Centre Grove Road (County Road 629); then southwest on Newport Centre Grove Road to its intersection with Rt. 553; then northwest along Rt. 553 to the Cohanse River at Fairton; then north on the east bank of the Cohanse River to Bridgeton, the point of beginning.

32. Zone No. 32: That portion of Cumberland County lying within the continuous line beginning at the intersection of Rt. 49 and the Maurice River at Millville; then south along the east bank of the Maurice River to its intersection with Manumaskin Creek; then east along the north bank of Manumaskin Creek to its intersection with Rt. 47 in Port Elizabeth; then south on Rt. 47 to its intersection with Rt. 548; then east on Rt. 548 to its intersection with Cumberland-Port Elizabeth Road (County Road 646); then north on Cumberland-Port Elizabeth Road to its intersection with Rt. 49; then northwest on Rt. 49 to its intersection with Union Road (County Rt. 671); then north on Union Road to its intersection with Rt. 552; then southwest on Rt. 552 (and Rt. 552 spur) to Millville, Rt. 49 and the Maurice River, the point of beginning.

33. Zone No. 33: That portion of Atlantic County lying within a continuous line beginning at the intersection of Rts. 40 and the Great Egg Harbor River at Mays Landing; then south along the east bank of the Great Egg Harbor River to Rt. 651 (Jeffers Landing Road); then northeast along Rt. 651 to its intersection with Rt. 559 (Mays Landing-Somers Point Road); then north along Rt. 559 to its intersection with Schoolhouse Road; then north on Schoolhouse Road to its intersection with Rt. 575 (English Creek Avenue); then northeast along Rt. 575 to its intersection with Rt. 40; then west on Rt. 40 to its intersection with the Great Egg Harbor River at Mays Landing, the point of beginning. The Atlantic County Park System (Zone 61) is excluded from Zone 33.

34. Zone No. 34: That portion of Cumberland and Cape May Counties lying within a continuous line beginning at the intersection of Rt. 47 and Rt. 548 in Port Elizabeth; then east on Rt. 548 to its intersection with Rt. 49; then northwest on Rt. 49 to its intersection with the Tuckahoe River at Head of the River; then eastward along the Tuckahoe River and Atlantic-Cape May County line to Great Egg Harbor Bay; then continuing eastward along the Atlantic-Cape May County line to the Atlantic Ocean at the Great Egg Harbor Inlet; then southeast along the Atlantic Ocean to Delaware Bay; then north and west along the east bank of Delaware Bay to the Maurice River; then north along the east bank of the Maurice River to Port Elizabeth and Rt. 548, the point of beginning.

35. Zone No. 35: That portion of Salem and Gloucester Counties lying within a continuous line beginning at the east bank of the Delaware River at Penns Grove; then southeast on Rt. 48 to its intersection with Rt. 40; then southeast on Rt. 40 to its intersection with Rt. 553; then north on Rt. 553 to the intersection with Rt. 610 (Aura Road); then southeast on Rt. 610 to its intersection with Rt. 47 at Clayton; then north on Rt. 47 to its intersection with County Rt. 635 (Lambs Road) at Glassboro; then west on Rt. 635 to its intersection with Mantua Creek at Glassboro; then northwest along the Mantua Creek to the Delaware River; then southwest along the east bank of the Delaware River, to Penns Grove, the point of beginning. Chester and Mond's Islands lying in the Delaware River are in this zone.

36. Zone No. 36: Hunter's Choice Area: That portion of Bergen, Hudson, Essex, Morris, Union, Somerset and Middlesex Counties lying within a continuous line beginning at the intersection of Rt. 202 and the New York State line near Suffern; then south on Rt. 202 to its intersection with Rt. 23 near Wayne; then south on Rt. 23 to its intersection with Rt. 80; then southwest on Rt. 80 to its intersection with Rt. 511; then south on Rt. 511 to its intersection with Rt. 510; then west on Rt. 510 to its intersection with Rt. 124 at Morristown; then southeast on Rt. 124 to its intersection with Rt. 82; then southeast along Rt. 82 to its intersection with Rt. 22; then southwest on Rt. 22 to its intersection with Rt. 287 near Somerville; then southeast on Rt. 287 to its intersection with Rt. 18 near South Bound Brook; then southeast on Rt. 18 to its intersection with the New Jersey Turnpike; then north on the Turnpike to its intersection with the Raritan River; then east along the north bank of the Raritan River to Raritan Bay and the New York State line; then north along the New York State line to Arthur Kill and west bank of the Hudson River; then west along the New Jersey-New York border to the point of beginning near Suffern.

37. Zone No. 37: That portion of Fort Dix Military Reservation, U.S. Department of the Army, designated as open for deer hunting, lying within Burlington County.

38. Zone No. 38: That portion of Great Swamp National Wildlife Refuge, U.S. Department of the Interior, designated as open for deer hunting, lying within Morris County.

39. Zone No. 39: That portion of Naval Weapons Station Earle, U.S. Department of the Navy designated as open for deer hunting, lying within Monmouth County.

40. Zone No. 40: That portion of Naval Weapons Station Earle, Waterfront Section, U.S. Department of the Navy, designated as open for deer hunting, lying within Monmouth County.

41. Zone No. 41: That portion of Hunterdon and Mercer Counties lying within a continuous line beginning at the intersection of Rt. 31 and Rt. 202 at Ringoes; then south along Rt. 31 to its intersection with Rt. 546 at then Pennington traffic circle; then west along Rt. 546 to the Delaware River; then north along east bank of Delaware River to its intersection with Rt. 202; then north along Rt. 202 to the point of beginning at Ringoes.

42. Zone No. 42: That portion of Atlantic County lying with a continuous line beginning at the intersection of Moss Mill Road (Alt. Rt. 561) and Rt. 575 in Galloway Township; then southwest along Rt. 575 to its intersection with Rt. 40; then southeast along Rt. 40 to its intersection with Rt. 575 (English Creek Avenue); then south along Rt. 575 to its intersection with Schoolhouse Road; then southeast along Schoolhouse Road to its intersection with Rt. 559 (Mays Landing-Somers Point Road); then continuing southeast along Rt. 559 to its intersection with Rt. 651 (Jeffers Landing Road); then south along Rt. 651 to its intersection with the Great Egg Harbor River and the Egg Harbor Township line; then south along the Egg Harbor Township line to the Atlantic-Cape May County line in Great Egg Harbor Bay; then eastward along the Atlantic-Cape May County line to its intersection with the Atlantic Ocean at the Great Egg Harbor Inlet; then northeast along the Atlantic Ocean to Great Bay; then west along the south shore of Great Bay to the confluence of Oyster Creek; then west along the south bank of Oyster Creek to Oyster Creek Road (Alt. Rt. 561); then west along Alt. Rt. 561 to its intersection with Rt. 575 in Galloway Township, the point of beginning. The Edwin B. Forsythe National Wildlife Refuge (Zones 56 and 57) is excluded from Zone 42. The Federal Aviation Administration Technical Center (Zone 66) is excluded from Zone 42.

43. Zone No. 43: That portion of Cumberland County lying within a continuous line beginning at the intersection of Buckshutem Road (County Road 670) and Cedarville Road (County Road 610); then southwest on Cedarville Road to its intersection with Newport Centre Grove Road (County Road 629); then southwest on Newport Centre Grove Road to its intersection with the Central Railroad of New Jersey (C.R.R.N.J.); then east on the C.R.R.N.J. line to its intersection with Haleyville

Road (County Road 676) at Mauricetown Station; then east on Haleyville Road to its intersection with the Maurice River at Mauricetown; then north along the west bank of the Maurice River to the north bank of Buckshutem Creek at Laurel Lake; then west along the north bank of Buckshutem Creek to Buckshutem Road; then northwest on Buckshutem Road to its intersection with Cedarville Road, the point of beginning.

44. Zone No. 44: That portion of Cumberland County lying within a continuous line beginning at the intersection of Haleyville-Mauricetown Road (County Road 676) and the Maurice Road at Mauricetown; then west on Haleyville-Mauricetown Road to its intersection with the Central Railroad of New Jersey (C.R.R.N.J.) at Mauricetown Station; then west on the C.R.R.N.J. line to its intersection with Newport Centre Grove Road (County Road 29); and southwest on Newport Centre Grove Road to its intersection with Rt. 553; then south and east on Rt. 553 to Hands Landing Road in Port Norris; then south to the west bank of the Maurice River at Shell Pile; then north along the west bank of the Maurice River to Haleyville-Mauricetown Road at Mauricetown, the point of beginning.

45. Zone No. 45: That portion of Cumberland, Atlantic and Cape May Counties lying within a continuous line beginning at the intersection of Union Road (County Rt. 671) and Rt. 552; then east on Rt. 552 to its intersection with the Tuckahoe River at Milmay; then south along the west bank, of the Tuckahoe River to its intersection with Rt. 49 at Hunter's Mill; then southeast on Rt. 49 to its intersection with Rt. 548; then west on Rt. 548 to its intersection with Cumberland-Port Elizabeth Road (County Rt. 646) at Port Elizabeth; then north on Cumberland-Port Elizabeth Road to its intersection with Rt. 49; then northwest on Rt. 49 to its intersection with Union Road; then north on Union Road to Rt. 552, the point of beginning.

46. Zone No. 46: That portion of Atlantic County lying within a continuous line beginning at the intersection of Rt. 49 and the Tuckahoe River at Hunter's Mill; then southeast along Rt. 49 to its intersection with the Tuckahoe River at Head of River; then eastward along the Tuckahoe River (Atlantic-Cape May County line) to Great Egg Harbor Bay and the Egg Harbor Township line; then northwest along the Egg Harbor Township Line to the Great Egg Harbor River; then northwest and north along the west bank of the Great Egg Harbor River to its intersection with Rt. 40 at Mays Landing; then west on Rt. 40 to its intersection with Rt. 552; then west on Rt. 552 to its intersection with the Tuckahoe River at Milmay; then south along the east bank of the Tuckahoe River to its intersection with Rt. 49 at Hunter's Mill, the point of beginning. The Atlantic County Park System (Zone 61) is excluded from Zone 46.

47. Zone No. 47: That portion of Gloucester, Atlantic and Cumberland lying within a continuous line beginning at the intersection of Rts. 547 and 40 at Malaga; then southeast on Rt. 40 to its intersection with Rt. 552; then southwest on Rt. 552 to spur 552; then west on spur 552 to its intersection with Rt. 47 at Millville; then north on Rt. 47 to Malaga, the point of beginning.

48. Zone No. 48: That portion of Burlington County lying within a continuous line beginning at the intersection of the New Jersey Turnpike and Rt. 38 near Moorestown; then east along Rt. 38 to its intersection with Rt. 530; then east along Rt. 530 through Pemberton to its intersection with the southern border of the Fort Dix Military Reservation boundary; then northward along the Fort Dix boundary to its intersection with County Road 670; then east on County Road 670 to its intersection with Rt. 545 at Wrightstown; then northwest on Rt. 545 to its intersection with the Delaware River at Bordentown; then southwest along the east bank of the Delaware River to Rt. 541 at the City of Burlington; then southeast along Rt. 541 to its intersection with Interstate 295; then southwest along Interstate 295 to its intersection with Rancocas Creek; then east along Rancocas Creek to its intersection with the New Jersey Turnpike; then southwest along the New Jersey Turnpike to its intersection with Rt. 38, the point of beginning. New Bold and Burlington Islands lying in the Delaware River are in this zone.

49. Zone No. 49: That portion of Gloucester, Camden and Burlington Counties lying within a continuous line beginning at the mouth of Mantua Creek on the Delaware River; then northeast along the east bank of the Delaware River to Rt. 541 at the City of Burlington; then southeast along Rt. 541 to its intersection with Interstate 295; then southwest along Interstate 295 to its intersection with Rancocas Creek; then east along the Rancocas Creek to its intersection with the New Jersey Turnpike; then southwest along the New Jersey Turnpike to its intersection with Rt. 73; then south along Rt. 73 to its intersection with County Road 689 at Berlin; then southwest along County Road 689 to its intersection with County Road 688; then west along County Road 688 to its intersection with County Road 705; then northwest along County Road 705 to its intersection with County Road 635; then southwest on County Road 635 to its intersection with Mantua Creek; then northwest along Mantua Creek to its mouth at the Delaware River, the point of beginning. Petty Island lying in the Delaware River is in this zone.

50. Zone No. 50: That portion of Monmouth and Middlesex Counties lying within a continuous line beginning at the intersection of the New Jersey Turnpike and Rt. 522 near Jamesburg, then southeast on Rt. 522 to the intersection with Rt. 537 at Freehold; then southwest on Rt. 537 to the intersection with business Rt. 33; then east on Rt. 33 to the intersection with the western edge of the fenced boundary of the Earle Naval Weapons Depot; then north and east along the fenced boundary of the Earle Naval Depot to the intersection of County Route 38 (Wayside Road) and Rt. 547 at the most eastern point of the fenced boundary of Naval Weapons Station—Earle; then north on Rt. 547 and to the intersection with the Garden State Parkway; then north on the Garden State Parkway to the intersection with Rt. 36 near Eatontown; then east on Rt. 36 to the Atlantic Ocean; then north along the Atlantic coastline to the Raritan Bay; then south and west along the shore of Raritan Bay to the Raritan River; then continuing west along the south bank of the Raritan River to the intersection with the New Jersey Turnpike; then southwest along the New Jersey Turnpike to the intersection with Rt. 522, the point of beginning. Monmouth Battlefield State Park, Zone 64, and Naval Weapons Station Earle, Zones 39 and 40, and Fort Monmouth, Zone 62, are excluded from this zone.

51. Zone No. 51: That portion of Monmouth and Ocean Counties lying in a continuous line beginning at the intersection of Rt. 547 and Rt. 571 near Lakehurst; then southeast along Rt. 571 to the intersection with the Garden State Parkway; then south on the Garden State Parkway to Rt. 37 near Toms River; then east Rt. 37 to the Atlantic Ocean; then north along the Atlantic coastline to the intersection with Rt. 36 in Long Branch; then west on Rt. 36 to the intersection with the Garden State Parkway near Eatontown; then south on the Parkway to the intersection with Rt. 547; then south on Rt. 547 to the intersection with county route 38 (Wayside Road) at the eastern fenced boundary of Naval Weapons Station—Earle; then south along the eastern fenced boundary of Naval Weapons Station—Earle to the intersection with Rt. 34; then south on Rt. 34 to the intersection with Tinton Falls Rd. and Rt. 33; then south on Tinton Falls Rd. to the intersection with Rt. 547 (Asbury Rd.); then south on Rt. 547 through Farmingdale to the intersection with Rt. 571, the point of beginning.

52. Zone No. 52: That portion of Fort Dix Military Reservation, U.S. Department of the Army, designated as open for deer hunting, lying within Ocean County.

53. Zone No. 53: That portion of Lakehurst Naval Air Engineering Center, U.S. Department of the Navy, designated as open for deer hunting, lying within Ocean County.

54. Zone No. 54: That portion of U.S. Army Armament Research and Development Command (ARRAD-COM), U.S. Department of the Army, designated as open for deer hunting, lying within Morris County.

55. Zone No. 55: That portion of Gloucester County lying within a continuous line beginning at the intersection of Rts. 47 and 322 at Glassboro; then east along Rt. 322 (County Rt. 536) to its intersection with Rt. 655 (Fries Mill Road); then south on Rt. 655 to its intersection with Rt. 610 (Academy Avenue); then west on Rt. 610 to its intersection with Rt. 47 (Delsea Drive) at Clayton; then north along Rt. 47 to its intersection with Rt. 322 at Glassboro, the point of beginning.

56. Zone No. 56: That portion of Edwin B. Forsythe National Wildlife Refuge, U.S. Department of the Interior, located south of Stoney Hill Road, designated as open for deer hunting, lying within Atlantic County.

57. Zone No. 57: That portion of Edwin B. Forsythe National Wildlife Refuge, U.S. Department of the Interior, located north of Stoney Hill Road and south of the Mullica River, designated as open for deer hunting, lying within Atlantic County.

58. Zone No. 58: Those portions of Edwin B. Forsythe National Wildlife Refuge, including the Barnegat Division, U.S. Department of the Interior, located north of the Mullica River, designated as open for deer hunting, lying within Burlington and Ocean Counties.

59. Zone 59: That portion of Supauna Meadows National Wildlife Refuge, U.S. Department of the Interior, designated as open for deer hunting, lying within Salem County.

60. Zone No. 60: That portion of Round Valley Recreation Area, designated as open for hunting, lying within Hunterdon County.

61. Zone No. 61: Those portions of the Atlantic County Park System, County of Atlantic, designated as open for deer hunting, lying within Atlantic County.

62. Zone No. 62: Those portions of Fort Monmouth, designated as open for deer hunting, lying within Monmouth County.

63. Zone No. 63: That portion of Salem County lying within a continuous line beginning at the intersection of the Salem Canal and the Delaware River at Deepwater; then eastward along the south bank of the Salem Canal to its intersection with the Salem River; then southward along the west bank of the Salem River to its intersection with Rt. 49 at Salem; then southeastward on Rt. 49 to its intersection with Alloway Creek at Quinton; then, southwest along the northern bank of the Alloway Creek to its intersection with the Delaware River; then northward along the east bank of the Delaware River and New Jersey State line to Finns Point and Fort Mott State Park; then northward along the New Jersey State Line through Killcohook National Wildlife Refuge to the Delaware

River; then northwest along the east bank of the Delaware River; then northwestward along the east bank of the Delaware River and New Jersey State line to its intersection with the Salem Canal at Deepwater, the point of beginning. The Supawna Meadows National Wildlife Refuge (Zone 59) is excluded from Zone 63.

64. Zone No. 64: That portion of Monmouth Battlefield State Park, designated as open for hunting, lying within Monmouth County.

65. Zone No. 65: That portion of Camden and Gloucester Counties lying within a continuous line beginning at the intersection of Rt. 322 and County Road Rt. 659 (Malaga-New Brooklyn Road) in Monroe Township, Gloucester County; then northeast along Rt. 659 to its intersection with County Road Rt. 536 at New Brooklyn; then northward along Rt. 536 to its intersection with County Road Rt. 720 (Brooklyn-Blue Anchor Road); then southeast on Rt. 720 to its intersection with Rt. 73 near Blue Anchor; then southward along Rt. 73 to its intersection with Piney Hollow Road; then southwest along Piney Hollow Road to its intersection with Rt. 322; then west along Rt. 322 to its intersection with County Road Rt. 659, the point of beginning.

66. Zone No. 66: Those portions of the Federal Aviation Administration Technical Center designated as open for hunting, lying within Atlantic County.

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.30 White-tailed deer bow permit season (either sex)

(a) The Director with the approval of the Council may authorize the issuance of bow permit season permits for the taking of deer anywhere within this State or at any State or Federal installation.

(b) If the anticipated harvest of deer has not been accomplished during this season, one additional day of bow permit deer hunting may be authorized by the Director. Such authorization and date thereof shall be announced by press and radio.

(c) Bag Limit: Two deer of either-sex and any age per permit except as indicated in (c)1 below. Only one deer may be taken in a given day per permit. Deer shall be tagged immediately with the bow and arrow, permit "transportation tag" completely filled in, and shall be transported to a checking station before 7:00 P.M. E.S.T. on the day killed. Upon completion of the registration of the first deer, one valid and proper "New Jersey Second Deer Permit And Transportation Tag" (Second Tag) will be issued which will allow the person to continue hunting and take one additional deer of either sex during bow permit season, provided the season is open on the following day. The second tag shall not be valid on the day of issuance and all registration requirements apply.

1. In deer management Zones 39, 40 and 59, one additional deer of either sex and any age may be taken by any properly licensed hunters who harvest an antlerless deer first in these zones, exclusively. A "New Jersey Bonus Deer Permit and Transportation Tag" will be issued in addition to the New Jersey Second Deer Permit and Transportation Tag at designated check stations. The bonus deer tag is not valid on the day of issuance and shall only be valid in the applicable permit bow season zone. Bonus tags are not transferable. Only one deer may be taken per day. All deer tagging and registration requirements apply.

(d) Duration of the bow season is from November 11-December 2, 1995 in Zones 1-3, 5-12, 14-23, 25-35, 37, 41-55, 58, 59, 61, 63, 65 and 66; and November 11-December 30, 1995 in Zones 13, 36, 39, 40 or any time as determined by the Director. Legal hunting hours shall be ½ hour before sunrise to ½ hour after sunset.

(e) Bow permit season permits are valid only in the designated deer management zones or other designated areas and are not transferable.

(f) Method: The taking of two deer of either sex and any age with a bow under a bow permit season permit or a farmer bow permit season permit, is permitted in designated deer management zones by holders of a bow permit season permit and on the farm occupied and designated in the application by holders of a farmer bow permit season permit.

1. Bow permit season permits will be issued on an individual basis to holders of valid and current bow licenses and qualified farmers.

(g) Permits consist of back display which includes a deer transportation tag or proper and valid "second tag". The back display portion of the permit will be conspicuously displayed on the outer clothing in addition to the valid bow license, and without the license in the case of the farmer bow permit season permit. The "deer transportation tag" portion of the permit must be completely filled out and affixed to the deer immediately upon killing. This completely filled in deer transportation tag allows legal transportation of the deer of either sex to an authorized checking station only. Personnel at the checking station will issue a "possession tag." Any permit holder killing a deer of either sex during this season must transport this deer to an authorized checking station by 7:00 P.M. E.S.T. on the date killed to secure the legal "possession tag." The possession of a deer of either sex after 7:00 P.M. E.S.T. on the date killed without a legal "possession tag" shall be deemed illegal possession. Any legally killed deer which is recovered too late to be brought to the checking station by closing time must be immediately reported by telephone to the nearest Division of Fish, Game and Wildlife law enforcement regional headquarters. Such deer must be brought to a checking station on the next open day to receive a legal "possession tag." If the season has been concluded such deer must be taken to a regular deer checking station on the following weekday to receive a legal "possession tag."

(h) Bow Permit Season Permits shall be applied for as follows:

1. Only holders of valid bow and arrow licenses including juvenile bow license holders may apply by detaching from their bow hunting license the stub marked special deer season for the current year license, signing as provided on the back, and sending the stub together with the permit fee and an application form which has been properly completed in accordance with instructions. Application forms may be obtained from:

- i. Division of Fish, Game and Wildlife, CN 400, Trenton, NJ 08625;
- ii. License Issuing Agents; and
- iii. Conservation Officers.
- iv. Division Field Offices.

2. Application for a bow permit season permit shall not preclude an individual from applying for either the muzzleloader rifle or shotgun season permits.

3. Only one application may be submitted per regular bow license holder during the initial application period and only one application for a left-over permit may be submitted by any one individual during the initial application period. Application for more than the allowable number of permits during the initial application period will cause all applications by an individual to be void. All persons, while their hunting licenses are void under the authority of N.J.S.A. 23:3-22, are prohibited from making application for or otherwise procuring a bow deer permit.

4. The application form shall be filled in to include: Name, address, current bow and arrow hunting license number, deer management zone applied for, and any other information requested. Only those applications will be accepted for participation in random selection which are received in the Trenton office during the period of August 15-September 10. Applications postmarked after September 10 will not be considered for the initial drawing. Selection of permittees will be made by random selection.

5. Unsuccessful applicants will be notified only by return of permit fees, less the application fee. Any permit obtained by fraud is void.

6. Unless otherwise indicated, the permit fee in the form of a check or money order made payable to "Division of Fish, Game and Wildlife" must accompany the completed application form.

7. Successful applicants will receive their permit by mail.

8. Nothing herein contained shall preclude the Division from issuing unfilled or unclaimed permits on a first-come, first-served basis to any properly licensed hunter or qualified farmer after the permit selection process.

(i) Farmer Bow Permit Season Permits shall be applied for as follows:

1. Only the owner or lessee of a farm, who resides thereon, or the immediate members of his family 10 years of age or older who also reside thereon, may apply on forms provided for a farmer bow permit season permit. Under this section a farm is an area of five acres or more and producing a gross income in excess of \$500.00 and is tax assessed as farmland. Farmer bow permit season permits will be issued only in those deer management zones where a bow permit season is prescribed.

2. Application forms may be obtained from:

- i. County Agricultural Agent;
- ii. Division of Fish, Game and Wildlife, CN 400, Trenton, NJ 08625; and
- iii. Conservation Officers.
- iv. Division field offices.

3. The application form shall be filled in to include: Name, age, size of farm, address, and any other information requested thereon. Properly completed application forms will be accepted in the Trenton office during the period of August 1 to 15. There is no fee required, and all qualified applications will receive a farmer permit bow season permit, delivered by mail.

4. Only one farmer application may be submitted per individual. Application for a farmer bow permit season permit shall not preclude an individual from applying for

either the farmer muzzleloader rifle or shotgun permit seasons permits, or from applying for one regular bow permit season permit as a bow hunting license applicant. Application for more than the allowable number of permits during the initial application period will cause all applications by the individual to be void.

(j) Bow and Farmer Bow Permit Season Permits shall be used as follows:

1. The bow permit season permit is valid only in the deer management zone (DMZ) designated and is not transferable. The farmer bow permit season permit is valid only on the farm occupied and designated in the application and is not transferable. The DMZ quota follows below at (k). The DMZ map is on file at the Office of Administrative Law. The bow and arrow permit season permit hunter is responsible for hunting in the correct DMZ or farm as indicated and in ascertaining the boundaries.

2. Neither the bow permit season permit nor the farmer bow permit season permit is transferable from DMZ to DMZ, or from farm to farm, or from individual to individual. The permit must be used on the farm, in the DMZ, and by the individual to whom it was issued.

(k) The Deer Management Zone Map is on file at the Office of Administrative Law and is available from that agency or the Division. The 1995 Bow Permit Season Quotas (Either Sex) are as follows:

1995 BOW PERMIT SEASON PERMIT QUOTAS (EITHER SEX)

Deer Mgmt. Zone No.	Season Dates Code	Anticipated	Permit Quota	Portions of Counties Involved
		Deer Harvest 1995	1995	
1	1	57	520	Sussex
2	1	111	1,350	Sussex
3	1	45	1,025	Sussex, Passaic, Bergen
4		0	0	Sussex, Warren
5	1	303	2,680	Sussex, Warren
6	1	77	1,200	Sussex, Morris, Passaic, Essex
7	1	144	1,570	Warren, Hunterdon
8	1	409	2,900	Warren, Hunterdon, Morris, Somerset
9	1	106	850	Morris, Somerset
10	1	185	1,700	Warren, Hunterdon
11	1	134	1,035	Hunterdon
12	1	233	2,260	Mercer, Hunterdon, Somerset
13	2	118	1,110	Morris, Somerset
14	1	144	1,400	Mercer, Somerset, Middlesex, Burlington
15	1	113	1,100	Mercer, Monmouth, Middlesex
16	1	52	975	Ocean, Monmouth
17	1	52	475	Ocean, Monmouth, Burlington
18	1	37	310	Ocean
19	1	86	640	Camden, Burlington
20	1	50	450	Burlington
21	1	70	500	Burlington, Ocean
22	1	32	280	Burlington, Ocean
23	1	124	850	Burlington, Camden, Atlantic
24		0	0	Burlington, Ocean
25	1	85	660	Gloucester, Camden, Atlantic, Salem
26	1	106	700	Atlantic
27	1	63	735	Salem, Cumberland
28	1	99	750	Salem, Cumberland, Gloucester

Deer Mgmt. Zone No.	Season Dates Code	Anticipated	Permit Quota	Portions of Counties Involved
		Deer Harvest 1995	1995	
29	1	81	700	Salem, Cumberland
30	1	25	190	Cumberland
31	1	23	100	Cumberland
32	1	12	50	Cumberland
33	1	30	150	Atlantic
34	1	83	600	Cape May, Cumberland
35	1	136	1,200	Gloucester, Salem
36	2	11	250	Bergen, Hudson, Essex, Morris, Union, Somerset, Middlesex
37	1	8	140	Burlington (Fort Dix Military Reservation)
38		0	0	Morris (Great Swamp National Wildlife Refuge)
39	2	21	50	Monmouth (Earle Naval Weapons Station)
40	2	18	30	Monmouth (Earle Naval Weapons Station—Waterfront)
41	1	45	475	Mercer, Hunterdon
42	1	11	90	Atlantic
43	1	30	140	Cumberland
44	1	13	60	Cumberland
45	1	36	240	Cumberland, Atlantic, Cape May
46	1	44	300	Atlantic
47	1	21	200	Atlantic, Cumberland, Gloucester
48	1	46	475	Burlington
49	1	5	80	Burlington, Camden, Gloucester
50	1	63	765	Middlesex, Monmouth
51	1	38	450	Monmouth, Ocean
52	1	4	35	Ocean (Fort Dix Military Reservation)
53	1	8	35	Ocean (Lakehurst Naval Engineering Center)
54	1	12	48	Morris (Picatinny Arsenal—ARRAD Com)
55	1	13	90	Gloucester
56		0	0	Atlantic (Forsythe National Wildlife Refuge)
57		0	0	Atlantic (Forsythe National Wildlife Refuge)
58	1	6	50	Burlington, Ocean (Forsythe National Wildlife Refuge)
59	1	27	35	Salem (Supawna National Wildlife Refuge)
60		0	0	Hunterdon (Round Valley Recreation Area)
61	1	8	75	Atlantic (Atlantic County Parks)
62		0	0	Monmouth (Fort Monmouth)
63	1	23	315	Salem
64		0	0	Monmouth (Monmouth Battleground State Park)
65	1	20	185	Gloucester, Camden
66	1	8	75	Atlantic (Federal Aviation Administration Technical Center)
Total		3,964	35,703	

(l) The Season Dates Code referred in the table in (k) above is as follows:

1. Indicates the season dates will be November 11–December 2, 1995.

2. Indicates the season dates will be November 11 to December 30, 1995.

(m) Permit quotas for zones: 37, 39, 40, 52–54, 58, 59, 61 and 66 are contingent upon approval by the appropriate land management agencies for these zones.

(n) Bow and arrow permit season permits not applied for by September 10 may be reallocated to muzzleloader rifle or shotgun permit season permit applications.

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.31 White-tailed deer permit shotgun season permit (either sex), Great Swamp National Wildlife Refuge (Zone 38)

(a) This section applies only to the Great Swamp National Wildlife Refuge. (Zone 38).

(b) Nothing in this section shall affect the validity or operation of any other section of this Code.

(c) Duration of the Great Swamp Permit Shotgun Season permit shall be from sunrise to ½ hour after sunset on the following dates: November 28, 29, 30 and December 1, 1995 or as may otherwise be designated by the U.S. Fish and Wildlife Service.

(d) Bag Limit: eight deer of either sex and any age, may be taken with a Great Swamp Permit Season Permit. Two deer may be taken in a given day.

(e) Great Swamp permit shotgun season permits are valid only in designated portions of the Great Swamp National Wildlife Refuge and are not transferable.

(f) Method: The taking of eight deer of either sex and any age with a Great Swamp (Zone 38) permit shotgun season permit will be permitted in designated areas of the Great Swamp National Wildlife Refuge. Total of 500 Great Swamp shotgun permit season permits will be issued. Daily hunter quotas, hunt procedures and hunting methods in this area shall be provided by the United States Fish and Wildlife Service.

(g) Procedures for applying for a Great Swamp permit shotgun season permit will be the same as outlined for the permit shotgun season permit. (see N.J.A.C. 7:25-5.25(h)). Applicants for the Great Swamp Permit Shotgun Season Permit must indicate Zone 38 on the application in the space reserved for deer Management zone number.

(h) All hunters shall comply with the instructions of State conservation officers, State deputy conservation officers, other Division personnel and instructions of U.S. Fish and Wildlife Service personnel.

(i) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:10-5, 25:4-42, 23:4-43, 23:4-47, 23:4-48, 13:1B-30 et seq. and other applicable statutes.

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.32 Special Wildlife Management Permits

(a) Special permits, known as special wildlife management permits, may be issued by the Director, in his discretion. Such special wildlife management permits shall be valid for the times, conditions and areas or installations indicated thereon and need not conform to the provisions applicable to general permits.

(b) In granting this special wildlife management permit the Director shall consider any data available to him including but not limited to damage being done to crops or property, the biological condition of the animal or any other special management problem.

1. Issuance of additional permit shotgun and muzzle-loader season deer permits for specific farms within over-subscribed deer management zones shall be based on the following criteria:

- i. The farm must include an area of 10 acres or more, produce a gross income in excess of \$500.00, be assessed as farm land and have a documented history of deer damage;
- ii. The zone in which the farm is located must be oversubscribed in the initial permit drawing(s);
- iii. The permit shall only be valid for the specific farm applied for and shall not be transferable; and
- iv. Permits will be issued on the basis of not more than one permit per 10 acres.

(c) Subject to the requirements of this subsection, the Director may, in his or her discretion and on behalf of the Division, issue Special Deer Management Permits. Special Deer Management Permits may be issued to administer alternative deer control methods.

1. Prior to the issuance of such Special Deer Management Permits, a written Memorandum of Understanding shall be entered into for the lands of concern by a local cooperator, the Division and the Council. All Special Deer Management Permits issued for this purpose shall comply with all applicable regulations and all conditions and restrictions outlined in the Memorandum of Understanding.

2. As used in this section, except as otherwise noted:

“Alternative Deer Control Methods” means those techniques other than traditional and controlled hunting employed to reduce deer populations, which techniques may include, but not be limited to, shooting by agents, capture and euthanize, capture and remove.

“Biological Carrying Capacity” means the maximum number of deer that a given land area can support in good health over an extended period of time.

“Controlled Hunting” means the pursuit of deer during a modified season which is usually more restrictive than traditional hunting in terms of hunter density, methods of take, size of huntable area, etc. than deer hunting elsewhere in New Jersey as approved by the Council.

“Cooperator” means the local authority(ies), including municipal or county governing bodies or a combination thereof cooperating in the administration of a community based deer management plan.

“Coordinator” means the Division of Fish, Game and Wildlife employee designated by the Director as the official representative with the local authority(ies) to develop, adopt and monitor the administration of the Memorandum of Understanding.

“Council” means the Fish and Game Council which is an 11-member body which has legislative authority to determine seasons, bag limits, and manners and means of take for game species, and establishes policy regarding these matters.

“Cultural Carrying Capacity” means the number of deer that can co-exist compatibly with the local human population in a given land area.

“Deer” means white-tailed deer (*Odocoileus virginianus*).

“Director” means the Director of the Division of Fish, Game and Wildlife.

“Division” means the New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife.

"Huntable" means those sites on which, due to their size, location and available habitat, traditional or controlled deer hunting seasons can be conducted.

"Memorandum of Understanding" or "MOU" means the written cooperative deer management agreement approved by the local authority(ies) which may be a municipal or county governing body, the Council and the Division to employ alternative deer control methods.

"Traditional Hunting" means the pursuit of deer by licensed hunters during annual prescribed open seasons as approved by the Council and provided by the game code (firearm and bow) without additional restrictions.

3. Issuance of Special Deer Management Permits allowing for the use of both traditional hunting and alternative deer population control techniques shall be based on all applicable regulations and the criteria as set forth in the Memorandum of Understanding.

i. All requests shall be made in writing to the Director and no Special Deer Management Permits may be issued, except as set forth herein.

ii. Following inspection and verification of the need for deer control by the Division, management options shall be reviewed with the Cooperator and a MOU may be entered into and signed by the Council, the Division and the Cooperator.

iii. Among other preconditions to the issuance of Special Deer Management Permits, the MOU shall, at a minimum, require that the Cooperator implement the following measures: discouragement of deer feeding, support of traditional and controlled hunting where they can be conducted, reasonable efforts, to utilize deer killed by non-traditional means, and a plan by the Cooperator to use its best efforts to ensure donation of venison to the needy.

iv. The MOU may authorize such non-traditional control options as shooting by agents of the Cooperator, live capture and euthanize and live capture and remove to a deer farm or facility.

v. All costs associated with the application of alternative deer control options, including, but not limited to, those associated with the processing of venison, shall be borne by the Cooperator.

vi. The Division may issue Special Deer Management Permits for the experimental use of fertility control methodologies, including immunocontraception. Approval for such efforts shall be restricted to bona fide researchers, following review and approval of a study plan by the Division and the Department of Animal Science, Cook College-Rutgers University. Any experimental use of fertility control chemicals and vaccines on free-ranging deer populations shall be restricted to those substances/locations which have been granted an Investigational Exemption for a New Animal Drug (INAD) by the U.S. Food and Drug Administration.

vii. Failure to comply with any of the provisions or requirements as contained in the Special Deer Management Permit and the MOU may be cause for revocation of the permit or denial of subsequent permits.

(d) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 13:1B-27 et seq., 13:1B-30, 23:4-1 et seq., 23:4-42, 23:4-43, 23:4-44, 23:4-45, 23:4-47, 23:4-52, 23:4-63.3 and other applicable statutes.

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

7:25-5.33 Pheasants and quail stamp designated areas

(a) Designated wildlife management areas where the special "pheasant and quail" stamp is required.

1. No person shall at any time hunt for, pursue, kill, take or attempt to take with a firearm or bow and arrow, or have in possession any pheasant or quail in the following designated wildlife management areas unless such person has first procured and has in possession a valid special "pheasant and quail" stamp.

2. Designated wildlife management areas:

Assunpink	Bevan-Cedarville (Millville)
Berkshire Valley	Nantuxent
Black River	Peaslee
Clinton	Pt. Republic
Colliers Mills	Stafford Forge
Dix	MacNamara
Flatbrook-Roy	(Tuckahoe-Corbin City)
Glassboro	Walpack
Greenwood (including	Winslow
Pasadena-Howardsville)	Whittingham
Heislerville	Pequest
Mad Horse	Fort Dix
Manahawkin	Manasquan River
Medford	
Delaware River Gap National Recreation Area.	

3. Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:3-61.1, 23:3-61.2, 23:3-61.3, 23:3-61.4, and other applicable statutes.

7:25-5.34 Controlled hunting—hunting restrictions on wildlife management areas

(a) No wildlife management areas have been selected for limited hunter density for the 1995-96 season. However, hunting with firearms shall be prohibited on November 10, 1995 on those wildlife management areas designated as pheasant and quail stamp areas in N.J.A.C. 7:25-5.33.

(b) Authority: 13:1B-30, 23:4-1, 23:4-12, 23:7-9 and other applicable statutes.

Amended by R.1995 d.427, effective August 7, 1995.
See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

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 Fish and Game Law Enforcement Region Headquarters

(a) North—No. Region Office, R.R. 1, Box 383, Hampton, N.J. 08827 (908) 735-8240.

(b) Central—Assunpink WMA, R.D. # 3, Robbinsville, N.J. 08691 (609-259-2120).

(c) South—Winslow WMA, 220 New Brooklyn/Blue Anchor Road, Sickleville, N.J. 08081. (609) 629-0555.

(d) DEP Hotline (Action Line) (609-292-7172).

7:25-5.38 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.

SUBCHAPTER 6. 1996-97 FISH CODE

Authority

N.J.S.A. 13:1B-29 et seq. and 23:1-1 et seq.

Source and Effective Date

R.1994 d.577, effective November 21, 1994 (operative January 1, 1995).

See: 26 N.J.R. 2835(a), 26 N.J.R. 3258(a), 26 N.J.R. 4611(a).

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).
- Amended by R.1988 d.15, effective January 4, 1988.
- See: 19 N.J.R. 1385(a), 20 N.J.R. 72(a).
- Amended by 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).
- Amended by 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).
- Amended by 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).

Amended by 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).

Amended by 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).

Amended by 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).

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) | <i>Alosa pseudoharengus</i> ; |
| 2. Blueback herring | <i>Alosa aestivalis</i> ; |
| 3. Golden shiner | <i>Notemigonus crysoleucas</i> ; |
| 4. Banded killifish | <i>Fundulus diaphanus</i> ; |
| 5. Mummichog | <i>Fundulus heteroclitus</i> ; |
| 6. Spotfin killifish | <i>Fundulus luciae</i> ; |
| 7. Rainwater killifish | <i>Lucania parva</i> ; |
| 8. American brook lamprey | <i>Lampetra lamottei</i> ; |
| 9. Fathead minnow | <i>Pimephales promelas</i> ; |
| 10. Bluntnose minnow | <i>Pimephales notatus</i> ; |
| 11. Stonecat | <i>Noturus flavus</i> ; |
| 12. Tadpole madtom | <i>Noturus gyrinus</i> ; |
| 13. Margined madtom | <i>Noturus insignis</i> ; |
| 14. All shiner, dace, and minnows of the following genera: | <i>Notropis</i> , <i>Rhinichthys</i> , and <i>Semotilus</i> . |
| 15. American eel | <i>Anguilla rostrata</i> |

"Closures" (closed waters) means those waters in which angling is not permitted, particularly in reference to time (also Closed Season).

"Code" means the State Fish Code.

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

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

"Director" means Director of the Division of Fish, Game and Wildlife.

"Division" means the Division of Fish, Game and Wildlife.

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

"Foodfish" for purposes of N.J.A.C. 7:25-6.11 only, means the following species:

- | | |
|---|--------------------------------|
| 1. Atlantic sturgeon | <i>Acipenser oxyrinchus</i> ; |
| 2. White sucker | <i>Catostomus commersoni</i> ; |
| 3. Carp | <i>Cyprinus carpio</i> ; |
| 4. American eel | <i>Anguilla rostrata</i> ; |
| 5. Blueback herring | <i>Alosa aestivalis</i> ; |
| 6. Hickory shad | <i>Alosa mediocris</i> ; |
| 7. American shad | <i>Alosa sapidissima</i> ; |
| 8. Gizzard shad | <i>Dorosoma cepedianum</i> ; |
| 9. Alewife (anadromous form) | <i>Alosa pseudoharengus</i> ; |
| 10. Yellow perch | <i>Perca flavescens</i> ; |
| 11. White perch | <i>Morone americana</i> ; |
| 12. White catfish | <i>Ictalurus catus</i> ; |
| 13. Black bullhead | <i>Ictalurus melas</i> ; |
| 14. Brown bullhead | <i>Ictalurus nebulosus</i> ; |
| 15. Yellow bullhead | <i>Ictalurus natalis</i> ; |
| 16. Channel catfish | <i>Ictalurus punctatus</i> ; |
| 17. Bowfin | <i>Amia calva</i> ; 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 | <i>Acipenser brevirostrum</i> |
| 2. Atlantic sturgeon | <i>Acipenser oxyrinchus</i> |
| 3. Striped bass hybrid | <i>Morone saxatilis</i> x <i>Morone chrysops</i> |
| 4. White sucker | <i>Catostomus commersoni</i> |
| 5. Creek chubsucker | <i>Erimyzon oblongus</i> |
| 6. American eel | <i>Anguilla rostrata</i> |
| 7. Blueback herring | <i>Alosa aestivalis</i> |
| 8. Hickory shad | <i>Alosa mediocris</i> |
| 9. American shad | <i>Alosa sapidissima</i> |
| 10. Gizzard shad | <i>Dorosoma cepedianum</i> |
| 11. Alewife (anadromous form) | <i>Alosa pseudoharengus</i> |
| 12. Chinook salmon | <i>Oncorhynchus tshawytscha</i> |

"Possession" means all fish, live or dead, under the control of the fisherman.

“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 | <i>Salvelinus fontinalis</i> |
| 2. Lake trout | <i>Salvelinus namaycush</i> |
| 3. Brown trout | <i>Salmo trutta</i> |
| 4. Rainbow trout | <i>Oncorhynchus mykiss</i> |

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

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

- | | |
|----------------------|---|
| 1. Largemouth bass | <i>Micropterus salmoides</i> |
| 2. Smallmouth bass | <i>Micropterus dolomieu</i> |
| 3. Black crappie | <i>Pomoxis nigromaculatus</i> |
| 4. White crappie | <i>Pomoxis annularis</i> |
| 5. Rock bass | <i>Ambloplites rupestris</i> |
| 6. Redbreast sunfish | <i>Lepomis auritis</i> |
| 7. Green sunfish | <i>Lepomis cyanellus</i> |
| 8. Pumpkinseed | <i>Lepomis gibbosus</i> |
| 9. Bluegill | <i>Lepomis macrochirus</i> |
| 10. Longear sunfish | <i>Lepomis megalotis</i> |
| 11. Redear sunfish | <i>Lepomis microlophus</i> |
| 12. Yellow perch | <i>Perca flavescens</i> |
| 13. Walleye | <i>Stizostedion vitreum</i>
<i>vitreum</i> |
| 14. White perch | <i>Morone americana</i> |
| 15. White catfish | <i>Ictalurus catus</i> |
| 16. Black bullhead | <i>Ictalurus melas</i> |
| 17. Brown bullhead | <i>Ictalurus nebulosus</i> |
| 18. Yellow bullhead | <i>Ictalurus natalis</i> |
| 19. Channel catfish | <i>Ictalurus punctatus</i> |
| 20. Redfin | <i>Esox americanus</i>
<i>americanus</i> |
| 21. Northern pike | <i>Esox lucius</i> |
| 22. Muskellunge | <i>Esox masquinongy</i> |
| 23. Chain pickerel | <i>Esox niger</i> |
| 24. Bowfin | <i>Amia calva</i> |
| 25. Carp | <i>Cyprinus carpio</i> |

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).
See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).

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, 6.18, 6.19 and (i) below, the trout season for 1996 shall commence 12:01 A.M. January 1, 1996 and extend to midnight March 17, 1996. The trout season shall re-open at 8:00 A.M. Saturday, April 6, 1996 and extend to include March 23, 1997.

(b) Except as provided in N.J.A.C. 7:26-6.4, 6.6 and 6.7 and (i) below, it shall be unlawful to fish for any species of fish from midnight March 17, 1996 to 8:00 A.M. on April 6, 1996 in ponds, lakes or those portions of streams that are listed herein for stocking during 1996.

(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 ft. above Steam Mill Bridge on Crigger Road in Stokes State Forest to Delaware River—April 12, 19, 26; May 3, 10, 17, 24.

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 11, 18, 25; May 2, 9, 16, 23.

3. Manasquan River—Route 9 bridge downstream to Bennetts Bridge, Manasquan Wildlife Management Area—April 8, 15, 22, 29; May 6, 13, 20.

4. Metedeconk River, N. Br.—Aldrich Road Bridge to Ridge Avenue—April 8, 15, 22, 29; May 6, 13, 20.

5. Metedeconk River, S. Br.—Bennetts Mills dam to twin wooden foot bridge, opposite Lake Park Boulevard, on South Lake Drive, Lakewood—April 8, 15, 22, 29; May 6, 13, 20.

6. Musconetcong River—Lake Hopatcong Dam to Delaware River including all main stem impoundments, but excluding Lake Musconetcong, Netcong—April 12, 19, 26; May 3, 10, 17, 24.

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 11, 18, 25; May 2, 9, 16, 23.

8. Pequest River—Source to Delaware River—April 12, 19, 26; May 3, 10, 17, 24.

9. Pohatcong Creek—Route 31 to Delaware River—April 9, 16, 23, 30; May 7, 14, 21.

10. Ramapo River—State line to Pompton Lake—April 11, 18, 25; May 2, 9, 16, 23.

11. Raritan River, N. Br.—Peapack Road Bridge in Far Hills to Jct. with S. Br. Raritan River—April 10, 17, 24; May 1, 8, 15, 22.

12. Raritan River, S. Br.—Budd Lake dam through Hunterdon and Somerset Counties to Jct. with N. Br. Raritan River—April 9, 16, 23, 30; May 7, 14, 21.

13. Rockaway River—Longwood Lake dam to Jersey City Reservoir in Boonton—April 8, 15, 22, 29; May 6, 13, 20.

14. Toms River—Ocean County Route 528, Holmansville, to confluence with Maple Root Branch and Route 70 to County Route 571—April 8, 15, 22, 29; May 6, 13, 20.

15. Wallkill River—Lake Mohawk Dam to Route 23, Hamburg—April 8, 15, 22, 29; May 6, 13, 20.

16. Wanaque River—Greenwood Lake Dam to Jct. with Pequannock River, excluding Wanaque Reservoir, Monksville Reservoir and Lake Inez—April 12, 19, 26; May 3, 10, 17, 24.

(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) Trout stocked waters for which no in-season closures will be in force. Figure in parenthesis indicates the anticipated number of stockings to be carried out from April 15 through May 31, 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, Fairlawn—(5)

Tienekill Creek—Closter, entire length—(3)

Whites Pond—Waldwick—(4)

3. Burlington County

Crystal Lake—Willingboro—(4)

Rancocas Creek, Southwest Branch—Medford, Mill Street Park to Branch St. Bridge—(4)

Sylvan Lake—Burlington—(3)

4. Camden County

Hopkins Pond—Haddonfield—(3)

Oak Pond—Sicklerville—(4)

5. Cape May County

Dennisville Lake—Dennisville—(4)

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 Avenue, Vineland—(4)

Shaw's Mill Pond—Newport—(3)

7. Essex County

Branch Brook Park Lake—Newark—(4)

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)

9. Hudson County

Woodcliff Lake—North Bergen, James J. Braddock Park—(4)

10. Hunterdon County

Amwell Lake—Linvale—(3)

Beaver Brook—Clinton Township, entire length—(2)

Capoolong Creek—Pittstown, entire length—(5)

Delaware-Raritan Feeder Canal—Bulls Island to Hunterdon-Mercer County line—(6)

Everittstown Brook—Everittstown, entire length—(1)

Frenchtown Brook—Frenchtown, entire length—(2)

Hakihohake Creek—Holland Township, entire length—(2)

Lockatong Creek—Opdyke Road Bridge, Kingwood Township to Delaware-Raritan Feeder Canal—(5)

Mulhockaway Creek—Pattenburg, source to Spruce Run Reservoir—(5)

Neshanic River—Kuhl Road to Hunterdon County Route 514—(2)

Rockaway Creek—Readington Township, entire length—(4)

Rockaway Creek, S. Br.—Lebanon to Whitehouse, entire length—(5)

Round Valley Reservoir—Lebanon—(3)

Spring Mills Brook—Spring Mills, entire length—(2)

Spruce Run—Glen Gardner and Lebanon Township, entire length—(5)

Spruce Run Reservoir—Clinton—(3)

Sydney Brook—Sydney, entire length—(1)

Wickecheoke Creek—Covered Bridge, Sergeantsville 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 Alexander 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)

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)

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)

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 Rt. 202, Morristown—(2)

15. Ocean County

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

Prospertown Lake—Prospertown—(3)

16. Passaic County

Barbour's Pond—West Paterson—(3)

Clinton Reservoir—Newark Watershed—(3)

Greenwood Lake—West Milford—(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—Thunder Mountain, Ringwood Borough—(3)

17. Salem County

Harrisonville Lake—Harrisonville—(3)

Maurice River—Willow Grove Lake dam to Sherman Avenue, Vineland—(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, 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)

19. Sussex County

Aeroflex Lake—Andover—(1)

Alm's House Brook—Myrtle Grove, Hampton Township, entire length—(2)
 Andover Junction Brook—Andover, entire length—(2)
 Bier's Kill—Shaytown, entire length—(2)
 Big Flat Brook, Upper—Saw Mill Lake, High Point State Park to 100 feet above Steam Mill Bridge on Crigger Road—(4)
 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 Lake Brook—Frankford Township, entire length—(2)
 Dry Brook—Branchville, entire length—(3)
 Franklin Pond Creek—Hamburg Mt. Wildlife Management Area, entire length—(5)
 Glenwood Brook—Lake Glenwood to State line—(2)
 Iloff Lake—Andover Township—(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)
 Lower Blue Mountain Lake—Delaware Water Gap National Recreation Area—(3)
 Lubbers Run—Byram Township, entire length—(5)
 Neldon Brook—Swartswood, entire length—(2)
 Papakating Creek—Plains Road bridge to Route 565, Lewisburg—(2)
 Papakating Creek, W. Br.—Libertyville, entire length—(2)
 Pond Brook—Middleville, entire length—(5)
 Roy Spring Brook—Stillwater, entire length—(1)
 Saw Mill Lake—High Point State Park—(3)
 Shimers Brook—Montague Township, entire length—(2)
 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 Avenue (Route 27), Rahway—(4)
 Seeleys Pond—Berkeley Heights—(3)

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—Blairstown—(2)
 Buckhorn Creek—Roxburg, entire length—(2)
 Columbia Lake and Gatehole—Knowlton Township—(3)
 Dunnfield Creek—Delaware Water Gap National Recreation Area, entire length—(2)
 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, Phillipsburg—(5)
 Merrill Creek Reservoir—Stewartsville—(3)
 Mountain Lake—Buttville—(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)

(g) There will be no 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 6, 1996 until midnight May 31, 1996 or more than four of these species during the periods of January 1, 1996 to midnight March 17, 1996 and June 1, 1996 through midnight March 23, 1997 except as designated in N.J.A.C. 7:25-6.4 to 6.9.

(i) Spruce Run Reservoir, Hunterdon County, Lake Hopatcong, Morris/Sussex County, and the Manasquan Reservoir, Monmouth County, will remain open to angling year-round. Trout, if taken during the period commencing at midnight, March 17, 1996 and extending to 8:00 A.M. April 6, 1996 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).

7:25-6.4 Special Regulation Trout Fishing Areas—Fly-Fishing Waters

(a) Beginning January 1, 1996 to midnight March 17, 1996 and from 5:00 A.M. on Monday, April 15, 1996 to and including March 23, 1997 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, 1996 to midnight March 17, 1996 and from 8:00 A.M. on April 6, 1996 to midnight March 23, 1997 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 rules shall apply to the above designated fly-fishing waters:

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

2. Not more than six trout may be killed daily during the April 11 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).

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 period of May 20, 1996 through March 23, 1997.

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 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).

7:25-6.6 Special Regulation Trout Fishing Areas—Wild Trout Streams

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

1. Bear Creek (Southtown);
2. Bear Swamp Brook (Mahwah);
3. Black Brook (Clinton Wildlife Management Area);
4. Burnett Brook (Ralston);
5. Cold Brook (Oldwick);
6. Dark Moon Brook, also known as Bear Brook (Johnsonburg);
7. Flanders Brook (Flanders);
8. Hance's Brook (Penwell);
9. Hickory Run (Califon);
10. India Brook (Source to Mountainside Ave., Mendham);
11. Indian Grove Brook (Bernardsville);
12. Ledgewood Brook (Ledgewood);
13. Little York Brook (Little York);
14. Lomerson Brook, also known as Herzog Brook (Pottersville);
15. Merrill Creek (Stewartsville)
16. Mill Brook (Montague);
17. North Branch of Rockaway Creek (Mountainville);
18. Parker Brook (Montague);
19. Passaic River (Source to Rt. 202, Bernardsville);
20. Pequannock River (Newark Watershed, Oak Ridge; Road bridge downstream to railroad bridge; immediately upstream of Charlottesburg Reservoir);
21. Rhineharts Brook (Hacklebarney State Park);
22. Rocky Run (Clinton Twp.);
23. Stephensburg Creek (Stephensburg);
24. Stony Brook (Stokes State Forest);
25. Stony Brook (Washington Twp., Morris County);
26. Tetertown Brook (Tetertown);
27. Trout Brook (Hacklebarney State Park);
28. Turkey Brook (Mount Olive);

29. Van Campens Brook (Delaware Water Gap National Recreation Area);

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

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

(b) The following 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 6, 1996 to September 15, 1996, no person shall have in possession while fishing any more than two legally sized dead, creel or otherwise appropriated trout. No trout may be killed or possessed during other times of the year. 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).

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;
2. Merrill Creek Reservoir; and
3. Lake Aeroflex.

(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 24 inches and the daily bag and possession limit shall be one.

4. The season for lake trout shall extend from 12:01 A.M., January 1, 1996 to midnight, September 15, 1996 and from December 1, 1996 to midnight, September 14, 1997.

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).

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; and
5. Sheppard's Lake, Passaic County.

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

1. Fishing is permitted year-round unless otherwise specified by an administering agency of the water body other than the Division;

2. There shall be no size limit for any species of brook trout, brown or rainbow trout, or any hybrids thereof, except that no more than two trout over 15 inches in length may be in possession;

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 6, 1996 until May 31, 1996 or more than two of these species during the periods of January 1, 1996 to midnight March 17, 1996 and June 1, 1996 through midnight March 23, 1997. Trout, if taken during the period commencing at midnight, March 17, 1996 and extending to 8:00 A.M., April 6, 1996 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).

7:25-6.10 Baitfish

(a) Except as provided for in trout-stocked waters listed in N.J.A.C. 7:25-6.3, and (b) and (c) 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 or an umbrella net no greater than 3.5 feet square may be used in any of the freshwaters of the state.

(b) 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 21 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.

(c) 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.

(d) 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.

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).

7:25-6.11 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 while being fished for all species excepting 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.

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, 6.14, and 6.19, closed seasons are hereby eliminated on all freshwater fish except walleye in Monksville Reservoir, Wanaque Reservoir and the Wanaque River between Greenwood Lake and Monksville Reservoir.

(b) Except as provided in N.J.A.C. 7:25-6.18, the size limits prescribed for rock bass, redbfin pickerel and 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 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.

(e) The minimum size of largemouth bass shall be 12 inches, except for Parvin 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 and Assunpink Lake where it shall be three. 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 Echo Lake (Newark Watershed) where the minimum length for muskellunge shall be 36 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 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, 1996 to April 30, 1996.

(n) The minimum length for striped bass × white bass hybrid shall be 16 inches and the daily creel and possession limit shall be one, 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 minimum length for striped bass shall be 28 inches. The daily creel and possession limit shall be two.

(r) Striped bass may not be taken or possessed during the period of January 1, 1996 to February 29, 1996.

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).

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 ½ inch from point to point;
3. An artificial jigging lure with not more than three single hooks measuring not more than ½ 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) 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.

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 of Fish, Game and Wildlife, 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 well-being of the fishery resource and/or its users, and may include any exceptions to the total ban on fishing that the Director deems practical.

7:25-6.18 Wanton waste of fish prohibited

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 any 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.

7:25-6.19 Greenwood Lake

(a) In cooperation with the New York State Department of Environmental Conservation, Division of Fish and Wildlife, the following rules 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.

I.	Season	Size Limit	Daily Bag Limit
Trout	No closed season	No minimum	3
Largemouth bass and smallmouth bass	Jan. 1-April 14, 1996 and June 16, 1996-April 14, 1997	12" minimum	5 singly or in aggregate
	April 15-June 15, 1996		Catch and Release Only
Chain pickerel	No closed season	15" minimum	5
Muskellunge and any hybrid thereof	No closed season	36" minimum	1
Walleye	Jan. 1-Feb. 29 and May 1, 1996-Feb. 28, 1997	18"	3
Channel catfish	No closed season	12"	5
Black crappie and white crappie	No closed season	8"	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).

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.

I.	Season	Size Limit	Daily Bag Limit
Trout	April 6-Sept. 30	No minimum	5
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 and Striped bass x white bass hybrid	Downstream of Trenton Falls March 1-30 and June 1-Dec. 31	28 inch minimum	2 in total
	Upstream of Trenton Falls—March 1-Dec. 31		
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 of Fish, Game and Wildlife 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).

7:25-6.21 Fresh tidal tributaries of the Delaware River and Bay

The minimum length prescribed for Atlantic sturgeon shall be 60 inches with no daily creel limit.

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, 1996 through April 30, 1996 and from June 16, 1996 through April 30, 1997. The open season for the taking of bull frogs and green frogs shall be from January 1, 1996 through March 31, 1996 and from July 1, 1996 through March 31, 1997.

(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, Game, and Wildlife
Bureau of Freshwater Fisheries
CN 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 must agree to all reporting requirements in this subchapter.

(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).

SUBCHAPTER 7. MISCELLANEOUS SHELLFISH RULES

Subchapter Historical Note

All provisions of this subchapter became effective prior to September 1, 1969. This subchapter expired March 13, 1984 pursuant to Executive Order 66(1978). Section 13 was filed and became effective as an Emergency new rule on October 31, 1984 (operative November 1, 1984) expires December 31, 1984, as R.1984 d.537. See: 16 N.J.R. 3216(a). The section was readopted effective March 18, 1985 as R.1985 d.131. See: 16 N.J.R. 3216(a), 17 N.J.R. 697(a). Sections 10 and 11 were filed as new rules effective August 5, 1985 as R.1985 d.401. See: 16 N.J.R. 3385(a), 17 N.J.R. 1883(a). See chapter and section levels for further amendments.

7:25-7.1 (Reserved)

As amended, R.1974 d.44, effective February 20, 1974.
See: 5 N.J.R. 80(a), 6 N.J.R. 103(a).

Repealed rules on shellfish-growing water classification; new rules codified at N.J.A.C. 7:12-1, effective June 30, 1974.

7:25-7.2 (Reserved)

As amended, R.1981 d.189, effective June 4, 1981.
See: 13 N.J.R. 193(a), 13 N.J.R. 340(b).

"Oyster seed beds" recodified as N.J.A.C. 7:25A-3.1.

Historical Note

The material in this section concerning oyster seed beds was recodified as N.J.A.C. 7:25A-3.1 as R.1981 d.189, effective June 4, 1981.
See: 13 N.J.R. 193(a), 13 N.J.R. 340(b).

7:25-7.3 (Reserved)

R.1973 d.85, effective March 28, 1973.
See: 5 N.J.R. 140(b).
As amended, R.1980 d.433, effective October 7, 1980.
See: 12 N.J.R. 454(b), 12 N.J.R. 643(a).
Oyster conservation order (March 28, 1973) repealed.

7:25-7.4 (Reserved)

As amended, R.1980 d.216, effective May 15, 1980.
See: 12 N.J.R. 8(b), 12 N.J.R. 314(e).

Historical Note

R.1973 d.86 was incorrectly codified as N.J.A.C. 7:25-7.4 and was transferred to N.J.A.C. 7:25-7.2. The Department adopted rules concerning oyster dredging prohibition by R.1980 d.216, effective May 15,

1980. See: 12 N.J.R. 8(b), 12 N.J.R. 314(e). These rules were repealed by R.1980 d.369.

See: 12 N.J.R. 575(b).

7:25-7.5 (Reserved)

R.1973 d.102, effective May 14, 1973.

See: 5 N.J.R. 141(c).

Expired: May 31, 1973.

7:25-7.6 (Reserved)

R.1973 d.301, effective November 1, 1973.

See: 5 N.J.R. 370(d).

Expired: November 1, 1973.

7:25-7.7 (Reserved)

R.1974 d.107, effective May 1, 1974.

See: 6 N.J.R. 228(a).

Expired: May 31, 1974.

7:25-7.8 (Reserved)

Historical Note

R.1974 d.124 was incorrectly codified as N.J.A.C. 7:25-7.8 and was transferred to N.J.A.C. 7:25-7.2.

7:25-7.9 (Reserved)

Historical Note

R.1974 d.139 (as amended by R.1977 d.197) has been recodified as N.J.A.C. 7:25-12.3, effective January 18, 1979.

7:25-7.10 Taking of oysters

(a) No person shall catch, take or attempt to catch or take by tonging or by any hand-operated device any oysters in the waters of this State unless such person has in his or her possession a valid oyster license issued by the Bureau of Shellfisheries of the Division of Fish, Game and Wildlife.

1. The fee for an oyster license shall be \$10.00 and it shall expire at the end of the calendar year in which it was issued, except that no fee shall be charged for a recreational license issued to a resident of this State who is 62 or more years old.

R.1981 d.199, effective July 9, 1981.

See: 13 N.J.R. 125(a), 13 N.J.R. 403(d).

Amended by R.1982 d.337, effective October 18, 1982.

See: 14 N.J.R. 629(a), 14 N.J.R. 1158(b).

(a)1: free "recreational license" provided for residents 62 and over.

New Rule, R.1985 d.401, effective August 5, 1985.

See: 16 N.J.R. 3385(a), 17 N.J.R. 1883(b).

This section expired March 13, 1984 pursuant to Executive Order 66(1978). The adoption reinstated the rule.

7:25-7.11 Mussels

(a) No person shall take mussels (*Mytilus edulis*) by any means whatsoever upon any of the lands lying under the tidal waters of this State before sunrise or after sunset or at any time on Sunday.

(b) "Person," as used in this section, shall include, but not be limited to, the captain or other person responsible for the operation of any vessel.

R.1975 d.133, effective May 19, 1975.

See: 7 N.J.R. 146(a), 7 N.J.R. 261(b).

New Rule, R.1985 d.401, effective August 5, 1985.

See: 16 N.J.R. 3385(a), 17 N.J.R. 1883(b).

This section expired March 13, 1984 pursuant to Executive Order 66(1978). The adoption reinstated the rule.

7:25-7.12 (Reserved)

Historical Note

R.1976 d.348 was incorrectly codified as N.J.A.C. 7:25-7.12 and has been recodified as N.J.A.C. 7:25-2.19, effective January 18, 1979.

7:25-7.13 (Reserved)

R.1977 d.269, effective July 27, 1977.

See: 9 N.J.R. 261(a), 9 N.J.R. 418(d).

Recodified from N.J.A.C. 7:25-9.5, effective January 18, 1979.

Amended by R.1980 d.396, effective September 17, 1980.

See: 12 N.J.R. 457(b), 12 N.J.R. 576(e).

Amended by R.1981 d.200, effective July 9, 1981.

See: 13 N.J.R. 125(b), 13 N.J.R. 404(a).

(d) substantially amended.

Amended by R.1983 d.541, effective November 21, 1983.

See: 15 N.J.R. 1413(a), 15 N.J.R. 1943(a), 16 N.J.R. 535(a).

Amendments vetoed by Marine Fisheries Council, December 8, 1983.

Section expired on March 13, 1984.

Emergency R.1984 d.537, effective October 31, 1984 (operative November 1, 1984).

See: 16 N.J.R. 3216(a).

Expires December 31, 1984. Concurrently proposed for re-adoption.

Re-adoption R.1985 d.131, effective March 18, 1985.

See: 16 N.J.R. 3216(a), 17 N.J.R. 697(a).

Expires March 18, 1990 pursuant to Executive Order 66(1978).

Amended by R.1989 d.269, effective May 15, 1989.

See: 21 N.J.R. 268(a), 21 N.J.R. 1333(a).

Changed the crab dredging season opening date for waters north of Route 36 from November 1 to December 1 and increased the allowable toothbar size and weight of dredging gear used in Raritan and Sandy Hook Bays.

Administrative Correction to (b): Deleted "crab pot or" and, "except the lessee or his employee".

See: 22 N.J.R. 2005(a).

Repealed by R.1994 d.152, effective March 21, 1994.

See: 25 N.J.R. 4831(a), 26 N.J.R. 1337(b).

Section was "Crab dredging in the Atlantic Coast section".

SUBCHAPTER 8. CLAM LICENSES

Subchapter Historical Note

All provisions of this subchapter "Clam Dredging" were filed and became effective January 7, 1973 as R.1972 d.3. The subchapter was repealed R.1986 d.234, effective June 16, 1986. See: 18 N.J.R. 784(a), 18 N.J.R. 1279(b). This new subchapter became effective January 3, 1989 d.26. See: 20 N.J.R. 2666(a), 21 N.J.R. 55(a).

7:25-8.1 Scope and authority

This subchapter constitutes the rules governing the issuance and use of recreational resident and non-resident, juvenile and commercial clam licenses pursuant to the authority of N.J.S.A. 13:1D-9, 50:1-5, P.L. 1988 c.35, and N.J.S.A. 50:2-1 et seq.

7:25-8.2 Purpose

The purpose of this subchapter is to establish the fees for recreational resident and non-resident, juvenile and commercial clam licenses, to provide necessary restrictions on the use of these licenses, and to establish the Shellfisheries Enforcement Fund, into which these fees shall be deposited.

7:25-8.3 Construction

This subchapter shall be liberally construed to permit the Department to effectuate the purposes of N.J.S.A. 13:1D-9, 50:1-5, P.L. 1988 c.35, and N.J.S.A. 50:2-1 et seq.

7:25-8.4 Applicability

This subchapter applies to the harvest of clams from any of the natural clam grounds in the waters of the State.

7:25-8.5 Licenses

(a) Any person engaged in the harvest of clams from any of the natural clam grounds in the waters of the State shall first obtain the appropriate license, as set forth in (b)1 to 3 below, issued by the Division of Fish, Game and Wildlife, Bureau of Shellfisheries, or its designated agents. Licenses to harvest clams shall only be available to natural persons and only licensees may harvest clams from the natural clam grounds of the State.

(b) The following licenses are available for the harvest of clams:

1. Any person harvesting clams not in excess of 150 clams per day shall first obtain either a resident recreational clam license or a nonresident recreational clam license;
2. Any person under 14 years of age harvesting clams not in excess of 150 clams per day shall obtain a juvenile recreational clam license; and
3. Any person of any age harvesting more than 150 clams per day shall first obtain a commercial clam license.

(c) Whenever a person in possession of a commercial clam license in any vessel or vehicle is engaged in any clamming activity, all other persons on or in that vessel or vehicle harvesting clams shall also possess a commercial clam license.

(d) Clams harvested by a person in possession of a recreational clam license shall not be commingled with clams harvested by a person in possession of a commercial clam license.

7:25-8.6 License fees

(a) The license fees for the license described in N.J.A.C. 7:25-8.5 shall be as follows:

1. Resident recreational clam license, persons under 62 years of age: \$10.00;

2. Resident recreational clam license, persons 62 or more years of age: No Fee;
3. Nonresident recreational clam license: \$20.00;
4. Juvenile clam license: \$2.00; and
5. Commercial clam license: \$50.00.

(b) All clam license fees collected pursuant to this subchapter shall be deposited into the Shellfisheries Law Enforcement Fund.

SUBCHAPTER 9. HARD CLAM SIZE LIMITS

Subchapter Historical Note

All provisions of this subchapter (Resolutions of Shellfisheries Council) became effective prior to September 1, 1969. Amendments became effective December 15, 1975 as R.1975 d.365. See: 8 N.J.R. 14(a). Further amendments became effective September 6, 1977 as R.1977 d.338. See: 9 N.J.R. 464(b). Further amendments became effective September 27, 1977 as R.1977 d.363. See: 9 N.J.R. 512(b). Further amendments became effective September 17, 1980 as R.1980 d.395. See: 12 N.J.R. 456(a), 12 N.J.R. 576(d). Further amendments became effective October 7, 1980 d.433. See: 12 N.J.R. 454(b), 12 N.J.R. 643(a). Further amendments became effective July 9, 1981 as R.1981 d.256. See: 13 N.J.R. 126(a), 13 N.J.R. 404(c). Further amendments became effective October 8, 1981 as R.1981 d.362. See: 13 N.J.R. 404(b), 13 N.J.R. 706(a). Further amendments became effective July 5, 1983 as R.1983 d.270. See: 14 N.J.R. 689(a), 15 N.J.R. 1095(a). Further amendments became effective October 17, 1983 as R.1983 d.461. See: 15 N.J.R. 1220(a), 15 N.J.R. 1762(a). This subchapter expired pursuant to Executive Order 66(1978) on September 17, 1985. A new rule became effective June 16, 1986 as R.1986 d.231. See: 18 N.J.R. 146(a), 18 N.J.R. 1280(a).

7:25-9.1 Scope

This subchapter constitutes the rules governing the minimum size of hard clams allowed to be harvested in New Jersey. Nothing in this subchapter or in N.J.A.C. 7:12 or 7:17 shall prevent the harvest and replanting of hard clams with shell length less than one and one-half inches when such harvest and replanting are an express part of a program designed and directed by the department to prevent the loss of hard clams which might occur under conditions such as channel dredging or other destructive action.

7:25-9.2 Purpose

The purpose of this subchapter is to provide a means to control the minimum size of hard clams harvested in New Jersey.

7:25-9.3 Construction

These rules shall be liberally construed to permit the Department to effectuate the purposes of N.J.S.A. 50:1-5.

7:25-9.4 Definitions

The following term, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Clam hatchery" means any operation which obtains clams through the process of artificial spawning and culture methods.

7:25-9.5 Taking of hard clams

(a) No person shall take, attempt to take, possess, sell, offer for sale, purchase, or attempt to purchase hard clams. Mercenaria mercenaria, with a shell length less than one and one-half inches provided, however, where all clams are in containers, no violation shall be deemed to have occurred where no more than three percent of the number of clams in possession in any single container have a shell length less one and one-half inches, and where non-containerized clams are in possession, no violation shall be deemed to have occurred where no more than three percent of total number of clams in possession have a shell length less than one and one-half inches.

(b) Clams shall be culled by the harvester where taken, and all clams less than one and one-half inches in shell length shall be redeposited immediately on the bottom from where they were harvested.

(c) Possession and sale of hatchery-reared clams by a clam hatchery and purchase and possession of hatchery-reared clams from a clam hatchery shall be exempt from the provisions of (a) and (b) above provided that the purpose of this possession and sale or purchase is for planting and rearing hard clams to market size (that is, not less than one and one-half inches). Possession and/or sale of hatchery-reared seed clams less than one and one-half inches in length for the purpose of marketing and consumption shall not be exempt from the provisions of (a) and (b) above and shall not be permitted.

(d) Enforcement personnel shall seize all hard clams less than one and one-half inches in length which are in violation of N.J.A.C. 7:25-9.5 and return them to estuarine waters.

7:25-9.6 Penalties

(a) The penalty for a first offense violation of N.J.A.C. 7:25-9.5, where no more than 100 hard clams fail to meet the regulatory minimum, shall be as follows:

Number of clams	Penalty
1- 20	\$ 20.00
21- 40	\$ 50.00
41-100	\$100.00

(b) The penalty for a first offense violation of N.J.A.C. 7:25-9.5, where more than 100 hard clams fail to meet the regulatory minimum, shall be as prescribed at N.J.S.A. 23:2B-14a(1) for the first offense, that is, not less than \$100.00 or more than \$3,000 for the first offense.

(c) The penalty for any subsequent offense, regardless of number of hard clams involved, shall be as prescribed at N.J.S.A. 23:2B14(a)1 for any subsequent offense, that is, not less than \$200.00 or more than \$5,000.

SUBCHAPTER 10. POSSESSION, PROPAGATION, LIBERATION, SALE AND IMPORTATION OF GAME ANIMALS AND GAME BIRDS

Subchapter Historical Note

All provisions of this subchapter (Maurice River Oyster Cove Resolution) became effective October 23, 1973 as R.1973 d.302. See: 5 N.J.R. 371(a). Amendments became effective October 7, 1980 as R.1980 d.433. See: 12 N.J.R. 454(b), 12 N.J.R. 643(a). This subchapter was repealed September 19, 1973. New subchapter became effective June 16, 1986 as R.1986 d.233. See: 18 N.J.R. 533(a), 18 N.J.R. 1280(b).

7:25-10.1 Scope

This subchapter shall constitute the rules governing the possession, propagation, liberation, sale and importation of game mammals and game birds pursuant to N.J.S.A. 23:3-28 through 39.

7:25-10.2 Construction

This subchapter shall be liberally construed to permit the department to discharge its statutory functions.

7:25-10.3 Purpose

This subchapter is promulgated to regulate the possession, propagation, liberation, sale, and importation of game mammals and game birds through a permit system, with conditions associated therewith, to be issued at the discretion of the division.

7:25-10.4 Definitions

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

"Department" means the New Jersey Department of Environmental Protection.

"Division" means the Division of Fish, Game and Wildlife or its successor within the Department of Environmental Protection.

"Director" means the Director of Fish, Game and Wildlife or his successor within the Department of Environmental Protection.

"Game animal" means any mammal for which a legal hunting or trapping season has been established in New Jersey, identified in this subchapter, or designated a game animal by the Fish and Game Council in the annual game code.

“Game bird” means any bird for which a legal hunting season has been established in New Jersey, identified in this subchapter, or designated a game bird by the Fish and Game Council in the annual game code.

“Person” shall include, but is not limited to, corporations, companies, associations, societies including nonprofit organizations, firms, partnerships, joint stock companies, individuals, and governmental entities.

“Qualified person” means a natural person presenting to the division the written testimonials from two well-known scientists certifying to the good character and fitness of the person to be entrusted with the privilege of holding the relevant permit.

7:25-10.5 Permit required

(a) Except as hereinafter provided, no person shall have in possession any game animal or game bird unless that person has first received a permit from the division. The permit form and permit application form shall be prescribed by and be obtainable from the division.

(b) No person shall liberate within this state any game animal or game bird unless that person has first received a permit therefor from the division.

(c) No person shall import into this state any game animal or game bird unless that person has first received a permit therefor from the division.

(d) The permit requirement pursuant to this section shall not apply to game animals and game birds legally taken or killed pursuant to the general hunting and fishing license statutes, N.J.S.A. 23:3-1 through 22, and during the season therefor.

7:25-10.6 Game animals and game birds for which a permit is required for possession

(a) A permit shall be required for possession of game animals including the following mammals:

1. Eastern cottontail rabbit (*Sylvilagus floridanus*);
2. Whitetail jackrabbit (*Lepus townsendi*);
3. Blacktail jackrabbit (*Lepus californicus*);
4. European hare (*Lepus europaeus*);
5. Eastern gray squirrel (*Sciurus carolinensis*);
6. Woodchuck (*Marmota monax*);
7. Beaver (*Castor canadensis*);
8. River otter (*Lutra canadensis*);
9. Muskrat (*Ondatra zibethicus*);
10. Nutria (*Myocaster coypus*);
11. Mink (*Mustela vison*);

12. Weasel (*Mustela* spp.);
13. Virginia opossum (*Didelphis virginiana*);
14. Striped skunk (*Mephitis mephitis*);
15. Raccoon (*Procyon lotor*);
16. Red fox (*Vulpes vulpes*);
17. Gray fox (*Urocyon cinereoargenteus*);
18. Coyote (*Canis latrans*);
19. Black bear (*Ursus americanus*);
20. Bobcat (*Felis rufus*);
21. Whitetail deer (*Odocoileus virginianus*).

(b) A permit shall be required for possession of the following game birds:

1. Family Anatidae:
 - i. Geese;
 - ii. Brant;
 - iii. Tundra swans; and
 - iv. Whistling, dabbling, diving, and sea ducks;
2. Family Rallidae:
 - i. Rails;
 - ii. Moorhens;
 - iii. Coots; and
 - iv. Mud hens;
3. Family Charadriidae:
 - i. Plovers;
 - ii. Surf birds; and
 - iii. Shorebirds;
4. Family Scolopacidae:
 - i. Sand pipers;
 - ii. Woodcock;
 - iii. Snipe;
 - iv. Curlews; and
 - v. Tattlers;
5. Family Meleagrididae:
 - i. Wild turkeys;
6. Family Tetraonidae:
 - i. Grouse; and
 - ii. Prairie chickens;
7. Family Phasianidae:
 - i. Pheasants;

- ii. Partridges; and
- iii. Quails;
- 8. Family Columbidae:
 - i. Mourning dove; and
- 9. Family Corvidae:
 - i. Common crow.

(c) The division may issue a permit for the possession of the mammals or birds listed in (a) and (b) above provided the applicant has satisfactorily met the criteria contained within N.J.A.C. 7:25-10.8.

7:25-10.7 Categories of permits, expiration, fees, sales receipt required, records and reports required

(a) The division, when it appears to be in the public interest, may issue the following permits:

1. "Individual Hobby" may be issued to persons holding game animals for hobby purposes or as pets;
2. "Scientific Holding" may be issued to qualified persons holding game animals or game birds for scientific observation, captive breeding attempts and other scientific or educational study;
3. "Zoological" may be issued to private and public institutions which exhibit game animals or game birds for possession, importation, exportation, and sale of species listed in the permit;
4. "Propagation and Sales" may be issued to persons engaged in the propagation and/or sale of game animals or game birds for importation, exportation, and sale of species listed in the permit;
5. "Animal Exhibitor" may be issued to exhibitors of game animals or game birds other than zoos, including traveling exhibits, small exhibitions not qualifying as zoos, and circuses;
6. "Animal Theatrical Agency" may be issued to persons owning game animals or game birds to be used for advertising, acting, or theatrical appearances, permitting importation, exportation, and sale of species listed in the permit;
7. "Fur Farming" may be issued to persons engaged in the business of fur farming the species listed at N.J.A.C. 7:25-10.6(a)7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 20; and
8. "Cooperator" may be issued to persons who are deemed qualified by the Division under the criteria set forth in the most current edition of the "Cooperator's Manual" or, in the absence of such manual, based on the need as determined by the Division to rear orphaned juvenile wildlife species and rehabilitate injured wildlife species listed under N.J.A.C. 7:25-10.6(a) and (b). Persons issued this permit must also maintain applicable federal permits where required.

(b) All possession permits shall expire on December 31 of the year of issue.

(c) The license fee for each permit shall be \$5.00; provided, however, that there shall be no fee for the Cooperator permit.

(d) All permits must be displayed in a prominent place. The sale of game animals or game birds to any person must be accompanied by a "Game Animal or Game Bird Sales Receipt," the form of which shall be prescribed by and obtainable from the Division, and which shall serve as a temporary possession permit for a period of 20 days after the date of sale.

(e) Propagation and sales dealers shall submit to the Division an annual inventory of acquisitions, sales, and exchanges upon expiration or renewal of their permits.

(f) Zoological, Exhibitor, Theatrical, and Cooperator permit holders must submit quarterly reports of births, deaths, acquisitions, and disposals.

(g) Periodic inspections may be made by Division-designated personnel and shall consist of examination of game animal or game bird, their food, facilities, holding pen and exhibit area, and a review of relevant records pertaining to these species.

(h) Animal exhibitors and animal theatrical agencies shall notify the Division no less than two weeks prior to any scheduled activity in New Jersey covered by their permits in order to allow inspection of the activity by Division personnel.

7:25-10.8 General possession criteria

(a) Prior to the issuance of any permit under this subchapter, the applicant shall, on forms provided by the Division, demonstrate the following:

1. The origin of the animal is not from the wild stock of this State or any other state except where authorized by the Division for rehabilitative, scientific or other purposes consistent with the purposes of this subchapter as determined by the Division.
2. The animal will be fed an adequate diet;
3. The animal is housed or caged in a manner that:
 - i. Allows the animal to perform the normal behavior patterns of its species; and
 - ii. Prevents disease, liberation, or accidental injury to the animal and the public;
4. The method of acquisition did not violate the laws and regulations of this State, any other state, or the federal government;

5. Competent and adequate licensed veterinary services for the care and treatment of the animal are readily available; and

6. The animal is free of infectious diseases and parasites which may be dangerous to the animal, livestock, or people of the State. The Division may request certification from a licensed New Jersey veterinarian or a person recognized as qualified by the director to make such certification that the animal for which the permit is being sought is free from infectious diseases and parasites.

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

7:25-10.9 Emergency possession

(a) Persons may temporarily possess without permit a game animal or game bird, other than a potentially dangerous species defined at N.J.A.C. 7:25-10.10, which is orphaned, injured, or displaced provided that:

1. The Division law enforcement office of jurisdiction, DEP Emergency Hotline, or the Wildlife Control Unit is notified of such emergency possession within 12 hours of acquisition;
2. The Division Wildlife Control Unit reviews the case for the purpose of prescribing a course of action that is in the best interest of the animal or bird so possessed; and
3. The emergency possession of the game animal or game bird does not violate any local ordinances or requirements;
4. Contact phone numbers for cases of emergency possession are as follows:
 - i. Northern Region Law Enforcement Office (201) 735-8240;
 - ii. Central Region Law Enforcement Office (201) 259-2120;
 - iii. Southern Region Law Enforcement Office (609) 629-0555;
 - iv. DEP Emergency Action Hotline (24 hours) (609) 292-7172; and
 - v. Wildlife Control Unit (201) 735-8793.

(b) The game animal or bird held without a permit therefor shall be surrendered upon demand by the Division.

7:25-10.10 Potentially dangerous species

(a) "Potentially dangerous species" is defined as any game animal or game bird which, in the opinion of the Division, is potentially capable of inflicting serious or fatal injuries, of being an agricultural pest, of being detrimental to existing or future wild populations, or of being a menace to public health, including, but not limited to, the following:

Order	Family
Carnivora	Canidae—Nondomestic dogs Ursidae—Bears
Artiodactyla	Felidae—Nondomestic cats Cervidae—Deer

(b) The Division, in its discretion, may issue a permit for possession of a potentially dangerous game animal or game bird only after a clear showing that the criteria for the possession of such potentially dangerous game animal or game bird have been met.

7:25-10.11 Criteria for the possession of potentially dangerous species

(a) In addition to the general criteria enumerated in N.J.A.C. 7:25-10.8, every person applying for a permit to possess potentially dangerous species shall meet each of the following criteria to the satisfaction of the Division:

1. Education and background: Persons wishing to apply for a permit to possess a potentially dangerous species must have extensive experience in maintaining the species desired or related species;
2. Knowledge: Persons wishing to apply for a permit to possess potentially dangerous species must demonstrate a working knowledge and expertise in handling and caring for each of the species desired;
3. Other licenses and permits: Persons applying to possess potentially dangerous species must obtain, in addition to New Jersey Captive Game Animal or Game Bird Permit, all other applicable permits covering the possession of such species. Any permit issued for the possession of such animal by the Division shall not exempt an applicant from compliance with any other law of the State, or subDivision of the State, any municipality, or the Federal government, regarding construction necessary to house the animal, or other local requirements;
4. Purpose and intent: Persons applying to possess potentially dangerous species must submit a written statement of the purpose and intent of keeping the species;
5. Housing and feeding: Persons applying for a permit to possess a potentially dangerous species must supply a written description of the housing and caging facilities for the species required including a summary detailing a continuous source of food appropriate for the specific diet of the animals. Facilities must be constructed to prevent the possible escape of the animal. Division personnel may inspect the completed facilities to determine if the facilities are suitable for the game animal or game birds; and
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, CN 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

This subchapter contained rules entitled "Endangered Species", which were filed pursuant to N.J.S.A. 23:2A-4 as R.1974 d.348, effective December 19, 1974. See: 7 N.J.R. 6(c). Amendments and additional rules were effective on June 13, 1975 as R.1975 d.164; February 22, 1977 as R.1977 d.39; March 29, 1979 as R.1979 d.128; and January 17, 1984 as R.1983 d.638. See: 7 N.J.R. 146(b), 7 N.J.R. 311(a); 8 N.J.R. 175(a), 9 N.J.R. 118(c); 11 N.J.R. 10(a), 11 N.J.R. 229(a); 15 N.J.R. 1623(a), 16 N.J.R. 131(b). On April 16, 1984, R.1984 d.132 recodified the existing rules (7:25-11.1 through 11.4) as a part of 7:25-4, "Endangered, Nongame and Exotic Wildlife". See 16 N.J.R. 97(b), 16 N.J.R. 889(a).

SUBCHAPTER 12. SURF CLAMS

Authority

N.J.S.A. 13:1B-3; 13:1D-9; 23:2B-9; 23:2B-14;
23:4-52; 50:2-6.1 through 50:2-6.3

Source and Effective Date

Emergency Repeal and New Rule, R.1991 d.49, effective January 4, 1991 (operative January 6, 1991). See: 23 N.J.R. 223(a).
Adopted Concurrent Repeal and New Rules,
R.1991 d.173, effective March 5, 1991.
See: 23 N.J.R. 223(a), 23 N.J.R. 1001(a).

Subchapter Historical Note

Subchapter 12, Sea Clams was repealed and replaced by Subchapter 12, Surf Clams as 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, Game 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.

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 min-

utes 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).

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
 P.O. Box 418, Route 9
 Port Republic, New Jersey 08241

(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, Game and Wildlife
 New Jersey Department of Environmental Protection
 P.O. Box 418, Route 9
 Port Republic, New Jersey 08241
 (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 limi-

tation, 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).

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
 P.O. Box 418, Route 9
 Port Republic, New Jersey 08241

(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 MANAGEMENT

Authority

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

Subchapter Historical Note

Unless otherwise expressly noted, all provisions of this subchapter were originally adopted pursuant to authority of N.J.S.A. 50:3-20 and were filed and became effective on June 1, 1977, as R.1977 d.196. See: 9 N.J.R. 117(a), 9 N.J.R. 319(b). Amendments to this subchapter, which were proposed in the May 7, 1981 Register at 13 N.J.R. 2828(b), were disapproved by the legislature on June 15, 1981 by Senate Concurrent Resolution No. 3024 (see: 13 N.J.R. 382(a)). The amendments were subsequently adopted by the Department and filed with the Office of Administrative Law on July 20, 1981 d.299, to become effective on August 6, 1981. The adopted amendments were modified to comport with the Legislative objectives. See: 13 N.J.R. 546(a). This subchapter was proposed as a readoption with amendments and was adopted as a new rule pursuant to Executive Order 66(1978) as R.1985 d.560, effective November 4, 1985. See: 17 N.J.R. 1930(a), 17 N.J.R. 2608(a). See, also, Chapter Historical Note.

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:

“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, any marked shellfish grounds leased pursuant to N.J.S.A. 50:1-23 and the Delaware Bay.

“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.

“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, Game and Wildlife.

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

“Newark Bay Complex” means the tidal Passaic River, the tidal Hackensack River, the Newark Bay, the Arthur Kill, and the Kill Van Kull.

“Trot line” means a single length of anchored line no longer than 3,000 feet to which baits or baited barbless hooks are attached.

Repeal and New Rule, R.1994 d.152, effective March 21, 1994.
See: 25 N.J.R. 4831(a), 26 N.J.R. 1337(b).
Section was “Crab pots and trot lines defined”.

7:25-14.2 Use of crab pots and trot lines

(a) No individual shall tend or remove crabs from any pot or trot line unless he or she is the holder of a valid license, or as otherwise herein provided.

1. An individual tending crab pots or trot lines shall have in his or her possession his or her numbered license which corresponds to the vessel number and the number marker on the pots or trot lines tended;

2. A commercial licensee may authorize an agent to tend his or her pots or trot lines provided the agent is in

possession of his or her own license, the license of the individual whose pots are to be tended and a letter of authorization from said licensee, issued and notarized by the Division indicating the number marker of the pots or trot lines that the agent is authorized to tend.

3. The commercial licensee may be held liable and subject to the penalty provisions provided in N.J.A.C. 7:25-14.13 for the violation of provisions of this subchapter actually committed by the agent based upon the apparent authority of the agent to act for his or her principal.

(b) No person shall cut or break the lines or otherwise tamper with or damage in any way, any pot, trot line or buoy which he does not own or is not authorized to tend.

(c) All other organisms other than crabs and conchs shall be immediately released to the waters from which such organisms were taken.

(d) All crab pots must be checked and emptied of all crabs and other organisms at least once every 72 hours.

(e) No license holder shall fish more than 600 crab pots in Delaware Bay nor more than 400 crab pots in all other waters.

(f) No license holder shall set any crab pots except between April 16 to December 14 in Delaware Bay and between March 15 to November 30 in all other waters.

(g) All gear associated with crab potting must be removed from the water within three days of the end of the season.

Amended by R.1985 d.560, effective November 4, 1985.
See: 17 N.J.R. 1830(a), 17 N.J.R. 2608(a).
(a)3 added.
Amended by R.1994 d.152, effective March 21, 1994.
See: 25 N.J.R. 4831(a), 26 N.J.R. 1337(b).

7:25-14.3 Hours for fishing

Crab pots and trot lines may be tended only from 0400 hours (4:00 A.M.) to 2100 hours (9:00 P.M.), prevailing time.

7:25-14.4 Commercial licenses for crab pots/trot lines and crab dredges

(a) No individual shall take or attempt to take crabs by any means for the purpose of sale or barter without having in his or her possession his or her valid commercial crab pot/trot line or crab dredge license issued by the Division pursuant to N.J.S.A. 23:5-35.2.

1. To be eligible for a 1994 commercial crab pot license, the applicant must provide a copy of a previously valid New Jersey 1991, 1992 or 1993 commercial crab pot license issued in the applicant’s name prior to July 9, 1993. In subsequent years, the applicant must provide a

copy of a previously valid commercial crab pot license held by the applicant from the preceding year. Any person on active military service during any part of the period from January 1, 1991 through July 8, 1993, will also be eligible for a license provided application is made to the Department within a 90 day period following completion of that active military service, upon submission of official documentation indicating duration of military service and date of discharge. Qualified applicants completing military service between July 9, 1993 and March 21, 1994 will have until June 19, 1994 in which to apply.

2. Any applicant applying for a commercial crab pot license between July 9, 1993 and April 20, 1994 will be eligible to participate in a lottery to purchase a commercial crab pot license. Successful applicants will be chosen, by lottery if necessary, from all completed applications received by the Department by April 20, 1994. The number of licenses issued pursuant to this lottery will not be more than 20 percent of the number of 1993 licenses issued.

3. No additional crab pot licenses will be issued until the number of licenses issued decreases below the number issued in 1991 (312 licenses).

4. To be eligible for a 1994 commercial crab dredge license, the applicant must provide a copy of a previously valid New Jersey 1991, 1992 or 1993 commercial crab dredge license issued in the applicant's name prior to July 9, 1993. In subsequent years, the applicant must provide a copy of a previously valid commercial crab dredge license held by the applicant from the preceding year. Any person on active military service during any part of the period from January 1, 1991 through July 8, 1993, will also be eligible for a license provided application is made to the Department within a 90 day period following completion of that active military service, upon submission of official documentation of military service and date of discharge. Qualified applicants completing military service between July 9, 1993 and March 21, 1994 will have until June 19, 1994 in which to apply.

5. Any applicant applying for a 1994 commercial crab dredge license between July 9, 1993 and 30 days after adoption of this amendment will be eligible to participate in a lottery to purchase a commercial crab dredge license. Successful applicants will be chosen, by lottery, if necessary, from all completed applications received by the Department by April 20, 1994. The number of licenses issued pursuant to this lottery will not be more than 20 percent of the number of 1993 licenses issued.

6. No additional crab dredge licenses will be issued until the number of licenses issued decreases below the number issued in 1993 plus 20 percent.

7. Commercial crab pot and crab dredge licenses are non-transferable except that a license holder may transfer the license at any time to the license holder's spouse, son or daughter upon application to the Division.

8. The license fee for New Jersey residents shall be \$100.00 for a crab pot/trot line license and \$100.00 for a crab dredge license. The license fee for non-residents will be the same as that for a resident if a New Jersey fisherman can obtain a license to harvest crabs in the state of residence of the non-resident applicant for the same fee as a resident of that state. Otherwise, the non-resident license fee shall be an amount equal to five times the \$100.00 New Jersey resident license fee. All licenses shall expire on December 31 of the calendar year for which they were issued.

9. For crab pots and trot lines, the license number shall be displayed on both sides of the crabber's boat amidship, in numerals not less than 12 inches high and of a color contrasting with their background.

(b) For the purposes of this section and N.J.S.A. 23:5-35.1, the possession of more than one bushel of crabs shall be considered as taking for the purpose of sale or barter. A bushel shall be defined as a U.S. standard bushel equivalent to four pecks or 32 quarts.

Amended by R.1994 d.152, effective March 21, 1994.
See: 25 N.J.R. 4831(a), 26 N.J.R. 1337(b).

7:25-14.5 Noncommercial licenses for crab pots/trot lines

(a) No individual shall take or attempt to take crabs by means of crab pots or trot lines without having in his or her possession a valid license issued by the Division.

1. The Division will issue a noncommercial license for no more than two crab pots or two trot lines. Trot lines shall not exceed 150 feet in length with a maximum of 25 baits attached. Pots and trot lines shall be marked with the license number. There is no fee for this noncommercial license. All licenses shall expire on December 31 of the calendar year for which they were issued.

2. Crabs taken under provisions of a noncommercial license may not be sold or used for barter. The maximum harvest and/or possession of crabs for the noncommercial crabber is one bushel per day per person.

Amended by R.1994 d.152, effective March 21, 1994.
See: 25 N.J.R. 4831(a), 26 N.J.R. 1337(b).

7:25-14.6 Placement and marking of pots and trot lines

(a) Each crab pot shall be clearly and visibly marked with a buoy, stake or permanent identification tag bearing the license number of the owner. All crab pot buoys shall be marked with fluorescent or reflective paint, tape or other reflective material or reflectors. Floating line shall not be used on any crab pot or crab pot buoys.

(b) Each trot line shall be marked at both ends with a clearly visible stake or buoy. No trot line shall be set within 100 feet of another trot line.

(c) No pot shall be placed in a creek, ditch or tributary less than 50 feet wide at mean low water unless approved by the Division. No pot or trot line shall be placed in any man-made lagoon or in any marked or charted channel, except noncommercially licensed pots fastened to a pier or other shore connected structure by a line no longer than twice the depth of the water at that point.

(d) No pot or trot line shall be placed in areas designated by the Division after consultation with the Shellfisheries Council and the Marine Fisheries Council, as off limits for the catching of crabs by means of pots or trot lines, except noncommercially licensed pots fastened to a pier or other shore connected structure by a line no longer than twice the depth of the water at that point.

(e) At no time shall any pot or trot line be placed to obstruct or impede navigation.

Amended by R.1985 d.560, effective November 4, 1985.

See: 17 N.J.R. 1830(a), 17 N.J.R. 2608(a).

"Stake" substituted for "state".

Amended by R.1994 d.152, effective March 21, 1994.

See: 25 N.J.R. 4831(a), 26 N.J.R. 1337(b).

Petition for Rulemaking.

See: 27 N.J.R. 944(b), 27 N.J.R. 1478(c).

7:25-14.7 Use of crab dredges

(a) An individual shall not catch or take crabs by dredges without having his or her valid crab dredge license in his or her possession. Crab dredges shall only be used in crab dredge areas and shall conform to the following specifications:

1. No boat shall have more than four dredges working at the same time.

2. The maximum length of each tooth bar shall be 75 inches north of Route 36 (Highlands Bridge) and in the Atlantic Ocean, but if two or fewer dredges are in possession north of Route 36 (Highlands Bridge) or in the Atlantic Ocean then the maximum length of each tooth bar shall be 96 inches. The maximum length of the tooth bar in all other crab dredge areas shall be 38 inches.

3. The maximum weight of each dredge shall be 400 pounds north of Route 36 (Highlands Bridge) and in the Atlantic Ocean, but if two or fewer dredges are in possession north of Route 36 (Highlands Bridge) or in the Atlantic Ocean then the maximum weight of each dredge shall be 500 pounds. The maximum weight of each dredge in all other crab dredge areas shall be 60 pounds.

4. The maximum length of the teeth shall be six inches north of Route 36 (Highlands Bridge) and in the Atlantic Ocean and three inches in all other crab dredge areas.

5. The minimum space between teeth shall be three inches in all crab dredge areas, measured at the base.

6. A chain or toothless bar shall be allowed in place of a tooth bar in all waters.

7. The collecting bag of a dredge, if material, shall have mesh not less than two inches bar measure or four inches stretched measure; if wire, shall not be less than two inches bar mesh (inside measurement) or two and one-half inches inside diameter if circular; if metal, the O-rings shall not be less than two inches in diameter and shall be connected with no more than six "S" hooks that measure not less than two inches in length as measured to the inside of the "S" configuration.

8. Each dredge shall be independently and separately attached to the vessel by a single cable or tow line; except that two dredges can be towed by a single line in the Atlantic Ocean and north of Route 36 (Highlands Bridge) provided that the dredges are not solidly attached to each other in any way and are fastened to the tow line by a bridle that allows the dredges to act independently of each other.

(b) No person shall catch, take, or attempt to take crabs by dredge from any area except the "crab dredge area" as defined in the definitions section. No person shall dredge or attempt to dredge crabs on any marked leased shellfish grounds. No person shall dredge or attempt to dredge crabs within 50 yards of any marked leased shellfish grounds.

(c) Any clams, oysters, scallops, mussels, other bivalve mollusks, or finfish, which may be caught incidentally to the catching of crabs by dredge, shall be redeposited immediately in the water from which such clams, oysters, scallops, mussels, other bivalve mollusks, or finfish are caught. No person, while engaged in the catching and taking of crabs by dredge, shall have in his or her boat or possession any clams, oysters, scallops, mussels, other bivalve mollusks, or finfish obtained from any source. Conchs may be retained in the crab dredge fishery as a by-catch only. The possession of bivalve mollusks or finfish, dredges and crabs simultaneously in the boat of any person shall constitute prima facie evidence of the violation of this section.

(d) No person shall catch, take or attempt to catch or take crabs by means of a crab dredge except from one-half hour after sunrise to one-half hour before sunset from December 1 through March 31.

(e) No person shall catch, take or attempt to catch or take crabs by means of a crab dredge at any time on Sunday except north of Route 36 (Highlands Bridge) or in the Atlantic Ocean.

New Rule, R.1994 d.152, effective March 21, 1994.

See: 25 N.J.R. 4831(a), 26 N.J.R. 1337(b).

7:25-14.8 Landing crabs

All crabs harvested commercially in State waters shall be landed in this State.

New Rule, R.1994 d.152, effective March 21, 1994.
See: 25 N.J.R. 4831(a), 26 N.J.R. 1337(b).

7:25-14.9 Female crabs with eggs attached

No person shall take from any of the waters of this State, or have in his possession any female crustacean, commonly known as crab, with eggs or spawn attached thereto, or from which the egg pouch or bunion has been removed.

7:25-14.10 Size of crabs taken

(a) No person shall take from any tidal waters of this State or have in his or her possession any peeler or shedder crab measuring less than three inches across the back from the tip of the longest lateral spine to the other or a soft crab measuring less than three and one-half inches across the back from the tip of the longest lateral spine to the other, or hard crab measuring less than four and one-half inches across the back from tip to tip of spike.

1. For purposes of this section, a peeler or shedder crab shall mean a hard crab which has a fully formed soft shell beneath the hard outer shell and the impending shedding process is evidenced by the red sign along the outer rim of the paddle-like appendages on the crab's fifth pair of legs.

(b) A person shall not purchase, sell, offer for sale or expose for sale any hard crab measuring less than four and three-quarter inches across the back from tip to tip of spike.

R.1982 d.169, effective June 7, 1982.
See: 13 N.J.R. 645(a), 14 N.J.R. 578(a).
Amended by R.1994 d.152, effective March 21, 1994.
See: 25 N.J.R. 4831(a), 26 N.J.R. 1337(b).
Petition for Rulemaking.
See: 27 N.J.R. 944(b), 27 N.J.R. 1478(c).

7:25-14.11 Harvesting crabs

(a) No person shall take or attempt to take any crabs by any means in the Newark Bay Complex.

New Rule, R.1994 d.152, effective March 21, 1994.
See: 25 N.J.R. 4831(a), 26 N.J.R. 1337(b).

7:25-14.12 Filing of reports

(a) All persons commercially licensed to take crabs shall keep, on forms furnished by the Division, accurate records of the number of bushels of hard crabs, peelers and soft crabs caught, the type of gear used and the area fished. These records shall be filed by the 10th day of each month with the Division. If no crabs were harvested during the month, a report to that effect shall be provided. Failure to file on or before the 10th of the month following the month of record may lead to suspension of said license by the Department according to the following schedule:

1. First offense: no suspension;
2. Second and subsequent offenses: 120 days suspension.

(b) All license suspensions shall be imposed during the open season for the respective fishery; any period of suspension not occurring during the existing season shall be applied during the next open season even if such season falls in a different calendar year. Prior to suspension of the license, the permittee shall have the opportunity to request a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

Recodified from 7:25-14.7 and amended by R.1994 d.152, effective March 21, 1994.
See: 25 N.J.R. 4831(a), 26 N.J.R. 1337(b).

7:25-14.13 Penalties

(a) Any person violating any of the provisions of this subchapter relating to crabs shall be liable to the penalties provided by N.J.S.A. 23:2B-14, except for (b) and (c) below.

(b) Any person not having a valid license in possession or failing to exhibit same for inspection by an authorized law enforcement officer while tending a pot or trot line or dredging crabs, or violating the provisions of N.J.A.C. 7:25-14.5 or 14.6 shall be liable to a penalty of \$20.00 for the first offense and \$40.00 for each subsequent offense.

(c) Any person failing to check crab pots at least once every 72 hours pursuant to N.J.A.C. 7:25-14.2(d) shall be liable to a penalty of \$20.00 for each pot in violation.

(d) Any person violating the provisions of N.J.A.C. 7:25-14.9 or N.J.A.C. 7:25-14.10 shall be liable to a penalty of \$20.00 for each crab taken or had in possession.

(e) Pursuant to N.J.S.A. 23:10-21 and 21.1, any gear used in violation of the provisions of this subchapter may be seized and forfeited.

(f) The assessment of any administrative penalty shall not preclude the Department from prosecuting for a larger amount in the event the administrative penalty is not paid by the time requested.

(g) Nothing in this section shall require the Department to assess an administrative penalty before instituting prosecution.

Amended by R.1982 d.169, effective June 7, 1982.
See: 13 N.J.R. 645(a), 14 N.J.R. 578(a).

(c) added.

Amended by R.1985 d.560, effective November 4, 1985.
See: 17 N.J.R. 1830(a), 17 N.J.R. 2608(a).

"Or" substituted for "of".

Recodified from 7:45-14.8 and amended by R.1994 d.152, effective March 21, 1994.
See: 25 N.J.R. 4831(a), 26 N.J.R. 1337(b).

SUBCHAPTER 15. CLAM RELAY PROGRAM

Authority

N.J.S.A. 50:1-5.

Subchapter Historical Note

Rules concerning the taking of hard clams were originally codified at N.J.A.C. 7:25-9.2, effective June 18, 1974 as R.1974 d.148. See: 6 N.J.R. 262(b). New rules were adopted on May 11, 1977 as R.1977 d.167 and codified at N.J.A.C. 7:25-15 as the Clam Relay Program. See: 9 N.J.R. 264(b). Amendments to the program became effective on September 5, 1978 as R.1978 d.198. See: 10 N.J.R. 275(a), 10 N.J.R. 421(a). Further amendments became effective on September 16, 1978 as R.1978 d.326. See: 10 N.J.R. 425(a). Subsequent amendments were filed as R.1979 d.156, effective April 20, 1979, and as R.1980 d.161, effective April 16, 1980. See: 11 N.J.R. 230(e), 12 N.J.R. 260(a). Additional revisions were effective on April 19, 1982 as R.1982 d.117. See: 13 N.J.R. 645(b), 14 N.J.R. 387(a).

On August 27, 1982 an emergency amendment replaced the existing text and became effective as R.1982 d.309. See: 14 N.J.R. 1055(a). On October 28, 1982 the new text was readopted as R.1982 d.411. See: 14 N.J.R. 1300(d). Subsequently, on October 27, 1983, R.1983 d.519 concerning the operation of the clam relay program was filed as an emergency adoption, but on November 18, 1983 expired without being readopted. See: 15 N.J.R. 1959(a). On March 1, 1984 d.65 was in turn effective on an emergency basis to expire on April 30, 1984. See: 16 N.J.R. 560(a). Concurrently, a new rule proposed at 16 N.J.R. 186(a) was adopted on May 7, 1984 as R.1984 d.165. See: 16 N.J.R. 1086(a). See, also, Chapter Historical Note.

7:25-15.1 Relay of hard clams

(a) This rule is intended to implement the hard clam relay program administered statewide by the Department of Environmental Protection (department). This rule must be read together with the shellfish growing water classification rules and definitions which appear at N.J.A.C. 7:12 and are subject to amendment at anytime. N.J.S.A. 58:24-2 requires the department to condemn immediately shellfish beds subject to pollution.

(b) The general intent of this rule is to control the relay of hard clams, (*Ercenaria mercenaria*) from Special Restricted, Seasonal Special Restricted, or Condemned Waters within the Atlantic Coast Section. These designated Special Restricted, Seasonal Special Restricted, or Condemned Waters will be charted by the department and such charts will be issued to participants and available to the public. Anyone who meets the requirements set forth below in this rule may participate in this program. If it becomes necessary to limit the number of participants, then applicants will be admitted in order of their application.

(c) The department will schedule areas for harvest and designate the landing site and so notify the participants. The department will designate certain specific areas as off limits to the use of clam rakes and tongs for the harvest of hard clams in such shallow water areas as it deems abundant with soft clams. Charts of the designated soft clam areas will be provided to all participants by the department. In these designated soft clam areas, the harvest of hard clams shall be permitted only by treading.

(d) Participants shall be furnished numbered receipt forms, with the date they are to be used, by the Division of Fish, Game and Wildlife (division). These forms shall be completed in their entirety and signed by the harvester and also signed by the buyer if the shellfish are to be sold at the landing site, for each date used. Completed and all used receipt forms shall be sent to the division's Bureau of Shellfisheries' Nacote Creek Office no later than one week after the forms are completed.

(e) Any person who wishes to participate in this program must comply with the following conditions in order to be eligible for participation:

1. Possess a current, valid, commercial clamming license issued by the division (see N.J.S.A. 50:2 et seq.);
2. Possess one of the following special permits issued by the Division of Water Resources (N.J.S.A. 58:24-3 and N.J.A.C. 7:12-2) to harvest and/or buy and/or sell hard clams from condemned waters:

i. Permit 5a: SPECIAL PERMIT TO HARVEST, BUY, SELL AND RELAY HARD CLAMS FROM SPECIFIED SPECIAL RESTRICTED SEASONAL SPECIAL RESTRICTED OR CONDEMNED WATERS IN CONJUNCTION WITH A STATE APPROVED SHELLFISH RELAY PROGRAM; or

ii. Permit 5b: SPECIAL PERMIT TO HARVEST HARD CLAMS FROM SPECIFIED SPECIAL RESTRICTED, SEASONAL SPECIAL RESTRICTED, OR CONDEMNED WATERS FOR SALE PURPOSES ONLY IN CONJUNCTION WITH A STATE APPROVED SHELLFISH RELAY PROGRAM; and

3. The above permits will show on their face the specific conditions that are deemed necessary for the proper operation of the shellfish relay program. All permittees are also required to comply with all other applicable statutes and regulations. Included with every permit will be department charts of the harvest areas showing specific sections within the estuaries that may be harvested on any particular day, as determined by the department.

(f) Any person applying for a permit 5a must have acquired a special relay lease from the department for three one-half acre lots of shellfish cleansing grounds on which the relayed shellfish are to be planted by the means hereinafter set forth. No person shall hold more than one relay lease. Applications for leases must be made in person at the Nacote Creek Shellfish Office for the department. The lease shall be subject to the following additional conditions:

1. This special relay lease shall be issued for only one year and shall be reapplied for annually on or before December 31 for the following calendar year.
2. The annual fee for this lease, to be paid at the time of application, shall be \$5.00.

3. Once the lease lots have been marked by the division, the lessee shall be solely responsible for the placement and maintenance of the stakes marking same, or their necessary replacement.

4. This special relay lot shall be used for relay from the specified harvest areas only. No special relay lease will be renewed if the lessee did not actively participate in the previous year's program unless such inactivity was due to unusual hardship, as determined by the department, or was due to the department's failure to administrate or operate a hard clam relay program during the previous year.

i. Upon termination of the program by the department, special relay lessees, subject to (h) below shall retain exclusive rights, for a period of 18 months, to the clams planted on their leased grounds before the termination date and may thereafter reapply to lease the grounds;

5. A lessee vacating a relay lot shall have exclusive right to hard clams planted before the date of vacation for a period of six months from that date.

6. Signs, having a white background with six-inch black lettering giving the participant's special relay permit number or code symbol and relay lot "Section A" "B," or "C," shall be placed and maintained on the participant's relay lot corners. Failure to mark lots as specified shall be deemed a violation of these rules.

7. The participant's harvest boat shall be marked on both sides, amidships, with six-inch black letters on a white background giving the participant's first initial, last name, and special relay permit number while he is engaged in any phase of the program.

8. The designated enforcement unit shall have the authority to inspect any relay lot to ensure compliance with all relay program rules. Shellfish found on any relay lot contrary to these and other applicable statutes and rules shall be subject to seizure.

9. Nonleased lots within designated relay lease areas are not open to harvest of shellfish at any time. No person shall harvest or attempt to harvest shellfish within 50 yards of any designated relay planting area except the lessee of any leased grounds that may exist within the prohibited area who may harvest on his own leasehold.

10. As a condition precedent to participation in the relay program, participants consent to the following: The designated enforcement unit may stop and inspect any vehicles involved in the hard clam relay program from the time loading begins at the landing site until the off loading at the planting site. All such stops and inspections shall be expressly for the purpose of ensuring compliance with the hard clam relay regulations and protection of the public's health.

(g) All clams harvested from the Special Restricted, Seasonal Special Restricted or Condemned Waters shall be landed at the site and at the time specified by the enforcement unit.

(h) All clams harvested by the participant shall be bagged, three-quarter bushel to the bag, in bags approved by the department. All bags shall be marked "RELAY CLAMS," with two-inch letters stenciled on the side. No unstenciled bags will be allowed in the harvester's or buyer's vehicle or boat at the harvest, landing, planting, off-loading, or transplant sites. Each bag shall be marked with the harvester's name and permit number.

1. The bags will be counted by the relay harvester and listed on the numbered three-part relay receipt forms which shall be certified by the harvester. The forms must be filled out in their entirety before the clams are transported. Receipts for all clams must be in the transporting vehicle. In the event that the clams are to be sold to the holder of a Permit 5a, the form shall be signed by both the harvester and the buyer-planner at the landing site. The department shall provide receipt forms and seals and designate procedures for their use.

2. The harvester shall retain one copy, forward one copy to the Bureau of Shellfisheries' Nacote Creek Office each Friday, and give the third copy to the buyer who shall carry it with the bagged clams directly to the relay lot. Unused, spoiled, or voided forms shall be returned to the Bureau of Shellfisheries' Nacote Creek Office with the completed forms each Friday.

3. Participants will place their counted bags in the truck, said vehicle provided by the participants and approved by the enforcement unit, for transportation to the planting area. The truck will be sealed by department personnel or their designated agents at the harvest landing site and opened by same at the planting off-loading site. The enforcement unit may specify the route to be taken from the harvest landing site to the planting off-loading site. Deviation from a specified route will not be tolerated except in an emergency. In the case of a mechanical failure or act of God interrupting this process, the transporter will notify the enforcement unit immediately in order to receive further instructions with which he shall comply.

4. Clams in bags shall be transported to the participant's leased lots and planted within the time frame specified by the enforcement unit. The bags of clams will be directly transported to the respective planting lots and immediately planted thereon. All clams shall be removed from the bags as they are planted on the relay lots.

5. Participants shall not harvest any shellfish on the same trip they plant clams from the day's relay. Persons harvesting clams from relay lots after receipt of written permission from the Bureau of Shellfish Control shall not have any stenciled transport bags in their boats at the time they harvest.

6. The Bureau of Shellfisheries shall notify the participants of the dates the relay shall be conducted, the area to be harvested, the hours clams must be landed and planted, and the landing site to be used. Relay clams shall be planted on the subplot designated by the department.

(i) Clams shall be relayed to the leased lots on a schedule set by the department and shall remain upon said leased lots until written permission for harvest has been granted by the Division of Water Resources, Bureau of Shellfish Control. Further, relay clams shall only be planted on the subplot designated by the department. Planting on sublots already in the cleansing period, or released for harvest, is a violation of these regulations and will jeopardize the entire program.

(j) Only the lessee or his designated substitute harvester shall remove clams from the leased lots. The designated substitute harvester must process a letter of permission, issued by the division's Bureau of Shellfisheries, from the lessee giving the dates for which he is allowed harvest privileges and the lessee's Division of Water Resources Permit 5a number at all times during harvest operations.

(k) The department shall establish a schedule of dates and times for the relay and the areas of the Special Restricted, Seasonal Special Restricted, or Condemned Waters which shall be opened to participants in this program for the harvest of clams. The truck will be sealed at the landing site and unsealed at the planting off-loading site at times established and announced to all participants by the enforcement unit. Any truck carrying relay clams not under seal, or with a broken seal shall be in violation of these regulations.

(l) The department may terminate this program, or anyone's participation therein, at any time for just cause and upon notice to the affected participants. Just cause shall include, but not be limited to, peril to public health, excessive depletion or threat thereof to the shellfish stocks, lack of industry participation, and violation of the rules of the relay program deemed by the department detrimental to the program. Possession of any unmarked bag of clams, or loose clams, in a vessel which has left the relay lots after planting, or any misrepresentation on the receipt form by the harvester or buyer, shall be prima facie evidence of a violation of these rules.

(m) Penalty:

1. Any participant violating this rule or the terms of the special relay permit issued by the Division of Water Resources may have his permits revoked or suspended. This participant may also be subject to prosecution, including fine, imprisonment, and forfeiture of vessel, vehicle, and all equipment.

2. Any lessee who is convicted of an offense which results in the revocation of a Shellfish Harvesting License or Special Permit mentioned in (e)2 above shall have this

lease terminated by the department; provided, however, that upon lessee's giving notice to the division within 10 days of departmental notice of termination of said lease, the lessee shall be given the opportunity to show why his lease should not be terminated. Upon issuance of summons to lessee, any transfer of lease will be stayed pending final disposition of said summons. If notice is given within the aforementioned 10-day period, termination of the lease will not be effective until the next regularly scheduled meeting of the Atlantic Coast Section of the Shell Fisheries Council. The Atlantic Coast Section of the Shell Fisheries Council shall have the authority to permanently suspend such termination for good cause shown.

3. Nothing in this section shall allow the termination of a lease because of a violation of N.J.S.A. 50:2-1 or N.J.S.A. 50:2-5. A violation of this rule is a violation of N.J.S.A. 50:1-5 and is subject to a penalty under N.J.S.A. 23:2B-14a (first offense \$100.00 to \$3,000.00; subsequent offense \$200.00 to \$5,000.00); except that anyone in violation of N.J.A.C. 7:25-15.1(d) and (h)1 (failure to complete report), (f)6 (failure to properly post lot), and (f)7 (failure to mark harvest boat) shall be subject to a penalty of \$20.00 for the first offense and \$40.00 for each subsequent offense.

Amended by R.1985 d.633, effective December 16, 1985.

See: 17 N.J.R. 2191(a), 17 N.J.R. 2976(a).

Substantially amended.

Correction: At (f)4 Language inserted; (m)2 "termination of the lease will not be . . . , "not" added.

See: 21 N.J.R. 751(a).

SUBCHAPTER 16. DEFINING FISHING LINES

Subchapter Historical Note

All provisions of this subchapter became effective January 1, 1979 as R.1978 d.295. See: 10 N.J.R. 143(c), 10 N.J.R. 384(b). This subchapter was adopted as a new rule pursuant to Executive Order 66(1978) effective November 18, 1985 as R.1985 d.597. See: 17 N.J.R. 2193(a), 17 N.J.R. 2755(a). See chapter and section levels for further amendments.

7:25-16.1 Defining lines upstream of which license is required to fish with handline, rod and line or long bow and arrow

(a) The following table defines lines upstream of which a license is required to fish with handline, rod and line or long bow and arrow:

Name of Water	License required upstream of this location
ATLANTIC COUNTY	
Absecon Creek	Dam at Lower Atlantic City Reservoir
Great Egg Harbor River	Power lines at confluence of Gravelly Run
Middle River	None—all saline water

Name of Water	License required upstream of this location	Name of Water	License required upstream of this location
Mullica River	Seventh Ave. Sweetwater and ramp at Crowley's Landing	Mill Cr.—Tributary of Cohansey at Fairton	Route 553 Bridge, Fairton
Nacote Creek	Port Republic Dam	Muskee Creek	S. side of bridge on Weatherby Rd.
Patcong Creek	Bargaintown Lake Dam	Nantuxent Creek (Pages Run)	Route 553, North of Frames Corner
South River	Power Lines immediately below Route 50	Oranoken Creek	Whitcar Mill, North of Beaver Dam
Tuckahoe River	First northerly tributary downstream of Rt. 49 Bridge (McNeal's Branch)	Oyster Creek	None—all saline water
BERGEN COUNTY		Riggins Ditch	Route 47
Hackensack River	Cedar Lane Bridge between Hackensack and Teaneck	Sow and Pigs Br. of Nantuxent	None—all saline water
Hudson River	None—all saline water	Stow Creek	Buckhorn Rd. Bridge, Jericho
Passaic River	Required whole length	Straight Creek	None—all saline water
		West Creek	100 Ft. below West Creek Lake Dams (Pickle Factory Pond)
BURLINGTON COUNTY		ESSEX COUNTY	
Assicunk Creek	Required whole length	Passaic River	Erie Railroad Bridge between Newark (at Verona Ave.) and Kearny
Bass River	Fir Bridge on State Road in Bass River State Forest		None—all saline water
Batsto River	Required whole length	Peddie Ditch	
Blacks Creek	Required whole length		
Crafts Creek	Required whole length	GLOUCESTER COUNTY	
Crosswicks Creek	Required whole length	Big Timber Creek	Required whole length
Delaware River	Required whole length	Delaware River	Commodore Barry Bridge at Bridgeport
Mullica River	Line between Seventh Ave. Sweetwater and ramp at Crowley's Landing	Mantua Creek	Required whole length
Pennsauken Creek	Required whole length	Oldmans Creek	Route I-295 Bridge
Pompeston Creek	Required whole length	Raccoon Creek	Required whole length
Rancocas Creek	Required whole length	Woodbury Creek	Required whole length
Swedes Run	Required whole length	HUDSON COUNTY	
Wading River	Charcoal Landing, Chips Folly Campground	Hackensack River	None—all saline water
		Hudson River	None—all saline water
CAMDEN COUNTY		Passaic River	Railroad bridge between Newark (at Verona Ave.) and Kearny
License required on Delaware River and all other waters.			
CAPE MAY COUNTY		HUNTERDON COUNTY	
Bidwell's Creek	None—all saline water	License required on Delaware River and all other waters.	
Cedar Swamp Creek	None—all saline water	MERCER COUNTY	
Dennis Creek	None—all saline water	License required on Delaware River and all other waters.	
East Creek	100 ft. below East Creek Lake Dams, Eldora	MIDDLESEX COUNTY	
Tuckahoe River	First Northerly tributary downstream of lower Rt. 49 Bridge (McNeal's Br.)	Cheesequake Creek	Dam at Cheesequake Lake, Cheesequake State Park
West Creek	100 feet below West Creek Lake Dams (Pickle Factory Pond)	Lawrence Brook	N.J. Turnpike Bridge, East Brunswick
		Raritan River	Landing Lane Bridge on Franklin Blvd., New Brunswick
CUMBERLAND COUNTY		South River	Route 527 Bridge (New Brunswick—Old Bridge Tpk.)
Andrews Creek	None—all saline water	Woodbridge River	N.J. Turnpike Bridge
Back Creek	None—all saline water	MONMOUTH COUNTY	
Cedar Creek	100 ft. downstream of Cedar Lake Dam	Black Creek	Spillway at Ocean Rd.
Cohansey River	Route 49 Bridge at Bridgeton	Branchport Creek	Mouth of Turtle Mill Brook
Dividing Creek	Route 55 Bridge	Deal Lake	Top of Dam
Fishing Creek	None—all saline water	Hockhocksens (Pine) Brook	Garden State Parkway, Northbound Bridge
Fortescue Cr., Br. or Oranoken Cr.	None—all saline water		Little Silver Creek Brook
Manumuskin River	Required whole length	Little Silver Creek	Bennetts Bridge, Manasquan
Maurice River	Mouth of Manumuskin River near Port Elizabeth	Manasquan River	Wildlife Management Area
Menantico Creek	Required whole length		

Name of Water	License required upstream of this location
Matawan Creek	Lefferts Lake Dam
Oceanport Creek	Mouth of Husky Brook
Parkers Creek	Mouth of Parkers Creek Brook
Shark River	Remsen Mills Road
Swimming River	Swimming River Road Bridge
Wreck Pond Creek	Old Mill Road Bridge

OCEAN COUNTY

Beaver Dam Creek	Route 88
Cedar Creek	Route 9
Cedar Run	Route 9
Dinner Point Creek	None—all saline water
Double Creek	None—all saline water
Forked River	All Branches, Route 9
Gunning River	None—all saline water
Jakes Branch	Above Atlantic City Blvd.
Jeffrey's Creek	Ocean Gate Road at Ocean Gate

Kettle Creek	Route 549
Lake of Lillies	Entire Lake
Long Swamp Creek	Washington Street Bridge
Manahawkin Creek	Dams for Manahawkin Fish and Wildlife Management Area Impoundments, Bayside

Metedeconk River	Route 70 Bridge, Laurelton
Mill Creek	Mouth of Creek at Lagoons In Beach Haven West

Mill Creek	Pine Beach-Ocean Gate Road
Oyster Creek	Route 9
Parkers Run	None—all saline water
Potters Creek	None—all saline water
Stouts Creek	None—all saline water
Stouts Creek; S. Br.	Bayside East Parkway
Toms River	Garden State Parkway, Northbound Bridge

Tuckerton Creek	Dam at Route 9
Waretown Creek	Route 9
West Creek	Route 9

PASSAIC COUNTY

License required on all waters.

SALEM COUNTY

Alloway Creek	Route 540 Bridge at Alloway
Black Ditch	None—all saline water
Delaware River	None—all saline water
Fishing Creek	None—all saline water
Hope Creek	None—all saline water
Mad Horse Creek	None—all saline water
Mill Creek	None—all saline water
Oldmans Creek	Route I-295 Southbound Bridge
Salem River	Upstream of Dupont Dam near Cedar Crest Manor
Salem Canal	Dam at Deepwater
Stow Creek	Buckhorn Rd. Bridge, Jericho
Straight Ditch	None—all saline water

SOMERSET COUNTY

License required on all waters.

SUSSEX COUNTY

License required on all waters.

UNION COUNTY

Name of Water	License required upstream of this location
Elizabeth River	West Grand St., Elizabeth
Great Ditch	None—all saline water
Morses Creek	Old Morses Mill Rd.
Oyster Creek	None—all saline water
Peddie Ditch	None—all saline water
Piles Creek	None—all saline water
Rahway River	Lawrence St. (Route 514) Bridge, Rahway

WARREN COUNTY

License required on all waters.

(b) Absence of a river, creek, brook or other waterway from subsection (a) does not preclude the requirement of possessing a license to fish in the fresh waters thereof.

(c) Names of waters conform to those given on the United States Geological Survey 7.5 Minute Topographic Series Maps.

As amended, R.1979 d.405, effective October 12, 1979.

See: 11 N.J.R. 370(b), 11 N.J.R. 544(c).

As amended, R.1981 d.469, effective December 7, 1981.

See: 13 N.J.R. 484(a), 13 N.J.R. 887(b).

(a) Monmouth County: "Deal Lake" added; Ocean County: "Long Swamp Creek" added.

As amended, R.1982 d.454, effective December 20, 1982.

See: 14 N.J.R. 882(a), 14 N.J.R. 1451(b).

Manasquan River lines redefined.

Amended by R.1985 d.597, effective November 18, 1985.

See: 17 N.J.R. 2193(a), 17 N.J.R. 2755(a).

Amendments to Maurice River, Manumuskin River, Menantico Creek and Mill Creek—Tributary.

Correction: Subsection (a) Monmouth County, Deal Lake should read "Top of Dam" instead of "Lake Spilling to Ocean Outlet Flume".

See: 20 N.J.R. 2936(b).

Amended by R.1993 d.116, effective March 15, 1993.

See: 24 N.J.R. 2977(a), 25 N.J.R. 1231(a).

Union County—Rahway River lines redefined.

SUBCHAPTER 17. DISPOSAL AND POSSESSION OF DEAD DEER

Subchapter Historical Note

All provisions of this subchapter became effective May 2, 1980 as R.1980 d.193. See: 12 N.J.R. 111(a), 12 N.J.R. 314(c). Amendments became effective August 20, 1984 as R.1984 d.352. See: 16 N.J.R. 1148(a), 16 N.J.R. 2270(a). This subchapter expired May 2, 1985 pursuant to Executive Order 66(1978) and New Rules were adopted effective February 18, 1986 as R.1986 d.41. See: 17 N.J.R. 2715(a), 18 N.J.R. 415(a). See chapter and section levels for further amendments.

7:25-17.1 Scope

This subchapter shall constitute the rules governing the disposal and possession of dead deer found on or along any New Jersey public highway or on private property.

7:25-17.2 Purpose

The purpose of this subchapter is to provide for efficient, effective and utilitarian removal of dead deer found on or along any New Jersey public highway or on private property.

7:25-17.3 Construction

These rules shall be liberally construed to permit the department to effectuate the purposes of N.J.S.A. 23:4-43.

7:25-17.4 Authorized persons and disposal or possession

Deer found dead on or along any New Jersey public highway shall be disposed of by New Jersey State or municipal police officers or persons authorized by them at a sanitary landfill or other site approved by the Division of Waste Management of the Department of Environmental Protection or the police agency may authorize possession, as conditioned in N.J.A.C. 7:25-17.6.

7:25-17.5 Dead deer on private property

Deer found dead on any private property shall be disposed of by State or municipal police officers, or personnel authorized by them, upon request of the property owner, in the manner prescribed in N.J.A.C. 7:25-17.4. The owner or lessee of cultivated lands who kills deer under permit of the Division of Fish, Game and Wildlife on such property shall dispose of the dead deer as directed by the Division of Fish, Game and Wildlife.

7:25-17.6 Possession of dead deer

(a) New Jersey State or municipal police officers shall issue a written permit to possess the accidentally killed deer for consumption, or to transfer the deer carcass to another person for consumption, on forms provided by the Division of Fish, Game and Wildlife upon satisfaction of both of the following conditions:

1. The deer was killed by an accidental collision with a motor vehicle; and
2. The accidental collision was reported to the New Jersey State or municipal police as soon as possible.

(b) The permit described in (a) above shall be valid for 90 days from date of issue.

(c) A deer that has been so severely injured by a collision with a motor vehicle that it must be killed shall be considered as accidentally killed for the purposes of this subchapter.

7:25-17.7 Information required

(a) Any State or municipal officer disposing of or authorizing the disposal or possession of accidentally killed deer shall notify the New Jersey Division of Fish, Game and Wildlife on a quarterly basis of the following information on forms provided by the Division of Fish, Game and Wildlife:

1. The location where the deer was killed;
2. The sex of the deer;
3. The date of the accidental deer kill; and
4. The name and address of the permittee.

SUBCHAPTER 18. MARINE FISHERIES**Subchapter Historical Note**

Pursuant to the authority of N.J.S.A. 23:2B-6, Subchapter 18, Marine Fisheries, was filed and became effective September 17, 1980 as R.1980 d.394. See: 12 N.J.R. 312(a), 12 N.J.R. 576(c). Subchapter 18 was readopted as R.1985 d.386, effective July 8, 1985. See: 17 N.J.R. 1188(a), 17 N.J.R. 1883(b). Subchapter 18 was repealed and a new subchapter was adopted by Emergency Rule R.1985 d.674, effective December 17, 1985. This emergency new rule expired on February 15, 1986. See: 18 N.J.R. 102(a). The provisions of the concurrent proposal were adopted with changes by R.1986 d.121, effective April 7, 1986. See: 18 N.J.R. 102(a), 18 N.J.R. 657(b). See, also, section annotations.

7:25-18.1 Size and possession limits

(a) A person shall not purchase, sell, offer for sale, or expose for sale any species listed below less than the minimum length, measured in inches, except as may be provided elsewhere in this subchapter, and subject to the specific provisions of any such section. Fish length shall be measured from the tip of the snout to the tip of the tail.

Species	Scientific Name	Minimum Size (inches)
Atlantic Mackerel	<i>Scomber scombrus</i>	7
Atlantic Sturgeon	<i>Acipenser oxyrinchus</i>	60
Black Sea Bass	<i>Centropristis striata</i>	8
Bluefish	<i>Pomatomus saltatrix</i>	9
Conch	<i>Busycon carica</i>	5
	<i>Busycotypus canaliculatum</i>	
	<i>Busycon contrarium</i>	
Kingfish	<i>Menticirrhus saxatilis</i>	8
	<i>Menticirrhus americanus</i>	
Porgy (Scup)	<i>Stenotomus chrysops</i>	7
Goosefish (Monkfish)	<i>Lophius americanus</i>	17
Winter Flounder	<i>Pleuronectes americanus</i>	12

1. In addition to the total minimum goosefish size, all goosefish tails possessed must be at least 11 inches in length from the anterior portion of the fourth cephalic dorsal spine to the end of the caudal fin. The total weight of all goosefish livers landed shall not be more than 30 percent of the total weight of all goosefish tails landed or 12 percent of the total weight of all goosefish landed.

2. A person may not possess a dressed Atlantic sturgeon for sale less than 36 inches in length, subject to the additional provisions in N.J.A.C. 7:25-18.15. Dressed length is the length of an Atlantic sturgeon after the entire head, collar, tail and viscera have been removed.

(b) A person shall not take from the marine waters in the State or have in his or her possession any species listed below less than the minimum length, measured in inches, except as may be provided elsewhere in this subchapter, and subject to the specific provisions of any such section. Fish length shall be measured from the tip of the snout to the tip of the tail.

Species	Scientific Name	Minimum Size (inches)
Atlantic Cod	<i>Gadus morhua</i>	19
Atlantic Sturgeon	<i>Acipenser oxyrinchus</i>	60
Cobia	<i>Rachycentron canadum</i>	37
Haddock	<i>Melanogrammus aeglefinus</i>	19
King Mackerel	<i>Scomberomorus cavalla</i>	23
Pollock	<i>Pollachius virens</i>	19

Species	Scientific Name	Minimum Size (inches)
Red Drum	<i>Sciaenops ocellatus</i>	18
Spanish Mackerel	<i>Scomberomorus maculatus</i>	14
Summer Flounder (Fluke)	<i>Paralichthys dentatus</i>	14
Tautog (Blackfish)	<i>Tautoga onitis</i>	12
Weakfish	<i>Cynoscion regalis</i>	14
	<i>Cynoscion nebulosus</i>	
Winter Flounder	<i>Pleuronectes americanus</i>	10

(c) A person angling with a hand line or with rod and line or spearfishing shall not take in any one day or possess more than the possession limit specified below for each species listed during the open season except as may be provided elsewhere in this subchapter, and subject to the specific provisions of any such section. A person angling or spearfishing shall not possess any species listed below during the closed season for that species.

Species	Open Season	Possession Limit
Bluefish	No closed season	10
King Mackerel	No closed season	5
Spanish Mackerel	No closed season	10
Summer Flounder	No closed season	8
Weakfish	No closed season	14
Winter Flounder	March 1–May 31 and September 15–December 31	No limit

(d) A person shall not take in any one day or possess more than the possession limit specified below for each species listed, except as may be provided elsewhere in this subchapter, and subject to the specific provisions of any such section.

Species	Possession Limit
Atlantic Sturgeon	0
Cobia	2
Red Drum	5, only 1 of which may be greater than 27 inches

(e) Except as provided in (f) below, a person shall not remove the head, tail or skin, or otherwise mutilate to the extent that its length or species cannot be determined, any species with a minimum size limit specified at (b) above or any other species of flatfish, except after fishing has ceased and such species have been landed to any ramp, pier, wharf or dock or other shore feature where it may be inspected for compliance with the appropriate size limit.

(f) Special provisions applicable to a Special Fillet Permit are as follows:

1. A party boat owner may apply to the Commissioner for a permit for a specific vessel, known as a Special Fillet Permit to fillet species specified at (b) above at sea;
2. For purposes of this section, party boats are defined as vessels that can accommodate 15 or more passengers as indicated on the Certificate of Inspection issued by the United States Coast Guard for daily hire for the purpose of recreational fishing;
3. The Special Fillet Permit shall be subject to the following conditions:

i. Once fishing commences, no parts or carcasses of any species specified in (b) above and no flatfish parts or carcasses shall be discarded overboard; of the species specified at (b) above, only whole live fish may be returned to the water;

ii. No carcasses of any flatfish or species listed at (b) above shall be mutilated to the extent that its length or species cannot be determined;

iii. All fish carcasses of species specified at (b) above shall be retained until such time as the vessel has docked and been secured at the end of the fishing trip adequate to provide a law enforcement officer access to inspect the vessel and catch;

iv. No fillet of any flounder shall be less than seven inches in length during the period of May 1 through October 31 or less than five inches in length during the period of November 1 through April 30;

v. No fillet or part of any species listed below shall have the skin removed and no fillet shall be less than the minimum length in inches specified below.

Species	Minimum fillet or part length
Atlantic Cod	13 inches
Cobia	26 inches
Haddock	13 inches
King Mackerel	16 inches
Pollock	13 inches
Red Drum	13 inches
Spanish Mackerel	10 inches
Tautog	7 inches
Weakfish	9 inches

vi. Fish carcasses from the previous trip shall be disposed of prior to commencing fishing on a subsequent trip;

vii. Violation of any of the provisions of the Special Fillet Permit shall subject the violator to the penalties established pursuant to N.J.S.A. 23:2B-14 and shall result in a suspension or revocation, applicable to both the vessel and the owner, of the Special Fillet Permit according to the following schedule;

- (1) First offense: 30 days suspension;
- (2) Second offense: 90 days suspension; and
- (3) Third offense: Revocation of permit, rendering the vessel and the owner not eligible for permit renewal regardless of vessel ownership.

viii. Upon receipt of the notice of suspension but prior to the suspension or revocation of the Special Fillet Permit, the permittee has 20 days to request a hearing from the Department. The hearing shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1.1. If a request for a hearing is not received by the Department within 20 days of the permittee's

receipt of the notice of suspension, the permit suspension or revocation will be effective on the date indicated in such notice.

(g) Any person violating the provisions of (a), (b), (c), (d) or (e) above shall be liable to a penalty of \$20.00 for each fish taken or possessed. Each fish taken or possessed shall constitute an additional separate and distinct offense.

(h) A person shall not take, attempt to take or have in his or her possession any striped bass or striped bass hybrids, as defined in (i) below, while on or angling in the waters of the State of New Jersey within the Delaware River or its tributaries from the Trenton Falls to and including the Salem River and its tributaries from April 1 through May 31 of each year, or from any waters of the State, except the Atlantic Ocean, from January 1 through February 28 of each year as set forth in N.J.S.A. 23:5-45.2.

(i) Except for products of commercial aquaculture, no person shall take from the marine waters in this State or have in his or her possession while on or angling in the marine waters of this State any striped bass hybrids, being hybrids of the Morone genus, less than the striped bass minimum size limits established pursuant to N.J.S.A. 23:5-45.1.

1. For purposes of this section, commercial aquaculture shall mean the culture or husbandry of striped bass hybrids in non-wild systems for the purpose of egg and larval production and/or of increasing size.

2. For purposes of this section, parents of striped bass hybrids shall include Morone saxatiles (striped bass), M. chrysops (white bass), M. americana (white perch), and M. mississippiensis (Yellow bass).

(j) Except for striped bass hybrids that are the products of commercial aquaculture, a person shall not possess more than the possession limit established pursuant to N.J.S.A. 23:5-45.1, whether striped bass or striped bass hybrid, while on or angling in the marine waters of this State.

(k) A person shall not remove the head, tail or skin from any striped bass hybrid except immediately prior to preparation or serving as food.

(l) All hybrid striped bass which are the products of commercial aquaculture shall be accompanied by accurate and dated documentation of quantity, original description and destination.

(m) Any person violating the provisions of (h) through (l) above shall be liable for a penalty of \$100.00 for each fish taken or possessed. Each fish taken or possessed shall constitute a separate and distinct offense.

(n) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify the fishing seasons, minimum size limits and possession limits specified in this section by notice in order to maintain and/or to come into compliance with any fishery management plan approved by the Atlantic States Marine Fisheries Commission pursuant to 16 U.S.C. § 5104(b). The Department shall publish notice of any such modification in the New Jersey Fish and Wildlife Digest and the New Jersey Register, and shall submit a news release to individuals on the Division of Fish, Game and Wildlife outdoor writers' mailing list.

(o) All persons aboard any fishing vessel subject to this rule shall immediately comply with instructions and signals issued by a conservation officer, a marine police officer or other law enforcement officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, and catch for the purpose of enforcement of this rule.

(p) Pursuant to N.J.S.A. 23:10-21 and 21.1, any gear used in the violating of the provisions of this subchapter may be seized and forfeited to the Division of Fish, Game and Wildlife.

Amended by R.1990 d.607, effective December 3, 1990.

See: 22 N.J.R. 3078(a), 22 N.J.R. 3628(b).

Added new (e) through (h), redesignated existing (e) as (i).

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

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

Size limit for marine fish changed in (a). Added (f), (g), (h), (i) and (j).

Amended by R.1991 d.348, effective July 1, 1991.

See: 23 N.J.R. 43(a), 23 N.J.R. 2011(a).

Deleted " , winter flounder measuring less than six inches in length, or measuring less than 13 inches in length" with stylistic changes in (a). Added " , winter flounder under 10 inches in length, or red drum under 14 inches in length" with stylistic changes in (b). Added (d). Redesignated (d) as (e); added reference to "(d)". Redesignated (e)-(n) as (f)-(o).

Amended by R.1992 d.143, effective March 16, 1992.

See: 24 N.J.R. 4(c), 24 N.J.R. 1113(a).

Added requirements for weakfish management.

Petition for Rulemaking: Request for reduction of size limit; denied.

See: 24 N.J.R. 2957(a).

Public Notice: Announcement of fish checking stations for the Striped Bass Trophy Program.

See: 24 N.J.R. 3767(c).

Amended by R.1992 d.476, effective December 7, 1992.

See: 24 N.J.R. 1456(a), 24 N.J.R. 4368(b).

New (e) and (f) added prohibiting the filleting of any flatfish at sea in order to prevent circumvention of size limits on fluke and winter flounder; recodification of existing (e)-(o) as (g)-(q).

Amended by R.1993 d.56, effective January 19, 1993.

See: 24 N.J.R. 4249(a), 25 N.J.R. 303(a).

(c) repealed and replaced in accordance with the Summer Flounder Fishery Management Plan developed by the Mid-Atlantic Fishery Management Council and Atlantic States Marine Fisheries Commission.

Amended by R.1993 d.77, effective February 16, 1993.

See: 24 N.J.R. 205(a), 25 N.J.R. 689(a).

Added Atlantic Sturgeon under 60 inches in height.

Administrative Correction.

See: 25 N.J.R. 4495(a).

Amended by R.1994 d.44, effective January 18, 1994.

See: 25 N.J.R. 2167(a), 26 N.J.R. 353(a).

Emergency Amendment, R.1994 d.230, effective April 13, 1994 (to expire June 12, 1994).

See: 26 N.J.R. 1885(a).

Amended by R.1994 d.248, effective May 16, 1994.

See: 26 N.J.R. 291(a), 26 N.J.R. 2021(b).

Adopted Concurrent Proposal, R.1994 d.339, effective June 10, 1994.

See: 26 N.J.R. 1885(a), 26 N.J.R. 2792(a).

Provisions of emergency amendment R.1994 d.230 readopted, with a change effective July 5, 1994.

Amended by R.1994 d.615, effective December 19, 1994.

See: 26 N.J.R. 1931(a), 26 N.J.R. 5011(a).

Amended by R.1995 d.82, effective February 6, 1995.

See: 26 N.J.R. 4277(b), 27 N.J.R. 487(a).

Administrative Change.

See: 27 N.J.R. 1793(a).

7:25-18.2 Pound nets

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

“Department” means the New Jersey Department of Environmental Protection.

“Heart” means an upright fence of netting forming a heart-shaped (round or square) compartment located between the leader and the pocket. It is designed to cause fish to circle in front of and eventually enter the pocket of a pound net.

“Leader” means an upright fence of netting that acts as a barrier to fish and guides them toward a trap; the netting is made of heavy twine, not designed to catch fish by the gills.

“Navigable channel” means a channel marked with navigational markers including poles, piling or buoys, by the Coast Guard or the State.

“Pocket” means an upright fence of netting forming the final compartment of a pound net in which trapped fish accumulate.

“Pound net” means a large fish trap, consisting of a leader, pocket and one or more hearts, held in place with poles, the netting of which reaches from the bottom to above the surface of the water.

“Staked or anchored gill net” means an upright fence of monofilament or nylon netting, held in place at each end by stakes or anchors, that catches fish by snagging their gill covers as they try to pass through the mesh of the net.

“Submarine pound net” means a pound net that is totally submerged beneath the water and held in place by anchors.

(b) General requirements for all pound net users are as follows:

1. No person may install, operate or maintain a pound net in the marine waters of the State without having first obtained a license from the Department.

2. The Department may establish limits on the number of licenses to be issued for pound nets in Raritan Bay and Sandy Hook Bay and in the Atlantic Ocean within three nautical miles of the coastline.

3. Licenses must be renewed annually.

4. Holders of pound net licenses from the previous year shall have first priority in obtaining a new license, provided they apply before March 1 of the current year.

5. Any person operating any fish pound net in the marine waters of New Jersey, must, at the time of emptying the net, return to the waters wherein the net is located all species less than the minimum size limits specified pursuant to N.J.A.C. 7:25-18.1.

6. No person may, by boat, anchor, dredge or otherwise, willfully and without reasonable cause, interfere with, break, damage or destroy any fish net or associated equipment being lawfully used by a license holder.

7. The Department may require any licensee to submit a money surety bond to insure removal of pound net poles and apparatus as required by these rules.

8. Violation of the rules in this section will subject the violator to money penalties, loss of license and/or injunctive relief under N.J.S.A. 23:2B-14.

(c) Specific requirements for pound net users in Raritan, Sandy Hook and Delaware Bays are as follows:

1. Any person applying for a pound net license must indicate the specific proposed site for the net, as designated by a chart developed by the Department. Sites which have not previously been located on the approved chart must be approved by the Department prior to issuance of a license.

2. New pound net sites must be at least 3,000 feet from a previously located pound net site, when measured parallel to the shoreline, and must be at least 1,000 feet from any navigable channel.

3. Any pound net license holder has priority in retaining a pound net site previously licensed by him or her, provided that he or she has actively and lawfully fished that site during the previous year and has submitted a license application prior to March 1 of the current year. After March 1, any citizen may apply for any available site on a first-come basis.

4. No staked or anchored shad net may be placed within 3,000 feet of an operating pound net. However, shad nets may be set on licensed pound net sites by the license holder or on unoccupied, approved pound net sites, provided the shad nets are set end-to-end with and in line with any existing pound nets.

5. Pound nets must be placed end-to-end so as to form a straight line, perpendicular to the shoreline.

6. The maximum allowable length of a pound net, including leader and hearts, is 750 feet.

7. A minimum distance of 50 feet must be maintained between any two pound nets, shad nets or combination thereof, when measured perpendicular to the shoreline.

8. A pound net license holder must maintain a nameplate, on the offshore pole of the net not less than six inches square, on which shall be legibly marked the identification number of the pound, as assigned by the Department.

9. A flashing, amber light must be displayed between sunset and sunrise on each of the two end poles of a pound net or a continuous row of pound nets. These lights must be placed at least 10 feet above the mean high water level and must be of sufficient brightness to be visible for at least three miles in all directions (360 degrees) at such times and under such weather conditions as would allow visibility of 10 miles.

10. Within 30 days of the termination of fishing activities for that year, all poles and stakes must be removed by the pound net license holder.

11. The pound net license holder will be responsible for the cost of pole and/or stake removal where the Department accepts responsibility for such removal, due to the licensee's failure to comply with 10 above.

(d) Specific requirements for pound net users in the Atlantic Ocean are as follows:

1. When submitting a request for an ocean or submarine pound net license, the applicant must specify the specific proposed site-location for placement of each net. Upon site approval, the Department may issue the license. (Note: Permission for location of ocean pound nets is also required from the United States Army Corps of Engineers.)

2. No portion of a pound net may be set within 1,500 feet or greater than 7,000 feet from the mean low water line on the ocean shoreline.

3. No row of pound nets may be erected or operated within one and one-half miles of any other row of pound nets, when measured parallel with the coastline.

4. No more than two pound nets may be joined together.

5. A minimum distance of 1,000 feet, when measured perpendicular to the coastline, must be maintained between individual or paired pound nets set in a row.

6. A row of ocean or submarine pound nets must form a straight line with the nets placed end-to-end.

7. The maximum allowable length of an ocean or submarine pound net, including leader and pocket, is 1,100 feet.

8. The minimum mesh size for ocean or submarine pound nets is two inches, stretched.

9. Ocean pound nets shall be maintained in compliance with the following additional requirements:

i. White reflectors must be placed around the top of each pole so as to reflect in all directions;

ii. Flashing amber lights must be displayed on the inshore and offshore poles of nets or rows of nets, between sunset and sunrise; these lights must be placed at least 10 feet above the mean high water level and must be of sufficient brightness to be visible for at least three miles in all directions (360 degrees) at such times and under such weather conditions as would allow visibility of 10 miles.

10. Submarine pound nets shall be maintained in compliance with the following additional requirements:

i. At least eight fluorescent orange floats, at least 12 inches in diameter, shall be maintained along the length of each net, including the inshore and offshore ends.

ii. The pound net license holder shall maintain a nameplate, not less than 12 inches square, on which shall be legibly marked the identification number of the pound, as assigned by the Department.

11. The license holder must completely remove all pound net poles and stakes, within ten months of the termination of fishing activities.

12. The pound net license holder will be responsible for the cost of pole and/or stake removal, where the Department accepts responsibility for such removal, due to the licensee's failure to comply with 11 above.

Amended by R.1984 d.439, effective October 1, 1984.

See: 16 N.J.R. 1866(a), 16 N.J.R. 2543(b).

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

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

Lighting requirements affecting pound nets increased on (c)9 and (d)9ii.

Amended by R.1994 d.248, effective May 16, 1994.

See: 26 N.J.R. 291(a), 26 N.J.R. 2021(b).

7:25-18.3 Net identification tags

(a) Any identification tag furnished by the Division for a licensed net shall be displayed in a prominent and easily accessible place on such net.

(b) No identification tag furnished by the division may be counterfeited or transferred.

7:25-18.4 Spearfishing

It shall be lawful to take, catch, or kill all species of fish by means of spearfishing, during the respective open season, except for those species of fish specifically protected. For the purpose of this rule, spearfishing shall mean the taking of fish by means of a spear, harpoon, or other missile, or by hand, while completely submerged in the marine waters of the State.

Amended by R.1985 d.609, effective January 7, 1985.

See: 16 N.J.R. 2478(a), 17 N.J.R. 79(a).

Amended by R.1995 d.82, effective February 6, 1995.

See: 26 N.J.R. 4277(b), 27 N.J.R. 487(a).

7:25-18.5 General net regulations

(a) No person shall take, catch, kill or attempt to take, catch or kill any fish within the marine waters of the State by any means except in the manner commonly known as angling with hand line or with rod and line unless specifically permitted by statute or regulation.

(b) All stakes used in fyke nets, pound nets, parallel nets or gill nets shall be marked with at least one of the following which shall be placed at least two feet above mean high water and be visible from all sides:

1. Reflectors of not less than two inches in diameter;
 2. Reflecting tape not less than two inches in width;
 3. Light colored flags not less than two square feet;
- or
4. Light colored jugs or buoys not less than 12 inches in diameter.

(c) It shall be illegal to catch fish or attempt to catch fish by means of a rod and line or hand line, commonly called angling, within 300 feet of a set (operating) fish net as licensed pursuant to this section.

(d) It shall be illegal to set a fish net as licensed pursuant to this section within 300 feet of any person actively fishing with a rod and line or hand line, commonly called angling.

(e) All nets licensed pursuant to this section must be legibly and indelibly marked with the gear identification number of the owner.

(f) No person shall set, tend, tamper with or damage in any way or remove fish or other organisms from any net requiring a license without having in his possession the numbered license issued to said person which corresponds to the gear identification number marked on such net.

(g) Individuals intending to take fish with a net in the marine waters of this State pursuant to N.J.S.A. 23:5-24.2 shall, as required, apply to the Commissioner for a license and/or permit. To be eligible to purchase a 1992 license for a drifting, staked or anchored gill net the applicant shall have purchased a gill net license during 1990 or 1991 or a 1992 license prior to May 1, 1992 or provide documented proof of active military service within one year of application. An applicant who does not meet the above requirements must file an application, in person, with the Department in each of two consecutive years. Such an applicant shall be eligible for gill net licenses in the following calendar year. Beginning in the license year (January 1-December 31) 1993, an applicant for a gill net license must have possessed a gill net license in one of the two previous years. Failure to purchase a gill net license in one of the prior two years shall subject the applicant to the two year waiting period described above. Availability of Delaware Bay Gill Net Permits shall be determined pursuant to N.J.A.C. 7:25-18.6 through 18.11. Upon receipt of the application,

and the prescribed license fee, the Commissioner may, in his or her discretion, issue single season licenses and/or permits as specified for each net type for the taking of fish with nets only as follows:

1. Haul seines shall have a mesh not smaller than 2.75 inches stretched and shall not exceed 70 fathoms in length, whether used singly or in series. Haul seines may be used for all species except those specifically protected.

i. The haul seine season shall begin on November 1 and end on April 30;

ii. A person shall not use or attempt to use a haul seine for any species in Lake Takanassee, Spring Lake, Wreck Pond and Deal Lake;

iii. The haul seine resident fee shall be \$25.00 per net.

2. Fykes shall have a length, including leaders, which shall not exceed 30 fathoms and no part of the net or leaders shall be constructed of monofilament or have a mesh larger than five inches stretched. Fyke nets may be used for all species except those specifically protected.

i. The fyke season shall begin on November 1 and end on April 30;

ii. A person shall not use or attempt to use a fyke net for any species in Lake Takanassee, Spring Lake, Wreck Pond and Deal Lake, or in the area commonly known as Collins Cove off the Mullica River between a line starting at aid to navigation channel marker flashing red number 8 (latitude 39°33.36'N, longitude 74°28.39'W), bearing approximately 229°T to a point on the western shore of Collins Cove at latitude 39°33.09'N, longitude 74°28.72'W and the Garden State Parkway where it crosses the Mullica River;

iii. All stakes used for the setting of fyke nets must be removed within 30 days of the close of the season;

iv. Submerged anchored fyke nets shall be marked at each end with a fluorescent orange float at least 12 inches in diameter or a fluorescent orange flag at least 12 inches by 12 inches and suspended at least three feet above the water, measured from the surface of the water to the bottom of the flag. No less than 24 square inches of any reflective material shall be attached and maintained on each marker.

v. Winter flounder may be taken by fyke net during the season of November 1 through February 19. Any winter flounder taken by fyke net from February 20 through April 30 shall not be retained and must be immediately returned to the water.

vi. A person shall not possess, purchase, sell, offer for sale or expose for sale any winter flounder less than 12 inches in length taken by fyke nets during the open season specified in (g)2v above.

vii. The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify the fishing seasons and minimum size limits for winter flounder specified at (g)2v and vi above by notice in order to maintain and/or to come into compliance with any fishery management plan approved by the Atlantic States Marine Fisheries Commission pursuant to 16 U.S.C. § 5104(b). The Department shall publish notice of any such modification in the Division's commercial regulation publication and the New Jersey Register.

viii. The fyke resident fee shall be \$12.00 per net. Each licensee shall notify the Department in their license application of the specific estuary in which they intend to fish the fyke net(s). Licensees shall notify the Department as to any change in the specific estuary within which the fyke net is located no later than seven days following the change in estuary. Such notice shall be in writing to:

Division of Fish, Game and Wildlife
Marine Fisheries Administration
CN 400
Trenton, New Jersey 08625.

3. Miniature fykes or pots shall only be used for the taking of catfish, suckers, killifish (Cyprinodontidae) and eels. This net type shall not exceed 16 inches in diameter if cylindrical or 201 square inches in cross section if any other configuration in any of the marine waters of this State.

i. The miniature fyke or pot season shall begin on January 1 and end on December 31;

ii. The miniature fyke or pot resident fee shall be \$100.00 regardless of the number of miniature fykes or pots employed;

iii. One or two miniature fykes or pots may be used for the taking of killifish or eels only for bait without application for or granting of a license, provided, however, that killifish or eels taken without having a valid license in possession may not be sold or used for barter.

4. The bait net season shall begin on January 1 and shall end on December 31. Except as provided in N.J.S.A. 23:5-24.2, bait net resident fees shall be \$10.00 per license.

i. Bait nets shall be limited to one or more of the following types:

(1) Dip nets 24 inches in diameter or less;

(2) Bait seines not exceeding 150 feet and mesh not exceeding 2.5 inches stretched;

(3) Cast nets not exceeding 30 feet in diameter;

(4) Lift or umbrella nets not exceeding four feet square; and

(5) Killipots not exceeding 10 inches in diameter or 25 inches in length if cylindrical or 2,000 cubic inches for any other conformation for the taking of killifish (Cyprinodontidae spp.) only;

ii. No person shall take more than 35 alewife or blueback herring in the aggregate per day with any dip net, cast net, lift or umbrella net or bait seine; and

iii. The simultaneous possession of greater than 35 alewife or blueback herring in the aggregate and any dip net, cast net, lift or umbrella net or bait seine shall constitute prima facie evidence of the violation of this rule.

5. Drifting gill nets shall be used only in the Atlantic Ocean, Delaware Bay, and the tributaries of Delaware Bay. The smallest mesh of any drifting gill net shall be not less than five inches stretched beginning February 12 through February 29. From March 1 through December 15 the smallest mesh of any drifting gill net shall be not less than 3.25 inches stretched except in the tributaries of Delaware Bay and in Delaware Bay and the Atlantic Ocean within two nautical miles of the mean high water line where the smallest mesh shall be not less than 2.75 inches stretched and subject to the permitting and reporting requirements specified in (g)5vii below and in N.J.A.C. 7:25-18.12. These nets shall not individually exceed 200 fathoms in length. Individual drifting gill nets shall not be fastened together to form a series of nets exceeding 400 fathoms in length beginning February 12 through May 15 or exceeding 200 fathoms in length beginning May 16 through December 15. Drifting gill nets may be used for all species except those specifically protected.

i. Separate drifting gill nets or a series of joined drifting gill nets shall not be set or fished closer than 100 fathoms from any other net or series of nets;

ii. Separate drifting gill nets or a series of joined drifting gill nets shall be marked at each end with a fluorescent orange float at least 12 inches in diameter or a fluorescent orange flag at least 12 inches by 12 inches and suspended at least three feet above the water, measured from the surface of the water to the bottom of the flag. No less than 24 square inches of any reflective material shall be attached and maintained on each end marker. A white float measuring at least eight inches in diameter shall be located approximately 20 feet inside of each end marker;

iii. Drifting gill nets shall be used in the Atlantic Ocean only from February 12 through December 15. Drifting gill nets shall not be used in the Atlantic Ocean within 100 fathoms of the marked channel of any inlet. Drifting gill nets between 2.75 inches stretched mesh and 3.25 inches stretched mesh shall be subject to the permitting and reporting requirements specified in (g)5vii below, and

(1) Shall only be fished within two miles of the MHWL;

(2) Shall only be fished between the hours of sunrise and sunset;

(3) Shall be no higher than eight feet (off the bottom) while fishing; and

(4) A maximum of 200 fathoms per licensed fisherman shall be in the water at any one time;

iv. Drifting gill nets shall be used in the tributaries of Delaware Bay only for the season extending from February 12 through May 15 and July 15 through December 15;

v. Drifting gill nets shall be used in Delaware Bay only from February 12 through December 15, subject to the additional conditions specified in N.J.A.C. 7:25-18.12. For the purpose of this section, that portion of Delaware Bay defined by the New Jersey-Delaware boundary on the west, Loran C27180 on the east, and Loran C42830 on the north, during the period from May 15 through June 15, shall be known as the Brandywine Shoal Restricted Area.

(1) No more than two drifting gill nets shall be permitted to be set or operated within the Brandywine Shoal Restricted Area by any vessel.

(2) No more than one drifting gill net shall be permitted to be set or operated, nor shall any net be left unattended, within the Brandywine Shoal Restricted Area by any vessel at night (from sunset to sunrise) or on any public holiday as specified at N.J.S.A. 36:1-1 or weekend. For the purpose of this section, "unattended" means that set of circumstances where the operator is more than 100 feet from the nearest portion of his net.

vi. The drifting gill net resident fee shall be \$20.00 per net.

vii. Individuals utilizing drifting, staked or anchored gill nets less than 3.25 inches stretched mesh in the Atlantic Ocean or in the Delaware Bay after February 29 in any calendar year shall possess a Gill Net Mesh Exemption Permit.

(1) An individual shall apply annually for the permit.

(2) All permittees shall submit monthly reports of their catch and effort and other information as may be determined by the Department on forms provided by the Department. These reports shall be filed with the Division of Fish, Game and Wildlife no later than 10 calendar days after each monthly reporting period. If no fishing activity was conducted under this permit during the month, a report to that effect shall be provided. Gill Net Mesh Exemption permittees shall be personally responsible for guaranteeing the timely delivery of reports to the Division as well as the accuracy of all information contained therein. The Department may demand that a permittee provide proof of the truth of any data contained in any report submitted to the Division under this program. If the permittee fails to file a true, complete monthly report

with the Division by the 15th day of any month, the Division, in its discretion, may contact the permittee by the most expeditious method available in order to secure a complete report.

(3) If the Division is unable to secure a true, complete monthly report from the permittee by such informal means or the Division has credible evidence that the data on any report is false, the Division shall notify the permittee in writing of the Division's intention to revoke the permittee's Mesh Exemption privilege for the reasons stipulated in the notice, effective 20 business days after the date on the written notice (excluding the date on the notice) and of the Division's suspension of the permittee's Mesh Exemption privileges in the interim, effective on a date stipulated in the notice but no sooner than 10 business days after the date of the notice (excluding the date on the notice).

(4) The permittee may request a hearing to contest a proposed revocation of Mesh Exemption privileges 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. The request for an administrative hearing must be received in writing by the Department within 20 business days from the date on the Division's notice of suspension and intention to revoke, excluding the date on the notice. However, if a timely request for a hearing is not received by the Department, any allegation contained in the notice shall be deemed admitted by the permittee and Mesh Exemption privileges shall be revoked as of the date stipulated in the notice, without any further action by the Division.

(5) The Division Director may, in his or her sole discretion, stay the suspension of Mesh Exemption privileges pending a hearing on the notice of proposed revocation of Mesh Exemption privileges for any good cause set forth in a written petition from the permittee, including sworn statements from the permittee or other persons with knowledge relevant to the allegations on which the Division action is based. The petition and its supporting statements and documentation shall be made available to the court and all parties in advance of any hearing.

(6) The Division shall reinstate Mesh Exemption privileges suspended for late or incomplete reports, but no more than three times per permittee in any single permit year, if that permittee personally delivers any missing reports, completed, along with a credible written explanation for the delay and/or omissions to the Division within 20 business days from the date on the notice of suspension.

(7) Any permittee who has had a Mesh Exemption privilege revoked shall be disqualified from exercising any privilege associated with a Mesh Exemption permit for 24 months following:

(A) The effective date of an uncontested notice of proposed revocation of privileges;

(B) The date of the Commissioner's Final Decision affirming revocation of Mesh Exemption privileges; or

(C) The filing date of the court order affirming the Commissioner's Final Decision revoking Mesh Exemption privileges, whichever is applicable.

(8) The Division shall issue a Mesh Exemption permit to an applicant pending resolution of a contested Division proposal to revoke that applicant's Mesh Exemption privilege, but that permittee shall not exercise or enjoy any Mesh Exemption privilege if the Division has already suspended that permittee's Mesh Exemption privilege pending resolution of a proposed revocation until:

(A) The Division Director lifts the suspension of that permittee's Mesh Exemption privileges;

(B) The Commissioner issues a Final Decision reinstating that permittee's Mesh Exemption privileges; or

(C) A court of competent jurisdiction orders reinstatement of that permittee's Mesh Exemption privileges, as the case may be.

6. Staked and anchored gill nets shall be used only in the Atlantic Ocean, Raritan Bay, Sandy Hook Bay, and the Delaware Bay and its tributaries. Staked or anchored gill nets shall not be fastened together to form a series of nets exceeding 400 fathoms in length from the beginning of the season through May 15 or exceeding 200 fathoms in length beginning May 16 through December 15, subject to the additional conditions specified in N.J.A.C. 7:25-18.12.

i. Separate staked or anchored gill nets or a series of joined staked or anchored gill nets shall not be set closer than 20 fathoms from any other net or series of nets;

ii. Separate staked or anchored gill nets or a series of joined staked or anchored gill nets shall be marked at each end with a fluorescent orange float at least 12 inches in diameter or a fluorescent orange flag at least 12 inches by 12 inches and suspended at least three feet above the water, measured from the surface of the water to the bottom of the flag. No less than 24 square inches of any reflective material shall be attached and maintained on each marker. A white float measuring at least eight inches in diameter shall be located approximately 20 feet inside of each end marker;

iii. Staked and anchored gill nets may be used in the Atlantic Ocean for any species except those specifically protected only beginning February 12 through December 15, where individual gill net length shall not exceed 50 fathoms. The smallest mesh of any such net used in the Atlantic Ocean shall not be less than five inches stretched beginning February 12 through February 29 and not less than 3.25 inches stretched beginning March 1 through December 15. Staked or anchored gill nets shall not be used in the Atlantic Ocean within 100 fathoms of the marked channel of any inlet;

iv. Staked and anchored gill nets shall be used only for shad in the Raritan Bay or Sandy Hook Bay and only beginning February 1 through May 15, where individual gill net length shall not exceed 30 fathoms. The smallest mesh of any such net used in Raritan Bay or Sandy Hook Bay shall not be less than five inches stretched;

v. Staked gill nets may be used in the tributaries of Delaware Bay for any species except those specifically protected only beginning January 1 through May 15 and July 15 through December 15, where individual gill net length shall not exceed 30 fathoms. The mesh of any such net used in the tributaries of Delaware Bay shall not be less than 2.75 inches stretched nor greater than 3.25 inches stretched beginning January 1 through February 29 and no mechanical means shall be utilized to retrieve such net. The mesh of any net shall not be less than 2.75 inches from March 1 through May 15 and July 15 through December 15. No net shall be set across any tributary or mouth of any tributary, nor shall any net be set in a manner that impedes navigation;

vi. Staked gill nets may be used in Delaware Bay only from February 1 through December 15, except as further defined by statute and/or rule. Individual staked gill net length shall not exceed 30 fathoms. The mesh of any such net used in Delaware Bay shall be 2.75 inches stretched beginning February 1 through February 29 except that staked gill nets of a mesh not less than 2.75 inches stretched or greater than 3.25 inches stretched may be used within one half nautical mile of the MHWL from January 1 through February 29 provided no mechanical means are utilized to retrieve such nets. From March 1 through December 15 the smallest mesh of any staked gill net shall not be less than 3.25 inches stretched except within two nautical miles of the mean high water line where the smallest mesh shall not be less than 2.75 inches stretched and subject to the permitting and reporting requirements specified in (g)5vii above and N.J.A.C. 7:25-18.12. Staked gill nets shall not be used in that portion of Delaware Bay known as the Brandywine Shoal Restricted Area as defined in (g)5v above;

vii. The use of anchored gill nets is permitted in the tributaries of Delaware Bay for any species, except those specifically protected, only beginning February 12 through May 15 and July 15 through December 15, where individual gill net length shall not exceed 30 fathoms. The smallest mesh of any such net used in the tributaries of Delaware Bay shall not be less than five inches stretched beginning February 12 through February 29 and not be less than 2.75 inches from March 1 through May 15 and July 15 through December 15. No net shall be set across any tributary or mouth of any tributary, nor shall any net be set in a manner that impedes navigation;

viii. The use of anchored gill nets is permitted in the Delaware Bay only from February 12 through December 15, except as further limited by statute and/or rule. Individual anchored gill net length shall not exceed 30 fathoms. The smallest mesh of any such net used in the Delaware Bay shall not be less than five inches stretched beginning February 12 through February 29. From March 1 through December 15 the smallest mesh of any anchored gill net shall not be less than 3.25 inches stretched except within two nautical miles of the mean high water line where the smallest mesh shall not be less than 2.75 inches stretched and subject to the additional conditions specified in N.J.A.C. 7:25-18.12. Anchored gill nets shall not be used in that portion of the Delaware Bay known as the Brandywine Shoal Restricted Area as defined in (g)5v above;

ix. The staked and anchored gill net resident fee shall be \$3.00 per net.

7. Pound nets shall have a mesh not smaller than two inches stretched and may be used for all species except those specifically protected. These nets shall be used only in Raritan Bay, Sandy Hook Bay, Delaware Bay and the Atlantic Ocean.

i. The pound net season shall begin on February 15 and end on May 15 in the Delaware Bay and begin on January 1 and end on December 31 in all other areas;

ii. The pound net resident fee shall be \$100.00 per net.

8. Wire pound nets shall not extend into the Delaware Bay further than 300 feet from the mean low water mark nor 300 feet from the outside of the flats which fall bare at low water and may be set and used in the Delaware Bay only.

i. The wire pound net season shall begin on March 1 and end on December 31.

ii. The wire pound net resident fee shall be \$25.00 per net.

9. Parallel net which may be used for all species except those specifically protected shall be used only in the Delaware Bay and its tributaries. Parallel nets shall have a mesh not smaller than 3.5 inches stretched and not exceed 100 fathoms in length. They shall be set approximately parallel to the shore and only at the low water mark. No net shall be set across any tributary or mouth of any tributary, nor shall any net be set in a manner that impedes navigation.

i. The parallel net season shall begin on September 1 and end on May 31;

ii. The parallel net resident fee shall be \$10.00 per net.

10. Shrimp trawls shall be used for the taking of grass shrimp (*Palaemonetes* spp.) or sand shrimp (*Crangon* spp.) only. Any organisms other than these shrimp taken with a shrimp trawl shall immediately be returned to the waters from which such organisms were taken. The internal opening of the trawl shall have a maximum width of 60 inches and a maximum height of 12 inches. The mesh of the net shall not be greater than one-half inch stretched. No boat shall have more than two trawls working at the same time, and each trawl shall be independently and separately attached to the vessel by a single cable or tow line.

i. The shrimp trawl season shall begin on April 15 and end on December 15;

ii. The shrimp trawl resident fee shall be \$12.00 per net.

11. Lobster or fish pots may be used for the taking of all species except those specifically protected and shall be used only in the Atlantic Ocean, Delaware Bay, Raritan Bay, and Sandy Hook Bay except as provided in (g)11vii below.

i. Any fish or lobster pot license holder shall have priority in retaining the same license number previously issued to him or her provided that he or she has submitted a license application requesting the previously issued license number prior to March 1 of the current year and that the license number applied for was assigned to an active license not more than two years prior to the application;

ii. Effective January 1, 1986, each fishing vessel subject to this regulation must display its license number on the port and starboard sides of the deckhouse or hull and on an appropriate weather deck so as to be visible from above. The license number affixed to each vessel subject to this paragraph must be of block Arabic numerals at least 10 inches in height and of a color contrasting the background;

iii. Effective January 1, 1986, all lobster or fish pots or traps and associated buoys and other gear deployed in the salt waters of this State and not permanently attached to the vessel must be legibly and indelibly marked with one of the following codes of identification:

(1) The State lobster or fish pot gear identification number; or

(2) The full name and address of the State lobster or fish pot license holder.

iv. No person other than the license holder shall remove fish or lobsters from any pot or trap. Anyone tending fish or lobster pots or traps after January 1, 1986, shall have in his or her possession the numbered license which corresponds to the gear identification number on the vessel and the gear identification number or name and address affixed to the pots and buoys

being tended. The license must be displayed for inspection upon request of any authorized officer. No one shall cut or break the lines or otherwise tamper with or damage any pot, trap, or buoy which he or she does not own;

v. Effective March 20, 1995, all lobster and fish pots set north of Barnegat Inlet (LORAN C 9960-Y-43300) must be constructed to include one of the following escape vents in the parlor section of the pot located in such a manner that it would not be blocked or obstructed in normal use by any portion of the pot, associated gear, or the sea floor;

(1) A rectangular portal with an unobstructed opening not less than 1.875 inches (47.6 mm) by 5.75 inches (146.0 mm); or

(2) Two circular portals with unobstructed openings not less than 2.375 inches 60.3 mm in diameter.

vi. Effective March 20, 1995, all lobster and fish pots must be constructed to include a ghost panel or other mechanism which is designed to create an opening to allow the escape of lobsters within 12 months after a pot has been abandoned or lost, and which meets the following specifications:

(1) The opening covered by the panel or created by other approved mechanism shall be rectangular and measure at least $3\frac{3}{4}$ by $3\frac{3}{4}$ inches, shall be located in the outer parlor section(s) of the pot, and shall be in a position which allows the unobstructed exit of lobsters or fish from the pot;

(2) 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 non-stainless, uncoated ferrous metal not greater than $\frac{3}{32}$ inch in diameter;

(3) The door of the pot may serve as the ghost panel if the door is fastened to the pot with a material specified in (g)11vi(2) above;

(4) The escape vent specified in (g)11v above may serve as a ghost panel if the escape vent is incorporated into a panel constructed of, or attached to the pot with, a material specified in (g)11vi(2) above, and, upon breakdown of the degradable materials, will create an opening of at least $3\frac{3}{4}$ by $3\frac{3}{4}$ inches for the exit of lobster or fish; and

(5) Pots constructed entirely or partially of wood shall be considered to be in compliance with this subparagraph if constructed of wood lath to the extent that deterioration of wooden component(s) will result in an unobstructed opening as specified in (g)11vi(1) above.

vii. The use of spears, gigs, gaffs or other penetrating devices as a method of capture of lobsters is prohibited;

viii. A modified lobster or fish pot may be used for the taking of conchs or whelks in all marine waters of the State including the Atlantic Ocean with the exception of the Newark Bay Complex.

(1) Any such conch pot is defined as a rectangular shaped device not larger than 30 inches on any side; or a cylindrical shaped device not greater than 34 inches in diameter and 30 inches in height. Conch pots must allow for an unobstructed opening on their top surface measuring not less than eight by eight inches square or nine inches in diameter. Conch pots cannot contain a parlor, funnel, or other entrapping mechanism in the interior of the pot. Any similar configuration may be approved for use upon application to the Division and receipt of written approval. Such applications must contain a diagram detailing the shape and dimensions of the requested conch pot configuration.

(2) Conch pots may be tended only from 0400 hours (4:00 A.M.) to 2100 hours (9:00 P.M.).

(3) No conch pot shall be placed in a creek, ditch or tributary less than 50 feet wide at mean low water, in any marked or charted channel or in any man-made lagoon;

ix. The lobster or fish pot season shall begin on January 1 and end on December 31;

x. The resident fee for lobster or fish pots shall be \$100.00 regardless of the number of pots employed.

12. Shad nets for the Hudson River shall be held in place by either stakes or anchors and shall not exceed 200 fathoms in length. The smallest mesh of any shad net shall not be less than five inches stretched.

i. Shad nets shall be marked at each end with a fluorescent orange float at least 12 inches in diameter or a fluorescent orange flag at least 12 inches square and suspended at least two feet above the mean high waterline.

ii. Shad nets shall be used in the Hudson River for the taking of shad only.

(h) Nonresident license fees shall be the same as resident fees established in this section if a resident of this State may obtain a license to fish for similar species of fish with similar gear in the nonresident applicant's state for the same fee as a resident of that state. Otherwise, the license fee for a nonresident is 10 times the license fee charged to a resident.

Amended by R.1988 d.285, effective June 20, 1988.
See: 19 N.J.R. 1610(a), 20 N.J.R. 1344(b).

Substantially amended.

Amended by R.1988 d.286, effective June 20, 1988.
See: 20 N.J.R. 866(a), 20 N.J.R. 1345(a).

Amended (g)4.

Administrative Correction to (g)6vi: Added text.
See: 22 N.J.R. 2301(a).

Amended by R.1991 d.278, effective June 3, 1991.

See: 22 N.J.R. 1311(a), 23 N.J.R. 1792(a).

Changed "persons" to "individuals"; added reference to "permits" in (g).

Amended by R.1992 d.143, effective March 16, 1992.

See: 24 N.J.R. 4(c), 24 N.J.R. 1113(a).

Further eligibility qualifications for certain fishing with nets added at (g); specifications regarding the tributaries of the Delaware Bay. Amended by R.1992 d.449, effective November 16, 1992.

See: 24 N.J.R. 207(a), 24 N.J.R. 4256(a).

Requirements to eliminate fyke netting and haul seining from certain small bodies of water.

Amended by R.1994 d.202, effective April 18, 1994.

See: 25 N.J.R. 5397(a), 26 N.J.R. 1633(a).

Amended by R.1994 d.615, effective December 19, 1994.

See: 26 N.J.R. 1931(a), 26 N.J.R. 5011(a).

Amended by R.1995 d.82, effective February 6, 1995.

See: 26 N.J.R. 4277(b), 27 N.J.R. 487(a).

Administrative Correction.

See: 27 N.J.R. 1794(a).

Administrative correction.

See: 27 N.J.R. 2212(a).

Administrative change.

See: 27 N.J.R. 4916(c).

7:25-18.6 Delaware Bay commercial and non-commercial gill net permit

(a) An individual utilizing a drifting, staked or anchored gill net in that portion of Delaware Bay or its tributaries defined as the area east of the New Jersey-Delaware boundary enclosed by a line from Cape Henlopen, Delaware to Cape May Point Light, New Jersey and the "southwest line" as defined in N.J.S.A. 50:3-11 shall have a commercial or non-commercial gill net permit for each gill net license in their possession. The person shall have the permit on his or her person at all times while fishing in that portion of Delaware Bay or its tributaries defined in this subsection.

(b) For a period of 60 days following June 3, 1991, Delaware Bay commercial and non-commercial gill net permits shall be issued in accordance with N.J.A.C. 7:25-18.5.

(c) No new Delaware Bay commercial or non-commercial gill net permits shall be issued after August 2, 1991 until the combined number of Delaware Bay commercial and non-commercial gill net permits falls below either 800 for staked or anchored gill nets or 200 for drifting gill nets, except as provided in (c)1 below.

1. Individuals returning from active military service after August 2, 1991, who were on active duty during the application period (June 3, 1991 through August 2, 1991) and who meet the requirements in N.J.A.C. 7:25-18.7(a) or (b) below, shall have 60 days from their date of discharge to apply for a permit to cover the number of licenses for which they qualify, upon submission of official documentation indicating duration of military service and date of discharge and a notarized statement from the applicant that said documentation is accurate.

(d) An individual possessing a Delaware Bay Gill Net Permit shall obtain the number of gill net licenses authorized by the Delaware Bay Gill Net Permit in each calendar year. Failure to do so will result in the number of nets authorized by the permit being reduced to the number of

net licenses actually obtained in that calendar year beginning in 1994, or in the event no licenses are purchased, invalidation of the permit immediately following the end of that calendar year.

New Rule, R.1991 d.278, effective June 3, 1991.

See: 22 N.J.R. 1311(a), 23 N.J.R. 1792(a).

7:25-18.7 Eligibility for Delaware Bay commercial and non-commercial gill net permits during the 60 days following June 3, 1991

(a) To be eligible for a Type A Delaware Bay commercial gill net permit during the 60-day period following June 3, 1991 allowing the use or possession on the waters of the Delaware Bay or its tributaries of no more than the maximum number of gill nets of the same type for which the applicant held valid New Jersey gill net licenses in any one calendar year during the period of January 1, 1985 through September 6, 1990 but no more than four drifting gill net permits and/or 25 staked or anchored gill net permits, the applicant shall, as part of the applicant's application for a commercial gill net permit:

1. Document that the applicant sold a minimum of 5,000 pounds of fish or 250 bushels of crabs or any combination thereof where one bushel of crabs is equal to 20 pounds of fish in any one year from 1985 through 1990; and

2. Provide a copy of a valid New Jersey gill net license(s) held by the applicant in any one calendar year from January 1, 1985 through September 6, 1990 for each gill net permit requested.

(b) To be eligible for a Type B Delaware Bay commercial gill net permit during the 60-day period following June 3, 1991 allowing the use or possession on the waters of the Delaware Bay or its tributaries of no more than two drifting gill nets and/or up to six staked or anchored gill nets, the applicant shall, as part of the applicant's application for a commercial gill net permit document that the applicant sold a minimum of 5,000 pounds of fish or 250 bushels of crabs or any combination thereof where one bushel of crabs is equal to 20 pounds of fish in any one year from 1985 through 1990.

(c) To comply with the requirement that to be eligible for a Delaware Bay commercial gill net permit under (a) or (b) above an applicant shall have sold a minimum of 5,000 pounds of fish or 250 bushels of crabs or any combination thereof where one bushel of crabs is equal to 20 pounds of fish in any one year from 1985 through 1990, an applicant shall include as part of the applicant's application:

1. Weigh-out slips issued to the applicant by a wholesaler(s) that acquired fish from the applicant establishing that the applicant sold 5,000 pounds of fish or 250 bushels of crabs or any combination thereof where one bushel of crabs is equal to 20 pounds of fish in any one of the five years; or

2. Notarized statements of wholesaler(s) that the wholesaler(s) records establish that the applicant sold 5,000 pounds of fish or 250 bushels of crabs or any combination thereof where one bushel of crabs is equal to 20 pounds of fish in any one of the five years and that such records are available for inspection by the Division.

(d) An individual who does not meet any of the requirements in (a) or (b) above may apply for a maximum of two Delaware Bay non-commercial gill net permits during the 60-day period following June 3, 1991. The Delaware Bay non-commercial gill net permits shall allow the holder to use in or possess on the waters of Delaware Bay or its tributaries no more than one drifting gill net not to exceed 360 feet in length or two staked or anchored gill nets not to exceed 180 feet in length each.

New Rule, R.1991 d.278, effective June 3, 1991.
See: 22 N.J.R. 1311(a), 23 N.J.R. 1792(a).

7:25-18.8 Eligibility for Delaware Bay commercial and non-commercial gill net permits after the 60-day period following June 3, 1991

(a) To be eligible for a Delaware Bay commercial gill net permit issued after the 60-day period following June 3, 1991, the applicant shall, at the time that the application is submitted to the Division, have three years of commercial fishery experience. The applicant shall include with the application a notarized affidavit by a commercial fisherman that the applicant has served as a crew member on a commercial fishing boat for a minimum of three years.

(b) If, at the time that an application for a Delaware Bay gill net permit is submitted to the Division, the applicant does not satisfy the eligibility requirement for a Delaware Bay commercial gill net permit set forth in (a) above, the applicant shall be eligible for a Delaware Bay non-commercial gill net permit.

New Rule, R.1991 d.278, effective June 3, 1991.
See: 22 N.J.R. 1311(a), 23 N.J.R. 1792(a).

Case Notes

Fisherman denied gill net permit and wait-listed; untimely application. *Shelton v. Department of Environmental Protection and Energy*, 93 N.J.A.R.2d (EPE) 191.

7:25-18.9 Application for Delaware Bay commercial and non-commercial gill net permits

(a) An individual who wishes to enter the Delaware Bay gill net fishery shall submit an application for a Delaware Bay gill net permit to the Division of Fish, Game and Wildlife. All applications shall be submitted on forms available from the Division and shall be accepted year-round. All permit application forms shall be obtained from and mailed to the Division at:

Department of Environmental Protection
Division of Fish, Game and Wildlife
Marine Fisheries Permits
CN 400
501 East State Street
Trenton, New Jersey 08625-0400

(b) A complete Delaware Bay gill net permit application shall consist of:

1. A completed application form signed by the applicant; and

2. For a Delaware Bay commercial gill net permit to be issued during the 60-day period following June 3, 1991, full documentation establishing that the applicant satisfies the requirements for issuance of a commercial gill net permit set forth in N.J.A.C. 7:25-18.7(a) or (b), as appropriate; or

3. For a Delaware Bay commercial gill net permit to be issued after August 2, 1991 full documentation establishing that the applicant satisfies the requirements for issuance of a commercial gill net permit set forth in N.J.A.C. 7:25-18.8(a).

(c) The Division of Fish, Game and Wildlife shall review each application received to determine whether the application is complete as provided in (b) above. If the Division determines that an application is not complete, the application shall be returned to the applicant.

(d) If the Division determines that an application for a Delaware Bay gill net permit received by the Division at the address set forth in (a) above during the 60-day period following June 3, 1991 is complete and that the applicant satisfies the eligibility requirements for issuance of a Delaware Bay commercial gill net permit set forth in N.J.A.C. 7:25-18.7(a) or (b), the applicant shall be issued Delaware Bay commercial gill net permits up to the limits set forth in N.J.A.C. 7:25-18.7(a) or (b) as appropriate. If the applicant does not satisfy the eligibility requirements for issuance of a Delaware Bay commercial gill net permit set forth in N.J.A.C. 7:25-18.7(a) or (b), the applicant shall be issued Delaware Bay non-commercial gill net permits up to the limits set forth in N.J.A.C. 7:25-18.7(d).

(e) If the Division determines that an application for a Delaware Bay gill net permit received by the Division at the address set forth in (a) above after August 2, 1991 is complete, the applicant shall be placed on the waiting list maintained by the Division under (f) below based on whether the Division determines that the applicant qualifies for a Delaware Bay commercial or non-commercial gill net permit. If the Division determines that an applicant for a Delaware Bay commercial gill net permit has not documented that the applicant satisfies the requirement for issuance of a commercial gill net permit set forth in N.J.A.C. 7:25-18.8(a), the applicant shall be placed on the non-commercial gill net permit waiting list. Delaware Bay commercial and non-commercial gill net permits shall be issued in accordance with the procedures set forth in N.J.A.C. 7:25-18.10.

(f) The Division of Fish, Game and Wildlife shall maintain separate waiting lists for Delaware Bay commercial and non-commercial gill net permits based on the chronological order of the date that each complete permit application is postmarked. Applications shall not be placed on both the commercial and the non-commercial gill net permit list.

(g) An applicant shall annually confirm that the applicant wants to remain on the permit waiting list. Confirmation shall be made by letter postmarked between January 1 and January 31 sent to the Division of Fish, Game and Wildlife at the address set forth in (a) above. Failure to send confirmation to the Division as above provided shall result in cancellation of the application and removal of the applicant from the permit waiting list without the Division of Fish, Game and Wildlife giving notice to the applicant.

New Rule, R.1991 d.278, effective June 3, 1991.
See: 22 N.J.R. 1311(a), 23 N.J.R. 1792(a).

Case Notes

Fisherman denied gill net permit and wait-listed; untimely application. *Shelton v. Department of Environmental Protection and Energy*. 93 N.J.A.R.2d (EPE) 191.

7:25-18.10 Issuance of Delaware Bay commercial and non-commercial gill net permits after August 2, 1991

(a) When, after August 2, 1991, the combined number of Delaware Bay commercial and non-commercial gill net permits for staked, anchored or drifting gill nets falls below 800 for staked or anchored gill nets or 200 drifting gill nets as set forth in N.J.A.C. 7:25-18.6(c), the Commissioner may issue new permits for the type of net allowed by the available permit.

(b) After August 2, 1991, the combined number of Delaware Bay commercial and non-commercial gill net permits for staked, anchored or drifting gill nets issued under (a) above shall be limited to no more than 800 for staked or anchored gill nets and 200 drifting gill nets.

(c) Delaware Bay commercial and non-commercial gill net permits shall be issued in the name of the applicant that appears at the top of the permit waiting lists maintained by the Division of Fish, Game, and Wildlife under N.J.A.C. 7:25-18.9(f).

(d) Applicants for commercial and non-commercial gill net permits shall remain at the top of the permit waiting list and shall be issued permits as they become available until the applicant has been offered the type and number of new gill net permits that the applicant applied for not to exceed the limits in (d)1 and 2 for each type of permit. Upon reaching the limits in (d)1 and 2 below, as appropriate, the applicant's name shall be removed from the permit waiting list.

1. Delaware Bay commercial gill net permits shall be issued for no more than four drifting gill nets and/or 25 staked or anchored gill nets.

2. Delaware Bay non-commercial gill net permits shall be issued for no more than one drifting gill net not to exceed 360 feet in length or two staked or anchored gill nets not to exceed 180 feet in length each.

(e) Delaware Bay non-commercial gill net permits shall not be issued to an individual in possession of one or more Delaware Bay commercial gill net permits.

(f) Delaware Bay commercial gill net permits shall not be issued to an individual in possession of one or more Delaware Bay non-commercial gill net permits.

New Rule, R.1991 d.278, effective June 3, 1991.
See: 22 N.J.R. 1311(a), 23 N.J.R. 1792(a).

7:25-18.11 Transfer of Delaware Bay commercial and non-commercial gill net permits

(a) Except as provided in (b) below, Delaware Bay commercial and non-commercial gill net permits are non-transferable.

(b) The Commissioner shall transfer a Delaware Bay commercial or non-commercial gill net permit to the son or daughter of the holder of the commercial or non-commercial permit provided that:

1. The Division of Fish, Game and Wildlife receives a written request at the address set forth in N.J.A.C. 7:25-18.9(a) signed by the holder of a Delaware Bay commercial or non-commercial gill net permit requesting transfer of the holder's permit to a designated son or daughter;

2. For the transfer of a Delaware Bay commercial gill net permit, the written request required under (b)1 above shall be accompanied by documentation that establishes that the designated son or daughter has three years of commercial fishing experience; and

3. The number and type of commercial or non-commercial permits transferred shall be the same number and type issued to the holder.

New Rule, R.1991 d.278, effective June 3, 1991.
See: 22 N.J.R. 1311(a), 23 N.J.R. 1792(a).

7:25-18.12 Commercial fishing seasons and quotas

(a) The following provisions are applicable to the commercial harvest of weakfish:

1. A person shall not possess, or land by the gear specified below, during the respective open season specified below or as modified by the Commissioner pursuant to (d) below, any weakfish less than 13 inches in length.

<u>Gear</u>	<u>Open Season</u>
Otter Trawl	January 1 through July 31 and October 13 through December 31
Pound Net	January 1 through June 6 and July 1 through December 31
Gill Net	January 1 through May 20, September 3 through October 19 and October 27 through December 31

2. A dealer shall not accept any weakfish landed in New Jersey taken by the respective gear types specified in (a)1 above except during the respective open season specified above or as modified by the Commissioner pursuant to (d) below.

(b) The following provisions are applicable to the commercial harvest of bluefish:

1. New Jersey's annual allocation of bluefish as determined by the National Marine Fisheries Service shall be allocated according to gear type as follows:

- i. Gill Net: 60.9 percent;
- ii. Pound Net: 14.9 percent;
- iii. Otter Trawl: 14.7 percent;
- iv. Purse Seine: 7.5 percent; and
- v. Hook and Line: 1.8 percent.

2. A person shall not land any bluefish taken by the gear type specified in (b)1 above except during the respective open season specified below or as modified by the Commissioner pursuant to (d) below.

<u>Gear Type</u>	<u>Open Season</u>
Gill Net	January 1 through October 10
Pound Net	January 1 through December 31
Otter Trawl	January 1 through November 16
Hook and Line	January 1 through July 31

3. A dealer shall not accept any bluefish landed in New Jersey taken by the respective gear type specified in (b)1 above except during the respective open season specified in (b)2 above or as modified by the Commissioner pursuant to (d) below.

4. As specified at (b)1 above, the annual bluefish quota for the purse seine fishery shall be 7.5 percent of New Jersey's annual commercial bluefish quota as allocated by the National Marine Fisheries Service. No purse seine vessel shall land and no dealer shall accept any bluefish landed in New Jersey that have been harvested by purse seine in excess of the annual purse seine quota or after the purse seine season has been closed. If the annual purse seine quota is exceeded in any one calendar year, the overharvest shall be deducted from the purse seine quota in the next subsequent calendar year(s).

5. A person angling with a handline or with rod and line shall not possess more than the possession limit for bluefish set forth at N.J.A.C. 7:25-18.1(c) except during the open commercial hook and line season and provided that the angler is in possession of a valid National Marine Fisheries Service commercial bluefish permit in the angler's name.

6. The Commissioner, or his or her designee, may close the season for the respective gear types in (b)2 above upon four days public notice of the projected date the quota for the respective gear types shall be landed. Such notice shall be sent by first class mail to all commercial docks and commercial fishing organizations on the mailing list of the Division of Fish, Game and Wildlife.

(c) For the purpose of this section, "land" shall mean to begin offloading fish, to offload fish or to enter port with fish.

(d) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify quotas and/or seasons specified in this section, by notice in order to maintain and/or to come into compliance with any fishery management plan approved by the Atlantic States Marine Fisheries Commission pursuant to 16 U.S.C. § 5104(b). The Department shall publish notice of any such modification in the Division's commercial regulation publication and the New Jersey Register.

New Rule, R.1992 d.143, effective March 16, 1992.

See: 24 N.J.R. 4(c), 24 N.J.R. 1113(a).

Amended by R.1993 d.56, effective January 19, 1993.

See: 24 N.J.R. 4249(a), 25 N.J.R. 303(a).

Former (a) and (i) recodified to new rule at 7:25-8.14; remaining subsections recodified as (a)-(g).

Administrative Correction to N.J.A.C. 7:25-18.12(b) through (g).

See: 25 N.J.R. 2001(d).

Administrative Correction to (c).

See: 25 N.J.R. 2281(a).

Amended by R.1994 d.201, effective April 18, 1994.

See: 26 N.J.R. 789(a), 26 N.J.R. 1632(a).

Repeal and New Rule, R.1995 d.82, effective February 6, 1995.

See: 26 N.J.R. 4277(b), 27 N.J.R. 487(a).

Formerly "Weakfish management."

Administrative Correction.

See: 27 N.J.R. 1794(a).

Administrative correction.

See: 27 N.J.R. 3420(a).

Administrative correction.

See: 27 N.J.R. 3420(b).

7:25-18.13 Striped bass trophy program

(a) Pursuant to N.J.S.A. 23:5-45.1(c), the possession of one "trophy sized" striped bass, measuring not less than 28 inches in length, will be allowed in addition to the possession limit allowed under N.J.S.A. 23:5-45.1(a), pursuant to (b) through (o) below.

(b) Any person intending to take one striped bass measuring not less than the size limit specified at (a) above in addition to his or her striped bass possession limit as specified at N.J.S.A. 23:5-45.1 shall apply to the Division for a "fish possession tag." Applications may be obtained from the following:

1. Division of Fish, Game and Wildlife

Striped Bass Trophy Fish Program
 Nacote Creek Research Station
 P.O. Box 418
 Port Republic, NJ 08241

2. Fish checking stations, as authorized by the Division and identified by public notice in the New Jersey Register.

(c) The application form shall be completed to include the name, address and telephone number of the applicant.

(d) Applications for a fish possession tag will be accepted for participation in the trophy fish program and processed in order of receipt by the Division.

(e) Successful applicants will receive one, non-transferable fish possession tag. This tag is to be placed through the mouth and out behind the gill cover of the trophy fish and fastened to form a complete circle immediately upon capture.

(f) Any fish possession tag not utilized during the calendar year in which it was issued will be valid for subsequent calendar years except during those periods in which the Department has closed the State's waters to harvesting as provided at (1) below.

(g) Successful applicants shall keep and submit annual records of their striped bass fishing activity as requested on forms furnished by the Division. Such records shall include the name, address, and tag number(s) of the fishermen, the days and hours fished, the lengths of striped bass caught, the location of fishing activity and the type of fishing. Extra forms can be obtained from fish checking stations.

(h) A person shall not have in his or her possession at any time more than three striped bass, of which two shall be not less than the size provided for at N.J.S.A. 23:5-45.1 and the other shall be not less than the size limit specified at (a) above and shall have properly affixed, completely fastened, and legal fish possession tag.

(i) Any striped bass taken under this section shall be transported to an authorized fish checking station by the person who caught the fish on the day so taken. A person shall not present for registration or permit to be registered in his or her name a striped bass which he or she did not catch. Any person who legally takes and tags a striped bass under this section and who cannot arrive at a fish checking station prior to closing time shall immediately report his or her harvest to the marine enforcement office at (609) 748-2050 and supply his or her name, the date, the time and the striped bass tag number and shall check the fish at an authorized fish checking station the following day.

(j) A person shall not possess any striped bass taken or tagged under the provisions of this section which is damaged

or mutilated to the extent that its length cannot be determined, other than immediately prior to preparation or being served as food.

(k) An additional fish possession tag shall be provided to the angler upon recording of his or her prior legally tagged striped bass at an authorized fish checking station, provided the season has not been closed pursuant to (l) below.

(l) When, at any time during the calendar year, the Division has projected that the quota established by the Atlantic States Marine Fisheries Commission for striped bass will have been harvested within the next 72 hours under the provisions of this section, the Division will close the State's waters to any further harvesting upon two days public notice in the Newark Star-Ledger, Asbury Park Press and The Press (of Atlantic City). A notice shall also be published in the New Jersey Register.

(m) The quota described in (l) above shall be 224,015 pounds until such time as another quota is duly promulgated by the Atlantic States Marine Fisheries Commission.

(n) Upon promulgation of any change in the quota described in (l) above, the Division will provide public notice thereof in the Newark Star-Ledger, the Asbury Park Press and The Press (of Atlantic City) and the New Jersey Register.

(o) Any person violating the striped bass size or possession limits as provided for in N.J.S.A. 23:5-45.1, or this section shall be liable for a penalty of \$100.00 per fish for the first offense and a penalty of \$200.00 per fish for each subsequent offense. In addition, any person violating any provision of this section shall be subject to revocation from the Striped Bass Trophy Program. Any fish possession tag in such person's possession shall be invalid and shall be returned to the Division upon such person's receipt of notification of such revocation. Failure to return the tag upon notification shall subject the violator to penalties prescribed pursuant to N.J.S.A. 23:2B-14.

New Rule, R.1995 d.82, effective February 6, 1995.
 See: 26 N.J.R. 4277(b), 27 N.J.R. 487(a).
 Administrative correction.
 See: 27 N.J.R. 2739(a).

7:25-18.14 Otter and beam trawls

(a) All trawl net doors possessed on the waters of the State of New Jersey must contain the official documentation number or the state registration number of the vessel to whom they belong indelibly branded or stamped in block letters no less than two inches in height on the surface of each door.

1. Trawl doors shall be used only by the vessel which corresponds to the branded or stamped numbers. A vessel may utilize another vessel's trawl doors provided the vessel owner utilizing such doors contacts the Division's Bureau of Law Enforcement at 609-748-2050 in

advance and provides the following information: name of owner and vessel borrowing doors, name of owner, vessel and branded or stamped number of borrowed doors. The vessel owner borrowing the trawl doors shall also be responsible for contacting the Bureau of Law Enforcement in advance to indicate when he will begin utilizing his own trawl doors.

(b) No vessel may have available for immediate use any otter or beam trawl while on the marine waters of this State during the hours between sunset and sunrise except on the Atlantic Ocean, at a distance of greater than two miles from the coast line. An otter or beam trawl that conforms to one of the following is considered not "available for immediate use":

1. A net stowed below deck, provided:
 - i. It is located below the main working deck from which the net is deployed and retrieved;
 - ii. The towing wires, including the "leg" wires are detached from the net; and
 - iii. It is fan-folded (flaked) and bound around its circumference;
2. A net stowed and lashed down on deck, provided:
 - i. It is securely fastened to the deck of the vessel;
 - ii. The towing wires, including the leg wires are detached from the net; and
 - iii. It is fan-folded (flaked) and bound around its circumference; or
3. A net is on a reel and is covered and secured; provided:
 - i. The entire surface of the net is covered with canvas or other similar material and held in place by line bound securely around the entire net in such a manner so that no section of the net is exposed;
 - ii. The towing wires or towing lines located between the net and the trawl doors shall be completely detached from the trawl doors; and
 - iii. The cod end closure rope shall be removed from the cod end.

(c) To determine compliance with any established minimum mesh requirement for an otter or beam trawl, the following procedures shall be employed. Stretched mesh sizes are measured by a wedge-shaped gauge having a taper of two centimeters in eight centimeters and a thickness of two and three-tenths millimeters, inserted into the meshes under pressure or pull of five kilograms. The mesh size of the cod end of the net will be the average measurement of any series of 20 consecutive meshes measured at least 10 meshes from the lacings, beginning at the after end and running parallel to the long axis.

(d) No person shall use any device or method which would have the effect of reducing an established minimum mesh size; provided, however, that chafing gear which does not obstruct the meshes of the top half of the cod end may be attached and net strengtheners may be attached to the cod end of the trawl net if such net strengtheners consist of mesh material similar to the material of the cod end and have a mesh size of at least twice the authorized minimum mesh size.

(e) The operator of, or any other person aboard, any fishing vessel shall immediately comply with instructions and signals issued by an authorized law enforcement officer and comply with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, and catch, for the purpose of enforcement of this section.

(f) Any vessel in the act of fishing, upon being boarded and instructed by an authorized law enforcement officer, shall haul back, or retrieve from the waters for inspection, all gear being utilized. After being so instructed, the operator of the vessel, or any other person so instructed, shall have a 30 minute time period to commence haul back and shall continue haul back or retrieval at an ordinary rate and without interruption until the gear is on board and available for inspection.

(g) Possession of an otter trawl and doors shall subject said vessel to inspection for compliance with this section by authorized enforcement personnel. Any nets or doors possessed or used in violation of this section shall be subject to forfeiture under authority of N.J.S.A. 23:10-21.

(h) Violation of any section of this subchapter, or any license or order issued pursuant to it, shall subject the violator to the penalties prescribed in N.J.S.A. 23:2B-14, Penalties consist of \$100.00 to \$3,000 for the first offense and \$200.00 to \$5,000 for any subsequent offense.

(i) Special provisions applicable to the commercial harvest of summer flounder are as follows:

1. The possession of more than 100 pounds of summer flounder on board a vessel or landed from a vessel shall constitute a directed fishery for summer flounder.
2. A person shall not possess any summer flounder less than 13 inches in length which have been harvested by vessels in a commercial fishery for summer flounder.
3. A person utilizing an otter or beam trawl in a directed fishery for summer flounder shall not use a net of less than 5.5 inches stretched diamond mesh or 6.0 inches minimum stretched square mesh, inside measurement applied throughout the cod end for at least 75 continuous meshes forward of the terminus of the net. The possession of any net less than the minimum specified above in this paragraph on board a vessel in a directed fishery for summer flounder is prohibited unless it is not available for immediate use as defined in (b) above or is one of the following:

i. Vessels fishing in the fly net fishery are exempt from the minimum mesh size requirement. A fly net is a two seam otter trawl with the following configuration:

(1) The net has large mesh webbing in the wings with a stretch mesh measure of eight inches to 64 inches;

(2) The first body (belly) section of the net consists of 35 meshes or more of eight inch stretch mesh webbing or larger; and

(3) In the body section of the net the stretch mesh decreases in size relative to the wings and continues to decrease throughout the extensions to the cod end, which generally has a webbing of two inch stretch mesh.

4. A vessel shall not land more than 100 pounds of summer flounder in New Jersey on any one trip, after March 5, 1993, unless said vessel is in possession of its valid New Jersey Summer Flounder Permit to participate in a directed fishery for summer flounder. The permit shall be issued in the name of the vessel and the owner and for the specific gear type used to qualify for the permit.

i. Applicants for a New Jersey Summer Flounder Permit shall complete an application provided by the Department and submit the application so it is received by the Department no later than June 30, 1993 for applicants applying to use otter trawls, pound nets, gill nets or scallop dredges and no later than May 31, 1994 for applicants applying to use hook and line. Applications for a New Jersey Summer Flounder Permit received after the above dates shall be denied.

ii. To be eligible for a New Jersey Summer Flounder Permit the vessel's owner shall meet the following criteria:

(1) The vessel shall have landed and sold at least 1,000 pounds of summer flounder in New Jersey in each of two years during the period of 1985-1992;

(2) The vessel shall have possessed a valid New Jersey otter trawl, pound net, or gill net license or a valid Federal summer flounder permit during each of the two years it qualified based upon the pounds of summer flounder landed and sold in (i)4ii(1) above. Vessels providing documentation regarding the amount of summer flounder landed for two years between January 1, 1985 to November 2, 1988 or vessels providing documentation of harvest by hook and line are exempt from this requirement; and

(3) Applicants shall provide weigh out slips to document the amount of summer flounder landed and copies of their New Jersey otter trawl, pound net or gill net license or Federal summer flounder permit for the respective years.

iii. The New Jersey Summer Flounder Permit shall be on board the vessel to which it is issued at all times. The permit is valid in 1993 and subsequent years unless revoked as part of a penalty action. The New Jersey Summer Flounder Permit is not transferable and shall remain with the vessel in the name of the owner. The owner may transfer his or her permit to his or her replacement vessel upon application to the Department.

iv. A vessel possessing a New Jersey Summer Flounder Permit to commercially harvest summer flounder by angling or hook and line and when operating under the permit shall be subject to the following:

(1) Crew size shall be limited to no more than five persons, including the captain;

(2) The vessel shall not carry any passengers for hire. When carrying passengers for hire the New Jersey Summer Flounder Permit is not valid and the recreational size and possession limits and seasonal restrictions as specified in N.J.A.C. 7:25-18.1 apply.

v. A vessel that does not qualify for a New Jersey Summer Flounder Permit shall be permitted to land not more than 100 pounds of summer flounder on any trip, except that vessels taking summer flounder by angling or hook and line shall be subject to the possession limits established in N.J.A.C. 7:25-18.1.

5. The annual summer flounder harvest quota for New Jersey shall be determined by the Mid-Atlantic Fishery Management Council as implemented by the National Marine Fisheries Service. All landings of summer flounder in New Jersey shall be applied to the New Jersey annual summer flounder quota.

i. The New Jersey annual quota for the summer flounder fishery shall be divided into three seasons as follows:

(1) January-April: 39.28 percent of the annual quota.

(2) May-August: 16.83 percent of the annual quota.

(3) September-December: 43.89 percent of the annual quota.

ii. The Commissioner, or his or her designee, shall close the season for the commercial summer flounder fishery upon seven days public notice of the projected date the season quota shall be caught. Public notice shall include letters by first class mail to all Federally licensed summer flounder dealers in New Jersey and New Jersey Summer Flounder Permit holders.

iii. Once the season has been closed for the commercial summer flounder fishery no vessel shall land any summer flounder and no dealer shall accept any summer flounder landed in New Jersey.

iv. If the Commissioner, or his or her designee, closes the season prematurely because of unanticipated environmental events resulting in the quota not being landed by the projected date and at least one month remains in the current season, then the Commissioner, or his or her designee, may reopen the season for a specified period of time upon seven days public notice. Public notice shall be made as specified in (i)5ii above.

v. If the quota for a particular season is not taken, the balance shall be reallocated for the following season, except that any balance existing as of December 31 of any year shall not be reallocated.

vi. If the quota for either of the first two seasons is exceeded, the amount overharvested shall be deducted from the third season.

vii. If the quota for any year is exceeded, the amount overharvested will be deducted from the following year's annual quota. The remaining annual quota will then be allocated as defined in (i)5i above.

viii. Beginning in 1994, the Department shall notify the holders of New Jersey Summer Flounder Permits of the season allocations no later than January 31 of the year to which the allocation applies. Notification shall be accomplished by first class mail to permit holders.

ix. All New Jersey Summer Flounder Permit holders shall be required to complete monthly reports supplied by the Department. The monthly report shall be signed by the permittee attesting to the validity of the information and be submitted so it is received by the Department no later than five working days following the end of the reported month at the following address:

Summer Flounder Program
Nacote Creek Research Station
P.O. Box 418
Port Republic, NJ 08241

(1) The monthly report shall include but not be limited to the following information: name, New Jersey Summer Flounder Permit number of the vessel, total amount (in pounds) of each species taken, dates caught, time at sea, duration of fishing time, number of tows, area fished, crew size, landing port, date sold and buyer. This information shall be provided for any trip in which summer flounder are landed.

(2) If no trips for summer flounder were taken and no summer flounder were landed during the month, a report to that effect shall be required.

6. Any person violating the provisions of this section shall be subject to the penalties prescribed in N.J.S.A. 23:2B-14 in addition to the following:

i. Failure to submit the application by June 30, 1993 for use of otter trawls, pound nets, gill nets or scallop dredges or by May 31, 1994 for use of hook and line or to attach the required documentation to the application shall result in the denial of the permit.

ii. Falsification or misrepresentation of any information on the application including documentation provided to verify the amount of summer flounder landed as specified in (i)4 above shall result in the denial or revocation of the permit in addition to any civil or criminal penalties prescribed by law.

iii. Failure to comply with the provisions of (i)5iii above, landing summer flounder after the season has been closed, or (i)5ix above, failure to submit accurate and timely monthly reports, shall result in the suspension or revocation of the vessel's New Jersey Summer Flounder Permit according to the following schedule:

- (1) First offense: 60 days suspension
- (2) Second offense: 120 days suspension
- (3) Third offense: permanent revocation

iv. Prior to revocation of the permit, the permittee shall have the opportunity to request a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(j) Special provisions applicable to a directed weakfish fishery are as follows:

1. The possession of more than 100 pounds of weakfish on board a vessel or landed from a vessel shall constitute a directed fishery for weakfish.

2. A person shall not possess any weakfish less than 11 inches in length that have been harvested by otter or beam trawl during the period from September 1 through December 31. During the period of January 1 through August 31 the minimum size limit for weakfish harvested by otter or beam trawl is 13 inches in length pursuant to N.J.A.C. 7:25-18.12(a).

3. A person utilizing a beam or otter trawl in a directed fishery for weakfish shall not use a net of less than 3.25 inches stretched mesh inside measurement applied throughout the code and for at least 75 continuous meshes forward of the terminus of the net. After advertisement and public distribution of the Council meeting agenda and consultation with the Marine Fisheries Council, the Commissioner may modify the mesh size upon notice if more current scientific data indicate a more appropriate mesh size is equivalent to the 11 inch minimum size limit for weakfish specified in (j)2 above. The Department shall provide notice of any change by filing and publishing in the New Jersey Register. All such notices shall be effective when the Department files notice with the Office of Administrative Law or as specified otherwise in the notice. The possession of any net less than the minimum mesh specified above in this paragraph, or as modified by the Commissioner, on board a vessel in a directed fishery for weakfish is prohibited.

4. A person shall not land any weakfish harvested by otter trawl except during the open seasons of January 1 through July 31 and October 13 through December 31 or as modified by the Commissioner pursuant to (n) below. No dealer shall accept any weakfish landed in New Jersey taken by otter trawl except during such open seasons or as modified by the Commissioner pursuant to (n) below.

(k) Special provisions applicable to a directed winter flounder fishery are as follows:

1. The possession of more than 100 pounds of winter flounder on board a vessel or landed from a vessel shall constitute a directed fishery for winter flounder.

2. A person shall not possess any winter flounder less than 12 inches in length that have been harvested by otter or beam trawl, or any other net, trap, dredge or commercial gear.

3. A person utilizing an otter or beam trawl in a directed fishery for winter flounder shall not use a net of less than 5.0 inches stretched mesh inside measurement applied throughout the cod end for at least 75 continuous meshes forward of the terminus of the net.

4. No person shall fish for or land any winter flounder taken by otter trawl or by any other net, trap, dredge or commercial gear in New Jersey waters, except during the open season of December 1 through May 31 or as modified by the Commissioner pursuant to (n) below. No dealer shall accept any winter flounder taken in New Jersey waters except during such open season or as modified by the Commissioner pursuant to (n) below. The harvest of winter flounder by the use of fyke nets is subject to the provisions of N.J.A.C. 7:25-18.5(g)2.

(l) Special provisions concerning the harvest of bluefish are as follows:

1. The annual bluefish allocation to the otter trawl fishery shall be 14.7 percent of New Jersey's annual commercial bluefish quota as allocated by the National Marine Fisheries Service.

2. A person shall not land any bluefish taken by otter trawl except during the open season of January 1 through November 16 or as modified by the Commissioner pursuant to (n) below.

(m) For the purpose of this section, "land" shall mean to begin offloading fish, to offload fish or to enter port with fish.

(n) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify quotas, mesh sizes, minimum size limits and seasons specified in this section by notice in order to maintain compliance with any fishery management plan approved by the Atlantic States Marine Fisheries Commission pursuant to 16 U.S.C. § 5104(b). The Department shall publish notice of any

such modification in the Division's commercial regulation publication and the New Jersey Register.

New Rule, R.1993 d.56, effective January 19, 1993.
See: 24 N.J.R. 4249(a), 25 N.J.R. 303(a).
Amended by R.1994 d.44, effective January 18, 1994.
See: 25 N.J.R. 2167(a), 26 N.J.R. 353(a).
Amended by R.1995 d.82, effective February 6, 1995.
See: 26 N.J.R. 4277(b), 27 N.J.R. 487(a).
Administrative Correction.
See: 27 N.J.R. 1794(a).
Administrative change.
See: 27 N.J.R. 2390(b).
Administrative correction.
See: 27 N.J.R. 3420(a).
Administrative correction.
See: 27 N.J.R. 3420(b).
Administrative change.
See: 27 N.J.R. 4916(c).

7:25-18.15 Atlantic sturgeon management

(a) An individual shall not take or attempt to take, possess or land any Atlantic sturgeon in the State, without a valid Atlantic Sturgeon Commercial Gill Net Permit or a valid Atlantic Sturgeon By-Catch Permit issued by the Department. No holder of either permit shall land an Atlantic sturgeon unless such sturgeon has a valid, properly affixed possession tag as specified at (g) and (h) below. No person shall possess any Atlantic sturgeon that does not have a valid, properly affixed possession tag. "Land" shall mean to begin offloading fish, to offload fish or to enter port with fish.

(b) An Atlantic Sturgeon Commercial Gill Net Permit may be transferred to another individual eligible for a gill net license for the purpose of taking Atlantic sturgeon with gill nets. The permittee shall request approval to transfer the permit in writing to the Department, and no such transfer shall be valid until the transferee has received a valid permit issued in his or her name from the Department. An Atlantic sturgeon commercial gill net possession tag may be transferred to another Atlantic Sturgeon Commercial Gill Net Permit holder. The permittees shall list on the permittee's annual report pursuant to (l) below the name of the permittee or permittees to whom the permittee transferred any possession tag. The recipient of the transferred possession tag or tags shall list in the annual report pursuant to (l) below each such transferred tag received.

(c) To qualify for an Atlantic Sturgeon Commercial Gill Net Permit, an applicant shall comply with the provisions below by April 2, 1993:

1. The applicant shall complete an application provided by the Department, listing the dressed weight of Atlantic sturgeon harvested by gill net during 1988, 1989 or 1990, whichever year he landed the greatest dressed weight, or the number of nine-inch or greater stretched mesh gill nets purchased between January 1, 1989 and January 10, 1991 with the intent of entering a directed Atlantic sturgeon fishery.

2. The applicant shall attach documented proof of the dressed weight of Atlantic sturgeon harvested by gill net during 1988, 1989 or 1990, whichever year he landed the greatest dressed weight, or the number of nine-inch or greater stretched mesh gill nets purchased between January 1, 1989 and January 10, 1991. Documented proof shall consist of one or more of the following:

- i. Weigh-out slips totaling the dressed weight harvested;
- ii. A notarized statement from the applicant and the purchaser(s) attesting to the dressed weight harvested (records must be verifiable based upon inspection of the purchaser's business records);
- iii. Sales receipts for the number of nine-inch or greater stretched mesh gill nets purchased, including date of sale, length, and stretched mesh size;
- iv. A notarized statement from the applicant and the seller(s) attesting to the number of nine-inch or greater stretched mesh gill nets purchased, including date of sale, length, and stretched mesh size; or
- v. Other documentation similar to that in (c)2i, ii, iii or iv above may be accepted at the discretion of the Commissioner after his or her review; and

3. The applicant shall sign an affidavit on the application certifying as to the validity of the information provided.

(d) The application period closes April 2, 1993. Therefore, the Commissioner will determine an annual quota of Atlantic sturgeon (in pounds dressed) that may be harvested for each qualified applicant based upon the following:

1. The total allocation for the directed Atlantic sturgeon gill net fishery in 1993 shall equal the 1990 documented dressed weight landings provided by applicants on their applications, to be divided in the following way:

- i. Applicants providing documentation of having purchased a minimum of 10 nine-inch or greater stretched mesh gill nets between January 1, 1989 and January 10, 1991 shall receive an equal share of 10 percent of the total gill net allocation, not to exceed 3,000 pounds each or;
- ii. Applicants providing documentation of landings of at least 1,000 pounds dressed weight of Atlantic sturgeon during any one of the years 1988, 1989 or 1990 shall receive a minimum base of 3,000 pounds dressed weight plus a percentage of the remaining allocation determined as follows:

(1) Each applicant shall document to the Department the dressed weight of Atlantic sturgeon landed during 1988, 1989, or 1990, whichever year he landed the greatest dressed weight. The Department will divide the individual dressed weight documented by each applicant by the total amount documented by all applicants under this sub-subparagraph (d)1ii(1) to obtain each applicant's percentage of the remaining allocation.

(e) All qualified applicants will receive an "Atlantic Sturgeon Commercial Gill Net Permit" by May 2, 1993 which shall indicate that permittee's annual (calendar year) quota of Atlantic sturgeon that may be commercially harvested.

(f) An Atlantic Sturgeon By-Catch Permit and a harvest quota will be issued to each qualifying applicant who provides documentation of Atlantic sturgeon landed in New Jersey by otter trawl or pound net of at least 1,000 pounds dressed weight during any one of the years 1988, 1989, or 1990. The Atlantic Sturgeon By-Catch shall not exceed 5.8 percent of the State allocation for Atlantic sturgeon. This represents the percentage of Atlantic sturgeon landed in New Jersey by otter trawl and pound net in 1990 as reported by the National Marine Fisheries Service. To qualify for an Atlantic Sturgeon By-Catch Permit, an applicant shall comply with (f)1 through 4 below by March 23, 1995:

1. The applicant shall complete an application, provided by the Department, listing the dressed weight of Atlantic sturgeon he or she landed by otter trawl or pound net during any one of the years 1988, 1989, or 1990, whichever year the applicant landed the greatest dressed weight.

2. The applicant shall attach documented proof of the dressed weight of Atlantic sturgeon harvested by otter trawl or pound net during any one of the years 1988, 1989, or 1990, whichever year the applicant landed the greatest dressed weight. Such proof shall consist of one or more of the following:

- i. Weigh-out slips totaling the dressed weight harvested;
- ii. A notarized statement from the applicant and the purchaser(s) attesting to the dressed weight harvested (records must be verifiable based upon inspection of the purchaser's business records);
- iii. Other documentation similar to that specified in (f)2ii above may be accepted at the discretion of the Department.

3. The application period closes March 23, 1995.

4. By April 22, 1995, each qualified applicant will receive an "Atlantic Sturgeon By-Catch Permit" which shall indicate that permittee's annual (calendar year) harvest quota of Atlantic sturgeon that may be landed.

(g) The Department will issue serially numbered Atlantic sturgeon possession tags to each Atlantic sturgeon commercial gill net and by-catch permittee based upon the permittee's annual harvest quota percentage established pursuant to (d) and (f) above and an equivalent average weight per fish landed as determined through average weighout landing verifications. No person shall reuse or alter any tag, or use a broken tag. All unused tags must be returned to the Department by January 15 of the following year. Tags will be issued for each calendar year by February 15.

(h) An Atlantic sturgeon commercial gill net or Atlantic sturgeon by-catch permittee who takes and possesses an Atlantic sturgeon of legal size shall tag such sturgeon with a numbered tag issued by the Department. Such tag shall be attached and securely locked at the nape of the fish once such fish has been dressed and prior to tending another piece of gear. All Atlantic sturgeon not tagged or of less than the legal minimum size shall be returned uninjured to the water immediately.

(i) The possession of Atlantic sturgeon of a length less than 60 inches or a dressed length less than 36 inches is prohibited. Dressed length is the length of an Atlantic sturgeon after the entire head, collar, tail and viscera have been removed.

(j) All Atlantic Sturgeon Commercial Gill Net and Atlantic Sturgeon By-Catch Permit holders shall have their permit on their person at all times when engaged in any phase of harvesting, transporting, selling or possessing Atlantic sturgeon.

(k) All Atlantic sturgeon harvested under the Atlantic Sturgeon Commercial Gill Net Permit or Atlantic Sturgeon By-Catch Permit shall be landed in New Jersey.

(l) All permittees shall be required to complete annual reports on forms supplied by the Department. The annual report shall be signed by the permittee attesting to the validity of the information and be submitted so it is received by the Department no later than January 15 of the next subsequent calendar year at the following address:

Division of Fish, Game and Wildlife
Atlantic Sturgeon Program
P.O. Box 418
Port Republic, NJ 08241

1. The annual report shall include:

- i. The daily harvest and sale of Atlantic sturgeon (in pounds dressed) and possession tag number for each fish landed;
- ii. The buyer(s) name;
- iii. Name(s) and address(es) of the permit holder(s) who landed an Atlantic sturgeon that was tagged with the permittee's transferred possession tag;
- iv. The cumulative total of Atlantic sturgeon (in pounds dressed) landed at the end of the year;
- v. Weigh out slips or sales receipts verifying the amount (in pounds dressed) of Atlantic sturgeon sold; and
- vi. Any other requested information pertinent to management of the Atlantic sturgeon resource including catch/effort data, length and sex data, by-catch data, and tagging information from a representative size range of Atlantic sturgeon.

(m) Adjustments in individual allocation for any calendar year subsequent to 1993 may be made annually by the Department, based upon recommendations of the Atlantic States Marine Fisheries Commission, annual commercial landings data from the National Marine Fisheries Service and an individual's historical harvest performance. If no such adjustment is made, each permittee's quota shall remain at the previous year's amount.

(n) Research personnel from the Department shall be allowed to sail aboard any permitted vessel at any time.

(o) Any person or permittee violating the provisions of this section shall be subject to the penalties prescribed in N.J.S.A. 23:2B-14 in addition to the following:

1. Failure to submit the application within 45 days of the effective date of this section or to attach the required documentation to the application will result in the denial of the permit.

2. Falsification or misrepresentation of any information on the application including documentation provided to verify the amount of Atlantic sturgeon harvested or number and size of gill nets purchased shall result in the denial or revocation of the permit in addition to any civil or criminal penalties prescribed by law.

3. Failure to comply with the provisions of (a), (h), or (l) above shall subject the violator to suspension or revocation of the Atlantic Sturgeon Commercial Gill Net Permit or the Atlantic Sturgeon By-Catch Permit.

4. Prior to the suspension or revocation of the permit, the permittee shall have the opportunity to request a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

New Rule, R.1993 d.77, effective February 16, 1993.

See: 24 N.J.R. 205(a), 25 N.J.R. 689(a).

Amended by R.1995 d.82, effective February 6, 1995.

See: 26 N.J.R. 4277(b), 27 N.J.R. 487(a).

7:25-18.16 Horseshoe crab (*Limulus polyphemus*)

(a) An individual shall not catch, take, or attempt to catch or take horseshoe crabs except by hand collection or while using other gear allowed under this chapter and/or N.J.S.A. Titles 23 and 50 from any beach or shoreline or from the marine waters of this State unless such individual has in his or her possession a valid permit to take horseshoe crabs issued by the Commissioner of Environmental Protection and Energy. Any individual who wishes to harvest horseshoe crabs may obtain a permit by completing an application available from the: Division of Fish, Game and Wildlife, Bureau of Marine Fisheries, CN 400, Trenton, NJ 08625. The following persons, in the following circumstances, are not subject to this prohibition:

1. Property owners, tenants or agents of property owners may, at any time, remove dead horseshoe crabs

from their property for purposes of disposal. No sale, trade, or barter of horseshoe crabs is permitted under this paragraph.

2. Persons collecting horseshoe crabs for strictly scientific purposes only and operating under the terms and conditions specified by a required scientific collecting permit issued pursuant to N.J.S.A. 23:4-52 by the Administrator of the Marine Fisheries Administration within the Division of Fish, Game and Wildlife.

(b) The season for taking horseshoe crabs shall be January 1 through December 31, except:

1. A person shall not harvest horseshoe crabs from the beaches and shoreline of that portion of Delaware Bay and its tributaries and the adjacent waters and uplands within 1,000 feet of the mean high water line extending from the Cape May Canal in Cape May County to Stow Creek in Cumberland County from May 1 through June 7, except Monday, Wednesday and Friday commencing from one hour after sunset until one hour before sunrise the following day, prevailing time.

2. Possession of horseshoe crabs within the prohibited area, at a prohibited time, during the prohibited season shall be prima facie evidence of violation of this section.

(c) Any person harvesting horseshoe crabs by any method permitted by the Commissioner shall provide monthly reports within five working days following the end of the reported month to the Department on forms supplied to the permit holder. The monthly report shall include the number of horseshoe crabs harvested, the area of collection, the gear utilized and any other information as the Department may deem necessary for management of the horseshoe crab resource.

(d) Any person violating the provisions of this section shall be subject to the penalties prescribed in N.J.S.A. 23:2B-14 except that violations of (c) above, failure to provide monthly reports, shall subject the violator to a penalty of \$20.00 for each offense.

New Rule: R.1993 d.185, effective May 3, 1993.
See: 24 N.J.R. 2978(a), 25 N.J.R. 1876(b).

SUBCHAPTER 18A. FISHERIES CLOSURES AND ADVISORIES FOR STRIPED BASS, AMERICAN EEL, BLUEFISH, WHITE PERCH AND WHITE CATFISH TAKEN FROM THE NORTHEAST REGION OF THE STATE

Authority

Marine Fisheries Management and Commercial Fisheries Act, N.J.S.A. 23:2B-1 et seq.

Source and Effective Date

R.1983 d.102, effective March 17, 1983.
See: 15 N.J.R. 39(a), 15 N.J.R. 543(c).

Subchapter Historical Note

Originally adopted as emergency R.1982 d.477, effective December 15, 1982; readopted with changes to N.J.A.C. 7:25-18A.6.

7:25-18A.1 Authority

This subchapter has been promulgated pursuant to the Marine Fisheries Management and Commercial Fisheries Act, N.J.S.A. 23:2B-1 et seq.

7:25-18A.2 Scope and construction

(a) The following shall constitute the rules governing the issuance by the Department, of fisheries closures and advisories concerning PCB contaminated fish taken from the waters of the Northeast Region of the State.

(b) These rules shall be liberally construed to permit the Department to effectuate the purpose of these rules.

7:25-18A.3 Definitions

“Advisory” means a Departmental warning to limit consumption of designated fish species taken from designated regions of the State’s waters.

“Closure” or “closed” means prohibition of sales of designated fish species taken from designated regions of the State’s waters.

“Commissioner” means the Commissioner of the Department of Environmental Protection.

“Department” means the Department of Environmental Protection.

“Limited consumption” or “limit consumption” means that in order to reduce exposure to and bioaccumulation of PCBs, persons of high risk, including but not limited to pregnant women, nursing mothers, women of child-bearing age, and young children, should not eat any designated fish species taken from designated regions of the State’s waters and all other persons should not consume more than one meal per week of any designated fish taken from designated regions of the State’s waters.

“Northeast Region” means the region encompassing the New Jersey portion of Sandy Hook and Raritan Bay; the tidal portions of the Raritan River upstream to the Route 1 Bridge in New Brunswick; the Arthur Kill and Newark Bay; the Passaic River upstream to the Dundee Dam; the Hackensack River up to Oradel Dam; the Kill Van Kull and Upper New York Bay; and the Hudson River upstream to the New Jersey-New York State border, approximately four miles above Alpine, New Jersey.

“PCBs” means polychlorinated biphenyls.

7:25-18A.4 Closure of fisheries

(a) The Commissioner finds, based upon specific investigations, that to protect the public health of the citizens of the State the following designated regions of the State's waters shall be closed and the sale prohibited of the following fish species:

1. Prohibition of the sale of Striped Bass (*Morone saxatilis*) taken from the Hudson River, Upper New York Bay, Newark Bay, Lower Passaic River, Lower Hackensack River, Arthur Kill and Kill Van Kull; and
2. Prohibition of the sale of American Eels (*Anguilla rostrata*) taken from the Hudson River, Upper New York Bay, Newark Bay, Lower Passaic River, Lower Hackensack River, Arthur Kill and Kill Van Kull.

(b) No person may expose for sale, offer for sale, or sell striped bass (*Morone saxatilis*) in this State.

Amended by R.1987 d.126, effective March 2, 1987.
See: 18 N.J.R. 2170(a), 19 N.J.R. 408(b).
(b) added.

7:25-18A.5 Public advisories concerning fisheries

(a) The Commissioner finds, based upon scientific investigation, that to protect the citizens of the State, the following advisories concerning the taking of designated fish species from designated regions of the State's waters shall be set forth below:

1. Advisory for the limited consumption of Striped Bass (*Morone saxatilis*) taken from the Northeast Region, including offshore State waters in the northern coastal area;
2. Advisory for the limited consumption of American Eel (*Anguilla rostrata*) taken from the entire State, especially the Northeast Region;
3. Advisory for the limited consumption of Bluefish (*Pomatomus saltatrix*) taken from the Northeast Region, including offshore State waters in the northern coastal area;
4. Advisory for the limited consumption of White Perch (*Morone american*) from the Northeast Region; and
5. Advisory for the limited consumption of White Catfish (*Ictalurus catus*) from the Northeast Region.

(b) The Department further advises that even said designated fish species to be consumed not more than one meal per week should be carefully prepared as set forth below:

1. Remove fat areas from designated fish species, for example, fish belly flaps or abdomens and dark meat portions; and
2. Bake or broil fish on an elevated rack, which allows PCB contaminated fat areas to drip free and away from the fish.

7:25-18A.6 Public notice of fisheries closures and advisories

(a) The Department shall utilize all reasonable and effective methods to publicize and educate the citizens of the State concerning all fishery closures and advisories pursuant to this subchapter, including but not limited to the following:

1. Schedule appropriate press conferences;
2. Prepare and distribute appropriate press releases on May 15 and August 15 of each year, and as otherwise deemed necessary;
3. Post informational notices and signs in appropriate locations;
4. Advertise public notices in State newspapers on May 15 and August 15 of each year, and as otherwise deemed necessary;
5. Distribute public informational notices according to appropriate Departmental mailing lists; and
6. Compliance with notification requirements of the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the regulations promulgated thereto.

7:25-18A.7 Violations

Any person who violates any provision of this subchapter shall be liable to the full range of penalties set forth in Section 14 of the Marine Fisheries Management and Commercial Fisheries Act, N.J.S.A. 23:2B-14.

SUBCHAPTER 19. ATLANTIC COAST HARVEST SEASON
Subchapter Historical Note

All provisions of this subchapter became effective August 22, 1980 as R.1980 d.373. See: 12 N.J.R. 312(b), 12 N.J.R. 575(d). This subchapter expired August 22, 1985 pursuant to Executive Order 66(1978) and New Rules became effective July 7, 1986 as R.1986 d.273. See: 17 N.J.R. 2494(a), 18 N.J.R. 1378(a).

7:25-19.1 Scope

This subchapter shall constitute the rules governing the method and season for harvest of oysters from the Reef, Fitney Bit, Turtle Island, Oyster Bed Point beds in Great Bay; the Mullica River above Deep Point; the Great Egg Harbor River, the Tuckahoe River, and the Middle River on the Atlantic Coast.

7:25-19.2 Purpose

The purpose of these rules is to regulate the harvest of oysters from the beds enumerated at N.J.A.C. 7:25-19.1.

7:25-19.3 Construction

These rules shall be liberally construed to permit the department to effectuate the purposes of N.J.S.A. 50:1-5.

7:25-19.4 Definitions

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

“Commissioner” means the Commissioner of Environmental Protection.

“Division” means the Division of Fish, Game and Wildlife.

“Seed oysters” means all oysters planted on the beds listed at N.J.A.C. 7:25-19.1.

7:25-19.5 Method and season of harvest

(a) No person shall catch or take oysters or clams by any means from the Reef, Fitney Bit, Turtle Island, Oyster Bed Point beds in Great Bay; the Mullica River above Deep Point; the Great Egg Harbor River, the Tuckahoe River and the Middle River except with hand tongs during the harvest season.

(b) The harvest season for these oyster beds shall be determined by the size of the seed oysters planted, the time of planting, and the growth and survival rate of the seed oysters.

(c) Based upon the data referred to in (b) above, the harvest season for these oyster beds shall be established by the commissioner or his designee in the Division of Fish, Game and Wildlife, pursuant to N.J.S.A. 50:1-5, with the advice of the Atlantic Coast Section of the Shell Fisheries Council, except that no harvesting shall be permitted between June 30 and September 1 of any year.

(d) Nothing contained herein shall prevent or prohibit the harvest of oysters by mechanical power from any of the leased oyster grounds within the boundaries of the beds enumerated in (a) above by the lessee or his substitute harvester.

(e) Nothing contained herein shall prevent or prohibit the appropriate State authorities from conducting oyster management programs during the closed harvest season.

SUBCHAPTER 20. (RESERVED)**Subchapter Historical Note**

This subchapter contained rules entitled “Indigenous Nongame Wildlife Species of New Jersey”, which were filed pursuant to N.J.S.A. 23:2A-1 et seq. as R.1980 d.390, effective September 16, 1980. See: 12 N.J.R. 390(b), 12 N.J.R. 576(b). On April 16, 1984, R.1984 d.132 recodified the existing rules (7:25-20.1 and 20.2) as a part of 7:25-4, “Endangered, Nongame and Exotic Wildlife”. See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).

SUBCHAPTER 21. TERRAPIN REGULATIONS**Subchapter Historical Note**

Subchapter 21 was adopted as R.1981 d.198, effective July 9, 1981. See: 13 N.J.R. 126(b), 13 N.J.R. 405(a).

7:25-21.1 Designation of terrapin season

No person shall take, catch, possess, expose for sale or attempt to catch or take any *Malaclemys palustris*, commonly known as diamondbacked terrapin, except between November 1 and March 31.

7:25-21.2 Taking of terrapin

No person shall catch, take or attempt to catch or take any terrapin from any of the waters of this State by means of a trap, pot, fyke, seine, weir or net of any description.

7:25-21.3 Size requirement

No person shall take, catch, or possess any terrapin less than five inches long, measured lengthwise along the under shell, nor take or destroy the eggs of any terrapin.

SUBCHAPTER 22. FISHERY MANAGEMENT IN NEW JERSEY**Subchapter Historical Note**

Subchapter 22 was adopted as R.1983 d.137, effective May 2, 1983. See: 14 N.J.R. 945(a), 15 N.J.R. 690(b).

7:25-22.1 Menhaden season

The season for taking Atlantic menhaden (*Brevoortia tyrannus*) from the marine waters of the State of New Jersey by purse seine for fish meal reduction shall begin on the third Monday in May and end on the third Friday in October. This provision shall not impose a limited season for the taking of menhaden for bait, chum or purposes other than for fish meal reduction.

Amended by R.1989 d.394, effective July 17, 1989. See: 21 N.J.R. 107(a), 21 N.J.R. 2035(a).

Reference to Atlantic menhaden specifically and latin name (*Brevoortia tyrannus*) added for clarity.

Case Notes

Commercial fishing organization had no rights, under the privileges and immunities clause of the Constitution, which could be violated as a result of state regulations prohibiting fishing. *Ampro Fisheries, Inc. v. Yaskin*, 247 N.J.Super. 111, 588 A.2d 879 (A.D.1991), certification granted 126 N.J. 340, 598 A.2d 896, affirmed in part, reversed in part 127 N.J. 602, 606 A.2d 1099, certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

State regulation prohibiting fishing was within the scope of statute permitting regulation of fish and game. *Ampro Fisheries, Inc. v. Yaskin*, 247 N.J.Super. 111, 588 A.2d 879 (A.D.1991), certification granted 126 N.J. 340, 598 A.2d 896, affirmed in part, reversed in part 127 N.J. 602, 606 A.2d 1099, certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

State regulation prohibiting fishing did not constitute impermissible disparate treatment. *Ampro Fisheries, Inc. v. Yaskin*, 247 N.J.Super. 111, 588 A.2d 879 (A.D.1991), certification granted 126 N.J. 340, 598 A.2d 896, affirmed in part, reversed in part 127 N.J. 602, 606 A.2d 1099, certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

State regulation prohibiting fishing did not constitute impermissible use of "police power". *Ampro Fisheries, Inc. v. Yaskin*, 247 N.J.Super. 111, 588 A.2d 879 (A.D.1991), certification granted 126 N.J. 340, 598 A.2d 896, affirmed in part, reversed in part 127 N.J. 602, 606 A.2d 1099, certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

State regulation prohibiting fishing did not violate commercial fishing organization's rights under the commerce clause. *Ampro Fisheries, Inc. v. Yaskin*, 247 N.J.Super. 111, 588 A.2d 879 (A.D.1991), certification granted 126 N.J. 340, 598 A.2d 896, affirmed in part, reversed in part 127 N.J. 602, 606 A.2d 1099, certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

State regulation prohibiting fishing was valid under supremacy clause. *Ampro Fisheries, Inc. v. Yaskin*, 247 N.J.Super. 111, 588 A.2d 879 (A.D.1991), certification granted 126 N.J. 340, 598 A.2d 896, affirmed in part, reversed in part 127 N.J. 602, 606 A.2d 1099, certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

State regulation purporting to regulate fishing within Delaware Bay was severable from other regulations. *Ampro Fisheries, Inc. v. Yaskin*, 247 N.J.Super. 111, 588 A.2d 879 (A.D.1991), certification granted 126 N.J. 340, 598 A.2d 896, affirmed in part, reversed in part 127 N.J. 602, 606 A.2d 1099, certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

7:25-22.2 Purse seine fishing of Atlantic menhaden

(a) Persons licensed to fish for Atlantic menhaden with a purse seine or shirred net in the marine waters of New Jersey pursuant to N.J.S.A. 23:3-51 and N.J.S.A. 23:3-52 who are taking Atlantic menhaden for purposes other than bait, as provided in N.J.A.C. 7:25-22.3, shall be subject to the following:

1. Fishing, for the purpose of this section, shall be defined as having a purse seine in the marine waters of this State.

2. Fishing shall be restricted to the Atlantic Ocean, not closer than 1.2 nautical miles of any point along the shore, jetties or piers. It will be incumbent upon the captain of a purse seine vessel to determine the possibility of drifting inside the 1.2 nautical mile limit while fishing, before setting his or her net. Drifting into the 1.2 nautical mile restricted area along the shore, or around a jetty or pier, while fishing shall constitute a violation of this subchapter.

3. A person shall not fish on Saturdays, Sundays, and the days on which Memorial Day, Independence Day, Labor Day and Columbus Day are officially observed by the State of New Jersey.

4. All pump outlets, except normal engine cooling water, shall discharge below the vessel's water line.

5. All discharge from fish pumps must be treated with a United States Coast Guard approved anti-foaming agent.

6. No refuse, litter or garbage of any kind, or any quantity of dead fish shall be thrown overboard or released from the vessel or its net(s).

7. The licensee is responsible for cleaning up any fish, fish-parts, refuse, litter, or garbage of any kind which is released during any fishing operation or as a result of a fishing operation and must initiate such cleanup no later than 24 hours after the release begins. Upon the licensee's failure to initiate such cleanup within the 24 hour period, the Department may conduct the cleanup or arrange for the performance of the cleanup. In addition to any other penalties and remedies provided by law, the licensee shall be liable for all costs associated with such cleanup, including any administrative costs incurred by the Department. Such cleanup shall include, but not be limited to, the marine and estuarine waters of the State and adjacent beaches, shorelines and marshes.

8. No markers or buoys designating channels, crab pots, lobster pots, fish pots, or traps shall be disturbed by the act of fishing.

9. Persons subject to this subchapter shall notify the Division of Fish, Game and Wildlife's Marine Enforcement Office located at Nacote Creek, Star Route, Absecon, New Jersey when they intend to fish in State waters, by calling 609-441-3474. The notification shall be made both prior to and upon the completion of any fishing in State waters, by the Captain or his or her agent.

10. The possession of any fish, as defined at N.J.S.A. 23:2B-3e, other than Atlantic menhaden on a purse seine vessel harvesting menhaden is prohibited.

i. The simultaneous possession of Atlantic menhaden and any other fish, as defined at N.J.S.A. 23:2B-3e, and a purse seine, aboard a vessel of any person holding an Atlantic menhaden bait permit or any vessel conducting menhaden fishing operations, shall constitute prima facie evidence of a violation of this subchapter.

R.1984 d.315, effective July 10, 1984.

See: 16 N.J.R. 2171(a).

Adopted on an emergency basis, to expire September 10, 1984. Also concurrently proposed.

Readopted, R.1984 d.473, eff. October 15, 1984.

See: 16 N.J.R. 2171(a), 16 N.J.R. 2805(a).

Amended by R.1989 d.394, effective July 17, 1989.

See: 21 N.J.R. 107(a), 21 N.J.R. 2035(a).

Restrictions increased to 1.2 nautical miles; cleanup liability further defined and new (a)9-11 added.

Case Notes

Compact between New Jersey and Delaware did not prohibit New Jersey from unilaterally regulating fishing in territorial waters of New Jersey in Delaware Bay. *Ampro Fisheries, Inc. v. Yaskin*, 127 N.J. 602, 606 A.2d 1099 (1992), certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

New Jersey Marine Fishery Council had authority to regulate fishing state coastline. *Ampro Fisheries, Inc. v. Yaskin*, 127 N.J. 602, 606 A.2d 1099 (1992), certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

New Jersey regulations prohibiting fishing did not unconstitutionally discriminate against interstate commerce. *Ampro Fisheries, Inc. v. Yaskin*, 127 N.J. 602, 606 A.2d 1099 (1992), certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

Commercial fishing organization had no rights, under the privileges and immunities clause of the Constitution, which could be violated as a result of state regulations prohibiting fishing. *Ampro Fisheries, Inc. v. Yaskin*, 247 N.J.Super. 111, 588 A.2d 879 (A.D.1991), certification granted 126 N.J. 340, 598 A.2d 896, affirmed in part, reversed in part 127 N.J. 602, 606 A.2d 1099, certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

State regulation prohibiting fishing did not constitute impermissible disparate treatment. *Ampro Fisheries, Inc. v. Yaskin*, 247 N.J.Super. 111, 588 A.2d 879 (A.D.1991), certification granted 126 N.J. 340, 598 A.2d 896, affirmed in part, reversed in part 127 N.J. 602, 606 A.2d 1099, certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

State regulation prohibiting fishing did not constitute impermissible use of "police power". *Ampro Fisheries, Inc. v. Yaskin*, 247 N.J.Super. 111, 588 A.2d 879 (A.D.1991), certification granted 126 N.J. 340, 598 A.2d 896, affirmed in part, reversed in part 127 N.J. 602, 606 A.2d 1099, certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

State regulation prohibiting fishing did not violate commercial fishing organization's rights under the commerce clause. *Ampro Fisheries, Inc. v. Yaskin*, 247 N.J.Super. 111, 588 A.2d 879 (A.D.1991), certification granted 126 N.J. 340, 598 A.2d 896, affirmed in part, reversed in part 127 N.J. 602, 606 A.2d 1099, certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

State regulation prohibiting fishing was valid under supremacy clause. *Ampro Fisheries, Inc. v. Yaskin*, 247 N.J.Super. 111, 588 A.2d 879 (A.D.1991), certification granted 126 N.J. 340, 598 A.2d 896, affirmed in part, reversed in part 127 N.J. 602, 606 A.2d 1099, certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

State regulation prohibiting fishing was within the scope of statute permitting regulation of fish and game. *Ampro Fisheries, Inc. v. Yaskin*, 247 N.J.Super. 111, 588 A.2d 879 (A.D.1991), certification granted 126 N.J. 340, 598 A.2d 896, affirmed in part, reversed in part 127 N.J. 602, 606 A.2d 1099, certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

State regulation purporting to regulate fishing within Delaware Bay was severable from other regulations. *Ampro Fisheries, Inc. v. Yaskin*, 247 N.J.Super. 111, 588 A.2d 879 (A.D.1991), certification granted 126 N.J. 340, 598 A.2d 896, affirmed in part, reversed in part 127 N.J. 602, 606 A.2d 1099, certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

7:25-22.3 Taking of Atlantic menhaden for bait

(a) Persons licensed to fish for Atlantic menhaden (*Brevortia tyrannus*) with a purse seine or shirred net in the marine waters of New Jersey pursuant to N.J.S.A. 23:3-51 and N.J.S.A. 23:3-52, may apply between January 1 and March 1 for a permit for the purpose of taking Atlantic menhaden for bait purposes only.

1. All persons licensed to take Atlantic menhaden for bait purposes only shall keep, on forms furnished by the Division of Fish, Game and Wildlife's Bureau of Marine Fisheries, accurate records of the amount and location of Atlantic menhaden harvested. Forms are available from the Trenton Office of the Division of Fish, Game and Wildlife, Bureau of Marine Fisheries, 501 East State Street, Third Floor, Trenton, New Jersey 08625. These records shall be filed by the 10th day of each month with the Division of Fish, Game and Wildlife's Trenton office. If no Atlantic menhaden were harvested during the month, a report to that effect shall be provided to the Division of Fish, Game and Wildlife's Bureau of Marine Fisheries.

(b) Persons licensed to fish for Atlantic menhaden with a purse or shirred net in the marine waters of New Jersey, for the purpose of taking Atlantic menhaden for bait purposes only, shall be subject to the following:

1. Fishing, for the purpose of this section, shall be defined as having a purse seine in the marine waters of this State.

2. Fishing shall be restricted to not closer than 0.6 nautical miles of any point along the shore, jetties or fishing piers in the Atlantic Ocean and in that portion of the Delaware Bay south and east of a line from Fourteen Foot Light to Deadman Shoal Light (Bug Light) and thence to Dennis Creek Light. Fishing shall be restricted in Raritan Bay and Sandy Hook Bay, not closer than 0.3 nautical miles of any point along the shore, jetties or piers. It will be incumbent upon the captain of a purse seine vessel to determine the possibility of drifting inside the limit while fishing, before setting his or her net. Drifting into the restricted area along the shore or around a jetty or pier while fishing shall be considered a violation of this subchapter.

3. The maximum length overall of any vessel fishing under the provisions of this section shall be 90 feet.

4. Purse seine or shirred nets shall not exceed 150 fathoms in length.

5. A person shall not fish on Saturdays, Sundays, and the days on which New Year's Day, Martin Luther King's Birthday, Lincoln's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Day, Veteran's Day, Thanksgiving Day, Christmas Day are officially observed by the State of New Jersey.

6. Fishing shall be conducted only during the hours between sunrise and sunset.

7. Removal of fish from the purse seine shall be by brailing or dip netting only.

8. The possession of any fish, as defined at N.J.S.A. 23:2B-3e, other than Atlantic menhaden on a purse seine vessel harvesting Atlantic menhaden for bait is prohibited.

i. The simultaneous possession of Atlantic menhaden and any other fish, as defined at N.J.S.A. 23:2B-3e, and a purse seine, aboard a vessel of any person holding an Atlantic menhaden bait permit or any vessel conducting menhaden fishing operations, shall constitute prima facie evidence of the violation of this subchapter.

9. No refuse, litter or garbage of any kind, or any quantity of dead fish shall be thrown overboard or released from the vessel or its net(s).

10. The licensee is responsible for cleaning up any fish, fish-part, refuse, litter, garbage of any kind which is released during any fishing operation or as a result of a fishing operation and must initiate such cleanup no later than 24 hours after the release begins. Upon the licensee's failure to initiate such cleanup within the 24 hour period, the Department may conduct or arrange for the performance of the cleanup. In addition to any other penalties and remedies provided by law, the licensee shall be liable for all costs associated with such cleanup, including any administrative costs incurred by the Department. Such cleanup shall include, but not be limited to, the marine and estuarine waters of the State and adjacent beaches, shorelines and marshes.

11. No stakes, markers, or buoys designating channels, crab pots, lobster pots, fish pots, or traps, or staked leased shellfish grounds, shall be disturbed by the act of fishing.

12. Any vessel engaged in fishing for Atlantic menhaden for bait under the provisions of this section shall display, on both sides of the vessel amidship, a yellow capital letter "B" not less than five feet in height on a black square background not less than six feet on a side. For any vessel where the gunnel height is less than eight feet above the waterline at amidship, the ratio of height of the letter "B" to height (or width) of the square black background of the display shall remain in the same proportion, that is, 5:6, but may be reduced in size. In all cases, however, each side of the black background shall be no less than three-quarters of the height of the gunnel at amidship from the waterline.

R.1989 d.394, effective July 17, 1989.
See: 21 N.J.R. 107(a), 21 N.J.R. 2035(a).

Case Notes

Commercial fishing organization had no rights, under the privileges and immunities clause of the Constitution, which could be violated as a result of state regulations prohibiting fishing. *Ampro Fisheries, Inc. v. Yaskin*, 247 N.J.Super. 111, 588 A.2d 879 (A.D.1991), certification granted 126 N.J. 340, 598 A.2d 896, affirmed in part, reversed in part 127 N.J. 602, 606 A.2d 1099, certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

State regulation prohibiting fishing did not constitute impermissible disparate treatment. *Ampro Fisheries, Inc. v. Yaskin*, 247 N.J.Super. 111, 588 A.2d 879 (A.D.1991), certification granted 126 N.J. 340, 598 A.2d 896, affirmed in part, reversed in part 127 N.J. 602, 606 A.2d 1099, certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

State regulation prohibiting fishing did not constitute impermissible use of "police power". *Ampro Fisheries, Inc. v. Yaskin*, 247 N.J.Super. 111, 588 A.2d 879 (A.D.1991), certification granted 126 N.J. 340, 598 A.2d 896, affirmed in part, reversed in part 127 N.J. 602, 606 A.2d 1099, certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

State regulation prohibiting fishing did not violate commercial fishing organization's rights under the commerce clause. *Ampro Fisheries, Inc. v. Yaskin*, 247 N.J.Super. 111, 588 A.2d 879 (A.D.1991), certification granted 126 N.J. 340, 598 A.2d 896, affirmed in part, reversed in part 127 N.J. 602, 606 A.2d 1099, certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

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State regulation purporting to regulate fishing within Delaware Bay was severable from other regulations. *Ampro Fisheries, Inc. v. Yaskin*, 247 N.J.Super. 111, 588 A.2d 879 (A.D.1991), certification granted 126 N.J. 340, 598 A.2d 896, affirmed in part, reversed in part 127 N.J. 602, 606 A.2d 1099, certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

7:25-22.4 Vessel boarding

The operator of, or any other person on board, a fishing vessel subject to this subchapter, shall immediately comply with instructions and signals issued by any law enforcement officer and facilitate a safe boarding and inspection of the vessel, its gear, equipment, catch, and any area where fish may be stored, for the purpose of enforcement of this subchapter.

R.1989 d.394, effective July 17, 1989.
See: 21 N.J.R. 107(a), 21 N.J.R. 2035(a).

Case Notes

Commercial fishing organization had no rights, under the privileges and immunities clause of the Constitution, which could be violated as a result of state regulations prohibiting fishing. *Ampro Fisheries, Inc. v. Yaskin*, 247 N.J.Super. 111, 588 A.2d 879 (A.D.1991), certification granted 126 N.J. 340, 598 A.2d 896, affirmed in part, reversed in part 127 N.J. 602, 606 A.2d 1099, certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

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N.J. 340, 598 A.2d 896, affirmed in part, reversed in part 127 N.J. 602, 606 A.2d 1099, certiorari denied 113 S.Ct. 409, 121 L.Ed.2d 333.

SUBCHAPTER 23. PERMIT TO KILL WILD DEER

Subchapter Historical Note

Subchapter 23 was adopted as R.1985 d.250, effective May 20, 1985. See: 17 N.J.R. 350(b), 17 N.J.R. 1289(b).

7:25-23.1 Scope

This subchapter shall constitute the rules governing the killing of deer, reasonably believed to be causing damage to crops on lands under cultivation, which, absent these rules, would be proscribed by the State Game Code, N.J.A.C. 7:25-5. Provisions for this exception to the State Game Code appears therein at N.J.A.C. 7:25-5.31.

7:25-23.2 Purpose

These rules provide the owner or lessee of cultivated lands a permit to kill wild deer reasonably believed to be causing damage to seeded cultivated grasses or planted crops.

7:25-23.3 Construction

These rules shall be liberally construed to permit the Department and the division to effectuate the purpose of N.J.S.A. 23:4-42.

7:25-23.4 Definitions

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

“Agent” means the person designated on the permit as an authorized agent of the permittee and whose signature is affixed to the permit.

“Department” means the Department of Environmental Protection.

“Division” means the Division of Fish, Game and Wildlife.

“Lands under cultivation” means pasture fields seeded with cultivated grass or land on which planted crops are growing.

“Permit” means the Permit to Kill Wild Deer.

“Permittee” means the owner or lessee or any member of the immediate family thereof of lands under cultivation to whom a permit is issued by the Division.

“State Game Code” means the regulations providing for the management of game birds, game animals and fur-bearing animals promulgated by the Fish and Game Council pursuant to N.J.S.A. 13:1B-30 and appearing at N.J.A.C. 7:25-5.

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

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

Revised definition of “Permittee”.

7:25-23.5 Permit required; authorized permittee; agents

(a) No person shall hunt for, pursue, shoot at, take, kill, wound or attempt to take, kill or wound a deer of any description prohibited by the provisions of the State Game Code N.J.A.C. 7:25-5 or hunt for, pursue, shoot at, take, kill, wound, or attempt to take, kill, or wound any wild deer at any time except during the period permitted by the State Game Code, or kill in any one year more than the number of deer permitted by the State Game Code unless having on their person a current, valid permit to kill wild deer issued by the division.

(b) No person shall be issued the permit unless he or she is the owner or lessee of any land, at least five acres of which constitutes lands under cultivation.

(c) A permit for anticipated damage may be issued upon demonstration to the satisfaction of the Division of documented history of damage.

(d) Except as provided at (c) above, a person shall not be issued the permit unless and until he makes a reasonable showing to the Division, confirmed by a field investigation performed by Division personnel, of substantial deer-caused damage to seeded, cultivated grasses or planted crops. Under exigent circumstances, the permit may be issued for one day only without prior confirmation of necessity by field investigation; provided that within seven days thereafter a field investigation shall be performed by Division personnel. Should the Division then determine that conditions failed to warrant the issuance of the permit, no permit shall subsequently be issued to the same person without a prior field investigation confirming the necessity therefor.

(e) Any permittee or agent shall be in possession of the permit or a copy of the permit at all times when attempting to shoot deer.

(f) A permittee convicted of any two violations of any laws or regulations pertaining to hunting of this or any other state during a five-year period shall not be allowed to shoot deer pursuant to a permit for a period of two years from the date of such second conviction or of three years from the date of the latter of a third or subsequent conviction. A person convicted of any two violations of any law or regulation pertaining to fish, game and wildlife of this State or any other state during a five-year period shall not be allowed to be an agent for a period of two years from the date of such second conviction or three years from the date of the latter of a third or subsequent conviction.

1. A permittee killing deer under the permit on lands on which he does not reside must possess a New Jersey firearm purchaser identification card.

2. An agent killing deer on any land under the permit must possess a valid and proper New Jersey firearm hunting license and New Jersey firearm purchaser identification card.

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

Added new (c), redesignated existing (c) as (d) with stylistic changes. Deleted (d). Added new (e), redesignated existing (e) as (f) specifying permittee prohibitions from shooting deer based on convictions of fish and game laws or regulations. Added new (f)2.

7:25-23.6 Permit conditions

(a) The permittee and the agent shall adhere to the following conditions:

1. Conform with all Federal, State, and local statutes, rules, codes, and ordinances pertaining to the discharge of firearms;

2. Use only 10, 12, 16, or 20 gauge shotguns loaded with rifled slugs or 10 or 12 gauge buckshot to kill wild deer;

3. Firearms shall not be discharged from any vehicle;

4. Hunt or kill deer pursuant to the permit only on those lands of the permittee specified on the permit and only during those hours specified on the permit;

5. Display the permit to any person requesting visual inspection thereof and provide any Division representative access to the land under permit at any reasonable time;

6. Keep a daily record of hunting activity and deer mortality during the permit period and submit it to the Division upon request; failure to comply may be cause for revocation of the permit;

7. Deer killed pursuant to the permit shall not be sold or bartered by the permittee or the agent; however, the Division may authorize the permittee to keep for consumption one deer shot under permit annually for each separate, non-contiguous parcel of land under permit;

8. Deer killed pursuant to the permit may be donated by the permittee only as authorized by the division;

9. Dead deer disposal shall be the responsibility of the permittee and shall be effected in compliance with State and local statutes, rules, codes, and ordinances;

10. Dead deer shall be transported for disposal only as authorized by the division;

11. The permit shall expire as specified on the permit;

12. Within two weeks of the expiration of the permit, the permittee shall file with the division a written report

giving the date and sex of every deer killed under the permit;

13. Failure to comply with any of the provisions of this subchapter or requirements of a permit may be cause for denial of subsequent permits; and

14. Persons other than the permittee or agent are prohibited from assisting in any way in the shooting activities including, but not limited to, the driving of deer or the driving of a vehicle.

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

Substantive amendments assuring access by Division representative in (a)5 and mandating daily recording of hunting activity in (a)6. Permittee's deer allowance specified in (a)7. Added new (a)13 and 14.

7:25-23.7 Liability

The permittee shall assume all liability for any damage or injury caused while attempting to kill wild deer under the permit and shall keep, save, and hold the Division, the Department and the State of New Jersey harmless from loss from all claims, loss, liability, expense or damage in connection with the issuance of, and activities taken pursuant to, the permit.

7:25-23.8 Penalties

Pursuant to N.J.S.A. 23:4-48, any person violating any provision of this subchapter shall be liable to a penalty of not less than \$100.00 nor more than \$500.00 for the first offense and not less than \$300.00 nor more than \$1,000 for the second and each subsequent offense.

SUBCHAPTER 24. LEASING OF ATLANTIC COAST BOTTOM FOR AQUACULTURE

Subchapter Historical Note

Subchapter 24 was adopted as R.1989 d.502, effective September 18, 1989. See: 21 N.J.R. 1482(b), 21 N.J.R. 2963(a).

7:25-24.1 Scope and authority

This subchapter constitutes the rules of the Department of Environmental Protection governing the leasing of bottom on New Jersey's Atlantic Coast for the culturing of shellfish as authorized by N.J.S.A. 50:1-18 and 50:1-23 through 50:1-31. The objective of the leasing program is to provide bottom for use in the planting and cultivating of shellfish, including aquaculture (growout of hatchery reared seed) and layout (wet storage). If bottom will be used for cleansing (relay) activities, its use is subject to the requirements of N.J.A.C. 7:12-9.7 and 7:25-15.1 instead of this subchapter.

7:25-24.2 Construction

This subchapter shall be liberally construed to permit the Department to effectuate the purposes of N.J.S.A. 50:1-5 et seq.

7:25-24.3 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.

7:25-24.4 Definitions

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

“Bottom” means lands of the State under the tidal waters of the State except in the tidal waters of the Delaware River, Delaware Bay and their tributaries.

“Bureau” means the Bureau of Shellfisheries in the Division of Fish, Game and Wildlife.

“Commercial Shellfish License” means the commercial clam license required and available as specified in N.J.S.A. 50:2-1 to 50:2-5 and N.J.A.C. 7:25-8.1; or the oyster dredge boat license available as specified in N.J.S.A. 50:3-1 and N.J.A.C. 7:25A; or the oyster shucker, planter or dealer license available as specified in N.J.S.A. 50:3-20.11.

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

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

“Department” means the Department of Environmental Protection.

“Lessee” means that person or persons holding a lease of bottom to be exclusively used and enjoyed by the lessee for the planting and cultivating of shellfish, approved by a majority of the Council and approved and signed by the Commissioner.

“New ground” means bottom not leased as of September 18, 1989, and any leased bottom not subject to a valid lease after September 18, 1989.

“Overstaking” means the placement of stakes or buoys so as to delineate an area greater than that described in the lease.

“Productive” means a determination by the Bureau that the bottom surveyed exhibits significant natural recruitment of one or more shellfish species, as evidenced by one or more of the following factors: shellfish density, shellfish year class strength, presence of juvenile shellfish, size distribution of shellfish population, environmental parameters (such as salinity), and historical production record.

“Public bottom” means bottom not subject to a valid lease on which shellfish may be harvested by members of the public subject to the provisions of this subchapter and any other applicable statutes and regulations.

“Shellfish” means hard clams (*Mercenaria mercenaria*), soft clams (*Mya arenaria*), sea clams (surf clams) (*Macrura solidissima*, also known as *Spisula solidissima*) and oysters (*Crassostrea virginica*).

“Shellfish Certificate” means any of the classifications of licenses or certificates issued by the New Jersey Department of Health pursuant to N.J.A.C. 8:13.

“Staking” means the placement of stakes or buoys to mark the boundaries of a leased area.

7:25-24.5 Lease applications for new ground

(a) Lease applications for new ground shall be submitted in person, on forms provided by the Department, to:

Nacote Creek Shellfish Office
P.O. Box 418, Route 9
Port Republic, New Jersey 08241
(609) 441-3284

(b) An application for a shellfish lease for new ground may be submitted by any person who must meet the statutory requirements for leasing specified at N.J.S.A. 50:1-23 through 50:1-31, who, in the five years prior to making application, has not been convicted of violation of N.J.S.A. 50:4-3 or N.J.S.A. 58:24-3 or of any administrative rule promulgated pursuant to those statutory provisions, and who also satisfies the following requirements:

1. Holds a valid New Jersey Commercial Shellfish License; or
2. Holds a valid New Jersey Shellfish Certificate.

(c) The biological survey fee for a lease of new ground is \$15.00 per application, payable upon application.

(d) Except pursuant to (e) below, no single lease application for new ground shall cover more than two acres.

(e) An application for a single lease of new ground of more than two acres will be accepted only for those lots located within the interior of a block of leased lots, containing more than two acres but less than three acres, which have already been mapped by the Department as of September 18, 1989.

(f) An individual may have only a single lease application for new ground pending at any time. Once an individual's application is denied by the Council or granted by the Council and approved by the Commissioner, that individual may submit an additional lease application for new ground.

(g) Applications for leases of new ground in areas classified as Prohibited, Special Restricted, or Seasonal Special Restricted, as defined in N.J.A.C. 7:12, will not be accepted.

(h) Applications for leases of new ground in areas classified as Approved or Seasonal, as defined in N.J.A.C. 7:12, will be accepted subject to the provisions of this subchapter and N.J.S.A. 50:1-23.

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

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

Specification of prior violations of shellfish laws and administrative rules as basis for denial of lease in (b).

7:25-24.6 Consideration of lease applications for new ground

(a) Once the Department has received a fully completed lease application and biological survey fee, submitted by a person satisfying the requirements at N.J.A.C. 7:25-24.5(b), (d), (f) and (g), the Department shall consider the area of new ground applied for closed to use by the public and the applicant until the Council decides to deny the lease or until the applicant receives the executed lease from the Department.

(b) Once an applicant satisfying the requirements at N.J.A.C. 7:25-24.5(b), (d), (f), and (g) has submitted a fully completed lease application and biological survey fee to the Department, the applicant shall delineate the approximate boundary of the proposed lease area with temporary corner stakes or buoys marked with the applicant's last name, to enable the Bureau to conduct the biological survey specified in (c) below.

(c) Except as specified in (c)1 and 2 below, before the Council grants any lease application for new ground, the Bureau will conduct a biological survey to determine the shellfish productivity of the proposed lease area. If the applicant fails to place temporary stakes on the proposed lease area within six months of submitting the lease application, the Council shall automatically deny the application.

1. Any application to lease new ground in the area west of the exterior line delineated by lot numbers 2239, 2240, 2224, 2236.1, 2262.1, 2262, 2261, 2267, 2271, 2269, 2252, 2251, 2254, 2213.1, 2213, and 2282, on the Bureau's Section B, Chart 24.2, available for public inspection at the Nacote Creek Shellfish Office, in the region known as Dry Bay/Hammock Cove shall be exempt from the requirement of a biological survey and from payment of the biological survey fee.

2. Any application to lease new ground in the following areas will be exempt from the requirement of a

biological survey and from payment of the biological survey fee, provided, however, that after September 18, 1989 applications for new ground in the following areas will only be accepted from applicants who possess no other leases:

i. Big Creek (Great Bay) lot numbers: 398, 399, 400.1, 401.1, 402.1, 403.1, 404.1, 405.1, 406, 407.1, 408.1, 409.1, 410, 411.1, 412.1, on the Bureau's Section B, Chart 10, available for inspection at the Nacote Creek Shellfish Office; and

ii. Mordecai Island (Little Egg Harbor Bay) lot numbers: 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, on the Bureau's Section B, Chart 13.1, available for inspection at the Nacote Creek Shellfish Office.

(d) The leasing of new ground in areas classified as productive is discouraged.

1. Applications to lease new ground will not be accepted for the following productive areas, as delineated by the Bureau by reference to the National Oceanic and Atmospheric Administration Nautical Chart 12316 (23rd Ed., November 15/86), available for inspection at the Nacote Creek Shellfish Office:

- i. Cape Horn (Great Bay);
- ii. Goosebar (Little Egg Harbor Bay);
- iii. Lakes Bay; and
- iv. Sunflower Island.

2. For lease applications in all other areas, the Bureau will classify the productivity of the proposed lease area based on the results of the biological survey, and provide this information to the Council to aid the Council's evaluation of the lease application.

(e) Consideration of lease applications by the Council shall be governed by the following:

1. Upon completion of the biological survey, the Bureau shall place the application to lease new ground on the agenda, filed with the Secretary of State pursuant to N.J.S.A. 10:4-6 et seq., of the next regularly scheduled Council meeting for the Council's consideration;

2. At each regularly scheduled meeting, the Council will receive public comment on all lease applications on its agenda; and

3. The Council shall render a decision to deny a lease application or grant a lease application subject to approval by the Commissioner by the second regularly scheduled meeting after receiving public comment on the lease application.

(f) The applicant shall attend at least one of the Council meetings at which the lease application is discussed in order to answer any questions that the Council might have about the lease application. Failure to attend at least one of the Council meetings at which the lease application is discussed shall constitute grounds for denial of the lease application, and the area applied for shall revert to public bottom.

(g) Once the Council and the Commissioner have decided whether to grant or deny the lease application, the applicant shall remove any temporary corner stakes or buoys placed pursuant to (b) above. If a lease application is approved by the Council and the Commissioner, the lessee is subject to the staking requirements of N.J.A.C. 7:25-24.10 upon receiving the executed lease from the Department.

7:25-24.7 Hydrographic survey charges; annual lease fees

(a) Following approval of a lease of new ground by the Council and the Commissioner, the Bureau shall perform a hydrographic survey of the lease area described in the application to verify its location and boundaries. Before the Department issues an executed lease to the applicant, the applicant shall reimburse the Bureau for the expense of the hydrographic survey at the rate of \$30.00 per corner. Failure to reimburse the Bureau within 30 days of the Council's approval of the lease will constitute grounds for denial of the lease application, and the area applied for shall revert to public bottom.

(b) The annual lease fee for Atlantic coast shellfish leases is \$2.00 per acre for those areas measured in acres.

(c) The annual lease fee for Atlantic coast shellfish leases is \$2.00 per 100 linear feet of shoreline for those areas measured in linear feet of shoreline (Mullica River and tributaries, Motts Creek and tributaries).

(d) Notwithstanding (b) and (c) above, the minimum annual lease fee for any lessee leasing bottom on the Atlantic Coast is \$5.00.

Amended by R.1995 d.202, effective April 3, 1995.
See: 26 N.J.R. 3109(a), 27 N.J.R. 1405(a).

7:25-24.8 Lease renewal

(a) Lessees may renew their leases by submitting the annual lease fee in person at the Nacote Creek Shellfish Office by December 31 for the following calendar year. If illness or other extenuating circumstances prevent a lessee from renewing a lease by December 31, the Council in its discretion may extend the payment deadline by one month if an extension is requested by the lessee or the lessee's agent at the January Council meeting. If a lessee does not either renew the lease by the payment deadline or receive an extension of the payment deadline from the Council, the lease shall be terminated for non-payment after the January Council meeting and the area described in the terminated lease shall revert to the public bottom.

(b) Renewal of the lease is subject to the lessee's meeting all statutory criteria for leasing, specified at N.J.S.A. 50:1-23 through 50:1-31.

(c) Renewal of the lease is subject to the lessee's maintaining a valid Commercial Shellfish License or Shellfish Certificate.

(d) Renewal of the lease is subject to the lessee's not having been convicted in the year prior to renewal of any violation of N.J.S.A. 50:4-3 or N.J.S.A. 58:24-3 or of any administrative rule promulgated pursuant to those statutory provisions.

(e) At the time of renewal, the lessee shall file a completed report indicating the number of days the lease was worked during the past lease term. The Bureau will provide reporting forms to all lessees by September 15 of each year.

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

Added (d).

7:25-24.9 Lease transfers

(a) Leases may be transferred only with the approval of both the Council and the Commissioner and only under the following circumstances:

1. The new lessee shall meet all statutory criteria for leasing specified at N.J.S.A. 50:1-23 through 50:1-31, shall be the holder of a valid Commercial Shellfish License or a Shellfish Certificate and shall not have been convicted in the five years prior to the transfer of violation of N.J.S.A. 50:4-3 or N.J.S.A. 58:24-3 or any administrative rule promulgated pursuant to those statutory provisions;

2. The new lessee and the current lessee shall apply for the lease transfer in person at the Nacote Creek Shellfish Office;

3. A lease of new ground acquired through the application process shall not be transferred for a period of one year following the grant of the lease;

4. An application for a lease transfer shall be placed on the agenda of the next regularly scheduled Council meeting for consideration. At that meeting, the Council will receive public comment on the transfer application and shall render a decision to deny the lease application or shall grant the transfer application subject to approval by the Commissioner. A hydrographic survey of the lease area will be required only if the Council or the Department request at the Council meeting that the Bureau perform such a survey to verify the lease area location and/or boundaries; and

5. Following approval of a transfer by the Council and the Commissioner for which a hydrographic survey is requested by either the Council or the Department, the Bureau shall perform a hydrographic survey of the lease area described in the transfer application to verify its location and boundaries. Before the Department issues an executed lease to the new lessee, the new lessee shall reimburse the Bureau for the expense of the hydrographic survey at a rate of \$30.00 per corner. Failure to reimburse the Bureau within 30 days of the Council's approval of the transfer will constitute grounds for denial of the lease application, and the area applied for shall revert to public bottom.

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

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

Specification of prior violations of shellfish laws and administrative rules as basis for denial of lease in (a)1.

Amended by R.1995 d.202, effective April 3, 1995.

See: 26 N.J.R. 3109(a), 27 N.J.R. 1405(a).

7:25-24.10 Staking of leases

(a) All leases must be staked before working or by May 1 of each year, whichever occurs first, as specified below:

1. There shall be at least two stakes or buoys at each corner;
2. Line stakes or buoys shall be placed no greater than 150 feet apart so as to delineate a definite line between corners;
3. All stakes and buoys must project at least four feet above high water;
4. If the lessee of record holds leases for two or more adjacent leased areas, it is only necessary that the outside perimeter of the lessee's combined area be staked as specified in (a)1, 2 and 3 above; and
5. The above staking requirements do not apply where corner or line stakes or buoys would fall within a designated navigation channel. The placement of corner or line stakes or buoys within designated navigation channels is prohibited.

(b) Failure to stake leases as specified at (a) above before working or by May 1 of each year shall subject the violator to termination of the lease upon the recommendation of the Council and the approval of the Commissioner.

7:25-24.11 Improper staking of leases

(a) Any person who stakes an area for which he or she does not possess a valid lease or lease application shall be subject to the penalties prescribed in N.J.A.C. 7:25-24.17.

(b) If a survey by the Bureau of Shellfisheries reveals that a lease is overstaked the lessee shall be required to:

1. Pay the expense of the survey;
2. Pay a monetary penalty as provided in N.J.A.C. 7:25-24.17; and
3. Relocate corner and line stakes to their proper positions immediately.

(c) Failure to relocate corner or line stakes, or both, immediately upon notification of overstaking shall subject the violator to termination of the lease upon the recommendation of the Council and the approval of the Commissioner.

(d) More than one instance of overstaking shall subject the violator to termination of the lease upon the recommendation of the Council and approval of the Commissioner.

(e) Removal of a lessee's stakes or buoys by a person other than the lessee or the lessee's agent is prohibited. Violators shall be subject to the penalties prescribed in N.J.A.C. 7:25-24.17.

7:25-24.12 Protection of leased lands from invasion

A person shall not dredge upon, throw, cast or drag an oyster dredge, use oyster tongs, rakes, forks or other instruments or appliances used for catching oysters or clams, or tread for clams, upon any of the leased lands of the State lying under the tidal waters of the Atlantic seaboard or tributaries thereof, above Cape May Point, other than land or ground for which such person or his or her employer then holds a lease from the Council. Violators shall be subject to the penalties prescribed in N.J.A.C. 7:25-24.17.

7:25-24.13 Disposition of condemned lease areas

(a) Any bottom leased through the application process after September 18, 1989 and subsequently condemned for the harvest of shellfish pursuant to N.J.S.A. 58:24-1 et seq., as implemented by N.J.A.C. 7:12, shall be governed by the following:

1. The lessee shall be given a period of two years from the date the lease area was condemned during which time the lessee may move any shellfish present to a lease in approved water. To exercise the option to remove shellfish to approved waters, the lessee of a condemned lease area shall maintain a valid Commercial Shellfish License or Shellfish Certificate, and renew the lease if necessary, as specified in N.J.A.C. 7:25-24.8;
2. Prior to moving any shellfish, the lessee shall apply for and receive a special permit for this purpose, issued pursuant to N.J.S.A. 58:24-1 et seq., as implemented by N.J.A.C. 7:12, from the Division of Water Resources, Bureau of Marine Water Classification and Analysis;
3. During the two year period following the condemnation of a lease area, the lease shall not be transferred except by descent or distribution upon the death of the lessee, using the procedure in N.J.A.C. 7:25-24.9. The new lessee shall meet all criteria for the transfer of a lease specified in N.J.A.C. 7:25-24.9(a). A transfer occurring because of the lessee's death does not affect the two year period allowed for removal of shellfish; and
4. At the end of the two year period specified in (a) above, the lease shall be terminated. The lease shall not be renewed or extended unless the lessee demonstrates the need to continue the lease to the Council and the Commissioner. Grounds for extension of the lease may include illness. Failure to obtain a permit for transplanting shellfish shall not be grounds for extension of the lease.

7:25-24.14 Disposition of terminated lease areas

If a lease governed by this subchapter is terminated for any reason, the lease area shall be considered public bottom

available for harvesting or lease application provided not prohibited by this subchapter or other statutes or rules.

7:25-24.15 Research/educational activities

(a) The Council may grant, subject to the approval of the Commissioner, leases of new ground to educational institutions for the purpose of research or education, or both. Such leases shall be in the name of the institution and the responsible investigator.

(b) The application for a research/education lease shall be accompanied by a written proposal explaining the need for the lease and describing the research to be conducted.

(c) The holder of a research/education lease shall apply for annual lease renewal prior to December 31 of each year. Renewal of a research/education lease is contingent upon a written report on the use of the lease during the past lease term. The report shall explain the research and education activities conducted and the results obtained. In addition, a proposal for use of the lease for the coming year shall be submitted as part of the report.

(d) Applications, reports and proposals for research/education leases and research/education lease renewals shall be reviewed by Bureau staff who shall recommend to the Council and to the Commissioner whether to grant, renew or deny each lease for the purpose of research or education, or both.

(e) A lease issued for the purpose of research or education, or both, shall not be used as a commercial venture or profit making activity for any institution, investigator, student or any other person. Shellfish or other items obtained through a research/education lease shall not be sold under any circumstances.

(f) Leases for research/education purposes are subject to the provisions of this subchapter except as follows:

1. A commercial shellfish license or shellfish certificate is not required for obtaining or renewing the lease (see N.J.A.C. 7:25-24.5);

2. The Bureau will not conduct a biological survey unless requested by the Council. If the Bureau conducts a biological survey, a biological survey fee will not be charged unless requested by the Council in its discretion (see N.J.A.C. 7:25-24.6(c));

3. A lease fee will not be charged (see N.J.A.C. 7:25-24.7);

4. The Bureau will not conduct a hydrographic survey and will not charge a hydrographic survey fee; however the lessee shall follow the provisions of N.J.A.C. 7:25-24.10 concerning staking (see N.J.A.C. 7:25-24.7); and

5. The Council, with the approval of the Commissioner, may grant a research/education lease of more than two acres if, in the opinion of the Council, the written proposal accompanying the lease application justifies the need for the increased lease size.

(g) The lessee of record shall comply with all other provisions of this subchapter.

(h) Failure to comply with the specific provisions of this section may result in termination of the lease by the Council, with the approval of the Commissioner.

7:25-24.16 Signatories; certification

(a) All applicants shall, upon submission of initial or renewal applications, transfer applications, or annual 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. 7:25-24.17.

7:25-24.17 Penalties

Violations of any section of this subchapter, or any lease 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. The Department may compromise and settle any claim for a penalty under this subsection in such amount in the discretion of the Department as may appear appropriate and equitable under all the circumstances.