

CHAPTER 25

DIVISION OF FISH AND WILDLIFE RULES

Authority

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

Source and Effective Date

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

Executive Order No. 66(1978) Expiration Date

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

Chapter Historical Note

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

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

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

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

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

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SUBCHAPTER 1. GENERAL PROVISIONS

7:25-1.1 Scope

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

Case Notes

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

7:25-1.2 Construction

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

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

7:25-1.3 Practice where rules do not govern

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

7:25-1.4 Definitions

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

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

"Code" means the New Jersey Administrative Code.

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

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

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

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

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

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

7:25-1.5 License, permit and stamp fees

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

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

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

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

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

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

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

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

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

Lease and surveying fees deleted.

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

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

Section 1.5—Fee schedule—deleted.

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

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

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

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

7:25-1.6 (Reserved)

7:25-1.7 Penalties

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

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

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.
Sec: 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. 2001-2002 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).

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. 711(a), 15 N.J.R. 1247(b).
R.1985 d.419, effective August 19, 1985.
See: 17 N.J.R. 1177(a), 17 N.J.R. 2021(c).
R.1986 d.325, effective August 4, 1986.
See: 18 N.J.R. 1026(b), 18 N.J.R. 1566(a).
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).

See section annotations for subsequent revisions.

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. A copy of the official time table for Trenton is on file at the Office of Administrative Law and is available from that agency or the Division. Time tables for Trenton time are also 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 2000-2001 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 Supplemental Deer 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 Supplemental Deer Transportation Tag" will allow the hunter to continue hunting and take one additional deer subject to applicable sections of this Code. The transportation tag is completed and affixed to a deer immediately upon killing by the hunter.

7. "Traditional muzzleloader rifle" means a single shot, single barrel, side lock percussion or flintlock firearm with iron or peep sights and a wooden stock. In-line ignition, center hammer and under hammer muzzleloaders are not included in this definition. Scopes, Sabot slugs and jacketed projectiles are prohibited for the purposes of this definition.

8. An "antler point" is defined as at least one inch long from its tip to its base line, and the length must exceed the width at some location at least one inch down from the tip.

9. "Antler length" means the maximum length of a deer antler measured from the lowest outside edge of the antler burr along the outer curve to the most distant point of what is or appears to be the main antler beam. For the purposes of this definition, the antler length does not include the pedicel or portion of skull between the skull plate and base of the antler burr.

10. "Antlered deer" means any deer with at least one antler measuring at least three inches in length.

11. "Antlerless deer" means any deer which does not have any antler measuring at least three inches in length. For the purposes of this definition, shed antlered deer and deer with broken antlers which measure less than three inches are considered antlerless deer.

12. "Limited quota, special deer permits" means bow, muzzleloader or shotgun special deer seasons permits for management zones where a random drawing is required because demand for permits is expected to exceed the supply, and for special management areas including military bases, National Wildlife Refuges, State and county parks and other areas that require application or issuance of special deer permits through the Division.

13. "Antlered buck stub" means that part of a 2002 or later, firearm, bow and arrow or all-around sportsman license that must be surrendered with the completed deer transportation tag upon registration of an antlered deer at an official deer checking station.

14. "Youth Hunting License" means the free hunting license issued by the Division to persons 10 through 15 years of age upon the successful completion an approved hunter education course. The license is valid, unless revoked for due cause, from the time of issuance until December 31 of the year in which the youth attains the age of 16 years.

15. "Youth hunter" status applies to the possessor of the Youth Hunting License or the immediate family member of a qualified occupant farmer who is at least 10 years of age and continues until December 31 of the year in which he or she turns 16 years.

(e) For the purpose of this subchapter, "Trenton Office" shall mean the Bureau of Wildlife Management, Division of Fish and Wildlife, New Jersey Department of Environmental Protection, 501 East State Street, 5 Station Plaza, PO Box 400, Trenton, New Jersey 08625-0400.

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

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

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

In (b), inserted second sentence; and in (c), substituted "1996-97 Game Code" for "1995-96 Game Code"

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

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

In (c), changed Game Code year from 1996-97 to 1997-98; and in (d), deleted references to Deer Permits throughout.

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

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

In (c), changed date; and in (d), added 10 through 12.

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

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

In (c), substituted "1999-2000" for "1998-99"; and in (d), added 13 and 14.

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

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

Rewrote section.

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.

Hunter with four serious fish and game violations was not entitled to early restoration of hunting privileges where no extenuating circumstances existed. *Wulster v. Department of Environmental Protection*, 96 N.J.A.R.2d (EPE) 340.

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 of the pheasant season will be November 10–December 1, 2001, and December 10, 11, 13–31, 2001, and January 1–February 18, 2002; November 9–December 7, and December 16, 17, 19–31, 2002, and January 1–February 17, 2003; November 8–December 6, and December 15, 16, 18–31, 2003, and January 1–February 16, 2004; November 13–December 4, and December 13, 14, 16–31, 2004, and January 1–February 21, 2005; November 12–December 3, and December 12, 13, 15–31, 2005 and January 2–February 20, 2006.

(b) The daily bag limit is two pheasants of either-sex in Pheasant Hunting Zones 1 and 3 and on all wildlife management areas and on Lakehurst Naval Air Engineering Station. It shall be unlawful to take or attempt to take female pheasants elsewhere or to have female pheasants in possession afield other than prescribed above. The daily bag limit is two male pheasants in Pheasant Hunting Zone 2.

(c) The duration for the pheasant season for properly licensed persons engaged in falconry is September 1–December 1, and December 10, 11, 13–31, 2001, and January 1–March 30, 2002; September 25–December 7, and December 16, 17, 19–31, 2002, and January 1–March 31, 2003; September 1–December 6, and December 15, 16, 18–31, 2003, and January 1–March 31, 2004; September 1–December 4, and December 13, 14, 16–31, 2004, and January 1–March 31, 2005; and September 1–December 3, and December 12, 13, 15–31, 2005, and January 2–March 31, 2006.

(d) The hours for hunting pheasant on the opening day of the season are 8:00 A.M. to ½ hour after sunset. The hours for hunting pheasants on all other days on which pheasant hunting is legal are sunrise until ½ hour after sunset.

(e) Pheasant Hunting Zones are located as follows:

1. Pheasant Hunting Zone No. 1: That portion of Bergen, Morris, Passaic, Sussex and Warren Counties lying north of Route 80 from the Delaware River eastward to its convergence with Route 95 and continuing eastward on Route 95 to the Hudson River at Fort Lee.

2. Pheasant Hunting Zone No. 2: That portion of Burlington, Camden, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Somerset, Sussex and Warren Counties lying south of Route 80 from the Delaware River eastward to its convergence with Route 95 and continuing eastward on Route 95 to the Hudson River at Fort Lee, and north of the Ben Franklin Bridge on the Delaware River and Route 30 in Camden, then eastward on Route 30 to its intersection with Route 38, then east on Route 38 to its intersection with Route 70, then continuing eastward and northeast on Route 70 to its intersection with the Manasquan River near Brielle, then eastward along the Manasquan River to the Atlantic Ocean.

3. Pheasant Hunting Zone No. 3: That portion of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem Counties lying south of the Ben Franklin Bridge on the Delaware River and Route 30 in Camden, then eastward on Route 30 to its intersection with Route 38, then east on Route 38 to its intersection with Route 70, then continuing eastward and northeast on Route 70 to its intersection with the Manasquan River near Brielle, then eastward along the Manasquan River to the Atlantic Ocean.

(f) 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.

(g) The season for properly licensed semi-wild preserves is November 10, 2001–March 15, 2002; November 9, 2002–March 15, 2003; November 8, 2003–March 15, 2004; November 13, 2004–March 15, 2005; November 12, 2005–March 15, 2006, except that nothing contained herein shall preclude properly licensed and permitted persons between 10 and 15 years of age inclusive from hunting pheasant on the Saturday before the regular opening of the pheasant season, on semi-wild preserves licensed for pheasant. 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.

(h) 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).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

Amended dates of hunting season throughout; in (d), added seasons in Cumberland and Salem Counties; in (f), inserted provision relating to male pheasants in Cumberland and Salem Counties; and in (h), inserted provision relating to persons between 10 and 15 years of age. Amended by R.1998 d.408, effective August 3, 1998 (operative August 8, 1998).

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

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

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

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

Changed dates throughout; rewrote (a); inserted a new (b); recodified former (b) through (i) as (c) through (j); and in the new (f), inserted "½ hour before" following "hours are".

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

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

Changed dates throughout.

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

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

Rewrote section.

7:25-5.3 Cottontail rabbit (*Sylvilagus floridanus*), black-tailed jackrabbit (*Lepus californicus*), white-tailed jackrabbit (*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 10–December 1, 2001, and December 10, 11, 13–31, 2001, and January 1–February 18, 2002; November 9–December 7, and December 16, 17, 19, 31, 2002, and January 1–February 17, 2003; November 8–December 6, and December 15, 16, 18–31, 2003, and January 1–February 16, 2004; November 13–December 4, and December 13, 14, 16–31, 2004, and January 1–February 21, 2005; and, November 12–December 3, and December 12, 13, 15–31, 2005, and January 2–February 20, 2006.

(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–December 1, 2001, and December 10, 11, 13–31, 2001, and January 1–February 18, 2002; September 2–December 7, and December 16, 17, 19–31, 2002, and January 1–February 17, 2003; September 1–December 6, and December 15, 16, 18–31, 2003, and January 1–February 16, 2004; September 1–December 4, and December 13, 14, 16–31, 2004, and January 1–February 21, 2005; and September 1–December 3, and December 12, 13, 15–31, 2005, and January 2–February 20, 2006.

(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 8:00 A.M. to ½ hour after sunset on November 10, 2001; November 9, 2002; November 8, 2003; November 13, 2004; and November 12, 2005. 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 10, 2001–March 15, 2002; November 9, 2002–March 15, 2003; November 8, 2003–March 15, 2004; November 13, 2004–March 15, 2005; and November 12, 2005–March 15, 2006 inclusive, except that nothing herein contained shall preclude properly licensed and permitted persons between 10 and 15 years of age from hunting quail and/or chukar on the Saturday before the regular opening of the quail and chukar season on semi-wild preserves licensed for quail and/or chukar. 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).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

Amended dates of hunting season throughout; and in (e), inserted provision relating to persons between 10 and 15 years of age.

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

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

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

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

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

Changed dates throughout; and in (d), inserted "½ hour before" following "hours are".

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

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

Changed dates throughout.

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

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

Rewrote section.

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

(a) The duration of the season for the hunting of grouse is September 29–December 1, and December 10, 11, 13–31, 2001, and January 1–February 18, 2002; September 28–December 7, and December 16, 17, 19–31, 2002, and January 1–February 17, 2003; September 27–December 6, and December 15, 16, 18–31, 2003, and January 1–February 16, 2004; September 25–December 4, and December 13, 14, 16–31, 2004, and January 1–February 21, 2005; and September 24–December 3, and December 12, 13, 15–31, 2005, and January 2–February 20, 2006.

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

(c) The hunting hours for ruffed grouse are sunrise to ½ hour after sunset, except on November 10, 2001; November 9, 2002; November 8, 2003; November 13, 2004; and November 12, 2005 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).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

Amended dates of hunting season throughout.

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

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

In (a) and (c), changed season dates throughout.

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

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

Changed dates throughout; and in (c), inserted "½ hour before" following "grouse are".

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

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

Changed dates throughout.

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

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

Rewrote section.

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

(a) The duration of the season for the hunting of squirrels is September 29–December 1, and December 10, 11, 13–31, 2001, and January 1–February 18, 2002; September 28–December 7, and December 16, 17, 19–31, 2002, and January 1–February 17, 2003; September 27–December 6, and December 15, 16, 18–31, 2003, and January 1–February 16, 2004; September 25–December 4, and December 13, 14, 16–31, 2004, and January 1–February 21, 2005; and September 24–December 3, and December 12, 13, 15–31, 2005, and January 2–February 20, 2006.

(b) The duration of the season for the hunting of squirrels for properly licensed persons engaged in falconry is September 1–December 1, and December 10, 11, 13–31, 2001, and January 1–February 18, 2002; September 2–December 7, and December 16, 17, 19–31, 2002, and January 1–February 17, 2003; September 1–December 6, and December 15, 16, 18–31, 2003, and January 1–February 16, 2004; September 1–December 4, and December 13, 14, 16–31, 2004, and January 1–February 21, 2005; and September 1–December 3, and December 12, 13, 15–31, 2005, and January 2–February 20, 2006.

(c) Daily bag limit: Five squirrels. No season limit.

(d) Hunting hours for squirrels are sunrise to ½ hour after sunset, except on November 10, 2001; November 9, 2002; November 8, 2003; November 13, 2004; and November 12, 2005 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).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

Amended dates of hunting season throughout.

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

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

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

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

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

Changed dates throughout; and in (d), inserted "½ hour before" following "squirrels are".

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

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

Changed dates throughout.

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

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

Rewrote section.

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

(a) There is a closed season for black bear and bobcat. 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).

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

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

Rewrote the section.

Notice of stay of black bear hunting season.

See: 32 N.J.R. 3592(a).

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

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

Rewrote (a); deleted (b) through (g); recodified (h) as (b).

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

(a) The duration of the 2001 Fall Either-Sex Wild Turkey Hunting Season for Turkey Hunting Areas 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 20 shall include two separate hunting periods of three days each. The hunting periods shall be

October 29-31, 2001 and November 1-3, 2001. There shall be no fall turkey hunting in Turkey Hunting Areas 12, 14, 15, 16, 21 and 22 in 2001. The duration of the 2002 Fall Either Sex Wild Turkey Hunting Season for Turkey Hunting Areas 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 20 shall include a hunting period of six-days, including Monday, October 28-Saturday, November 2, 2002. There shall be no Fall Turkey Hunting in Turkey Hunting Areas 12, 14, 15, 16, 21 and 22 in 2002. The hunting periods for all 2002 Spring Wild Turkey Gobbler Season hunting areas shall be as set forth in (a)1 through 6 below as follows:

1. Hunting Period A: Monday, April 15-Friday, April 19, 2002, inclusive;
2. Hunting Period B: Monday, April 22-Friday, April 26, 2002, inclusive;
3. Hunting Period C: Monday, April 29-Friday May 3, 2002, inclusive;
4. Hunting Period D: Monday, May 6-Friday, May 10, 2002, inclusive;
5. Hunting Period E: Monday, May 13-Friday, May 17 and Monday, May 20-Friday May 24, 2002, inclusive;
6. Hunting Period G: Saturdays, April 20 and 27 and May 4, 11 and 18, 2002, inclusive.

(b) Bag Limit: The bag limit for the spring turkey hunting season is one male wild turkey with each special wild turkey, general turkey hunting, private land turkey hunting permit and with each special farmer turkey permit. Only one turkey may be taken in a given day. The bag limit for the fall season is one wild turkey of either-sex per permit.

(c) The hunting hours for wild turkey gobblers in the spring season shall be ½ hour before sunrise to noon daily. Hunting hours for the fall either sex turkey season shall be ½ hour before sunrise to ½ hour after sunset daily.

(d) Special wild turkey hunting permits are valid only during the hunting period designated and only in the designated turkey hunting area except that spring turkey hunting permits issued in the initial lottery period to applicants 10 to 16 years of age who have a valid youth hunting license will be valid for use during other spring turkey hunting periods provided that the permittee hunts in the turkey hunting area designated by the permit and is accompanied by and under the direct supervision of a properly licensed adult who is at least 21 years of age who is in possession of a valid turkey hunting permit for that turkey hunting period and the same turkey hunting area as the youth permittee. For the purposes of this section, direct supervision is defined as both the youth permittee and properly licensed adult set up together at the same location, hunting as a unit and not hunting independently of each other for different birds. Regardless of the number of hunting periods hunted by youth permittees, the season bag limit is one bird per permit. Permits are not transferable.

(e) Hunting methods shall be restricted to calling or stand hunting during the spring gobbler season. 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 for calling turkeys 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, except that fall hunters may rush turkeys for the purpose of causing the flock to scatter. No group of hunters larger than five individuals may hunt turkeys at any time. The use of dogs is prohibited in the spring gobbler season. No live or electronically operated decoys may be used. Fluorescent hunters orange is not required on outer clothing for turkey hunting. No shot size larger than No. 4 fine shot or smaller than No. 7½ 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 hunting turkeys shall not have in possession or control, a firearm or other weapon within 300 feet of a baited area during the turkey hunting seasons. 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 in the spring gobbler season or one wild turkey of either sex during the fall turkey season 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. Except as provided in (h)1 below, 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 and only one application per person may be submitted for the fall turkey season during the initial application period. Only one application per person may be submitted for a left over permit during the initial application period. All persons, while their hunting licenses are void under authority of law or as imposed by a court, 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 during the spring gobbler hunting season or by 7:00 P.M. on the day killed during the fall turkey season to secure the legal "possession tag." The possession of a wild turkey after 3:00 P.M. on the date killed during the spring gobbler season or 7:00 P.M. on the date killed during the fall season without a legal "possession tag" shall be deemed illegal possession.

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

1. Holders of valid and current firearm or archery hunting licenses, including juvenile licenses, shall apply by detaching from the hunting license the stub marked "Special 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. First time permit applicants who do not yet possess a valid hunting license may apply for a wild turkey hunting permit provided they have applied for a hunter education course prior to the permit application period and have provided such related information as may be required on the application. Application forms may be obtained from:

- i. License issuing agents;
- ii. Division of Fish and Wildlife, PO Box 400, Trenton, NJ 08625-0400;
- 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, current and valid firearm or archery hunting license number, social security 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 that are received in the Trenton office during the period of February 1-22, inclusive. Applications received after February 22 will not be considered for the initial drawing. Selection of permits will be by random drawing except that applicants 10-16 years of age who have a valid youth hunting license will receive a spring hunting season

permit for the hunting area and period applied for separate from the spring permit quota.

i. Application for the fall hunting season shall be made in conjunction with the spring season application procedures in a form as prescribed by the Division. Selection of permits shall be by random drawing except that applicants 10 to 16 years of age who have a valid youth hunting license shall receive a fall hunting season permit for the hunting area applied for separate from the fall permit quota, if the area is open for the fall turkey season.

4. Unless otherwise indicated, the permit fee in the form of a check or money order made payable to "Division of Fish 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 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 turkey permit for the spring season and the fall season. 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 Areas where a spring gobbler season is prescribed. Special farmer fall turkey permits will be issued only in those Turkey Hunting Areas where a fall turkey season is prescribed.

2. Application forms may be obtained from the Division of Fish and Wildlife, PO Box 400, Trenton, N.J. 08625-0400, or from Conservation Officers.

3. The application form shall be filled in to include: Name, age, address, social security number 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. There is no fee required and all qualified applicants will receive a Special Farmer Spring Turkey Permit or Special Farmer Fall 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) Turkey Hunting Permits and Special Farmer Turkey Permits shall be used as follows:

1. The turkey hunting permit is valid only in the turkey hunting area (THA) designated, during the time period designated, on the designated land ownership type (private land only or public and private land), and is not transferable. The turkey hunting permit hunter is responsible for hunting in the correct THA and time period as well as on the correct land ownership type (private land only or public and private land) as indicated and in ascertaining the boundaries. The Special Farmer Turkey Permit for the spring season is valid for all five turkey hunting periods and only on the farm designated on the application and is not transferable. The special farmer turkey permit for the fall season is valid for both hunting periods and only on the farm designated in the application and is not transferable.

2. The turkey hunting permit is not transferable from turkey hunting area to turkey hunting area, or from hunting period to hunting period, from land ownership type to land ownership type, from individual to individual or from farm to farm. The permit must be used in the Turkey Hunting Area, in the hunting period, on the proper land ownership type, 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 Spring Turkey Hunting Season Permit Quotas are as set forth in (k)1 below:

1. The 2002 Spring Turkey Hunting Season Permit Quotas are as follows:

Turkey Hunting Area Number	Hunting Period Permit Quota*	Season Permit Quota Total	Portions of Counties Involved
1	240	1,440	Sussex
2	315	1,890	Sussex, Warren
3	115	690	Sussex, Warren
4	240	1,440	Sussex, Warren, Morris
5	325	1,950	Sussex
6	500	3,000	Sussex, Passaic, Bergen
7	500	3,000	Sussex, Morris, Passaic
8	325	1,950	Warren, Hunterdon
9	220	1,320	Warren, Hunterdon, Morris
10	160	960	Essex, Middlesex, Morris, Somerset, Union
11	300	1,800	Middlesex, Mercer, Hunterdon, Somerset
12	175	1,050	Mercer, Middlesex, Monmouth
14	200	1,200	Burlington, Ocean, Monmouth
15	200	1,200	Burlington, Ocean, Atlantic
16	200	1,200	Burlington, Atlantic, Ocean, Cape May
20	500	3,000	Cumberland, Salem
21	240	1,440	Atlantic, Cumberland, Salem
22	120	720	Atlantic, Cape May, Cumberland
Total	4,875	29,250	

*Applied to each of the six Turkey Hunting Permit hunting periods (A, B, C, D, E, G) in all areas enumerated in (a)1 through 6 above.

(l) The Fall Turkey Hunting Season Permit Quotas are as follows:

FALL TURKEY HUNTING SEASON PERMIT QUOTAS 2001

Turkey Hunting Area Number	Hunting Period Permit Quota*	2001 Season Total	2002 Permit Quota**	Portions of Counties Involved
1	120	240	240	Sussex
2	140	280	315	Sussex, Warren
3	80	160	115	Sussex, Warren
4	120	240	240	Sussex, Warren
5	160	320	325	Sussex
6	200	400	500	Sussex, Passaic, Bergen
7	200	400	500	Sussex, Morris, Passaic
8	160	320	325	Warren, Hunterdon
9	105	210	220	Warren, Hunterdon, Morris
10	80	160	160	Essex, Middlesex, Morris, Somerset, Union
11	105	210	300	Middlesex, Mercer, Hunterdon, Somerset
20	175	350	500	Cumberland, Salem
Total	1,645	3,290	3,740	

*Applied to each of the Fall 2001 Turkey Hunting Permit hunting periods (H, I) in Turkey Hunting Areas 1-11 and 20, exclusively:

- i. Hunting Period H: October 29-31, 2001
- ii. Hunting Period I: November 1-3, 2001, inclusive;

**Applied to the single Fall 2002 Turkey Hunting Permit hunting period "N" of Monday, October 28-Saturday, November 2, 2002 in Turkey Hunting Areas 1-11 and 20, exclusively.

(m) 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.

(n) 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 Mashipacong 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.

(o) A special youth spring turkey-hunting day with shotgun or bow and arrow will be Saturday, April 13, 2002; Saturday, April 12, 2003; Saturday, April 10, 2004; Saturday, April 9, 2005; and Saturday, April 8, 2006, inclusive. Youth hunters must possess a current and valid Youth Hunting License and a valid permit for the hunting area. Youth hunters, 10 to 16 years of age, who qualify to hunt as provided for in (i) above must have a valid permit for the farm designated on the application. All youth hunters must be under the direct supervision of a non-hunting adult (21 years or older), who must possess a proper and valid firearm license if the youth is hunting with a shotgun; or a proper and valid bow and arrow license if the youth hunter is hunting with a bow and arrow. All other hunting requirements for the regular Spring Wild Turkey Gobbler Season shall apply.

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).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Administrative correction.

See: 29 N.J.R. 2175(a).

Incorporated former (b) into (a) and recodified former (c) through (o) as (b) through (n).

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

Amended dates of hunting season throughout; in (k), amended quotas in permit table; and in (l), added 1998 quotas to permit table. Amended by R.1998 d.408, effective August 3, 1998 (operative August 8, 1998).

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

In (a), change season dates; rewrote (d); in (h), changed the season date and added an exception at the end of 3; in (i), inserted new application requirement "social security number" and changed the due date in 3; in (k), changed season dates; and in (l), deleted 1997 quotas and inserted 1999 quotas.

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

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

Rewrote the section.

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

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

Rewrote the section.

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

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

Rewrote section.

7:25-5.8 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, 2001 through March 15, 2002; November 15, 2002 through March 15, 2003; November 15, 2003 through March 15,

2004; November 15, 2004 through March 15, 2005; and November 15, 2005 through March 15, 2006, inclusive, except on State Fish and Wildlife Management Areas.

2. Southern Zone: 6:00 A.M. on December 1, 2001 through March 15, 2002; December 1, 2002 through March 15, 2003; December 1, 2003 through March 15, 2004; December 1, 2004 through March 15, 2005; and December 1, 2005 through March 15, 2006, 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-March 15, 2002; January 1-March 15, 2003; January 1-March 15, 2004; January 1-March 15, 2005; and January 1-March 15, 2006, 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).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

In (b)1, 2, and 4, amended dates of trapping season.

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

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

In (b), changed season dates.

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

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

In (b), changed dates in 1, 2 and 4.

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

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

In (b), changed dates throughout.

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

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

Rewrote (b).

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 and Wildlife.

(b) The duration of the trapping season for beaver shall be January 1 through February 9, 2002, 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 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 October 15–November 15, annually. Unclaimed beaver permits may be issued over-the-counter. Applicants may apply for only one beaver trapping permit and shall provide their current and valid trapping license number. Successful applicants must trap with a valid, current trapping license. The 2002 Special Beaver Trapping Permit quota is as follows:

2002 SPECIAL BEAVER PERMIT QUOTAS		
Beaver Management Number	2002 Permit Quota	Portions of Counties Involved
1	7	Sussex
2	8	Sussex
3	6	Bergen, Morris, Passaic, Sussex
4	6	Sussex, Warren
5	6	Sussex, Warren
6	20	Morris, Passaic, Sussex, Warren
7	8	Essex, Morris, Passaic
8	7	Ocean
9	7	Burlington, Ocean
10	6	Atlantic, Burlington, Camden
11	5	Atlantic, Burlington, Ocean
12	4	Atlantic, Camden, Gloucester
13	2	Atlantic, Cape May, Cumberland
14	2	Atlantic, Cumberland, Gloucester, Salem
15	2	Cumberland, Salem
16	6	Atlantic, Burlington
17	5	Atlantic
18	3	Atlantic, Cape May
19	6	Hunterdon, Morris, Warren
20	3	Hunterdon, Morris
21	0	Hunterdon, Morris, Somerset
22	1	Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, Union
23	0	Bergen, Hudson, Passaic
24	1	Hunterdon, Mercer, Somerset
25	1	Burlington, Mercer, Middlesex, Somerset
26	1	Mercer, Middlesex, Monmouth
27	2	Monmouth, Ocean
28	4	Burlington, Mercer, Middlesex, Monmouth
29	4	Burlington, Camden, Gloucester
30	4	Camden, Cumberland, Gloucester, Salem
Total	137	

(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 20. 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 10 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).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

In (b), amended dates of trapping season; and in (c), amended dates of trapping season and amended permit zones.

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

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

In (b) and (c), changed season dates.

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

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

Changed dates throughout; in (c), changed Zone references; in (d), substituted “10” for “15” at the end of the second sentence; and in (e), substituted “10” for “five” following “trapping is”.

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

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

Changed dates throughout; in (c), added 2001 Special Beaver Trapping Permit Quotas; and in (d), increased the maximum number of permits from 10 to 20.

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

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

In (b), substituted “2002” for “2001”; rewrote (c).

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 and Wildlife.

(b) The duration of the trapping season for otter shall be January 1 through February 9, 2002 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 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 October 15–November 15 annually. Unclaimed otter permits may be issued over-the-counter. Only one application per person may be submitted for trapping otter and applicants shall provide their 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, Zone 19–1, Zone 20–1, Zone 26–1, Zone 27–1, Zone 30–5. Total 106. 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, Morris 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.

19. Zone 19: That portion of Warren, Morris and Hunterdon Counties lying within a continuous line beginning at the Delaware River at Route 46 north of Belvidere and continuing east on Route 46 to its intersection with Route 182 at Hackettstown; then south on Route 182 to its intersection with Route 517; then south along Route 517 (517/24) to Schooleys Mountain; then south on Pleasant Grove Road to Pleasant Grove; then southeast on Califon Road to its intersection with Sliker Road; then southeast on Sliker Road to its intersection with East Hill Road; then south on East Hill Road to its intersection with Route 628 at Woodglen; then southwest on Route 628 to its intersection with Route 645 at Glen Gardner; then northwest on Route 645 to its intersection with Route 635 at Hampton; then south on Route 635 (Charlestown Road) to its intersection with Route 78/22; then west on Route 78/22 to its intersection with Route 614 near Perryville; then southwest on Route 614 to its intersection with Route 519 at Spring Mills; then south on Route 519 to the Delaware River at Milford; then along the Delaware River to Route 46 north of Belvidere, the point of beginning.

20. Zone 20: That portion of Morris and Hunterdon Counties lying within a continuous line beginning at the intersection of Route 517 (517/124) and Pleasant Grove Road at Schooleys Mountain; then south on Pleasant Grove Road to Pleasant Grove; then southeast on Califon Road to its intersection with Sliker Road; then southeast on Sliker Road to its intersection with East Hill Road; then south on East Hill Road to its intersection with Route 628 at Woodglen; then southwest on Route 628 to its intersection with Route 645 at Glen Gardner; then northwest on Route 645 to its intersection with Route 635 at Hampton; then south on Route 635 (Charlestown Road) to its intersection with Route 78/22; then west on Route 78/22 to its intersection with Route 614 near Perryville; then southwest on Route 614 to its intersection with Route 519 at Spring Mills; then south on Route 519 to the Delaware River at Milford; then south on the Delaware River to the intersection of Route 29 and Route 523 at Stockton; then northeast on Route 523 to its intersection with Route 517 near Oldwick; then north on Route 517 to its intersection with Route 513 (513/24) at Long Valley; then northwest on Route 517 (517/124) to Schooleys Mountain, the point of beginning.

21. Zone 21: That portion of Hunterdon, Somerset and Morris Counties lying within a continuous line beginning at the intersection of Route 517 and Route 513 at Long Valley; then north and east along Route 513 to its intersection with Route 10; then east along Route 10 to its intersection with Route 287 at Malapardis; then southwest along Route 287 to its intersection with Route 525 (Mt. Airy Road); then south along Route 525 to its intersection with Route 22 near Bound Brook; then west along Route 22 to its intersection with Route 523 at Whitehouse; then north along Route 523 to its intersection with Route 517 near Oldwick; then north along Route 517 to Long Valley, the point of beginning.

22. Zone 22: That portion of Somerset, Union, Essex, Hudson, Middlesex, Morris, Passaic and Bergen Counties lying within a continuous line beginning at the intersection of the north shore of the Raritan River and the Garden State Parkway; then north on the Garden State Parkway to its intersection with Route 440; then west on Route 440 to Route 287; then west on Route 287 to its intersection with Route 22; then east on Route 22 to its intersection with Route 525 (Thompson Avenue) near Bound Brook; then north on Route 525 to its intersection with Route 287; then north on Route 287 to its intersection with Route 80; then east along Route 80 to Exit 53 and its intersection with Route 46; then east on Route 46 to its intersection with Route 3; then southeast on Route 3 to the Hudson River at the Lincoln Tunnel; then south along the New Jersey shore of the Hudson River to the Kill Van Kull; then west along the New Jersey shore of the Kill Van Kull to Newark Bay; then west following the New Jersey boundary along Newark Bay; then south along the Arthur Kill following the New Jersey boundary to Raritan Bay; then west along the north shore of the Raritan River to the point of beginning at the Garden State Parkway.

23. Zone 23: That portion of Bergen, Passaic and Hudson Counties lying within a continuous line beginning at the intersection of Route 202 and the New York/New Jersey border; then southwest on Route 202 to its intersection with Route 23; then south on Route 23 to its intersection with Route 46 at Route 80 Exit 53; then east on Route 46 to its intersection with Route 3; then southeast on Route 3 to the Hudson River at the Lincoln Tunnel; then north along the Hudson River to the New York/New Jersey border; then northwest along the New York/New Jersey border to Route 202, the point of beginning.

24. Zone 24: That portion of Hunterdon, Mercer and Somerset Counties lying within a continuous line beginning at the Delaware River near the intersection of Route 29 and Route 523 at Stockton; then northeast on Route 523 to its intersection with Route 22; then east on Route 22 to its intersection with Route 206; then south on Route 206 to its intersection with Route 295 near Lawrenceville; then west on Route 295 to Route 95; then west on Route 95 to the Delaware River; then north along the Delaware River to Stockton, the point of beginning.

25. Zone 25: That portion of Somerset, Middlesex, Mercer and Burlington Counties lying within a continuous line beginning at the Delaware River at the confluence of Black Creek at Bordentown; then eastward along Black Creek to the point at which Black Creek intersects Route 130; then northeast on Route 130 to its intersection with Route 1; then northeast on Route 1 to its intersection with Route 287; then west on Route 287 to its intersection with Route 22; then west on Route 22 to its intersection with Route 206; then south on Route 206 to its intersection with Route 295 near Lawrenceville; then west on Route 295 to Route 95; then west on Route 95 to the Delaware River; then south along the Delaware River to Bordentown, the point of beginning.

26. Zone 26: That portion of Mercer, Middlesex and Monmouth Counties lying within a continuous line beginning at the intersection of the north shore of the Raritan River and the Garden State Parkway; then north on the Garden State Parkway to its intersection with Route 440; then west on Route 440 to Route 287; then west on Route 287 to its intersection with Route 1; then southwest on Route 1 to its intersection with Route 130; then south on Route 130 to its intersection with Route 33 at Hightstown; then east on Route 33 to its intersection with Route 537; then northeast on Route 537 to its intersection with Route 79 at Freehold; then north on Route 79 to its intersection with Lloyd Road at Morganville; then north on Lloyd Road to Broadway in Keyport; then north on Broadway to the Matawan Creek confluence with the Raritan Bay; then northwest along the New Jersey shoreline to the Raritan River intersection with the Garden State Parkway, the point of beginning.

27. Zone 27: That portion of Monmouth and Ocean Counties lying within a continuous line beginning at the Atlantic Ocean at Route 528 at Mantoloking; then west on Route 528 (527/528) to its intersection with Route 195 near Jackson Mills; then west on Route 195 to its intersection with Route 537 near Holmeson; then northeast on Route 537 to its intersection with Route 79 at Freehold; then north on Route 79 to its intersection with Lloyd Road at Morganville; then north on Lloyd Road to Broadway in Keyport; then north on Broadway to the Matawan Creek confluence with the Raritan Bay; then southeast along the New Jersey coastline of the Atlantic Ocean at Raritan Bay; then south along the New Jersey coastline of the Atlantic Ocean to Mantoloking, the point of beginning.

28. Zone 28: That portion of Mercer, Middlesex, Monmouth and Burlington Counties lying within a continuous line beginning at the Delaware River at the confluence of Black Creek at Bordentown; then eastward along Black Creek to the point at which Black Creek intersects Route 130; then northeast on Route 130 to its intersection with Route 33 at Hightstown; then east on Route 33 to its intersection with Route 537; then south on Route 537 to its intersection with Route 206 at Chambers Corner; then south on Route 206 to its intersection with Route 530 (Pemberton Road); then northwest on Route 530 to its intersection with Route 541 at Mt. Holly; then north on Route 541 to the Delaware River at Burlington; then north on the Delaware River to Bordentown, the point of beginning.

29. Zone 29: That portion of Burlington, Camden and Gloucester Counties lying within a continuous line beginning at the Delaware River at Route 541 in Burlington; then southward following the Delaware River to Route 30 at Camden; then east along Route 30 to its intersection with Route 30; then south along Route 130 to its intersection with Route 76; then south along Route 76 to its intersection with Route 42; then southeast along Route 42 to its intersection with Spur 536 (Williamstown-Mt. Freedom Road) at Williamstown; then northeast along Spur 536 to its intersection with Route 73 near Berlin; then north along Route 73 to its intersection with Route 70 at Marlton; then east on Route 70 to its intersection with Route 541 at Medford; then southeast on Route 541 to its intersection with Route 532 at Medford Lakes; then east on Route 532 to its intersection with Route 206; then north on Route 206 to its intersection with Route 530 (Pemberton Road); then northwest along Route 530 to its intersection with Route 541 at Mt. Holly; then north along Route 541 to the Delaware River at Burlington, the point of beginning.

30. Zone 30: That portion of Camden, Cumberland, Gloucester and Salem Counties lying within a continuous line beginning at the intersection of the Delaware River and Route 30 at Camden; then east along Route 30 to its intersection with Route 130; then south on Route 130 to its intersection with Route 76; then south on Route 76 to its intersection with Route 42; then southeast on Route 42 to its intersection with Spur 536 near Williamstown; then south on Spur 536 to its intersection with Route 322 (322/536) at Williamstown; then west on Route 322/536 to its intersection with Route 553 at Glassboro; then south on Route 553 to its intersection with Route 540 at Centerton; then west on Route 540 to its intersection with Route 32; then west on Route 32 to its intersection with Route 49; then northwest along Route 49 to its intersection with Route 625 at Salem; then west on Route 625 to its intersection with the Delaware River at Oakwood Beach; then northward along the Delaware River to Route 30 at Camden, 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).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

In (b), amended dates of trapping season; in (c), amended dates of trapping season and amended and added permit zones; and added (h)19 through 30.

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

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

In (b) and (c), changed season dates.

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

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

In (b) and (c), changed dates throughout.

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

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

In (b) and (c), changed dates.

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

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

In (a), deleted last sentence; in (b), changed dates; in (c), substituted "annually" for "2000" and inserted sentence following annually; in (h)3, inserted "Morris" and in (h)30, inserted "Cumberland".

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, 2001 to March 15, 2002; November 15, 2002 to March 15, 2003; November 15, 2003 to March 15, 2004; November 15, 2004 to March 15, 2005; and November 15, 2005 to March 15, 2006, 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-March 15, 2002; January 1-March 15, 2003; January 1-March 15, 2004; January 1-March 15, 2005; and, January 1-March 15, 2006, 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).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

In (b) and (c), amended dates of trapping season.

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

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

In (b) and (c), changed season dates.

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

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

In (b) and (c), changed dates throughout.

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

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

In (b) and (c), changed dates.

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

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

In (b) and (c), changed trapping season dates.

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 inner 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 or when set for mink and muskrat as provided in this subsection, 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. Mink and muskrat body gripping snares must be constructed of aircraft cable or crucible wire measuring 1/32, 3/64 or 1/16 inches in diameter, equipped with a swivel and set within 50 feet of the mean high water line.

3. Except when submerged underwater or when set for mink and muskrat as provided in this subsection, no body gripping snare shall be set, used, or maintained with a loop diameter average (arithmetic mean) greater than eight inches. Mink and muskrat body gripping snares must be equipped with a stop to prevent the average (arithmetic mean) diameter of the loop opening from exceeding four inches.

4. Except when set for mink and muskrat as provided in this subsection, 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. No mink or muskrat body gripping snare must be set, used or maintained with a distance between the ground or walking surface to the top of the loop greater than seven inches.

5. Except when submerged underwater or when set for mink and muskrat as provided in this subsection, 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. Mink and muskrat body gripping snares must be equipped with a stop to prevent the average (arithmetic mean) diameter of the loop opening from exceeding four inches.

(g) All natural baits consisting of fish, bird or mammal carcasses or flesh used in trapping with body gripping restraining snares must be covered or concealed from view except when placed or located at a distance of 30 feet or greater from any set snare.

(h) 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).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

In (h), substituted "Legally" for "Except on Sunday, legally".

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 opening day of the regular small game season including November 10, 2001; November 9, 2002; November 8, 2003; November 13, 2004; and November 12, 2005, 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 current 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 current hunting season. Effective September 1, 1998, anyone engaged in hunting migratory birds including waterfowl, woodcock, mourning doves, rails and gallinules must comply with the rules of the Migratory Bird Harvest Information Program as specified in 50 C.F.R. Part 20.20 Migratory Bird Harvest Information Program; Final Rule, incorporated herein by reference, wherein licensed hunters are required to supply their names, addresses, and migratory bird harvest information to the hunting license authority of the state in which they hunt. Hunters are required to have evidence of participation in the Migratory Bird Harvest Information Program on their person while hunting migratory game birds. Evidence of participation shall include a code number the hunter will enter on his or her valid hunting license. The code number will be obtained via a telephone interview utilizing a toll free number provided by the Division.

(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) 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 current hunting season.

(h) 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 swan is established by Federal regulations, the special swan hunting area shall be the counties of Burlington, Cumberland and Salem. The September Canada Goose hunting area shall be that portion of the State designated by Federal regulations. The late season Canada goose hunting areas shall be that portion of the State established by Federal regulations.

(i) Valid and signed 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.

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

(k) 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.

(l) 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 except as may be provided for by Federal regulations;
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 for snow geese as provided for by Federal regulations and for 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. 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 10, 2001; November 9, 2002; November 8, 2003; November 13, 2004; and November 12, 2005. 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 current 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 T (.200 inch) fine shot for other forms of non-toxic shot authorized by Federal regulations;

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.

(m) Seasons and bag limits are as follows:

1. Mourning dove (*Zenaida macroura*) are protected. There will be no open season on these birds during 2000-01.

2. The duration of the season and bag limits for hunting clapper rail (*Rallus longirostris*), Virginia rail (*Rallus limicola*), sora rail (*Porzana carolina*), common gallinule or moorhen (*Gallinula chloropus*) and woodcock (*Philohela minor*) are as prescribed by the Code of Federal Regulations by the U.S. Department of the Interior, U.S. Fish and Wildlife Service for the current hunting season.

(n) 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 10, 2001; November 9, 2002; November 8, 2003; November 13, 2004; and November 12, 2005 when the hunting hours are 8:00 A.M. to sunset.

(o) 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.

(p) 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).

(q) 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.

(r) 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).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

Amended dates of trapping season throughout; and in (c), added provision relating to migratory bird hunters effective September 1, 1998.

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

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

In (a), (c), (h), and (m) through (o), changed season dates.

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

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

Changed dates throughout; rewrote (i); in (m), added an exception at the end of 1, inserted an exception relating to snow geese in 7, and deleted ", with or without knowledge that the area is baited" at the end of the first sentence in 9; and in (o)3, inserted "½ hour before" following "woodcock are".

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

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

Changed dates throughout; deleted a former (g); and recodified former (h) through (s) as (g) through (r).

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

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

Rewrote section.

7:25-5.14 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 bismuth pellets or other non-toxic shot not larger than T (.200 inch) 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.

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

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 6, 2001 through March 16, 2002; August 5, 2002 through March 15, 2003; August 11, 2003 through March 20, 2004; August 9, 2004 through March 19, 2005; and August 8, 2005 through March 18, 2006, or as otherwise prescribed by the Code of Federal Regulations by the U.S. Department of the Interior, U.S. Fish and Wildlife Service for the current hunting season inclusive, except closed during the six-day firearm deer season on December 3-8, 2001; December 9-14, 2002; December 8-13, 2003; December 6-11, 2004; and December 5-10, 2005.

(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 10, 2001; November 9, 2002; November 8, 2003; November 13, 2004; and November 12, 2005, 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).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

In (a) and (c), amended dates of hunting season.

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

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

In (a) and (c), changed the season dates.

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

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

In (a) and (c), changed dates throughout; and in (c), inserted "½ hour before" following "shall be".

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

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

Rewrote (a); and in (c), deleted "1/2 hour before" following "shall be", and changed date.

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

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

Rewrote (a) and (c).

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 third 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 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 and Wildlife in writing 10 days after his or her 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 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 or her reasons for his or her refusal to the N.J. Division of Fish 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 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 and Wildlife.

(4) A permittee may not take, transport or possess as part of his or her three bird limitation, more than one raptor listed as threatened on U.S. Department of the Interior or New Jersey Division of Fish and Wildlife list and then only in compliance with all Federal requirements and written permission from the New Jersey Division of Fish 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.

(6) A Federal permit is required for master falconers engaged in raptor propagation, sale, purchase or barter.

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.

(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.

iii. Non-residents of New Jersey who possess Federal falconry permits or falconry permits issued by states designated as a participant in the joint Federal/state falconry permit system may request permission to take or attempt to take a raptor for falconry purposes by writing to the Division. Non-resident falconers attempting to take raptors in New Jersey for falconry purposes must possess written authorization from the Division and a valid non-resident firearm hunting license.

(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 or attempting to take 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 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.

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

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

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

Neutralized gender references throughout.

7:25-5.17 Raccoon (*Procyon lotor*) and Virginia opossum (*Didelphis virginiana*) hunting

(a) Except as noted in (c) below, the duration for the season of hunting raccoons and Virginia opossum is: October 1, 2001 to March 1, 2002; October 1, 2002 to March 1, 2003; October 1, 2003 to March 1, 2004; October 1, 2004 to March 1, 2005; and October 1, 2005 to March 1, 2006, inclusive. The hours for hunting are one hour after sunset to one hour before sunrise, except on opening days hunting may begin at one hour after sunset.

(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 or on the Wednesday, shotgun permit deer season, immediately following the six-day firearm deer season.

(d) A person shall not train a raccoon or opossum dog other than during the period from September 1-30, inclusive, and from March 2-May 1, inclusive. 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).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

In (a) and (d), amended dates of hunting season.

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

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

In (a) and (d), changed season dates.

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

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

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

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

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

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

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

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

Rewrote (a), (c), and (d).

7:25-5.18 Woodchuck (*Marmota monax*) hunting

(a) Duration for the hunting of woodchucks with a rifle including a muzzleloading rifle is March 1 through September 25, 2002; March 1 through September 24, 2003; March 1 through September 29, 2004; March 1 through September 28, 2005; and March 1 through September 27, 2006. 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 $\frac{1}{2}$ hour before sunrise to $\frac{1}{2}$ 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).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

In (a), amended dates of hunting season.

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

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

In (a), changed season dates.

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

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

In (a), changed dates throughout; and in (b), inserted " $\frac{1}{2}$ hour before" following "shall be".

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

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

In (a), changed dates.

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

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

In (a), deleted "in this State" and changed dates.

7:25-5.19 Red fox (*Vulpes vulpes*), gray fox (*Urocyon cinereoargenteus*) and coyote (*Canis latrans*) hunting

(a) The duration of the red fox, gray fox, and coyote hunting season is as follows:

1. Bow and Arrow Only: September 29–November 9, 2001; September 28–November 8, 2002; September 27–November 7, 2003; October 2–November 12, 2004; and October 1–November 12, 2005.

2. Firearm or Bow and Arrow: November 10, 2001–February 18, 2002; November 9, 2002–February 17, 2003; November 8, 2003–February 16, 2004; November 13, 2004–February 21, 2005; and November 12, 2005–February 20, 2006.

(b) The use of dogs shall not be allowed for fox and coyote hunting during the bow and arrow only, fox and coyote season listed in (a)1 above and during the six-day firearm deer season or on the Wednesday, shotgun permit season day, immediately following the six-day firearm deer season. Properly licensed persons hunting deer during the six-day firearm, muzzleloader rifle permit or shotgun permit deer seasons may kill fox or coyote, if the fox or coyote is encountered before said person has taken the season bag limit of deer. However, after the person has taken a daily bag limit of deer he or she must cease hunting immediately.

(c) The hours for hunting fox and coyote are 8:00 A.M. to ½ hour after sunset on the opening day of the firearm or bow and arrow coyote season listed in (a)2 above and on other days from ½ hour before sunrise to ½ hour after sunset, except as noted for coyote in (f) below.

(d) There is no bag limit for fox.

(e) The duration of the special eastern coyote hunting season is February 1–18, 2002; February 1–17, 2003; February 2–16, 2004; February 1–21, 2005; February 1–20, 2006 and it is open Statewide.

(f) The hours for the hunting of coyote during the special eastern coyote hunting season listed in (e) above are ½ hour before sunrise to ½ hour after sunset, except as noted in (h) below which allows coyote hunting at night between ½ hour after sunset and ½ hour before sunrise.

(g) The daily bag limit for coyote hunting is two.

(h) During the period of special eastern coyote hunting season listed in (e) above, exclusively, coyote hunting methods shall be restricted to calling and stand hunting. No person shall stalk or attempt to approach a coyote for the purpose of taking or attempting to take the animal. A coyote calling device must be in possession while coyote hunting. The use of dogs or bait is prohibited. Portable lights are permitted. Fluorescent hunters orange is not

required on outer clothing for coyote hunting during the special eastern coyote hunting season. A special eastern coyote hunting season permit is required from the Division. Permits shall be applied for as follows:

1. A three inch by five inch index card containing the applicants name, mailing address, date of birth and evening phone number must be submitted to the Division of Fish and Wildlife, PO Box 400, Trenton, NJ 08625-0400, between October 15 and November 15 annually. Applicants shall write coyote hunting season at the bottom of the card. In addition, nothing in this subsection shall preclude the Division from taking application for and providing issuance of coyote hunting permits at subsequent times, upon notice of the dates and procedures thereof by the Division. Such notification shall be announced by press and/or radio.

(i) During the special eastern coyote hunting season listed in (e) above, exclusively, coyotes may be hunted with bow and arrow, shotgun and single barrel muzzleloader rifles between ½ hour before sunrise to ½ hour after sunset. Compound bows must have a minimum peak weight of 35 pounds. All other bows must have a minimum draw pull weight of 35 pounds. Shotguns shall be no smaller than 12 gauge nor larger than 10 gauge. No shot size larger than #2 fine shot or smaller than #4 fine shot shall be used for coyote hunting with shotgun. Muzzleloader rifles shall be no less than .44 caliber. Smoothbore muzzleloaders shall be single barreled. Between ½ hour after sunset and ½ hour before sunrise, only 10 or 12 gauge shotguns and #2 or #4 fine shot may be used.

(j) Any coyote killed by a coyote permit holder shall be reported to a Division regional law enforcement office within 48 hours. Callers shall identify themselves by name and phone number.

(k) 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).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

Amended dates of hunting season throughout; and in (j)1, added last two sentences, relating to issuance of permits at subsequent times. Amended by R.1998 d.408, effective August 3, 1998 (operative August 8, 1998).

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

In (a), (e) and (j), changed season dates.

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

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

Changed dates throughout.

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

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

Changed dates throughout; in (a) through (c), inserted references to coyotes and coyote hunting throughout; in (h), added "During the period of February 1 through February 19, 2001, exclusively;" at the beginning, and added "during the special eastern coyote hunting season" at the end; in (i), added "During the special eastern coyote hunting season," at the beginning; deleted former (j); and recodified former (k) and (l) as (j) and (k).

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

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

Changed dates throughout; rewrote (b), (c), (f), (h) and (i).

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 the day preceding the opening of the regular small game season, including November 9, 2001; November 8, 2002; November 7, 2003; November 12, 2004; and November 11, 2005.

(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).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

Amended dates when dogs may not be exercised.

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

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

In (a), changed the season date.

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

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

In (a), changed date at the end.

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

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

In (a), changed date at the end.

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

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

In (a), substituted "the day preceding the opening of the regular small game season, including November 9, 2001; November 8, 2002; November 7, 2003; November 12, 2004; and November 11, 2005" for "November 10, 2000".

7:25-5.21 Squirrel (*Sciurus spp.*), raccoon (*Procyon lotor*), opossum (*Didelphis virginianus*), skunk (*Mephitis mephitis*), weasel (*Mustela spp.*) and 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.

(b) 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.

(c) 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.

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

7:25-5.22 Wild animals; 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 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) No person shall have in possession a deer, bear or turkey that he himself or she herself did not kill unless it has a tag bearing the name, address, telephone number, license and permit numbers of the person who killed the deer, bear or turkey.

1. Those in the business of processing deer, bear or turkey, that is butchers, taxidermists, etc., shall keep a ledger of all of their customers. Each customer's name, current address, day and evening telephone number, hunting license number and the possession seal number of any black bear, deer or turkey being processed shall be included in the ledger. This ledger shall be made available for inspection upon request made during the hours of 9:00 A.M. to 5:00 P.M. by any law enforcement officer or employee of the Division of Fish and Wildlife.

2. The possession seal which is issued at a designated black bear, deer or turkey check station shall always stay with the carcass, and with the meat after processing. If the black bear, deer or turkey is to be mounted by a taxidermist, the antlers, or in the case of a black bear, an antlerless deer or turkey, those parts of the animal being mounted, shall be labeled with the possession seal number and the name and address of the owner.

(f) The authority for the adoption of the foregoing section is found in N.J.S.A. 13:1B-30, 23:4-43, 23:4-47, 23:4-48, 23:4-50 and other applicable statutes.

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

Inserted new (e); recodified former (e) as (f); and in (f), inserted additional N.J.S.A. references.

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

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

In (e)1, inserted "and the possession seal number of any deer or turkey being processed" following "license number" in the second sentence; and in (f), inserted a reference to N.J.S.A. 23:4-48.

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

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

In (e), inserted references to black bears throughout.

7:25-5.23 Firearms and missiles, etc.

(a) Except when legally engaged in deer hunting during the prescribed firearm seasons, respectively, 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 apply to persons properly licensed and permitted for hunting coyote

during the special eastern coyote hunting season, exclusively, who may use No. 2 fine shot. This shall not preclude farmers or their agents from using shot not larger than No. 4 buckshot to control woodchuck causing damage or 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 rim-fire 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 rim-fire 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") steel fine shot or smaller or other non-toxic shot authorized by Federal regulations no larger than T (.200") shot 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. Notwithstanding the foregoing, this subsection shall not preclude agents and/or permittees operating under an approved Special Deer Management Permit (N.J.A.C. 7:25-5.32) from shooting deer with a rifle or a rifle equipped with a silencer or suppressor if that permit so specifically provides. Rifles for this purpose shall be restricted as specifically provided in that permit to include only .22, .223, .270 and .45 caliber or other calibers approved by the Division. Only highly frangible bullets shall be employed in .223 and .270 caliber rifles. Bullets employed in .22 and .45 caliber rifles shall be restricted to those designed to provide maximum expansion and limited penetration.

(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) Except as may be permitted for waterfowl hunting in accordance with Federal regulations and as provided for agents and/or permittees operating under an approved Special Deer Management Permit (N.J.A.C. 7:25-5.32), 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. Except as provided for agents and/or permittees operating under an approved Special Deer Management Permit (N.J.A.C. 7:25-5.32), 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 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 intersection 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 September 29–November 9, 2001, and January 5–February 18, 2002; September 28–November 8, 2002, and January 4–February 17, 2003; September 27–November 7, 2003, and January 3–February 16, 2004; September 25–November 12, 2004, and January 8–February 21, 2005; and September 24–November 11, 2005, and January 7–February 20, 2006 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, trappers and muzzleloader deer hunters during the six-day firearm and December portion of the permit shotgun season, it shall be illegal to use any firearm of any kind other than a shotgun. Nothing in this subsection 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 deer hunting any firearm missile except the 20, 16, 12 or 10 gauge lead, lead alloy or copper slug; or, if hunting deer 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 bismuth 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. Farmers or their agents may use shot not larger than No. 4 buckshot to control woodchuck causing damage.

1. Persons who are properly licensed may hunt for deer with a muzzleloader rifle during the six day firearm deer season and the permit muzzleloader rifle deer season. 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. 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 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). Only one muzzleloader rifle or smoothbore muzzleloader may be possessed while deer hunting.

2. Properly licensed persons 10 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 10 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 10 to 17 year olds will be valid for muzzleloader deer hunting, muzzleloader squirrel hunting and muzzleloader woodchuck hunting.

3. 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.

4. Only black powder or black powder equivalents, including Clean Shot, GOEX Clear Shot and Pyrodex, may be used with a muzzleloading firearm when engaged in hunting any game species during the prescribed seasons enumerated within the current Game Code. Modern smokeless powder is strictly prohibited while hunting game with a muzzleloading firearm.

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 and any regulation required for a special permit deer hunt.

(h) 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.

(i) 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.

(j) Deer shall not be hunted for or taken on Sunday except on wholly enclosed preserves that are properly licensed for the propagation thereof.

(k) 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.

(l) 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 Wildlife laws and regulations.

(m) 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 preclude a person from carrying both a firearm and bow and arrow in a motor vehicle. This does not apply to duly constituted law enforcement officers.

(n) No person shall hunt with the aid of a deer decoy, except during the fall bow, special permit bow and winter bow seasons. Any person while carrying or moving deer decoys in the woods and fields for the purpose of hunting 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.

(o) Physically challenged persons whose need for alternative methods of taking game animals can not be addressed by the provisions of (m) above and N.J.A.C. 7:25-5.24(e) may apply to the Director of the Division of Fish and Wildlife for further exemption from the existing regulations concerning methods of take including alternative equipment. Applicants must demonstrate in writing the nature of the disability and the need for an exemption and must provide supportive medical documentation on the form(s) provided by the Division from a physician licensed to practice medicine in New Jersey. The Division will review each request and may determine the need to schedule interviews with the applicants and/or physicians to verify the circumstances and determine the specific requirements of each applicant and assess the ability of each applicant to safely and effectively use alternative equipment or methods. Additional medical information and/or evaluation may be required. Each permit shall designate the specific alternative methods of take including equipment permitted for each individual determined to be qualified. Applications will be accepted during the period January 1 August 31 of each year. Within 60 calendar days from the issuance of denial by the Division, the applicant may appeal to the Fish and Game Council. Any further right of appeal shall be determined and handled 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. Such disputes will be referred to the Office of Administrative Law for hearing.

(p) 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.

(q) 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.

(r) Nothing in this subchapter shall be construed to prevent the Director of the New Jersey Division of Fish and Wildlife from authorizing personnel or agents of the New Jersey Division of Fish and Wildlife from possessing, carrying or using hand held pistol-like devices which launch pyrotechnic missiles for the sole purpose of frightening, hazing or aversive conditioning of nuisance wildlife; or from possessing, carrying or using animal immobilization rifles, pistols or similar devices for the sole purpose of chemically immobilizing wild or non-domestic animals or from possessing, carrying or using rifles or shotguns, upon completion of approved training course, in order to dispatch sick, injured, or dangerous animals or for non-lethal use for the purpose of frightening, hazing or aversive conditioning of nuisance or depredating wildlife. All such duly authorized personnel of the New Jersey Division of Fish and Wildlife, except Conservation Officers, shall possess a firearms purchaser card, a valid New Jersey hunting license and a rifle permit issued by the New Jersey Division of Fish and Wildlife.

(s) Nothing in this subchapter shall be construed to prevent duly authorized personnel or agents of the New Jersey Division of Fish and Wildlife from the possession and use of any other Division approved device or equipment for the capture, marking or killing of wildlife for scientific, enforcement or public safety purposes. This section applies to all non-domestic animals whether native or exotic, irrespective to season status, or other restrictions in any statute or rule.

(t) Nothing in this subchapter shall be construed to prevent duly authorized personnel or agents of the New Jersey Division of Fish and Wildlife from possessing, carrying or using any device which projects, releases or emits any substance specified as being non-injurious to black bears or other animals by the State Director of Animal Health and which produces temporary physical discomfort though being vaporized or otherwise dispensed in the air for the purpose of repelling animal attacks or for the aversive conditioning of nuisance wildlife.

(u) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 13:1B-30, 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).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

In (e) and (f)1, amended dates of hunting season; inserted (t) through (v); and recodified former (t) as (w); and in (w), amended N.J.S.A. references.

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

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

In (e), changed the season date; in (f), deleted the former second and tenth sentences in 2; deleted former (p); and recodified former (q) through (w) as (p) through (v).

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

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

In (a), rewrote the third sentence, and added the last four sentences; in (c), added an exception at the beginning; in (e), changed dates; and in (f), added the last sentence in the introductory paragraph, and substituted "10" for "14" throughout 3.

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

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

In (a), inserted a reference to black bears in the first sentence, and rewrote the second sentence; in (e), changed dates; in (f), rewrote the introductory paragraph, 1 and 2; and in (p), deleted a reference to (o) in the first sentence, inserted "on the forms provided by the Division" following "documentation" in the second sentence, and rewrote the third sentence.

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

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

Rewrote section.

7:25-5.24 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 deer hunting, during the six-day firearm, permit muzzleloader or permit shotgun seasons. Nothing in this section shall preclude a properly licensed person from hunting with a bow and arrow when other seasons run concurrent and in the same deer management zones as the six-day firearm, permit muzzleloader or permit shotgun seasons or on any additional days if declared open. Bow and arrow hunting is not permitted between $\frac{1}{2}$ hour after sunset and $\frac{1}{2}$ 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 seasons for taking deer, coyote, woodchuck or turkey with bow and arrow (as listed elsewhere in this subchapter), all arrows used for taking deer, coyote, woodchuck 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 in (c)1 through 3 above may be carried in the woods and fields during the Upland Game Season or other seasons which overlap with either the Bow and Arrow Black Bear Season or 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. Except as noted in (c)6 below, 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 bow seasons. No person shall hunt for deer with an electronic calling device, or any other 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 under a Special Use Bow Permit. 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 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).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

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

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

In (e), added "under a Special Use Bow Permit" at the end of the second sentence.

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

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

In (b), deleted an exception at the end of the third sentence; and in (c), inserted references to black bears in the introductory paragraph, rewrote 4, added an exception at the beginning of 5, and added 6. Amended by R.2001 d.300, effective August 20, 2001 (operative August 25, 2001).

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

In (c), deleted "black bear" in the introductory paragraph and deleted 6.

7:25-5.25 White-tailed deer (*Odocoileus virginianus*) fall bow season

(a) Duration of the fall bow season is as set forth in (a)1 through 2 below. Deer Management Zones 38, 56-61, 64 and 67 are not open for this season. Legal hunting hours shall be $\frac{1}{2}$ hour before sunrise to $\frac{1}{2}$ hour after sunset.

1. September 29-October 26, 2001 and September 28-October 25, 2002 in Zones 1-4, 6, 15-19, 21-31, 34, 35, 37, 43, 45-48, 52-55, 63, 65 and 66.

2. September 8-October 26, 2001 and September 7-October 25, 2002 in Zones 5, 7-14, 36, 39-42 and 49-51.

(b) Bag Limit: Only one antlered deer may be taken Statewide during the fall bow season. Only antlerless deer may be taken from September 8, through September 28, 2001 and September 7 through September 27, 2002 in applicable Zones where the season is open. The standard bag limit is two deer, either one antlered and one antlerless or two antlerless in Zones 1, 3, 6, 18, 21, 23, 24, 30, 34, 37, 43, 45, 46, 52, 53, 55 and 65. Only one deer, which must be antlered, may be taken in Zone 4 as part of the fall bow season standard bag limit. In Zones 2, 5, 7-17, 19, 22, 25-29, 31, 35, 36, 39-42, 47-51, 54, 63 and 66 the bag limit is one antlered deer and an unlimited number of antlerless deer. In Zones 5, 7-14, 36, 40, 41, 50 and 51, an antlerless deer must be taken from one of these zones before an antlered deer may be taken throughout the season. Properly licensed hunters who harvest their first deer during the fall bow season subject to the provisions of this section will be given a "New Jersey Supplemental Deer Transportation Tag" (supplemental tag), upon registration of their deer at a designated deer check station. This tag will be valid for the taking of one additional deer, either an antlered or antlerless deer, if the first deer was antlerless; or, an antlerless deer, if the first deer was antlered. The supplemental tag may be used in any zone that is open for the season subject to the limitations of this section. Properly licensed hunters that harvest a second deer may obtain a "New Jersey Supplemental Deer Transportation Tag" upon registration of their second deer at a designated check station. Supplemental tags for the taking of a third or subsequent deer are valid only in zones that have a bag limit of an unlimited number of antlerless deer. Supplemental tags for the taking of a third and subsequent deer will only be valid in the following Zones: 2, 5, 7-17, 19, 22, 25-29, 33, 35, 36, 39-42, 47-51, 54, 63 and 66. After taking a second deer, hunters may not hunt deer during the fall bow season in the following Zones: 1, 3, 4, 6, 18, 21, 23, 24, 30, 34, 37, 43, 45, 46, 52, 53, 55 and 65. One additional supplemental tag, valid only in zones with an unlimited antlerless deer bag limit, will be issued upon registration of each subsequent deer until the season concludes. After harvesting the season limit of one antlered deer, supplemental deer tags will only be valid for taking antlerless deer. All supplemental tags are valid on the date of issuance in all zones that are open for this season. 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. D.S.T. or E.S.T., whichever is in effect, on the day killed to secure a legal possession tag. The legal possession tag must be securely affixed or locked on the deer before the deer is transported or removed from the authorized deer checking station. Hunters are responsible for legal possession tags being securely affixed or locked before leaving the deer check station. The supplemental tag shall be valid on the day of issuance and all registration requirements apply.

1. The possession of a deer after 8:00 P.M. 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 deer check station by closing time must be immediately reported by telephone to the nearest Division of Fish 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. It is unlawful to attempt to take or continue to hunt for more than the number of deer permitted.

2. In Zones 3, 6, 9, 13, 27, 29, 35, 37, 40, 63 and 66 it shall be illegal to kill, take or attempt to take any antlered deer which does not have a minimum of three antler points on one side.

(c) This season shall be open only to holders of a valid and current bow and arrow hunting license that contains an attached fall bow and arrow deer "transportation tag" or a proper and valid supplemental 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).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

In (a), inserted first two sentence and amended dates of hunting seasons; and in (b)1, deleted provision relating to single bonus tag zones and amended zones in which multiple tags allowed.

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

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

Rewrote (a) and (b).

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

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

Rewrote (a) and (b).

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

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

Rewrote the section.

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

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

Changed dates throughout section; rewrote (b).

7:25-5.26 White-tailed deer winter bow season

(a) Duration of the winter bow season is from January 1-31, 2002 in Zones 1-4, 6, 15-19, 21-31, 34, 35, 37, 42-49, 52, 53, 54, 55, 63, 65 and 66 and January 1-February 16, 2002 in Zones 5, 7-14, 36, 39-41, 50 and 51. Deer management zones 38, 56-61, 64 and 67 are not open for this season. Legal hunting hours shall be ½ hour before sunrise to ½ hour after sunset.

(b) Bag Limit: Only one antlered deer may be taken Statewide during the winter bow season where the season is open. Hunters taking an antlered buck in accordance with the provisions set forth in this section must have an antlered buck stub from their bow and arrow or all around hunting license which is designated for use during the winter bow season. Upon checking an antlered buck hunters must surrender the buck stub from their license which is designated for use during the winter bow season. The standard bag limit is two deer, one antlered and one antlerless, or two antlerless in Zones 1, 3, 4, 6, 18, 21, 23, 24, 30, 34, 37, 43, 45, 46, 52, 53, 55 and 65. In Zones 2, 5, 7-17, 19, 22, 25-29, 31, 35, 36, 39-42, 47-51, 54, 63 and 66, the bag limit is one antlered deer and an unlimited number of antlerless deer. In Zones 5, 7-14, 36, 40, 41, 50 and 51, an antlerless deer must be taken from one of these zones before an antlered deer may be taken throughout the winter bow season. Properly licensed hunters who take their first deer during the winter bow season will be given a "New Jersey Supplemental Deer Transportation Tag" (supplemental tag), upon registration of their first deer at a designated deer check station. This tag will be valid for the taking of one additional deer, either an antlered or antlerless deer, if the first deer was antlerless; or, an antlerless deer, if the first deer was antlered. The supplemental tag may be used in any zone that is open for the winter bow season subject to the limitations of this section. Properly licensed hunters that take a second deer may obtain a "New Jersey Supplemental Deer Transportation Tag" upon registration of their second deer at a designated check station. Supplemental tags for the taking of a third or subsequent deer are only valid in zones that have a bag limit of an unlimited number of antlerless deer. Supplemental tags for the taking of a third and subsequent deer will only be valid in the following Zones: 2, 5, 7-17, 19, 22, 25-29, 31, 35, 36, 39-42, 47-51, 54, 63 and 66. After taking a second deer, hunters may not hunt deer during the winter bow season in the following Zones: 1, 3, 4, 6, 18, 21, 23, 24, 30, 34, 37, 43, 45, 46, 52, 53, 55 and 65. One additional supplemental tag, valid only in zones with an unlimited antlerless deer bag limit, will be issued upon registration of each subsequent deer until the season concludes. Supplemental tags and transportation tags attached to the regular license are only valid for taking antlerless deer except that they are valid for taking an antlered deer when accompanied by a proper and valid antlered buck stub designated for use during the winter bow season. After harvesting the season limit of one antlered deer, supplemental tags will only be valid for taking antlerless deer. All supplemental tags are valid on the date of issuance in all zones that are open for the winter bow season. Deer shall be tagged immediately with completely filled in "transporta-

tion tag" and shall be transported to a deer checking station before 7:00 P.M. E.S.T. on the day killed to secure a legal possession tag. The legal possession tag must be securely affixed or locked on the deer before the deer is transported or removed from the authorized deer checking station. Hunters are responsible for legal possession tags being securely affixed or locked before leaving the deer check station.

1. The possession of a deer 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 deer check station by closing time must be immediately reported by telephone to the nearest Division of Fish 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. It is unlawful to attempt to take or continue to hunt for more than the number of deer permitted.

2. In Zones 3, 6, 9, 13, 27, 29, 35, 37, 40, 63 and 66 it shall be illegal to kill, take or attempt to take any antlered deer which does not have a minimum of three antler points on one side.

(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 supplemental 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).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

In (a), amended dates of hunting season; and in (b) and (c), substituted "supplemental" for "second".

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

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

In (a), changed the season date and inserted a second sentence; rewrote (b); and in (c), inserted "or a proper and valid bonus tag" at the end of the first sentence.

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

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

Rewrote (a) and (b).

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

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

Rewrote the section.
Amended by R.2001 d.300, effective August 20, 2001 (operative August 25, 2001).
See: 33 N.J.R. 1527(a), 33 N.J.R. 2829(a).
Rewrote section.

7:25-5.27 White-tailed deer six-day firearm season

(a) Duration for this season will be December 3-8, 2001; December 9-14, 2002; December 8-13, 2003; December 6-11, 2004; and December 5-10, 2005, inclusive with shotgun or muzzleloader rifle, exclusively.

1. A special youth deer hunting day with shotgun or muzzleloader rifle will be Saturday, November 17, 2001; Saturday, November 23, 2002; Saturday, November 22, 2003; Saturday, November 20, 2004; and Saturday, November 18, 2005, inclusive. Youth hunters must possess a current and valid youth firearms license or be less than 16 years of age on the season date and qualified to hunt without a license under the farmer license exemption. Possession of a proper and valid rifle permit is also required if a muzzleloading rifle is used. All youth hunters must be under the direct supervision of a non-hunting adult (21 years of age or older), who must also possess a proper and valid firearm license and a rifle permit, if the youth hunter is using a muzzleloading rifle. Any firearm and ammunition approved for deer hunting may be used. Legal hunting hours are ½ hour before sunrise to ½ hour after sunset EST. All other hunting requirements for the six-day firearm season shall apply, except as noted in (b)3 below.

(b) Bag Limit: Two antlered deer, with antler at least three inches long. 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. on the day killed to secure a legal possession tag. The legal possession tag must be securely affixed or locked on the deer before the deer is transported or removed from the authorized deer checking station. Hunters are responsible for legal possession tags being securely affixed or locked before leaving the deer check station. The possession of a deer after 7:00 P.M. E.S.T. on the date killed without a legal possession seal shall be deemed illegal possession. Upon completion of the registration of the first deer, one valid and proper "New Jersey Supplemental Deer Transportation Tag" will be issued which will allow that person to continue hunting and take one additional deer with antler at least three inches long during the current, six-day firearm season. The supplemental tag shall 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 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." It is unlawful to attempt to take or to continue to hunt for more than the number of deer permitted.

1. New Jersey Supplemental Deer Transportation Tags will be valid on the day of issuance in all zones.

2. In Zones 3, 6, 9, 13, 27, 29, 35, 37 and 63, it shall be illegal to kill, take or attempt to take any antlered deer which does not have a minimum of three antler points on one side.

3. The bag limit for the special youth hunting day provided for in (a)1 is one deer of either sex and any age. All tagging and deer checking requirements shall apply. The provisions of (b)2 above shall not apply.

(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 supplemental 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) Hunting Hours: Legal hunting hours for the six-day firearm season shall be ½ hour before sunrise to ½ hour after sunset with shotgun or muzzleloader rifle.

(e) 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.

(f) 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).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

In (a) and (e), amended dates of hunting season; and in (c), substituted "supplemental" for "second".

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

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

In (a), changed the season date; rewrote (b); in (c), deleted "or a proper and valid bonus tag" at the end of the first sentence; deleted (d); changed the season date and recodified former (e) as (d); and recodified former (f) through (g) as (e) through (f).

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

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

In (a), changed date; in (b), substituted a reference to antlered deer for a reference to deer in the first sentence, deleted a former second sentence, and rewrote the new fourth sentence in the introductory paragraph, and rewrote 1; and rewrote (d).

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

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

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

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

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

In (a), changed dates in the introductory paragraph and added 1; in (b), rewrote the introductory paragraph and added 3; rewrote (d).

7:25-5.28 White-tailed deer muzzleloader rifle permit season

(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: Only one antlered deer may be taken Statewide during the muzzleloader rifle permit season, regardless of the number of permits obtained. Two deer, one antlered and one antlerless or two antlerless may be taken on a permit in Zones 1, 3, 4, 6, 18, 21, 23, 24, 30, 34, 37, 43, 45, 46, 52, 53, 55 and 65. One antlered and an unlimited number of antlerless deer may be taken in Zones 2, 5, 7-17, 19, 22, 25-29, 31, 35, 36, 38-42, 47-51, 54, 57-59, 61, 63, 66 and 67, except as noted above and in (c)1 and 2 below. Only one deer may be taken at a time per permit until the season limit is reached except in Zones 5, 7-15, 25, 35, 36, 38-42, 48-51 and 66 where the limit is two deer at a time per permit until the season concludes. In Zones 2, 5, 7-17, 19, 22, 25-29, 31, 35, 36, 38-42, 47-51, 54, 57-59, 61, 63, 66 and 67, supplemental tags for the taking of a third and subsequent deer will be issued upon registration of deer at official deer checking stations until the season concludes. In Zones 5, 7-15, 25, 35, 36, 41, 42 and 48-51, only antlerless deer may be taken on applicable muzzleloader season permits during the period of November 19-21 and December 3-8, 2001. All supplemental tags are valid on the date of issuance and only in the zone for which the special season permit was issued. All deer registration requirements apply. Deer shall be tagged immediately with the muzzleloader rifle permit season permit, transportation tag completely filled in, and shall be transported to a deer checking station before 7:00 P.M. E.S.T. on the day killed to secure a legal possession tag. The legal possession tag must be securely affixed or locked before the deer is transported or removed from the authorized deer checking station. Hunters are responsible for legal possession tags being securely affixed or locked on the deer before leaving the deer check station. The possession of a deer after 7:00 P.M. E.S.T. on the date killed without a legal possession seal shall be deemed illegal possession. Except as noted in (c)1 through 3 below upon completion of registration of first deer, one valid and proper "New Jersey Supplemental Deer Transportation Tag" (supplemental tag) will be issued which will allow this person to continue hunting and take one additional deer either an antlered deer or antlerless deer if the first deer was antlerless or an antlerless deer if the first deer was antlered during

the current muzzleloader rifle permit season. The supplemental tag shall be valid on the day of issuance and all registration requirements apply.

1. In Zones 5, 7, 8, 9, 10, 11, 12, 13, 14, 36, 38, 40, 41, 50, 51 and 67, an antlerless deer must be taken before taking or attempting to take an antlered deer throughout the season.

2. In Zones 3, 6, 9, 13, 27, 29, 35, 37, 40, 59, 63, 66 and 67, it shall be illegal to kill, take or attempt to take any antlered deer which does not have a minimum of three antler points on one side.

3. 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 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 week-day 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 as set forth in (d)1 through 13 below. There is no season in the following Zones: 56, 60 and 64. Legal hunting hours shall be ½ hour before sunrise to ½ hour after sunset E.S.T.

1. November 26 and 27; December 10, 11, 15-24, 26-31, 2001; and January 1-4, 2002 in Zones 1-3, 6, 16-19, 21-24, 26-31, 34, 43, 45-47, 55, 57, 58, 61, 63 and 65.

2. November 26 and 27; December 10, 11 and 15-20, 2001 in Zone 4.

3. November 19-21, 26, 27; December 3-8, 10, 11, 15-24, 26-31, 2001; and January 1-February 16, 2002 in Zones 5, 7-14, 36, 41, 50 and 51.

4. November 26, 27; December 3-8, 10, 11, 15-24, 26-31, 2001; and January 1-31, 2002 in Zones 15, 25, 35, 42, 48 and 49.

5. November 5-9; December 10-15, 17-22 and 24-28, 2001 in Zones 37 and 52.

6. November 28-December 1, 2001 in Zone 38.

7. November 26 and 27; December 10-31, 2001; and January 1-31, 2002 in Zone 39.

8. December 10-15, 2001 in Zone 40.

9. November 24-30; and December 1, 10-15, 17-22 and 26-28, 2001 in Zone 53.

10. November 26, 27; and December 10-31, 2001 in Zone 54.

11. December 10-15, 17-22, 2001 in Zone 59.

12. November 26-30; December 1, 8, 15, 22 and 29, 2001 in Zone 66.

13. November 5-9 and 12-15, 2001 in Zone 67.

14. At other times as determined by the Director.

(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 one antlered and one antlerless or two antlerless except as noted in (c)1 through 3 above 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. The taking of two deer one antlered and one antlerless or two antlerless 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.

1. Limited quota, special deer 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 law or as imposed by a court are prohibited from making application for, or otherwise procuring a muzzleloader deer permit. For special management zones where the agency administering the affected land requires that hunters attend mandatory hunter orientation as a condition of access, failure to attend the designated session shall result in invalidation of the muzzleloader season permit for the zone. Limited quota, special deer permit zones include the following deer management zones: 3, 4, 18, 23, 24, 37, 38, 39, 40, 43, 46, 52, 53, 54, 57, 58, 59, 61, 66 and 67.

2. All other deer permits for muzzleloader rifle permit season will be issued on an individual basis to holders of valid and current firearm licenses and rifle permits at designated license issuing agents. These permits may be issued beginning on the effective date of the current Game Code, or as authorized by the Division, through the last day of the season. Qualified applicants may purchase permits from authorized agents for the following deer management zones: 1, 2, 5-17, 19, 21, 22, 25-31, 34-36, 41, 42, 45, 47-51, 55, 63 and 65. Qualified farmers may obtain permits as provided in (i) below.

(g) Permits for muzzleloader rifle permit season consist of back display which includes a "deer transportation tag" or proper and valid supplemental tag. The back display portion of the permit will be conspicuously displayed on the outer clothing in addition to the valid firearm license.

(h) Muzzleloader Rifle Permit Season limited quota, special deer permits shall be applied for as follows:

1. Holders of valid and current firearm hunting licenses shall 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 fee and an application form which has been properly completed in accordance with instructions. First time permit applicants who do not yet possess a valid hunting license may apply for a muzzleloader rifle deer season permit provided they have applied for a hunter education course prior to the permit application period and have provided such related information as may be required on the application. Application forms may be obtained from:

- i. Division of Fish and Wildlife, PO Box 400, Trenton, New Jersey 08625-0400.
- ii. License issuing agents.
- iii. Conservation Officers.
- iv. Other Division officers.
- v. Other Division field offices.

2. Youth Hunting license holders are eligible.

3. Only one application whether for limited quota muzzleloader rifle or shotgun permit season, accompanied by the hunting license stub or as provided for in (h)1 above, 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 and subject the applicant to prosecution.

4. The application form shall be filled in to include: name, address, current firearm hunting license number, deer management zone applied for, social security number, 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 June 1-August 31 inclusive. Applications postmarked after August 31 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 and Wildlife" must accompany the completed application form.

7. Nothing contained herein shall preclude the Division from issuing unfilled limited quota, special deer permits on a first come-first served basis to any properly licensed hunter or qualified farmer after the permit selection process.

(i) Occupant and non-occupant 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 10 years of age or older who also reside thereon, may apply on forms provided for an occupant 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. The owner or lessees of a farm, who does not reside thereon, or the immediate members of their family 10 years of age or older who reside with them, may apply on forms provided for a non-occupant farmer deer permit. Under this subsection, applicants must farm 30 tilled acres that are tax assessed as farmland. Wood lots are not included in acreage needed to qualify. Properties do not need to be contiguous. No more than five individuals may receive a permit for the season for a property. The applicants must be the farmer or farmers, their spouses and their children.

3. Application forms may be obtained from the County Agricultural Agent, the Division of Fish and Wildlife, PO Box 400, Trenton, N.J. 08625-0400, Conservation Officers, or other Division offices.

4. The application form shall be filled in to include: name, age, size of farm, address, social security number, and any other information requested thereon. Properly completed application forms will be accepted in the Trenton office during the period of June 1 to October 1. After that date, permits may not be received in time for the opening day of the season. There is no fee required, and

all qualified applicants will receive a farmer muzzleloader rifle permit season permit, delivered by mail.

5. 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.

6. 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, Occupant and Farmer Muzzleloader Rifle and Non-occupant 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 transferable from individual to individual. The muzzleloader rifle permit season permit hunter is responsible for hunting in the correct DMZ as indicated and in ascertaining the boundaries.

2. The occupant farmer muzzleloader rifle permit season permit is valid only on the farm occupied and designated in the application and is not transferable from deer management zone to deer management zone, or from farm to farm, or from individual to individual. The occupant farmer muzzleloader rifle permit season permit hunter is responsible for hunting on the correct farm in the correct DMZ as indicated and in ascertaining the boundaries.

3. The non-occupant farmer muzzleloader rifle season permit is valid only on private land within the deer management zone designated in the permit and is not valid on public lands within the DMZ. It is not transferable from deer management zone to deer management zone or from individual to individual. The non-occupant farmer muzzleloader rifle permit season permit hunter is responsible for hunting on private lands in the DMZ as indicated and in ascertaining the boundaries.

(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 2001-2002 Muzzleloader Rifle Deer Season Permit Quotas are as follows:

2001-2002 MUZZLELOADER RIFLE PERMIT SEASON PERMIT QUOTAS

Deer Mgt. Zone No.	Season Dates Code	Anticipated Deer Harvest 2001-2002	Permit Quota 2001-2002	Portions of Counties Involved
1	1	331	1,140	Sussex
2	1	788	2,510	Sussex

Deer Mgt. Zone No.	Season Dates Code	Anticipated Deer Harvest 2001-2002	Permit Quota 2001-2002	Portions of Counties Involved
3	1	283	1,175	Sussex, Passaic, Bergen
4	2	473	1,180	Sussex, Warren
5	3	1,185	3,510	Sussex, Warren
6	1	372	1,760	Sussex, Morris, Passaic, Essex, Warren
7	3	574	1,690	Warren, Hunterdon
8	3	1,143	2,920	Warren, Hunterdon, Morris, Somerset
9	3	199	490	Morris, Somerset
10	3	856	1,760	Warren, Hunterdon
11	3	442	1,090	Hunterdon
12	3	814	1,860	Mercer, Hunterdon, Somerset
13	3	140	350	Morris, Somerset
14	3	328	1,020	Mercer, Somerset, Middlesex, Burlington
15	4	403	1,260	Mercer, Monmouth, Middlesex
16	1	254	1,240	Ocean, Monmouth
17	1	241	810	Ocean, Monmouth
18	1	203	611	Ocean
19	1	449	1,570	Camden, Burlington
21	1	414	1,350	Burlington, Ocean
22	1	223	570	Burlington, Ocean
23	1	406	1,306	Burlington, Camden, Atlantic
24	1	285	650	Burlington, Ocean
25	4	351	1,030	Gloucester, Camden, Atlantic, Salem
26	1	685	1,670	Atlantic
27	1	284	1,050	Salem, Cumberland
28	1	523	1,330	Salem, Cumberland, Gloucester
29	1	266	950	Salem, Cumberland
30	1	166	500	Cumberland
31	1	114	370	Cumberland
34	1	493	1,720	Cape May, Cumberland
35	4	371	1,460	Gloucester, Salem
36	3	18	100	Bergen, Hudson, Essex, Morris, Union, Somerset, Middlesex, Passaic
37	5	132	390	Burlington (Fort Dix Military Reservation)
38	6	1	50	Morris (Great Swamp National Wildlife Refuge)
39	7	25	50	Monmouth (Earle Naval Weapons Station)
40	8	3	10	Monmouth (Earle Naval Weapons Station—Waterfront)
41	3	284	590	Mercer, Hunterdon
42	4	118	420	Atlantic
43	1	101	195	Cumberland
45	1	173	590	Cumberland, Atlantic, Cape May
46	1	183	528	Atlantic
47	1	89	340	Atlantic, Cumberland, Gloucester
48	4	210	780	Burlington
49	4	24	120	Burlington, Camden, Gloucester
50	3	163	510	Middlesex, Monmouth
51	3	155	410	Monmouth, Ocean
52	5	59	151	Ocean (Fort Dix Military Reservation)
53	9	23	60	Ocean (Lakehurst Naval Engineering Station)
54	10	12	18	Morris (Picatinny Arsenal-ARRAD Com)
55	1	63	210	Gloucester
56		0	0	Atlantic (Edwin B. Forsythe National Wildlife Refuge)
57	1	13	40	Atlantic (Edwin B. Forsythe National Wildlife Refuge)
58	1	18	40	Burlington, Ocean (Edwin B. Forsythe National Wildlife Refuge)
59	12	9	25	Salem (Supawna Meadows National Wildlife Refuge)
60		0	0	Hunterdon (Round Valley Recreation Area)
61	1	4	30	Atlantic (Atlantic County Park System)
63	1	62	280	Salem
64			0	Monmouth (Monmouth Battlefield State Park)
65	1	111	390	Gloucester, Camden

Deer Mgt. Zone No.	Season Dates Code	Anticipated Deer Harvest 2001-2002	Permit Quota 2001-2002	Portions of Counties Involved
66	12	6	0	Atlantic (Federal Aviation Administration William J. Hughes Technical Center)
67	13	282	350	Sussex (High Point State Park)
Total		16,400	48,589	

(l) See (d)1 through 12 above for corresponding season date codes.

(m) Permit quotas in Zones 37, 38, 39, 40, 52-54, 57, 58, 59, 61, 66 and 67 are contingent upon approval by appropriate land management agencies for those zones.

(n) Muzzleloader rifle permit season permits not applied for by the deadlines enumerated in (h)4 and (i)4 above, may be reallocated to shotgun 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).
 Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).
 See: 28 N.J.R. 2434(b), 28 N.J.R. 3934(a).
 Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).
 See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

In (c), substituted "supplemental" for "second"; amended dates of permit season throughout (d); inserted (d)8 and 9; recodified former (d)8 as (d)10; in (f)1, substituted "law or as imposed by a court" for "N.J.S.A. 23:3-22," and added provision relating to special management zones; added (f)2; in (k), amended year for permit quotas and amended season dates, anticipated harvest, and quotas in permit table and added Sussex to table; amended dates of season dates throughout (l); added (l)8 and 9; and in (m), added zone 67.

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

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

Rewrote (c), (d), and (f); in (g), inserted "or a proper and valid bonus tag" at the end of the first sentence; in (h), inserted new application requirement "social security number" in 4; in (i), inserted new application requirement "social security number" in 3; in (k), changed season dates, Anticipated Deer Harvest numbers and Permit Quota numbers; and in (l), changed season dates.

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

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

Rewrote the section.

Amended by R.2000 d.218, effective May 15, 2000.

See: 32 N.J.R. 740(a), 32 N.J.R. 1806(a).

In (h)4, substituted a reference to June 1-September 10 for a reference to August 15-September 10; and in (i)3, substituted a reference to June 1 to September 10 for a reference to August 1 to 15.

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

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

Rewrote (c), (d) and (k); in (g), added the last sentence; in (l), made an internal reference change; and in (m), changed zone references.

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

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

Rewrote section.

7:25-5.29 White-tailed deer shotgun permit season

(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) Bag limit: Only one antlered deer may be taken Statewide during the shotgun permit season, regardless of the number of permits obtained. One deer, either antlered or antlerless, may be taken on a permit in Zones 3, 4, 18, 21, 23, 24, 37, 43, 45, 46, 52, 53, 55 and 65. Two deer, either one antlered and one antlerless or two antlerless may be taken on a permit in Zones 1, 6, 30 and 34. One antlered deer and an unlimited number of antlerless deer may be taken on a permit in Zones 2, 5, 7-17, 19, 22, 25-29, 31, 35, 36, 38-42, 47-51, 54, 56-61, 63, 64 and 66. In Zones 5, 7, 8, 9, 10, 11, 12, 13, 14, 36, 38, 40, 41, 50, 51 and 60, an antlerless deer must be taken before taking or attempting to take an antlered deer throughout the permit shotgun season on permit shotgun season permits. No antlered deer may be taken on November 19-21 and December 3-8, 2001 on permit shotgun season permits in Zones 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 25, 35, 36, 41, 42, 48, 49, 50 and 51. Only one deer may be taken at a time per permit until the season limit is reached except in Zones 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 25, 35, 36, 38, 39, 40, 41, 42, 48, 49, 50, 51, 56, 59, 60 and 66 where the limit is two deer at a time per permit until the season concludes. New Jersey Supplemental Deer Transportation Tags are valid on the day of issuance in all zones. All deer tagging and registration provisions apply. The season bag limits apply to both regular and farmer deer permits; however, all farmer shotgun permits are valid for taking antlerless deer only, when used during the six-day firearm buck season and on any other days authorized through the last day of the six-day firearm buck season.

1. In Zones 3, 6, 9, 13, 27, 29, 35, 37, 40, 59, 63 and 66, it shall be illegal to kill, take or attempt to take any antlered deer which does not have a minimum of three antler points on one side.

(d) Duration of the permit shotgun deer season is as set forth in (d)1 through 19 below. There is no season in the following Zone 67. Legal hunting hours shall be from ½ hour before sunrise to ½ hour after sunset on the following dates:

1. December 12-14, 2001 in Zones 1, 6, 30, 34 and 60.

2. December 12-14, 2001; and January 5, 12, 19 and 26, 2002 in Zones 2, 16, 27-29, 31 and 63.

3. December 12, 2001 in Zones 3, 4, 18, 21, 23, 24, 43, 45, 46, 55 and 65.

4. November 19-21; December 3-8, 12-14, 2001; and January 5-February 16, 2002 in Zones 5, 7-14, 36, 41, 50 and 51.

5. November 19-21; December 3-8, 12-14, 2001; and January 5-31, 2002 in Zones 15, 25, 35, 42, 48 and 49.

6. December 12-14, 2001; and January 5-31, 2002 in Zones 17, 19, 22, 26 and 47.

7. December 29, 2001 in Zones 37 and 52.

8. November 28-December 1, 2001 in Zone 38.

9. December 15, 22 and 29, 2001; and January 5, 12, 19 and 26, 2002 in Zone 39.

10. December 10-15, 2001 in Zone 40.

11. January 5, 2002 in Zone 53.

12. December 15, 2001 and January 12, 2002 in Zone 54.

13. December 10-14, 2001 in Zone 56.

14. December 3-5 and 12-14, 2001 in Zones 57 and 58.

15. November 29-December 1, 2001 (first segment); December 27-29, 2001 (second segment); and January 24-26, 2002 (third segment) in Zone 59.

16. December 3-8 and 12-14, 2001 in Zone 61.

17. January 9, 11, 16 and 18, 2002 in Zone 64.

18. November 26-December 1, and December 8, 15, 22 and 29, 2001 in Zone 66.

19. At other times as determined by the Director

20. The permit shotgun season for persons possessing farmer shotgun permit season permits includes the six-day firearm season 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, or in the zone designated on a non-occupant farmer permit. 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 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. Limited quota, special deer permits for shotgun permit season will be issued on an individual basis to holders of valid and current firearm licenses, persons who have applied for the shotgun hunter education course prior to the permit application period 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 and subject the applicant to prosecution. All persons, while their hunting licenses are void under the authority of law or as imposed by a court are prohibited from making application for, or otherwise procuring, a shotgun deer permit. For special management zones where the agency administering the affected lands requires that hunters attend mandatory hunter orientation as a condition of access, failure to attend the designated session shall result in invalidation of the shotgun season permit for the zone. Limited quota, special deer permit zones include the following deer management zones: 3, 4, 18, 23, 24, 37, 38, 39, 40, 43, 46, 52, 53, 54, 56, 57, 58, 59, 60, 61, 64, 66 and 67.

2. All other special deer permits for shotgun permit season will be issued on an individual basis to holders of valid and current firearm licenses at designated license issuing agents. These permits may be issued beginning on the effective date of the current Game Code, or as authorized by the Division, through the last day of the season. Qualified applicants may purchase permits from authorized agents for the following deer management zones: 1, 2, 5-17, 19, 21, 22, 25-31, 34-36, 41, 42, 45, 47-51, 55, 63 and 65. Qualified farmers may obtain permits as provided in (i) below.

(g) Permits for shotgun permit season consist of a back display, which includes a "deer transportation tag," or proper and valid supplemental 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. The legal possession tag must be securely affixed or locked on the deer before the deer is transported or removed from the authorized deer checking station. Hunters are responsible for legal possession tags being securely affixed or locked before leaving the deer check station. 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 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 valid and proper "New Jersey Supplemental Deer Transportation 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 Supplemental Deer 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.

(h) Shotgun Permit Season limited quota, special deer permits shall be applied for as follows:

1. 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. First time permit applicants who do not yet possess a valid hunting license may apply for a shotgun deer hunting permit provided they have applied for a hunter education course prior to the permit application period and have provided such related information as may be required on the application. Application forms may be obtained from:

- i. Division of Fish and Wildlife, PO Box 400, Trenton, New Jersey 08625-0400.
- 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, and persons with hunter education courses pending as indicated in (h)1 above. Only one application whether for shotgun or muzzleloader, permit season, accompanied by the hunting license stub or as provided for in (h)1 above, 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 and subject the applicant to prosecution.

3. The application form shall be filled in to include: name, address, current firearm hunting license number or as provided for in (h)1 above, deer management zone applied for, social security number, 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 June 1-August 31. Applications postmarked after August 31 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 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) Occupant and Non-occupant 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 an occupant 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 occupant Farmer Shotgun Permit Season Permit will be issued in all deer management zones.

2. The owner or lessees of a farm, who does not reside thereon, or the immediate members of their family 10 years of age or older who reside with them, may apply on forms provided for a non-occupant farmer deer permit. Under this subsection, applicants must farm 30 tilled acres that are tax assessed as farmland. Wood lots are not included in acreage needed to qualify. Properties do not need to be contiguous. No more than five individuals may receive a permit for the season for a property. The applicants must be the farmer or farmers, their spouses and their children.

3. Application forms may be obtained from the County Agricultural Agent, the Division of Fish and Wildlife, PO Box 400, Trenton, N.J. 08625-0400, or the conservation officers or Division field offices.

4. The application form shall be filled in to include: name, age, size of farm, address, social security number, and any other information requested thereon. Properly completed application forms will be accepted in the Trenton office during the period of June 1 to October 1. After that date, permits may not be received in time for the opening day of the season. There is no fee required, and all qualified applicants will receive a farmer shotgun permit season permit, delivered by mail.

5. 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 and subject the applicant to prosecution.

6. In deer management zones where no regular permit shotgun season has been authorized, the season for qualified and permitted farmers will include the six-day firearm season and the Wednesday following the six-day firearm season and as provided for in (d) 19 above, and the bag limit will be one deer per permit. Only one antlerless deer may be taken during the six-day season. On the Wednesday following six-day firearm season, either an antlered or antlerless deer may be taken, if no antlerless deer were taken on this permit during the six-day season.

(j) Shotgun, Occupant Farmer Shotgun and Non-occupant 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 from individual to individual. The shotgun permit season permit hunter is responsible for hunting in the correct DMZ as indicated and in ascertaining the boundaries.

2. The occupant farmer shotgun permit season permit is valid only on the farm occupied and designated in the application and is not transferable from deer management zone to deer management zone, or from farm to farm or from individual to individual. The occupant farmer shotgun permit season permit hunter is responsible for hunting on the correct farm in the correct DMZ as indicated and in ascertaining the boundaries.

3. The non-occupant farmer shotgun season permit is valid only on private land within the deer management zone designated in the permit and is not valid on public lands within the DMZ. It is not transferable from deer management zone to deer management zone or from individual to individual. The non-occupant farmer shotgun permit season hunter is responsible for hunting on private lands in the correct DMZ as indicated and in ascertaining the boundaries.

(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 2001-2002 Shotgun Permit Season Permit Quotas are as follows:

2001-2002 SHOTGUN PERMIT SEASON PERMIT QUOTAS

Deer Mgt. Zone No.	Season Dates Code	Anticipated Deer Harvest 2001-2002	Permit Quota 2001-2002	Portions of Counties Involved
1	1	116	510	Sussex
2	2	1,104	3,250	Sussex
3	3	13	303	Sussex, Passaic, Bergen
4	3	106	744	Sussex, Warren
5	4	3,463	8,360	Sussex, Warren
6	1	290	2,210	Sussex, Morris, Passaic, Essex, Warren
7	4	1,572	3,490	Warren, Hunterdon
8	4	3,451	7,280	Warren, Hunterdon, Morris, Somerset
9	4	628	1,240	Morris, Somerset
10	4	2,061	3,590	Warren, Hunterdon

Deer Mgt. Zone No.	Season Dates Code	Anticipated Deer Harvest 2001-2002	Permit Quota 2001-2002	Portions of Counties Involved
11	4	1,370	2,370	Hunterdon
12	4	2,533	4,140	Mercer, Hunterdon, Somerset
13	4	438	1,000	Morris, Somerset
14	4	1,632	2,820	Mercer, Somerset, Middlesex, Burlington
15	5	1,544	2,650	Mercer, Monmouth, Middlesex
16	2	422	1,630	Ocean, Monmouth
17	6	690	1,650	Ocean, Monmouth
18	3	6	118	Ocean
19	6	961	2,830	Camden, Burlington
21	3	16	270	Burlington, Ocean
22	6	228	670	Burlington, Ocean
23	3	28	214	Burlington, Camden, Atlantic
24	3	13	106	Burlington, Ocean
25	5	1,269	3,400	Gloucester, Camden, Atlantic, Salem
26	6	232	1,060	Atlantic
27	2	312	1,540	Salem, Cumberland
28	2	349	1,530	Salem, Cumberland, Gloucester
29	2	281	1,390	Salem, Cumberland
30	1	107	520	Cumberland
31	2	69	250	Cumberland
34	1	284	1,370	Cape May, Cumberland
35	5	1,087	2,910	Gloucester, Salem
36	4	120	260	Bergen, Hudson, Essex, Morris, Union, Somerset, Middlesex, Passaic
37	8	4	47	Burlington (Fort Dix Military Reservation)
38	9	264	450	Morris (Great Swamp National Wildlife Refuge)
39	10	207	180	Monmouth (Earle Naval Weapons Station)
40	11	69	50	Monmouth (Earle Naval Weapons Station—Waterfront)
41	4	797	1,300	Mercer, Hunterdon
42	5	464	1,330	Atlantic
43	4	4	55	Cumberland
45	3	13	170	Cumberland, Atlantic, Cape May
46	3	14	146	Atlantic
47	6	168	820	Atlantic, Cumberland, Gloucester
48	5	1,123	1,760	Burlington
49	5	94	310	Burlington, Camden, Gloucester
50	4	824	1,780	Middlesex, Monmouth
51	4	618	1,510	Monmouth, Ocean
52	8	3	24	Ocean (Fort Dix Military Reservation)
53	12	6	31	Ocean (Lakehurst Naval Engineering Station)
54	13	24	31	Morris (Picatinny Arsenal-ARRAD Com)
55	3	17	80	Gloucester
56	14	30	25	Atlantic (Edwin B. Forsythe National Wildlife Refuge)
57	15	9	40	Atlantic (Edwin B. Forsythe National Wildlife Refuge)
58	15	27	50	Burlington, Ocean (Edwin B. Forsythe National Wildlife Refuge)
59	16	60	75	Salem (Supawna Meadows National Wildlife Refuge)
60	1	36	120	Hunterdon (Round Valley Recreation Area)
61	17	21	80	Atlantic (Atlantic County Park System)
63	2	121	600	Salem
64	18	75	100	Monmouth (Monmouth Battlefield State Park)
65	3	2	120	Gloucester, Camden
66	19	24	55	Atlantic (Federal Aviation Administration William J. Hughes Technical Center)
67		0	0	Sussex (High Point State Park)
Total		31,732	76,914	

(l) Shotgun permit season permits not applied for by the deadlines enumerated in (h)3 and (i)4 above may be reallocated to muzzleloader rifle, permit season applicants.

(m) See (d)1 through 19 for corresponding season date codes.

(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, 40, 52-54, 56-61, 64, 66 and 67 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. High Point State Park (Zone 67) is excluded from Zone 1.

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, Warren 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 Buttzville; then west on Rt. 46 to the Delaware River at Manuakachunk; 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 Buttzville; 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: Those portions of Morris and Somerset Counties 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; 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 begin-

ning 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. 124 in Morristown; then southeast along Rt. 124 to the intersection with Rt. 82; then southwest along Rt. 82 to the 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 Routes 22 and 206 at Somerville; then east along Route 22 to its intersection with Interstate 287; then south on Interstate 287 to its intersection with Route 18; then south on Route 18 to its intersection with the New Jersey Turnpike; then southwest along the New Jersey Turnpike to its intersection with Route 545; then northwest on Route 545 which becomes Farnsworth Avenue; then continuing northwest on Farnsworth Avenue to its intersection with W. Burlington Street; then southwest on W. Burlington Street to its intersection with Interstate 295; then north on Interstate 295 to its intersection with the Delaware River at Bordentown; then northwest along the east bank of the Delaware River to Route 546 at Washington's Crossing; then east on Route 546 to its intersection with Route 206 at Lawrenceville; then north along Route 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 Interstate 195; then east along Interstate 195 to the intersection with Rt. 537 near Holmeson; then southwest along Rt. 537 to the intersection with Hawkin Road (Prospertown-Colliers Mills Road: Rt. 640); then southeast along Hawkin Road (Prospertown-Colliers Mills Road: Rt. 640); to the intersection with Colliers Mills Road; then west along Colliers Mills Road to its 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 Interstate 195 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 (Prospertown-Colliers Mills Road: Rt. 640); then northwest along Hawkin Road (Prospertown-Colliers Mills Road: Rt. 640) to the intersection with Rt. 537 near Prospertown; 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. 646 (New Lisbon-Four Mile Rd.); then southeast on Rt. 646 to its intersection with Turkey Buzzard Bridge Road; then west on Turkey Buzzard Bridge Rd. to its intersection with Rt. 644 (Buddtown-Ong's Hat Road); then southeast on Rt. 644 to its intersection with Rt. 70 at Four Mile Circle; then west on Rt. 70 to its intersection with Burr's Mill Road; then southwest on Burr's Mill Rd. to its intersection with Avenue Road; then south on Avenue Rd. to its intersection with Sooy Place Road; then south on Sooy Place Rd. to its intersection with Irick's Causeway; then southwest on Irick's Causeway to its intersection with Rt. 532 (Chatsworth Road); then south and southeast on Rt. 532 to its intersection with South Park Rd.; then south on South Park Rd. to its intersection with White Horse-Speedwell Rd.; then south on White Horse-Speedwell Rd. to its intersection with Eagle Rd.; then southwest on Eagle Rd. to its intersection with the railroad tracks; then west following the railroad tracks to their intersection with Carranza Rd.; then northwest on Carranza Rd. to its intersection with Tuckerton Rd.; then north and northwest on Tuckerton Rd. to its intersection with Forked Neck Rd. (Dingletown Rd.); 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. 616 (Vincetown-Pemberton Road); then northeast on Rt. 616, Hanover Street, into the town of Pemberton to its intersection with Elizabeth Street; then east on Elizabeth Street, which becomes Pemberton-Brown's Mills Road (Rt. 687) to its intersection with Rt. 530 (Pemberton-By-Pass Road); then east on Rt. 530 to its intersection with Rt. 646 (New Lisbon-Four Mile Road), the point of beginning. Fort Dix Military Reservation (Zone 37) is excluded from Zone 19.

20. Zone No. 20: Not designated.

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 near South Toms River; then south along the Parkway to its intersection with Rt. 72; then northwest along Rt. 72 to its intersection with Rt. 644 (Buddtown-Ong's Hat Road) at Four Mile Circle; then northwest on Rt. 644 to its intersection with Turkey Buzzard Bridge Road; then northeast on Turkey Buzzard Bridge Road to its intersection with Rt. 646 (New Lisbon-Four Mile Road); then northwest on Rt. 646 to its intersection with Rt. 530 (Pemberton-Brown's Mills Road); then east along the southern border of Fort Dix Military Reservation to its intersection with Rt. 70; then east on 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 near South Toms River, the point of beginning. Fort Dix Military Reservation (Zones 37 and 52) are excluded from Zone 21.

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 Stage Road; then west along Stage Road to its intersection with Leektown Road; then west along Leektown Road (which turns into Rt. 653 to its intersection with the Wading River; then south along the east bank of the Wading River to its intersection with the Mullica River and the Atlantic-Burlington County line; then east along the Atlantic-Burlington County line to the Atlantic Ocean; 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 with a continuous line beginning at the intersection of Rt. 563 and the Mullica River at the Atlantic-Burlington County line near Green Bank; then north and west along the north bank of the Mullica River to its intersection with Rt. 542 at Pleasant Mills; then west along Rt. 542 to its intersection with Nescochague Creek; 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 (Dingletown Rd.) to its intersection with Tuckerton Rd.; then southeast and south on Tuckerton Rd. to its intersection with Carranza Rd.; then southeast on Carranza Rd. to its intersection with the railroad tracks; then east following the railroad tracks to their intersection with Eagle Rd.; then northeast on Eagle Rd. to its intersection with White Horse-Speedwell Rd.; then north on White Horse-Speedwell Rd. to their intersection with South Park Rd.; then north on South Park Rd. to its intersection with Rt. 532 (Chatsworth Rd.); then northwest on Rt. 532 to its intersection with Irick's Causeway; then northeast on Irick's Causeway to its intersection with Sooy Place Road (Vincentown-South Park Road); then northwest on Sooy Place Rd. to its intersection with Avenue Road; then northeast on Avenue Rd. to its intersection with Burr's Mill Road; then northeast on Burr's Mill Rd. to its intersection with Rt. 70; then east on Rt. 70 to its intersection with Rt. 72 at Four Mile Circle; then southeast on Rt. 72 to its intersection with Rt. 563; then southwest along Rt. 563 to its intersection with the Mullica River at the Atlantic-Burlington County line, the point of beginning near 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. 72; then southeast along Rt. 72 to its intersection with the Garden State Parkway; then south along the Parkway to its intersection with Stage Road; then west along Stage Road to its intersection with Leektown Road; then west along Leektown Road (which turns into Rt. 563) to its intersection with the Wading River; then south along the east bank of the Wading River to its intersection with the Mullica River and the Atlantic-Burlington County line; 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. 72, 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 Rt. 54 and Rt. 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 intersection with Rt. 655 (Fries Mills 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 705 (County House Road); then southeast along 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 pass 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 Weymouth Road (Rts. 640-559); then southward on Weymouth Rd. 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 to its intersection with Rt. 50; then north on Rt. 50 to its intersection with Rt. 322; then east on Rt. 322 to its intersection with Cologne Avenue; then north on Cologne Avenue to its intersection with Duerer Street; then east on Duerer Street to its intersection with Rt. 575; then northeast on Rt. 575 to its intersection with the Garden State Parkway; then north along the Garden State Parkway to its intersection with the Mullica River and the Atlantic-Burlington County line; then northwest along the south bank of the Mullica River to its intersection with Rt. 542 at Pleasant Mills; 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 Weymouth Road (Rts. 640-559); then south on Weymouth Road 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. 322 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) is 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 Cohansey River; then west along the south bank of the Cohansey 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 Haleyville-Mauricetown Road (County Road 676); then west on Haleyville-Mauricetown Road to its intersection with the Central Railroad of New Jersey (C.R.R.N.J.); then west along the C.R.R.N.J. line 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 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 Cohansey River at Fairton; then north on the east bank of the Cohansey River to Bridgeton, the point of beginning.

32. Zone No. 32: Not designated.

33. Zone No. 33: Not designated.

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 south bank of 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: That portion of Bergen, Hudson, Essex, Passaic, 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 within a continuous line beginning at the intersection of the south bank of the Mullica River and the Garden State Parkway; then south along the Garden State Parkway to its intersection with Rt. 575; then southwest along Rt. 575 to its intersection with Duerer Street; then west on Duerer Street to its intersection with Cologne Avenue; then south on Cologne Avenue to its intersection with Rt. 322; then west on Rt. 322 to its intersection with Rt. 50; then south on Rt. 50 to its intersection with the Great Egg Harbor River at Mays Landing; then south along the east bank of the Great Egg Harbor River 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 the Mullica River; then

west along the south bank of the Mullica River to its intersection with the Garden State Parkway, the point of beginning. The Edwin B. Forsythe National Wildlife Refuge (Zones 56 and 57), the Atlantic County Park System (Zone 61) and the Federal Aviation Administration William J. Hughes Technical Center (Zone 66) are 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: Not designated.

45. Zone No. 45: That portion of Cumberland, Atlantic and Cape May Counties lying within a continuous line beginning at the intersection of Broad Street (Rt. 552 spur) and Delsea Drive (Rt. 47); then northeast along Rt. 552 spur to Rt. 552; then continuing northeast along 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 Delsea Drive (Rt. 47) and the Manumuskin River in Port Elizabeth; then west along the south bank of Manumuskin River to its intersection with the Maurice River; then north along the east bank of the Maurice River to its intersection with Rt. 49 in Millville; then east on Rt. 49 to its intersection with Delsea Drive (Rt. 47); then north on Rt. 47 to its intersection with Broad Street (Rt. 552 spur), 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 and the Atlantic-Cape May County line at Head of River; then eastward along the north bank of the Tuckahoe River to Great Egg Harbor Bay and the Egg Harbor Township line on the Egg Harbor River; then northwest along the west bank of the Egg Harbor River to its intersection with Rt. 40 at Mays Landing; then west on Rt. 40 to its intersection with Estell Ave.; then south on Estell Ave. to its intersection with Rt. 552 then southwest 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. 47 and 40 at Malaga; then southeast on Rt. 40 to its intersection with Estell Avenue; then south on Estell Avenue 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 Route 38 near Moorestown; then east along Route 38 to its intersection with Route 530; then east along Route 530 along the Pemberton by-pass to its intersection with the southern boundary of Fort Dix Military Reservation; then northward along the western Fort Dix boundary to its intersection with County Road 670; then east on County Road 670 to its intersection with Route 545 at Wrightstown; then northwest on Route 545 which becomes Farnsworth Avenue; then continuing northwest on Farnsworth Ave. to its intersection with W. Burlington Street; then southwest on W. Burlington Street to its intersection with Interstate 295; then north on Interstate 295 to its intersection with Crosswicks Creek at Bordentown; then west along the south bank of Crosswicks Creek to its intersection with the Delaware River at Bordentown; then southwest along the east bank of the Delaware River to Route 541 at the City of Burlington; then southeast along Route 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 Route 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 (Cross Keys Road) at Berlin; then southwest along County Road 689 to its intersection with County Road 688 (Turnersville-Hickstown Road); then west along County Road 688 to its intersection with County Road 705; then northwest along County Road 705 (County House Road) to its intersection with County Road 635 (Grenlode-Hurville Road); 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 Depot to the intersection of County Route 38 (Wayside Rd.) and Rt. 547 at the most eastern point of the fenced boundary of Naval Weapons Station—Earle; then northeast on Rt. 547 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 southern shore of Raritan Bay to 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), 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 within 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 its intersection with Rt. 37 near Toms River; then east along 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 (ARRADCOM), 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 deer 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: Not designated.

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 deer 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 William J. Hughes Technical Center designated as open for hunting, lying within Atlantic County.

67. Zone No. 67: That portion of High Point State Park, located north and east of Deckertown Turnpike (Rt. 650), designated as open to hunting, lying within Sussex County.

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

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

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

In (c), amended zones and dates of season; in (d), inserted internal cite and provision banning season in zones 24, 40, 62, and 67, and amended dates of season throughout; in (f)1, substituted "law or as imposed by a court" for "N.J.S.A. 23:3-22," and added provision relating to special management zones; in (g), amended zones, inserted "until the season bag limit is reached," and inserted "Supplemental Deer" preceding "Permit and Transportation Tag"; in (k), amended year for permit quotas and amended season dates, anticipated harvest, and quotas in permit table and added Sussex to table; in (l), amended year referenced; in (m), amended dates of season dates throughout; in (o), added zone 67; and in (p), amended zones 1, 22, 23, 24, 26, 42, 46, 47, 66, and added zone 67.

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

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

Rewrote the section.

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

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

Rewrote the section.

Amended by R.2000 d.218, effective May 15, 2000.

See: 32 N.J.R. 740(a), 32 N.J.R. 1806(a).

In (h)3, substituted a reference to June 1-September 10 for a reference to August 15-September 10; and in (i)3, substituted a reference to June 1 to September 10 for a reference to August 1 to 15. Amended by R.2000 d.365, effective September 5, 2000 (operative September 10, 2000).

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

Rewrote (c), (d) and (k); in (g), changed zone references; in (i)5 and (m), made internal reference changes; and in (l), changed date. Amended by R.2001 d.300, effective August 20, 2001 (operative August 25, 2001).

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

Rewrote section.

7:25-5.30 White-tailed deer bow permit season

(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: Only one antlered deer may be taken Statewide during the bow permit season, regardless of the number of permits obtained. Two deer, one antlered and one antlerless or two antlerless may be taken on a permit in Zones 1, 3, 4, 6, 18, 21, 23, 24, 30, 34, 37, 43, 45, 46, 52, 53, 55 and 65. One antlered and an unlimited number of antlerless deer may be taken in Zones 2, 5, 7-17, 19, 22, 25-29, 31, 35, 36, 39-42, 47-51, 54, 57-59, 61, 63 and 66, except as noted in (c)1 and 2 below. Only one deer may be taken at a time per permit until the season limit is reached. All supplemental tags are valid on the date of issuance and only in the zone for which the special season permit was issued. All deer registration requirements apply. In Zones 5, 7, 8, 9, 10, 11, 12, 13, 14, 36, 40, 41, 50 and 51 an antlerless deer must be taken before taking or attempting to take an antlered deer throughout the season. 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 to secure a legal possession tag. The legal possession tag must be securely affixed or locked before the deer is transported or removed from the authorized deer checking station. Hunters are responsible for legal possession tags being securely affixed or locked on the deer before leaving the deer check station. The possession of a deer after 7:00 P.M. E.S.T. on the date killed without a legal possession seal shall be deemed illegal possession. Upon completion of the registration of the first deer, one valid and proper "New Jersey Supplemental Deer Transportation Tag" (supplemental tag) will be issued which will allow the person to continue hunting and take one additional deer during bow permit season, provided the season is open. The supplemental tag shall be valid on the day of issuance and all registration requirements apply.

1. In Zones 2, 5, 7-17, 19, 22, 25-29, 31, 35, 36, 39-42, 47-51, 54, 57-59, 61, 63 and 66 supplemental tags for the taking of a third and subsequent deer will be issued upon registration of deer at official deer checking stations until the season concludes. A supplemental tag may be used to take an antlered or antlerless deer, subject to the above provisions and is only valid in that deer management zone for which the special season permit was originally issued. The supplemental tag is valid on the date of issuance. All tagging and registration requirements apply.

2. In Zones 3, 6, 9, 13, 27, 29, 35, 37, 40, 59, 63 and 66 it shall be illegal to kill, take or attempt to take any antlered deer which does not have a minimum of three antler points on one side.

(d) Duration of the bow permit season is as set forth in (d)1 through 3 below. There is no season in the following Zones: 38, 56, 60, 64 and 67 or any time as determined by the Director. Legal hunting hours shall be $\frac{1}{2}$ hour before sunrise to $\frac{1}{2}$ hour after sunset.

1. October 27-November 24, 2001 in Zones 1-4, 6, 15-19, 21-31, 34, 35, 37, 43, 45-48, 52, 53, 55, 57-59, 63 and 65.

2. October 27-December 31, 2001 in Zones 5, 7-14, 36, 39-42, 49-51, 54 and 66.

3. October 27, 2001-January 31, 2002 in Zone 61.

(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 one antlered and one antlerless or two antlerless except as noted in (c) and (c)1 above or the taking of deer as designated for special hunts 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, persons who have a bow hunter education course pending as of the permit application period and qualified farmers.

2. For special deer management zones where the agency administering the affected lands requires hunters to attend a mandatory orientation session as a condition of access, failure to attend the designated session shall result in invalidation of the special bow season permit for the zone.

3. Limited quota, special deer permits for bow permit season will be issued on an individual basis to holders of valid and current bow licenses and qualified farmers. Limited quota, special deer permit zones include the following deer management zones: 3, 4, 18, 23, 24, 37, 38, 39, 40, 43, 46, 52, 53, 54, 57, 58, 59, 61 and 66.

4. All other special deer permits for bow permit season will be issued on an individual basis to holders of valid and current firearm licenses and rifle permits at designated license issuing agents. These permits may be issued beginning on the effective date of the current Game Code, or as authorized by the Division, through the last day of the season. Qualified applicants may purchase permits from authorized agents for the following deer management zones: 1, 2, 5-17, 19, 21, 22, 25-31, 34-36, 41, 42, 45, 47-51, 55, 63 and 65. Qualified farmers may obtain permits as provided in (i) below.

(g) Permits consist of back display which includes a deer transportation tag or proper and valid "supplemental tag" or a proper and valid bonus 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 and arrow 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 legal possession tag must be securely affixed or locked before the deer is transported or removed from the authorized deer checking station. Hunters are responsible for legal possession tags being securely affixed or locked before leaving the deer check station. The possession of a deer of either sex after 7:00 P.M. E.S.T. on 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 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 limited quota, special deer permits shall be applied for as follows:

1. Holders of valid bow and arrow licenses including juvenile bow license holders shall 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. First time permit applicants who do not yet possess a valid hunting license may apply to a bow permit season hunting permit provided they have applied for a hunter education course prior to the permit application period and have provided such related information as may be required on the application. Application forms may be obtained from:

- i. Division of Fish and Wildlife, PO Box 400, Trenton, NJ 08625-0400;
- 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 for limited quota, bow permits 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 and subject the applicant to prosecution. All persons, while their hunting licenses are void under the authority of law or as imposed by a court 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, social security number, 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 June 1 to August 31. Applications postmarked after August 31 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 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) Occupant and Non-occupant 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 an occupant 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. The owner or lessees of a farm, who does not reside thereon, or the immediate members of their family 10 years of age or older who reside with them, may apply on forms provided for a non-occupant farmer deer permit. Under this subsection, applicants must farm 30 tilled acres that are tax assessed as farmland. Wood lots are not included in acreage needed to qualify. Properties do not need to be contiguous. No more than five individuals may receive a permit for the season for a property. The applicants must be the farmer or farmers, their spouses and their children.

3. Application forms may be obtained from:

- i. County Agricultural Agent;
- ii. Division of Fish and Wildlife, PO Box 400, Trenton, NJ 08625-0400; and
- iii. Conservation Officers.
- iv. Division field offices.

4. The application form shall be filled in to include: name, age, size of farm, address, social security number, and any other information requested thereon. Properly completed application forms will be accepted in the Trenton office during the period of June 1 to October 1. After that date, permits may not be received in time for the opening day of the season. There is no fee required, and all qualified applicants will receive a farmer permit bow season permit, delivered by mail.

5. 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, Occupant Farmer Bow and Non-occupant Farmer Bow Permit Season Permits shall be used as follows:

1. The bow and arrow permit season permit is valid only in the deer management zone (DMZ) designated and is not transferable from individual to individual. 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. The occupant farmer bow permit season permit is valid only on the farm occupied and designated in the application and is not transferable from deer management zone to deer management zone, or from farm to farm or from individual to individual. The occupant farmer bow permit season permit hunter is responsible for hunting on the correct farm in the correct DMZ as indicated and in ascertaining the boundaries.

3. The non-occupant farmer bow season permit is valid only on private land within the deer management zone designated in the permit and is not valid on public lands within the DMZ. It is not transferable from deer management zone to deer management zone or from individual to individual. The non-occupant farmer bow permit season hunter is responsible for hunting on private lands in the correct DMZ as indicated and in ascertaining the boundaries.

(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 2001-2002 Bow Permit Season Quotas are as follows:

2001-2002 BOW PERMIT SEASON PERMIT QUOTAS

Deer Mgt. Zone No.	Season Dates Code	Anticipated Deer Harvest 2001-2002	Permit Quota 2001-2002	Portions of Counties Involved
1	1	143	900	Sussex
2	1	417	2,690	Sussex
3	1	142	1,185	Sussex, Passaic, Bergen
4	1	300	1,110	Sussex, Warren
5	2	739	4,030	Sussex, Warren
6	1	280	2,210	Sussex, Morris, Passaic, Essex, Warren
7	2	371	2,100	Warren, Hunterdon
8	2	983	4,210	Warren, Hunterdon, Morris, Somerset
9	2	263	1,020	Morris, Somerset
10	2	614	2,440	Warren, Hunterdon
11	2	406	1,580	Hunterdon
12	2	854	3,080	Mercer, Hunterdon, Somerset
13	2	486	1,650	Morris, Somerset
14	2	675	2,290	Mercer, Somerset, Middlesex, Burlington
15	1	267	1,820	Mercer, Monmouth, Middlesex
16	1	181	1,850	Ocean, Monmouth
17	1	93	880	Ocean, Monmouth
18	1	136	610	Ocean
19	1	288	1,910	Camden, Burlington
21	1	135	970	Burlington, Ocean
22	1	110	670	Burlington, Ocean
23	1	179	1,010	Burlington, Camden, Atlantic
24	1	58	350	Burlington, Ocean
25	1	158	1,260	Gloucester, Camden, Atlantic, Salem
26	1	224	1,290	Atlantic
27	1	129	1,090	Salem, Cumberland
28	1	255	1,400	Salem, Cumberland, Gloucester
29	1	123	980	Salem, Cumberland
30	1	65	430	Cumberland
31	1	74	380	Cumberland
34	1	171	1,240	Cape May, Cumberland
35	1	206	1,740	Gloucester, Salem

Deer Mgt. Zone No.	Season Dates Code	Anticipated Deer Harvest 2001-2002	Permit Quota 2001-2002	Portions of Counties Involved
36	2	128	500	Bergen, Hudson, Essex, Morris, Union, Somerset, Middlesex, Passaic
37	1	29	190	Burlington (Fort Dix Military Reservation)
38		0	0	Morris (Great Swamp National Wildlife Refuge)
39	3	38	110	Monmouth (Earle Naval Weapons Station)
40	3	27	80	Monmouth (Earle Naval Weapons Station—Waterfront)
41	2	189	830	Mercer, Hunterdon
42	2	64	600	Atlantic
43	1	53	180	Cumberland
45	1	54	420	Cumberland, Atlantic, Cape May
46	1	51	300	Atlantic
47	1	28	310	Atlantic, Cumberland, Gloucester
48	1	145	1,040	Burlington
49	2	29	280	Burlington, Camden, Gloucester
50	2	249	1,320	Middlesex, Monmouth
51	2	120	740	Monmouth, Ocean
52	1	14	55	Ocean (Fort Dix Military Reservation)
53	1	7	35	Ocean (Lakehurst Naval Engineering Station)
54	2	22	30	Morris (Picatinny Arsenal-ARRAD Com)
55	1	16	140	Gloucester
56		0	0	Atlantic (Edwin B. Forsythe National Wildlife Refuge)
57	1	13	40	Atlantic (Edwin B. Forsythe National Wildlife Refuge)
58	1	8	40	Burlington, Ocean (Edwin B. Forsythe National Wildlife Refuge)
59	1	9	35	Salem (Supawna Meadows National Wildlife Refuge)
60		0	0	Hunterdon (Round Valley Recreation Area)
61	4	4	30	Atlantic (Atlantic County Park System)
63	1	33	320	Salem
64		0	0	Monmouth (Monmouth Battlefield State Park)
65	1	53	390	Gloucester, Camden
66	2	6	100	Atlantic (Federal Aviation Administration William J. Hughes Technical Center)
67		0	0	Sussex (High Point State Park)
Total		10,914	58,490	

(l) See (d)1 through 3 above for corresponding season date codes.

(m) Permit quotas for zones 37, 39, 40, 52-54, 57, 58, 59, 61 and 66 are contingent upon approval by the appropriate land management agencies for these zones.

(n) Limited quota, bow and arrow permit season permits not applied for by the deadlines enumerated in (h)4 and (i)4 above may be reallocated to muzzleloader rifle or shotgun permit season permit applicants.

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

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

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

Rewrote (c); subdivided (d) and amended zones and dates of season; in (f), inserted reference to (c)1 and special hunts and added one deer per day provision; added (f)2; in (g), inserted "or a proper and valid bonus tag"; in (h)3, substituted "law or as imposed by a court" for "N.J.S.A. 23:3-22; in (k), amended year for permit quotas and amended season dates, anticipated harvest, and quotas in permit table and added Sussex to table; in (l), amended dates of season dates through-out; and in (m), added zone 57.

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

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

Rewrote (c) and (d); in (h), inserted new application requirement "social security number" in 4; in (i), inserted new application requirement "social security number" in 3; in (k), changed season dates, changed Anticipated Deer Harvest numbers and changed Permit Quota numbers; and in (l), changed season dates in 1 and 2, and deleted a former 3.

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

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

Rewrote the section.

Amended by R.2000 d.218, effective May 15, 2000.

See: 32 N.J.R. 740(a), 32 N.J.R. 1806(a).

In (h)4, substituted a reference to June 1 to September 10 for a reference to August 15 to September 10; and in (i)3, substituted a reference to June 1 to September 10 for a reference to August 1 to 15. Amended by R.2000 d.365, effective September 5, 2000 (operative September 10, 2000).

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

Rewrote (c), (d) and (k); and in (l), made an internal reference change.

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

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

Rewrote section.

7:25-5.31 White-tailed deer permit shotgun season and permit muzzleloader season, 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 and Permit Muzzleloader Season shall be from $\frac{1}{2}$ hour before sunrise to $\frac{1}{2}$ hour after sunset on the following dates: November 28-December 1, 2001 (concurrent) or as may otherwise be designated by the U.S. Fish and Wildlife Service. If the anticipated harvest of deer has not been accomplished during the season, one or more of the following days of shotgun permit deer hunting may be authorized by the Director: January 9-12, 2002. Such authorization and date thereof would be announced by press and radio.

(d) Bag limit: One antlered and an unlimited number of antlerless deer may be taken with a Great Swamp Permit Shotgun Season Permit or a Great Swamp Permit Muzzleloader Season Permit; however, an antlerless deer must be taken before an antlered deer. Two deer may be taken at a time per permit. All tagging and registration regulations apply.

(e) Great Swamp permit shotgun season permits and permit muzzleloader season permits are valid only in designated portions of the Great Swamp National Wildlife Refuge and are not transferable.

(f) Method: The taking of the designated bag limit of deer with a Great Swamp (Zone 38) permit shotgun season permit or permit muzzleloader season permit will be permitted in designated areas of the Great Swamp National Wildlife Refuge. A total of 450 Great Swamp, shotgun permit season permits and 50 muzzleloader permit season permits will be issued. Daily hunter quotas, hunt procedures and hunting methods in this area shall be provided by the U.S. Fish and Wildlife Service.

(g) Procedures for applying for a Great Swamp permit shotgun season permit and a permit muzzleloader season permit will be the same as outlined in N.J.A.C. 7:25-5.28 and 5.29. Applicants for the Great Swamp Permit Shotgun Season Permit and Permit Muzzleloader 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).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

Amended dates of season and specified additional days which may be authorized by the Director.

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

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

In (c), changed season dates.

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

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

Rewrote (c) through (g).

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

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

In (c), changed dates.

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

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

In (c), changed dates.

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 or her discretion for the taking of any game species by any lawful manner and means and at any time subject to the requirements of this section. Such 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.

(c) Issuance of additional permit shotgun and muzzleloader season deer permits for specific farms within over-subscribed deer management zones shall be based on the following criteria:

1. 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;
2. The permit shall only be valid for the specific farm applied for and shall not be transferable; and

3. Site specific permits shall be issued for use only on farms with a history of deer damage. Site specific shotgun permits will only be issued if the regular permits are sold out. Site specific muzzleloader permits will only be issued if the regular quota of muzzleloader permits is sold out. There will be no limit on the number of site specific permits that can be issued. The permits shall be for antlerless deer only.

(d) Subject to the requirements of the subsection, the Director may, in his or her discretion, designate special deer management areas and issue Special Deer Management Permits to administer alternative deer control methods as part of an approved community based deer management plan.

1. As used in this section, except as otherwise noted:

“Agent” means a volunteer(s) or paid individual(s) listed by the cooperator on their Special Deer Management Permit to employ alternative deer control methods. Agents are restricted to weapons and/or ammunition as specified in the Game Code at N.J.A.C. 7.25-5.23 and 5.24.

“Alternative deer control methods” means those techniques other than traditional hunting employed to reduce deer populations, which techniques may include, but not be limited to, shooting by agents, capture and euthanize, capture and remove, the use of materials and methods to limit reproduction and controlled hunting.

“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.

“Community based deer management plan” is a plan submitted by a cooperator in accordance with N.J.S.A. 23:4-42.4 and this section involving the use of alternate control methods to reduce the number of deer in an area designated as a special deer management area.

“Controlled hunting” means an alternative deer control method involving the capturing, taking or killing 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 airports, county boards of agriculture, municipal governing bodies, or a combination thereof, and/or instrumentalities thereof that have secured the approval of their applicable governing body(ies), cooperating in the administration of a community based deer management plan.

“Coordinator” means the Division of Fish and Wildlife employee(s) designated by the Director as the Division’s official representative who with the local authority(ies) will develop and monitor the administration of the community based deer management plan.

“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 area.

“Deer” means white-tailed deer (*Odocoileus virginianus*).

“Director” means the Director of the Division of Fish and Wildlife.

“Division” means the New Jersey Department of Environmental Protection, Division of Fish 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.

“Special Deer Management Area” is an area designated by the Division as an area having excessive agricultural or property damage caused by an over abundance of white-tailed deer or an area within and adjacent to an airport where deer constitute a hazard to the safe operation of aircraft.

“Special Deer Management Permit” is a permit issued to the cooperator by the Division upon approval of the community based deer management plan by the Division and the Council authorizing the reduction of a deer population within a designated special deer management area, subject to conditions set by the Division and Council.

“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.

2. A cooperator experiencing significant agricultural or property damage caused by deer or a significant number of deer-vehicle collisions caused by deer or a hazard to the safe operation of aircraft caused by deer may request assistance from the Division in order to develop an application requesting designation of a special deer management area(s) for lands under their jurisdiction. Such applications shall contain a quantitative description of the significant damage caused by deer to agricultural crops or property, or the number of deer-vehicle collisions within the proposed special deer management area; and a map and description of the proposed deer management area, including the approximate acreage of the proposed deer management area. Whenever possible, the boundaries of the area shall coincide with readily recognizable boundaries such as roads, natural features such as streams or already established legal boundaries such as well posted property or administrative boundaries.

i. A cooperator may submit an application for designation as a special Deer Management Area concurrently with an application for approval of a community based deer management plan. Two or more municipalities may submit a single application for a special deer management area that covers more than one municipality.

ii. The Division or the county board of agriculture may request the Center for Wildlife Damage Control of Rutgers University to coordinate and facilitate the development of a special deer management area and a community based deer management plan for an agricultural area.

iii. After consultation with the cooperator, the Division and Council may modify the area proposed for designation in an application.

3. Following the designation of a Special Deer Management Area or concurrent with the application for such an area, the cooperator, with the Division coordinator and, if applicable the Center for Wildlife Damage, may submit for approval by the Division and Council a community based deer management plan. Such plan shall be submitted to the Division 120 days prior to the proposed date of implementation and shall:

i. Include a quantitative estimate of the current deer population or deer population density and the intended target population or density necessary to reduce the damage caused by deer;

ii. Describe the proposed alternative control methods to reduce the number of deer in the special deer management area including the extent to which traditional hunting is or is not applicable. The description of the proposed alternative method shall include detailed information, including but not limited to, the capture methodology, the type of traps and destination of deer to be removed or the method of euthanasia; the culling methodology including type of weapons, type of ammunition, hours of culling activities, shooting methodology such as baiting, shooting from platforms or detailed information on other methods to be employed. Any proposal for reduction by limiting reproduction shall also adhere to the provisions of N.J.A.C. 7:25-5.37, in addition to those applicable provisions of this section N.J.A.C. 7:25-5.32;

iii. Identify any organization that shall participate in the implementation of the alternative control methods proposed in the plan, and describe their qualifications. Cooperators shall include documentation denoting that volunteers or employees of the cooperator, or their agents which will cull deer using firearms possess a valid firearm hunting license, a valid rifle permit if required, and a valid New Jersey Firearms Purchaser Identification Card or proof that the person is in compliance with the applicable laws of the person's state of residence;

iv. Describe the methods and timing thereof that shall be used to notify the public, including residents located within and adjacent to the special deer management area, of the alternative control methods proposed in the plan and the specific times and places when and where they will be used. Such methods shall at a minimum include written notice to adjacent landowners when the control method includes culling deer;

v. Describe the precautions that will be taken to ensure the safety of the public. Such provisions shall at a minimum include the use of local police or appropriate law enforcement authority to enforce the closure of roads if necessary, the restriction of the normal use of public land not normally open to hunting, when deemed necessary by the Division or Council, or if required by the county prosecutor as a condition for the use of silencers or suppressors;

vi. Document the written consent of each affected landowner for access to that person's land if access to private property is necessary to implement the plan;

vii. Attach a resolution adopted by the cooperator's governing body endorsing the application for approval of a community based deer management plan and special deer management permit. If the proposed alternate control methods require exemptions from restrictions concerning traditional weapons and/or ammunition used for deer hunting, exemptions regarding the hunting by the aid of lights and/or motor vehicles, the transportation of weapons within motor vehicles and/or the normal hours authorized for hunting deer, a resolution endorsing the plan adopted by the governing body of the municipality(ies) in which the special deer management area is located shall also be included;

viii. Include a description of a plan to implement the following measures: discouragement of deer feeding, support of traditional hunting where practicable, reasonable efforts to utilize deer killed by non-traditional means, including a plan by the cooperator to ensure donation of venison to the needy;

ix. If the alternate deer control includes the use of silencers or suppressors, include prior written authorization from the county prosecutor of the county in which the special deer management area is located; and

x. Include such additional information as the Division or the Council may determine to be necessary to properly review a community based deer management plan.

4. 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.

5. Fertility control methodologies, including contraception, contraceptation and sterilization materials and procedures, may be used by the cooperator and/or its

agents who have been issued the Special Permit to Inhibit Wildlife Reproduction issued by the Division at N.J.A.C. 7:25-5.37. 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 chemicals and vaccines to inhibit wildlife reproduction on free-ranging deer populations shall be restricted to those individuals granted an Investigational Exemption for a New Animal Drug (INAD) by the U.S. Food and Drug Administration and the Special Permit to Inhibit Wildlife Reproduction, for use of those specific substances at specified locations.

6. Upon approval of the Special Deer Management Area and community based deer management plan by the Division and the Council, the Division shall issue a special deer management permit authorizing the cooperator to implement the alternate control method(s). The permit shall incorporate the community based deer management plan by reference and shall identify the duration of the permit, the time, place and alternate control method authorized by the Division and Council, the name of each individual authorized to administer the alternate control method, any exemption or variance from a law, rule or regulation authorized by the Council and any special conditions established by the Council.

7. No person shall implement an alternate control method except when in possession of a Special Deer Management Permit issued by the Division. The permittee shall provide a copy of the permit issued by the Division to that individual named in the permit that is authorized to administer the alternate control method.

8. During the implementation of the alternate control method, the Division may monitor operations in order to ensure compliance, ensure public safety, ensure the proper treatment of any animals captured, ensure proper disposition of deer remains, carcasses and/or venison. Unless otherwise authorized on the permit, antlers and other parts not disposed of are the property of the State.

9. Upon expiration of a special deer management permit, the cooperator shall file a report, which shall include information on the costs, and efficacy of the alternate control method(s) employed to reduce the deer population and reduce deer damage.

10. Failure to comply with any of the provisions or requirements as contained in the Special Deer Management Permit and any applicable law may be cause for revocation of the permit or denial of subsequent permits.

(e) 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).

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

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

Rewrote the section.

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

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

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

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

Rewrote section.

Case Notes

Challenge to adoption of state management plan for suburban deer population by way of a policy statement was rendered moot in view of the subsequent adoption and revisions of regulation and later adoption of statute. Mercer County Deer Alliance v. DEP, 349 N.J.Super. 440, 793 A.2d 847.

State's Community Based Plan for the Management of Suburban Deer Population-Policy and Program did not exceed statutory authority by permitting the killing of deer overpopulations in accordance with the strict conditions of issued permits. Mercer County Deer Alliance v. DEP, 349 N.J.Super. 440, 793 A.2d 847.

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 2000-2001 season. However, hunting with firearms shall be prohibited on November 10, 2000 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).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

Amended dates referenced.

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

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

In (a), changed season dates.

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

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

In (a), changed dates throughout.

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

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

In (a), changed dates.

7:25-5.35 Special wildlife salvage permit

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

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

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

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

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

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

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

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

7:25-5.37 Special permit to inhibit wildlife reproduction

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

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

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

New Rule, R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Former N.J.A.C. 7:25-5.37, "Fish and Game Law Enforcement Region Headquarters", recodified to 7:25-5.38.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rewrote section.

7:25-5.39 Severability

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

Recodified from 7:25-5.38 by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).
See: 28 N.J.R. 2434(b), 28 N.J.R. 3934(a).

R.1993 d.526, effective November 1, 1993 (operative January 1, 1994).
See: 25 N.J.R. 3053(b), 25 N.J.R. 4905(a).
R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).
See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).
R.1997 d.538, effective December 15, 1997 (operative January 1, 1998).
See: 29 N.J.R. 3217(a), 29 N.J.R. 5289(a).
R.1998 d.541, effective November 16, 1998 (operative January 1, 1999).
See: 30 N.J.R. 2552(a), 30 N.J.R. 4037(b).
R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).
See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).
R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).
See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).
R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).
See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

SUBCHAPTER 6. 2002-2003 FISH CODE**Subchapter Historical Note**

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

R.1972 d.184, effective January 1, 1973.
See: 4 N.J.R. 186(a), 4 N.J.R. 234(a).
R.1973 d.25, effective January 18, 1973.
See: 5 N.J.R. 39(a).
R.1973 d.264, effective September 17, 1973.
See: 5 N.J.R. 261(a), 5 N.J.R. 336(c).
R.1973 d.265, effective January 1, 1974.
See: 5 N.J.R. 260(c), 5 N.J.R. 337(a).
R.1973 d.347, effective January 1, 1974.
See: 5 N.J.R. 369(c), 6 N.J.R. 6(b).
R.1974 d.253, effective January 1, 1975.
See: 6 N.J.R. 305(a), 6 N.J.R. 394(a).
R.1975 d.301, effective January 1, 1976.
See: 7 N.J.R. 359(c), 7 N.J.R. 499(d), 8 N.J.R. 460(a).
R.1976 d.316, effective January 1, 1977.
See: 8 N.J.R. 379(a), 8 N.J.R. 510(a).
R.1977 d.384, effective January 1, 1978.
See: 9 N.J.R. 361(a), 9 N.J.R. 513(a).
R.1978 d.351, effective January 1, 1979.
See: 10 N.J.R. 324(a), 10 N.J.R. 479(a).
R.1979 d.403, effective January 1, 1980.
See: 11 N.J.R. 370(a), 11 N.J.R. 543(a).
R.1980 d.400, effective January 1, 1981.
See: 12 N.J.R. 457(a), 12 N.J.R. 577(a).
R.1981 d.470, effective December 7, 1981.
See: 13 N.J.R. 483(a), 13 N.J.R. 887(a).
R.1982 d.429, effective December 6, 1982 (operative January 1, 1983).
See: 14 N.J.R. 872(a), 14 N.J.R. 1336(c).
R.1983 d.542, effective November 21, 1983 (operative January 1, 1984).
See: 15 N.J.R. 1217(a), 15 N.J.R. 1942(a).
R.1984 d.498, effective November 5, 1984 (operative January 1, 1985).
See: 16 N.J.R. 2034(a), 16 N.J.R. 3011(a).
R.1985 d.646, effective December 16, 1985 (operative January 1, 1986).
See: 17 N.J.R. 2187(a), 17 N.J.R. 2972(a).
R.1987, d.41, effective January 5, 1987.
See: 18 N.J.R. 1644(a), 19 N.J.R. 110(a).
R.1988 d.15, effective January 4, 1988.
See: 19 N.J.R. 1385(a), 20 N.J.R. 72(a).
R.1988 d.531, effective November 7, 1988 (operative January 1, 1989).
See: 20 N.J.R. 1627(a), 20 N.J.R. 2758(a).
R.1989 d.567, effective November 6, 1989 (operative January 1, 1990).
See: 21 N.J.R. 1775(b), 21 N.J.R. 3483(a).
R.1990 d.616, effective December 17, 1990 (operative January 1, 1991).
See: 22 N.J.R. 2071(a), 22 N.J.R. 3746(a).
R.1991 d.527, effective November 18, 1991 (operative January 1, 1992).
See: 23 N.J.R. 2115(a), 23 N.J.R. 3446(c).
R.1992 d.439, effective November 2, 1992 (operative January 1, 1993).
See: 24 N.J.R. 2539(a), 24 N.J.R. 4122(a).

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 acstivalis</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> , <i>Luxilus</i> , <i>Cyprinella</i> , and <i>Semotilus</i> . |
| 15. American eel | <i>Anguilla rostrata</i> , greater than six inches in length |

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

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

"Code" means the State Fish Code.

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 a 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 PO Box 402, Trenton, New Jersey 08625-0402. 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.

(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).

Amended by R.2001 d.477, effective December 17, 2001.
 See: 33 N.J.R. 3288(a), 33 N.J.R. 4340(a).

In (a), substituted "PO Box" for "CN", and inserted "-1 et seq." following N.J.S.A. references.

SUBCHAPTER 13. LEASED TIDAL GROUNDS

7:25-13.1 Marking of leased tidal grounds; Delaware River and Bay

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

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

SUBCHAPTER 14. CRAB AND LOBSTER MANAGEMENT

Authority

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

Subchapter Historical Note

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

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

7:25-14.1 Definitions

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

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

"Blue crab" means the crab *Callinectes sapidus*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Department” means the Department of Environmental Protection.

“Division” means the Division of Fish and Wildlife.

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

“Lobster” means the American lobster *Homarus americanus*.

“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”.

Amended by R.1996 d.587, effective December 16, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3998(a), 28 N.J.R. 5231(a).

Inserted definitions for “blue crab” and “crab”, and amended definitions of “crab dredge area” and “commercial crab pot”.

Administrative correction.

See: 29 N.J.R. 497(a).

Amended “Commercial crab pot”.

Amended by R.1998 d.255, effective May 18, 1998.

See: 30 N.J.R. 763(a), 30 N.J.R. 1809(a).

Rewrote “Commercial crab pot” definition.

Amended by R.1999 d.52, effective February 16, 1999.

See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).

Inserted “Lobster”.

Amended by R.2000 d.10, effective January 3, 2000.

See: 31 N.J.R. 2555(a), 32 N.J.R. 48(a).

Rewrote “Crab dredge area”.

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

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

Amended by R.2001 d.346, effective September 17, 2001.

See: 33 N.J.R. 453(a), 33 N.J.R. 3352(a).

Added “Blind crab pot line”.

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. In cases of hardship due to illness or vessel repairs, an authorized agent is not required to possess his or her own license, and can, for a maximum of 30 days, tend said licensee’s pots or trot lines upon satisfying all other conditions of this paragraph.

3. In addition to the agent, the commercial licensee shall be held liable and subject to the penalty provisions provided in N.J.A.C. 7:25-14.20 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).

Amended by R.1996 d.587, effective December 16, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3998(a), 28 N.J.R. 5231(a).

Added hardship provision in (a)2.

Amended by R.2000 d.10, effective January 3, 2000.

See: 31 N.J.R. 2555(a), 32 N.J.R. 48(a).

In (a)3, substituted “In addition to the agent, the commercial licensee shall” for “The commercial licensee may” at the beginning, and changed N.J.A.C. reference.

7:25-14.3 Hours of 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, in Delaware Bay and 24 hours a day in all other waters.

Amended by R.1996 d.587, effective December 16, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3998(a), 28 N.J.R. 5231(a).

Expanded hours for waters outside of Delaware Bay.

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 lines or crab dredge license issued by the Division pursuant to N.J.S.A. 23:5-35.2. A Delaware Bay commercial crab dredge license is valid to harvest crabs only within that portion of the “Delaware Bay” defined at N.J.A.C. 7:25-14.1 as part of the “crab dredge area.” An Atlantic Coast commercial crab dredge license is valid to harvest

crabs in all areas defined at N.J.A.C. 7:25-14.1 as the "crab dredge area" except that area defined as the "Delaware Bay."

1. To be eligible for a commercial crab pot license, 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.

2. No additional crab pot licenses will be issued until the number of licenses issued decreases below the number issued in 1991 (312 licenses).

i. When additional licenses are available, unsuccessful applicants from the previous lottery will be given the first right to the license provided they purchase a license within 30 days of being notified by the Department. Notification by the Department shall be by first class mail. It is the responsibility of the applicant to provide the Department with written notification of any change in mailing address. Once a lottery list is exhausted, the Department shall notify commercial docks and fishing organizations as to the availability of licenses. Applications for a license shall be available from the Department; and successful applicants shall be chosen by lottery, if necessary, from all completed applications received by the Department.

3. To be eligible for an Atlantic Coast commercial crab dredge license, the applicant must provide a copy of a previously valid Atlantic Coast 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.

4. No additional Atlantic Coast commercial crab dredge licenses will be issued until the number of licenses issued decreases below the number issued in 1993 plus 20 percent (338 licenses). When additional licenses are available, the Department will issue available licenses pursuant to (a)2i above.

5. To be eligible for a Delaware Bay commercial crab dredge license, the applicant shall provide a copy of a previously valid Delaware Bay commercial crab dredge license held by the applicant from the preceding year.

6. No additional Delaware Bay commercial crab dredge licenses shall be issued until the number of licenses issued decreases below the number sold in 1997 (93 licenses). When additional licenses are available, the Department shall issue available licenses pursuant to (a)2i above.

7. Commercial crab pot and crab dredge licenses are non-transferable except that the holder of a valid license not pending revocation due to violation of provisions of this subchapter may transfer the right to the license at any time to the license holder's spouse, father, mother, son or daughter upon application to the Division. The new licensee shall have a license issued in their name after payment of the fee specified at (a)8 below.

8. The license fee for New Jersey residents shall be \$100.00 for a commercial crab pot/trot line license, \$100.00 for a Delaware Bay commercial crab dredge license and \$100.00 for an Atlantic Coast commercial 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 gear number shall be displayed on both sides of the crabber's boat amidship, in numerals not less than 12 inches high of a color contrasting with the background, and such numerals shall be illuminated during the hours of darkness.

(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).

Amended by R.1996 d.587, effective December 16, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3998(a), 28 N.J.R. 5231(a).

Substantially amended section.

Amended by R.2000 d.10, effective January 3, 2000.

See: 31 N.J.R. 2555(a), 32 N.J.R. 48(a)

In (a), rewrote 5, inserted "(93 licenses)" at the end of the first sentence in 6, and rewrote the first sentence in 7.

7:25-14.5 Non-commercial licenses for crab pot/trot line and crab dredges

(a) No individual shall take or attempt to take crabs by means of crab pots, trot lines or crab dredges without having in his or her possession a valid license issued by the Division.

1. The Division will issue a noncommercial crab pot/trot line 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. The Division shall issue a non-commercial crab dredge license subject to the following provisions:

i. The number of dredges on any one vessel shall not exceed two;

ii. The maximum weight of each dredge shall be 80 pounds;

iii. The maximum length of the tooth bar shall be 38 inches;

iv. The maximum length of teeth shall be three inches;

v. The minimum space between teeth shall be two and three-quarters inches measured at the base;

vi. Mechanical dredge haulers are prohibited;

vii. No person shall catch, take or attempt to catch or take crabs by means of a crab dredge except during the times and seasons set forth in N.J.A.C. 7:25-14.7(d) and (e);

viii. All organisms other than crabs taken by crab dredge shall be immediately returned to the water; and

ix. There is a fee of \$15.00 for this noncommercial license.

3. 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).

Amended by R.1996 d.587, effective December 16, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3998(a), 28 N.J.R. 5231(a).

Applied section to crab dredges; recodified (a)2 as (a)3; and inserted new (a)2.

Administrative correction.

See: 30 N.J.R. 3025(a).

Amended by R.2000 d.10, effective January 3, 2000.

See: 31 N.J.R. 2555(a), 32 N.J.R. 48(a).

In (a)2v substituted a reference to two and three-quarters inches for a reference to three inches.

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, and all blind crab pot lines shall be clearly and visibly marked with a stake or buoy at both ends of the line. All crab pot buoys and all blind crab pot line buoys and stakes shall be marked with fluorescent

or reflective paint, tape or other reflective material or reflectors. Floating line shall not be used or 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, blind crab pot line 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 larger than twice the depth of the water at that point. Any pot placed in any body of water less than 150 feet wide from shoreline to shoreline at mean low water or in any man-made lagoon shall contain terrapin excluder devices pursuant to N.J.A.C. 7:25-14.1.

(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).

Amended by R.1996 d.587, effective December 16, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3998(a), 28 N.J.R. 5231(a).

Recodified (a)2 as (a)3 and inserted new (a)2; and in (c), added provision relating to terrapin excluder devices.

Amended by R.2001 d.346, effective September 17, 2001.

See: 33 N.J.R. 453(a), 33 N.J.R. 3352(a).

In (a), rewrote the first sentence and inserted "and all blind crab pot line buoys and stakes" in the second sentence; in (c), inserted "blind crab pot line".

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. A Delaware Bay commercial crab dredge licensee may authorize an agent to operate a crab dredge vessel if the agent is in possession of the said licensee's license and a letter of authorization from said licensee, issued and notarized by the Division, indicating the license number and vessel registration number of the vessel that the agent is authorized to operate. In addition to the agent, the commercial licensee shall be held liable and subject to the penalty provisions provided in N.J.A.C. 7:25-14.20 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.

1. No boat shall have more than four dredges working at the same time, except in Delaware Bay where no boat shall have more than two 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 each tooth bar shall be 54 inches in Delaware Bay, but if no more than one dredge is in possession in Delaware Bay 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. There is no weight limit for dredges used in Delaware Bay. The maximum weight of each dredge in all other crab dredge areas shall be 80 pounds. All weights refer to the weight of the dredge and collecting bag.

4. The maximum length of teeth shall be six inches north of Route 36 (Highlands Bridge), the Delaware Bay and in the Atlantic Ocean and three inches in all other crab dredge areas.

5. Shellfish harvested from Delaware Bay Areas 2 and 3 may be retained as provided under N.J.S.A. 50:3-16.13 and N.J.S.A. 50:3-16.20. Simultaneous possession of shellfish and a dredge larger than specified in N.J.S.A. 50:3-16.20 shall be prima facie evidence of a violation of this section.

6. The minimum space between teeth shall be two and three-quarters inches in all crab dredge areas, measured at the base.

7. A toothless bar shall be allowed in place of a tooth bar in all waters, provided each toothless bar is no greater in length than the tooth bar lengths, specified at (a)2 above.

8. Chains shall be allowed in place of a tooth bar or toothless bar in all waters provided that the width of each dredge opening or mouth and the distance between the chain attachment points on the dredge are no greater in width than the tooth bar lengths specified at (a)2 above.

9. 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.

10. Each dredge shall be independently and separately attached to a vessel by a single cable or tow line; except that two dredges can be towed by a single line in the Atlantic Ocean, Delaware Bay 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, except for a lessee on his or her leased shellfish grounds in Delaware Bay. A lessee may authorize an agent to dredge crabs on his or her leased shellfish grounds in Delaware Bay if the agent is in possession of the said lessee's license(s) and a letter of authorization from said lessee issued and notarized by the Division, indicating the license number(s) and vessel registration number of the vessel that the agent is authorized to operate. No person shall dredge or attempt to dredge crabs within 50 yards of any marked leased shellfish grounds.

(c) No person, while engaged in the catching and taking of crabs by dredge, shall have in his or her boat or possession any organisms other than crabs and conchs obtained from any source, except as provided under N.J.S.A. 50:3-16.13. Conchs may be retained in the crab dredge fishery. The possession of dredges and any organisms other than crabs and conchs 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 November 15 through April 15 in Delaware Bay; and from December 1 through March 31 in all other waters.

(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), in Delaware Bay, 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).

Amended by R.1996 d.587, effective December 16, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3998(a), 28 N.J.R. 5231(a).

Inserted references to Delaware Bay; inserted (a)5; and recodified former (a)5 through (a)8 as (a)6 through (a)9.

Amended by R.1998 d.40, effective January 5, 1998.

See: 29 N.J.R. 4595(a), 30 N.J.R. 226(a).

Inserted (a)8 and recodified (a)8 and 9 as 9 and 10.

Amended by R.2000 d.10, effective January 3, 2000.

See: 31 N.J.R. 2555(a), 32 N.J.R. 48(a).

In (a), inserted the last sentence in the introductory paragraph, and substituted a reference to two and three-quarters inches for a reference to three inches in 6; and rewrote (c).

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 unioin 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 blue crab measuring less than three inches across the back from the tip of the longest lateral spine to the other or a soft blue 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 blue 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 blue crab shall mean a hard blue crab which has a fully formed soft shell beneath the hard outer shell and the impending shedding process is evidenced by the white 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 blue crab measuring less than four and three-quarter inches across from tip to tip of spike except as noted in (b)1 below. Any commercially licensed vessel or person in possession of more than one bushel of blue crabs shall be presumed to possess all blue crabs for the purpose of sale.

1. A person shall not purchase, sell, offer for sale, or expose for sale any mature female blue crab measuring less than four and one-half inches across 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).
Amended by R.1996 d.587, effective December 16, 1996 (operative January 1, 1997).
See: 28 N.J.R. 3998(a), 28 N.J.R. 5231(a).
Inserted "blue" preceding "crab" throughout, and, in (a)1, substituted "white sign" for "red sign".
Amended by R.1998 d.40, effective January 5, 1998.
See: 29 N.J.R. 4595(a), 30 N.J.R. 226(a).
Added second sentence of (b), concerning presumption of possession for sale.
Amended by R.2000 d.10, effective January 3, 2000.
See: 31 N.J.R. 2555(a), 32 N.J.R. 48(a).

In (b), inserted an exception at the end of the first sentence of the introductory paragraph, and added 1.

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.

(b) Crabs may be taken by licensed bait seines authorized pursuant to N.J.S.A. 23:5-24.2 and N.J.A.C. 7:25-18.5. Crabs taken by bait seines shall not be sold or used for barter and the maximum harvest and/or possession of crabs taken by bait seines is one bushel per day per individual; except that crabs taken by licensed bait seines during the crab pot/trot line season pursuant to N.J.A.C. 7:25-14.2(f) may be sold and may exceed one bushel per day per individual provided the individual also possesses his or her valid commercial crab pot/trot line license specified at N.J.A.C. 7:25-14.4(a).

New Rule, R.1994 d.152, effective March 21, 1994.
See: 25 N.J.R. 4831(a), 26 N.J.R. 1337(b).
Amended by R.1996 d.587, effective December 16, 1996 (operative January 1, 1997).
See: 28 N.J.R. 3998(a), 28 N.J.R. 5231(a).
Added (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 Size of lobsters taken

(a) A person shall not take from the marine waters of this State by any means, import, export, offload at any port, have in his or her possession, buy, sell or offer to buy or sell, any American lobster of the genus and species *Homarus americanus*, which when measured from the rear end of the eye socket along a line parallel to the center line of the body

shell to the rear end of the body shell is less than three and one-quarter inches in length.

(b) A person shall not take from the marine waters of this State by any means, possess at sea or offload at any port an American lobster, which is damaged or mutilated to the extent that its length as specified in (a) above cannot be determined.

(c) A person shall not import, export, have in his or her possession, buy, sell or offer to buy or sell, any detached American lobster tail, if the sixth abdominal segment (that segment closest to the fan of the tail), when measured along its dorsal center line with the tail flexed, is less than one and one-sixteenth inches in length.

New Rule, R.1999 d.52, effective February 16, 1999.
See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).

Former N.J.A.C. 7:25-14.13, Penalties, recodified to N.J.A.C. 7:25-14.18.

7:25-14.14 Lobster possession limits

American lobster taken by otter trawl shall be limited to 100 lobster per day per vessel (based on a 24-hour period) up to a maximum of 500 lobsters per trip per vessel, for trips of five days or longer. American lobster taken by hand, fish pot or any gear or methods other than otter trawl, lobster pot or lobster trap shall be limited to six lobsters per person in possession or taken in any one calendar day.

New Rule, R.1999 d.52, effective February 16, 1999.

See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).

Amended by R.2001 d.346, effective September 17, 2001.

See: 33 N.J.R. 453(a), 33 N.J.R. 3352(a).

Inserted "per vessel" following "per day" and "per trip" in the first sentence; inserted ", fish pot" preceding "or any gear"; inserted "lobster" following "otter trawl," and preceding "trap shall be limited"; and inserted "per person" preceding "on possession" in the second sentence.

7:25-14.15 Prohibitions

(a) A person shall not take from the marine waters of this State by any means, import, export, offload at any port, have in his or her possession, buy, sell or offer to buy or sell, any American lobster with eggs attached, or from which the egg have been removed.

(b) A person shall not possess a female lobster bearing a v-shaped notch (that is, a straight-sided triangular cut without setal hairs, at least one-quarter inch in depth and tapering to a sharp point) in the flipper next to the right of the center flipper as viewed from the rear of the female lobster. V-notched female lobster also means any female which is mutilated in a manner which could hide, obscure or obliterate such a mark. The right flipper will be examined when the underside of the lobster is down and its tail is toward the person making the determination.

(c) A person shall not use any spear, gig, gaff or other penetrating device as a method of capture of lobsters.

New Rule, R.1999 d.52, effective February 16, 1999.

See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).

7:25-14.16 Eligibility for lobster pot permit and pot allocation

(a) As of December 31, 2001, a person shall not take and a vessel shall not land lobster harvested by a lobster pot unless such person is in the possession of a valid New Jersey lobster pot license and such vessel is in the possession of a valid New Jersey Lobster Pot Permit issued in the name of the vessel and owner.

1. To be eligible for a Lobster Pot Permit allowing the use or possession in Federal and/or State waters of an allotted number of lobster pots as defined under N.J.A.C. 7:25-18.5(g)11, a complete application including the required documentation must be received by the Department no later than December 31, 2001. Applications may be mailed to:

New Jersey Lobster Pot Permit
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418

i. For a Type A Lobster Pot Permit, the applicant shall document that the vessel owner possesses a valid 1999 Federal Lobster Permit, had landed and sold a minimum of 2,000 pounds of lobster in New Jersey in any one calendar year during the period from March 25, 1991 to September 3, 1998, and participated in the harvest of lobster by lobster pot, pursuant to (a)4 below, during the year of documented landings submitted by the applicant.

(1) A Type A Lobster Pot Permittee shall receive an allocation for 1,000 lobster pots or if the applicant can provide valid documentation, pursuant to (a)4 below, that he or she had fished a greater number of pots in any one calendar year during the period from March 25, 1991 to September 3, 1998, the permittee will receive an allocation for that number of lobster pots to be fished in Federal and/or State waters as provided for in (a)1i(2), (3) and (4) below. For the purpose of this section, lobster pots will be assumed to last for five years with a 10 percent loss of pots per year.

(2) The maximum number of pots that will be allocated for ASMFC Management Area 3 waters is 3,250.

(3) The maximum number of pots that will be allocated for ASMFC Management Areas 4 and/or 5 will be the maximum number of pots the vessel owner can document as being fished in ASMFC Management Area 4 and/or 5 in any one calendar year during the period from March 25, 1991 to September 15, 1998.

(4) Documented proof of participation in an ASMFC Management Area pot fishery shall consist of one or more of the following:

(A) Federal logbook reporting forms identifying the vessel, number of pots fished, date of landings and National Marine Fisheries Service Statistical Area from where lobster were harvested;

(B) A personal logbook in combination with a notarized statement from the applicant attesting to its authenticity; and/or

(C) Gear damage compensation reports.

ii. For a Type B Lobster Pot Permit, the applicant shall document that the vessel owner possesses a valid 1999 Federal Lobster Permit, had landed and sold a minimum of 2,000 pounds of lobster in New Jersey in any one calendar year during the period from January 1, 1980 to March 25, 1991 and participated in the harvest of lobster by lobster pot pursuant to (a)4 below, during the year of documented landings submitted by the applicant.

(1) A Type B Lobster Pot Permittee shall receive an allocation for 1,000 lobster pots to be fished in Federal and/or State waters.

iii. For a Type C Lobster Pot Permit, the applicant shall document that the vessel owner has possessed a valid New Jersey Lobster/Fish Pot License in any one calendar year during the period from January 1, 1980 to September 3, 1998 and landed and sold a minimum of 2,000 pounds of lobster in New Jersey during the year of the valid New Jersey Lobster and Fish Pot License submitted by the applicant.

(1) A Type C Commercial Lobster Pot permittee shall receive an allocation for 500 lobster pots to be fished in State waters only.

(2) An applicant seeking eligibility for a Type C New Jersey Lobster Pot Permit and pot allocation shall not have received or applied for pot or trap tags from any other lobster pot or trap tag issuing jurisdiction.

iv. For a Type D Recreational Pot Permit, the applicant must purchase a New Jersey Lobster or Fish Pot License.

(1) A Type D Recreational Lobster Pot permittee shall receive an allocation for 10 lobster pots to be fished in State waters only and limited to six lobsters per person per day.

(A) Lobsters taken under provisions of a Type D Recreational Pot Permit may not be sold, offered for sale or used for barter.

(B) An applicant for a Type D Recreational Pot Permit will be exempt from qualifying criteria and

application deadline as established under this paragraph and (a)2 through 11 below.

v. (Reserved)

vi. For a Type F Lobster Pot Permit, the applicant shall document that the vessel owner possesses a valid 2000 Federal Lobster Permit, landed and sold a minimum of 2,000 pounds of lobster in New Jersey in any one calendar year during the period from September 3, 1998 to December 31, 2000 and participated in the harvest of lobster by lobster pot pursuant to (a)4 below during the year of documented landings submitted by the applicant.

(1) A Type F Lobster Pot Permittee shall receive a lobster pot allocation based on the remaining New Jersey lobster pot allocation as established by the ASMFC Lobster Management Board after the Type A, B, C and E Lobster Permit allocations have been established. The pot allocation for the Type F lobster permit shall not exceed 800 pots to be fished in Federal and/or State waters and may be divided equally among the qualified applicants so that New Jersey shall not exceed the ASMFC's established lobster pot allocation of 156,000 pots.

2. Documented proof of a Federal Lobster Permit or State Lobster/Fish Pot License shall consist of a copy of said permit or license submitted with the application that can be confirmed by Federal and State records.

3. Documented proof of landings shall consist of one or more of the following:

i. Weigh-out slips from the purchaser totaling the weight and the date the lobster was harvested; or

ii. A notarized statement from the applicant and the purchaser(s), attesting to the weight and date the lobster were landed and sold. A copy of the business records supporting the statement(s) must accompany the application.

4. Documented proof of participation in the lobster pot fishery shall be established through one or more of the following:

i. Federal logbook reporting forms identifying the vessel, number of pots fished and date of landings in New Jersey;

ii. A personal logbook in combination with bait and pot receipts;

iii. Gear damage compensation reports; or

iv. A notarized statement from the applicant and pot manufacturer or retailer attesting to the number of lobster pots and the date that the pots were purchased. A copy of the business records supporting the statement(s) must accompany the application.

5. (Reserved)

6. Other documentation similar to that in (a)3, 4 and 5 above may be accepted at the discretion of the Commissioner after his or her review.

7. The applicable New Jersey Lobster Pot Permit shall be on board the vessel to which it is issued at all times. The permit and pot allocation is valid upon issuance and in subsequent years unless revoked as part of a penalty action pursuant to N.J.A.C. 7:25-14.19 or as modified by the Commissioner, pursuant to N.J.A.C. 7:25-14.19. The applicable permit is issued to a specific vessel in the name of the owner.

8. The owner of a vessel permitted pursuant to this subsection may transfer his or her Lobster Pot Permit, upon application to the Department, as follows:

i. To his or her replacement vessel, provided the replacement vessel has no greater than 10 percent increase in length overall and 20 percent increase in shaft horsepower. The vessel being replaced shall no longer be eligible for a New Jersey Lobster Pot Permit.

ii. Along with the sale of his or her vessel to a new owner, the owner selling the vessel shall no longer be eligible for a New Jersey Lobster Pot Permit based on the harvesting history of the vessel being sold.

iii. Transfer of a permit to a new vessel shall be limited to the same pot allocation and Lobster Permit Type as the original permitted vessel or as modified by the Commissioner pursuant to N.J.A.C. 7:25-14.19.

iv. No permit shall be transferred without the prior approval of the Department, based upon satisfaction of (a)7i through iii above.

9. Any harvester or vessel landing lobster in New Jersey for the purpose of sale shall sell all lobster only to a permitted Federal lobster dealer.

10. All New Jersey Lobster Permit holders landing lobster in New Jersey shall be required to complete monthly reports signed by the permittee attesting to the validity of the information. The monthly report forms shall be supplied by and returned to the Federal or State agency given authority for the Pot Tag Program and shall include all information required by said agency.

11. All New Jersey Lobster Permit holders shall allow research personnel from the Department or a person designated by the Department aboard the permitted vessel at any time following a 48 hour notification to sample lobster pot catches at sea.

New Rule, R.2000 d.395, effective October 2, 2000.

See: 31 N.J.R. 2555(a), 32 N.J.R. 3592(b).

Amended by R.2001 d.346, effective September 17, 2001.

See: 33 N.J.R. 453(a), 33 N.J.R. 3352(a).

Rewrote the section.

7:25-14.17 Lobster pot tag program

(a) All lobster pots as defined under N.J.A.C. 7:25-18.5(g)11 in State or Federal waters or aboard a vessel shall be tagged with appropriate tags to be issued by the Federal or State agency given authority for the pot tag program.

1. Pot tags shall be placed on the pot bridge or main cross member clearly visible for inspection.

2. Pot tags shall be a permanently affixed and not transferable to another pot once attached to a pot.

3. A person or permitted lobster pot vessel shall only have on board or lift pots that have the valid identification as assigned to said person or vessel.

4. A person or vessel shall not have on board or fish more lobster pots than that vessel is allocated under the permittee's New Jersey Lobster Pot Permit.

5. Pot tags shall be issued annually and shall be valid for one year.

6. Permit holders shall be issued tags based upon their allocation of tags plus 10 percent to cover routine losses.

7. Catastrophic tag loss shall be defined as losses above the 10 percent routine loss rate established by the issuing authority due to gear conflicts, storms or other circumstance which may be accepted at the discretion of the Federal or State agency given authority for the pot tag program.

i. When a catastrophic loss occurs, an entirely new allotment of tags shall be dispersed and the original tags shall be invalid upon replacement.

ii. Permittees shall be allowed to fish new pots with a letter of exemption from the issuing authority until new tags are re-issued for a time period not to exceed two months.

iii. The issuing authority shall have the right to invoke emergency measures to suspend pot tag regulations in the event of area-wide catastrophic losses, for a time period not to exceed two months.

8. Permittees shall purchase pot tags only from the issuing authority.

New Rule, R.2000 d.395, effective October 2, 2000.

See: 31 N.J.R. 2555(a), 32 N.J.R. 3592(b).

7:25-14.18 Exceptions for research

N.J.A.C. 7:25-14.13(a), 14.13(b), 14.15(a) and 14.15(b) shall not apply to the taking or possession of lobster bearing a tag that has been issued or affixed by the Department of Environmental Protection or by any other state or Federal agency with which the Department cooperates in a research project.

New Rule, R.1999 d.52, effective February 16, 1999.

See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).

Recodified from N.J.A.C. 7:25-14.16 by R.2000 d.10, effective January 3, 2000.

See: 31 N.J.R. 2555(a), 32 N.J.R. 48(a).

7:25-14.19 Administrative notice

The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify minimum size limits, pot and trap limits, trip limits and possession limits 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 by filing and publishing a notice of administrative change in the New Jersey Register and a notice in the Division's commercial regulation publication. All such notices shall be effective when the Department files the notice with the Office of Administrative Law or as specified otherwise in the notice.

New Rule, R.1999 d.52, effective February 16, 1999.

See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).

Recodified from N.J.A.C. 7:25-14.17 by R.2000 d.10, effective January 3, 2000.

See: 31 N.J.R. 2555(a), 32 N.J.R. 48(a).

Amended by R.2001 d.346, effective September 17, 2001.

See: 33 N.J.R. 453(a), 33 N.J.R. 3352(a).

Inserted "pot and trap limits," preceding "trip limits".

7:25-14.20 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), (c) and (d) 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(a)1 or 2 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) Any person using or possessing a crab pot which does not contain a biodegradable panel or other mechanism specified in N.J.A.C. 7:25-14.1 shall be subject to a penalty of \$20.00 for each pot in violation.

(c) A deer that has been so severely injured by a collision with a motor vehicle that it must be killed shall be considered as accidentally killed for the purposes of this subchapter.

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

7:25-17.7 Information required

(a) Any State or municipal officer disposing of or authorizing the disposal or possession of accidentally killed deer shall notify the Division on a quarterly basis of the following information on forms provided by the Division:

1. The location where the deer was killed;
2. The sex of the deer;
3. The date of the accidental deer kill; and
4. The name and address of the permittee.

Amended by R.2001 d.74, effective March 5, 2001.
See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

SUBCHAPTER 18. MARINE FISHERIES

Subchapter Historical Note

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

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

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

7:25-18.1 Size, season and possession limits

(a) For the purpose of this subchapter, the following common names shall mean the following scientific names(s) for a species or a group of species, except as otherwise specified elsewhere in this subchapter.

<u>Common Name</u>	<u>Scientific Name</u>
American Eel	Anquilla rostrarata
Atlantic Cod	Gadus morhua
Atlantic Croaker	Micropogon undulatus
Atlantic Mackerel	Scomber scombrus
Black Drum	Pogonias cromis
Black Sea Bass	Centropristis striata
Bluefish	Pomatomus saltatrix
Cobia	Rachycentron canadum
Conch	Busycon carica
	Busycotypus canaliculatum
	Busycon contrarium
Goosefish (Monkfish)	Lophius americanus
Haddock	Melanogrammus aeglefinus
Kingfish	Menticirrhus saxatilis
	Menticirrhus americanus

<u>Common Name</u>	<u>Scientific Name</u>
King Mackerel	Scomberomorus cavalla
Pollock	Pollachius virens
Red Drum	Sciaenops ocellatus
Scup (Porgy)	Stenotomus chrysops
Shad	Alosa sapidissima
	Alosa mediocris
Shark	Large Coastal Group
	Sphyrna mokarran (Great Hammerhead)
	Sphyrna lewini (Scalloped Hammerhead)
	Sphyrna zygaena (Smooth Hammerhead)
	Ginglymostoma cirratum (Nurse Shark)
	Carcharhinus altimus (Bignose Shark)
	Carcharhinus limbatus (Blacktip Shark)
	Carcharhinus leucas (Bull Shark)
	Carcharhinus perezi (Caribbean Reef Shark)
	Carcharhinus obscurus (Dusky Shark)
	Carcharhinus galapagensis (Galapagos Shark)
	Negaprion brevirostris (Lemon Shark)
	Carcharhinus brachyurus (Narrowtooth Shark)
	Carcharhinus signatus (Night Shark)
	Carcharhinus plumbeus (Sandbar Shark)
	Carcharhinus falciformis (Silky Shark)
	Carcharhinus brevipinna (Spinner Shark)
	Galeocerdo cuvieri (Tiger Shark)
	Small Coastal Group
	Squatina dumerili (Atlantic Angle Shark)
	Sphyrna tiburo (Bonnethead)
	Rhizoprionodon terraenovae (Atlantic Sharpnose Shark)
	Carcharhinus acronotus (Blacknose Shark)
	Rhizoprionodon porosus (Caribbean Sharpnose Shark)
	Carcharhinus isodon (Finetooth Shark)
	Carcharhinus porosus (Smalltail Shark)
	Pelagic Group
	Hexanchus vitulus (Bigeye Sixgill Shark)
	Heptranchias perlo (Sevengill Shark)
	Hexanchus griseus (Sixgill Shark)
	Isurus paucus (Longfin Mako)
	Lamna nasus (Porbeagle Shark)
	Isurus oxyrinchus (Shortfin Mako)
	Prionace glauca (Blue Shark)
	Carcharhinus longimanus (Oceanic Whitetip Shark)
	Alopias superciliosus (Bigeye Thresher)
	Alopias vulpinus (Thresher Shark)
	Mustelus canis
Smooth Dogfish	Scomberomorus maculatus
Spanish Mackerel	Squalus acanthias
Spiny Dogfish	
Summer Flounder (Fluke)	Paralichthys dentatus
Tautog (Blackfish)	Tautoga onitis
Weakfish	Cynoscion regalis
	Cynoscion nebulosus
Winter Flounder	Pleuronectes americanus

(b) A person shall not purchase, sell, offer for sale, or expose for sale any species listed below less than the minimum length, measured in inches, except as may be modified elsewhere in this subchapter, and subject to the specific provisions of any such section. Any commercially licensed vessel or person shall be presumed to possess the following species for sale purposes and shall comply with the minimum sizes below. Species harvested by hand line, rod and line, bait net or spearfishing which are purchased, offered for sale, exposed for sale or sold, shall not be less than the greater length provided by either this subsection or (c)

below, 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 (total length), except as noted below.

Species	Minimum Size (inches)
American Eel	6
Atlantic Cod	21
Atlantic Croaker	No Limit
Atlantic Mackerel	7
Black Drum	16
Black Sea Bass	11
Bluefish	9
Cobia	37
Conch	5
Goosefish (Monkfish)	17
Haddock	21
Kingfish	8
King Mackerel	23
Pollock	19
Red Drum	18
Scup (Porgy)	9
Shad	No Limit
Shark	48
Spanish Mackerel	14
Summer Flounder	14
Tautog (Blackfish)	14
Weakfish	13
Winter Flounder	12

Species	Minimum Size in Inches	Open Season	Possession Limit
American Eel	6	Jan 1-Dec 31	50
Atlantic Cod	21	Jan. 1-Dec. 31	No Limit
Atlantic Croaker	No Limit	Jan. 1-Dec. 31	No Limit
Black Drum	16	Jan 1-Dec 31	3
Black Sea Bass	11½	Jan. 1-Dec. 31	25
Bluefish	No Limit	Jan. 1-Dec. 31	15
Cobia	37	Jan. 1-Dec. 31	2
Haddock	21	Jan. 1-Dec. 31	No Limit
Kingfish	No Limit	Jan. 1-Dec. 31	No Limit
King Mackerel	23	Jan. 1-Dec. 31	3
Pollock	19	Jan. 1-Dec. 31	No Limit
Red Drum	18	Jan. 1-Dec. 31	5, only 1 of which may be greater than 27 inches
Scup (Porgy)	10	July 1-Oct. 31	50
Shad	No Limit	Jan. 1-Dec. 31	6
Shark	48	Jan. 1-Dec. 31	2 per vessel
Spanish Mackerel	14	Jan. 1-Dec. 31	10
Summer Flounder (Fluke)	16½	May 18-Sep. 24	8
Tautog	14	Oct. 10-May 31	10
		Jun. 1-Oct. 9	1
Weakfish	14	Jan. 1-Dec. 31	14
Winter Flounder	10½	Mar. 1-May 31 and Sep. 15-Dec. 31	No limit
	(11 effective Jan. 1, 2001)		

1. Total length for black sea bass shall be measured along the midline from the tip of the snout to the end of the central portion of the tail, not to include tail filaments.

2. In addition to the total minimum goosefish size, all goosefish tails possessed must be at least 11 inches in length from the anterior portion of the fourth cephalic dorsal spine to the end of the caudal fin. The total weight of all goosefish livers landed shall not be more than 30 percent of the total weight of all goosefish tails landed or 12 percent of the total weight of all goosefish landed.

3. A person shall not take in any one day or possess more than the possession limit specified below for each species listed, except as may be provided elsewhere in this subchapter, and subject to the specific provisions of any such section.

Species	Possession Limit
Cobia	2
Red Drum	5, only one of which may be greater than 27 inches

(c) A person angling with a hand line or with rod and line or using a bait net or spearfishing shall not have in his or her possession any species listed below less than the minimum length, nor shall such person take in any one day or possess more than the possession limit as provided below, nor shall such person possess any species listed below during the closed season for that species. Exceptions to this section as may be provided elsewhere in this subchapter, and shall be subject to the specific provisions of any such section. Fish length shall be measured from the tip of the snout to the tip of the tail (total length), except as noted below:

1. Total length for black sea bass shall be measured along the midline from the tip of the snout to the end of the central portion of the tail, not to include tail filaments.

2. The possession limit for shark, as listed at (a) above, shall be as enumerated at (c) above on a per vessel basis regardless of the number of individuals on board said vessel. If a person is fishing from shore or a land based structure, the possession limit shall be as enumerated at (c) above on a per person basis.

3. Anglers may take no more than 50 eels per day; however, anglers may keep more than 50 eels in storage for personal use, provided they possess no more than 50 eels per person for bait purposes while fishing.

(d) A person shall not take, possess, land, purchase, sell or offer for sale any of the following species:

Species	Scientific Name
Atlantic Sturgeon	Acipenser oxyrhynchus
Basking Shark	Cetorhinidae maximus
Bigeye Sand Tiger Shark	Odontaspis noronhai
Sand Tiger Shark	Odontaspis taurus
Shortnose Sturgeon	Acipenser brevirostrum
Whale Shark	Rhincodon typus
White Shark	Carcharodon carcharias

(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) or (c) above or any other species of flatfish, or possess such mutilated fish, 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.

1. A shark may be eviscerated and the head and tail removed prior to landing, provided that the alternate length as measured from the origin of the first dorsal fin to the precaudal pit (located just forward of the origin of the upper lobe of the caudal or tail fin) is not less than 23 inches in length. The fins may not be removed from a shark or dogfish, except after fishing has ceased and such shark or dogfish has been landed as specified in (e) above.

(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 (c) 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 (c) above and no flatfish parts or carcasses shall be discarded overboard; of the species specified at (c) above, only whole live fish may be returned to the water;

ii. No carcasses of any flatfish or species listed at (c) above shall be mutilated to the extent that its length or species cannot be determined;

iii. All fish carcasses of species specified at (c) 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 or other flatfish shall be less than eight 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 of any species listed below shall have the skin removed and no fillet shall be less than the minimum length in inches specified below.

<u>Species</u>	<u>Minimum Fillet or Part Length</u>
Atlantic Cod	14 inches
Atlantic Croaker	No Limit
Black Drum	9 inches
Black Sea Bass	5 inches
Bluefish	No Limit
Cobia	26 inches
Haddock	14 inches
Kingfish	No Limit
King Mackerel	16 inches
Pollock	13 inches
Red Drum	13 inches

<u>Species</u>	<u>Minimum Fillet or Part Length</u>
Scup	4 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 captain and permit holder 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 upstream side of the U.S. Route 1 Bridge 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 the 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 the 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 increasing size.

2. For the purposes of this section, parents of striped bass hybrids shall include *Morone saxatilis* (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 or less than the minimum size limits 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) Wanton waste of fish is prohibited.

1. Fish of any species, taken by any means, which are purposely killed shall become part of the fisherman's daily possession limit and shall be removed from the waters from which they were taken and from adjacent lands. This subsection shall not apply to those fish which are released while still alive and subsequently die or to those fish taken inadvertently by net (bycatch) and subsequently die.

(n) Any person violating the provisions of (h) through (l) above shall be liable for a penalty of \$100.00 for each fish taken or possessed. Each fish taken or possessed shall constitute a separate and distinct offense.

(o) The following provision is applicable to the recreational harvest of bluefish.

1. Any party/charter vessel carrying recreational fishermen for hire to fish for bluefish shall have a valid Federal party/charter vessel permit.

(p) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify the fishing seasons, minimum size limits and possession limits 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 outdoor writers' mailing list.

(q) All persons aboard any fishing vessel subject to this rule shall immediately comply with instructions and signals issued by a conservation officer, a marine police officer or other law enforcement officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, and catch for the purpose of enforcement of this rule.

(r) Pursuant to N.J.S.A. 23:10-21 and 21.1, any gear used in the violating of the provisions of this subchapter may be seized and forfeited to the Division.

Amended by R.1990 d.607, effective December 3, 1990.

See: 22 N.J.R. 3078(a), 22 N.J.R. 3628(b).

Added new (e) through (h), redesignated existing (e) as (i).

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

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

Size limit for marine fish changed in (a). Added (f), (g), (h), (i) and (j).

Amended by R.1991 d.348, effective July 1, 1991.

See: 23 N.J.R. 43(a), 23 N.J.R. 2011(a).

Deleted "winter flounder measuring less than six inches in length, or measuring less than 13 inches in length" with stylistic changes in (a). Added "winter flounder under 10 inches in length, or red drum under 14 inches in length" with stylistic changes in (b). Added (d). Redesignated (d) as (e); added reference to "(d)". Redesignated (e)-(n) as (f)-(o).

Amended by R.1992 d.143, effective March 16, 1992.

See: 24 N.J.R. 4(c), 24 N.J.R. 1113(a).

Added requirements for weakfish management.

Petition for Rulemaking: Request for reduction of size limit; denied.

See: 24 N.J.R. 2957(a).

Public Notice: Announcement of fish checking stations for the Striped Bass Trophy Program.

See: 24 N.J.R. 3767(c).

Amended by R.1992 d.476, effective December 7, 1992.

See: 24 N.J.R. 1456(a), 24 N.J.R. 4368(b).

New (e) and (f) added prohibiting the filleting of any flatfish at sea in order to prevent circumvention of size limits on fluke and winter flounder; recodification of existing (e)-(o) as (g)-(q).

Amended by R.1993 d.56, effective January 19, 1993.

See: 24 N.J.R. 4249(a), 25 N.J.R. 303(a).

(c) repealed and replaced in accordance with the Summer Flounder Fishery Management Plan developed by the Mid-Atlantic Fishery Management Council and Atlantic States Marine Fisheries Commission.

Amended by R.1993 d.77, effective February 16, 1993.

See: 24 N.J.R. 205(a), 25 N.J.R. 689(a).

Added Atlantic Sturgeon under 60 inches in height.

Administrative Correction.

See: 25 N.J.R. 4495(a).

Amended by R.1994 d.44, effective January 18, 1994.

See: 25 N.J.R. 2167(a), 26 N.J.R. 353(a).

Emergency Amendment, R.1994 d.230, effective April 13, 1994 (to expire June 12, 1994).

See: 26 N.J.R. 1885(a).

Amended by R.1994 d.248, effective May 16, 1994.

See: 26 N.J.R. 291(a), 26 N.J.R. 2021(b).

Adopted Concurrent Proposal, R.1994 d.339, effective June 10, 1994.

See: 26 N.J.R. 1885(a), 26 N.J.R. 2792(a).

Provisions of emergency amendment R.1994 d.230 readopted, with a change effective July 5, 1994.

Amended by R.1994 d.615, effective December 19, 1994.

See: 26 N.J.R. 1931(a), 26 N.J.R. 5011(a).

Amended by R.1995 d.82, effective February 6, 1995.

See: 26 N.J.R. 4277(b), 27 N.J.R. 487(a).

Administrative Change.

See: 27 N.J.R. 1793(a).

Amended by R.1996 d.587, effective December 16, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3998(a), 28 N.J.R. 5231(a).

Changed section name from "Size and possession limits"; added species and changed size and possession limits throughout; in (a) and (b), inserted provisions relating to presumed possession; and in (c), inserted reference to bait nets.

Administrative change.

See: 29 N.J.R. 2278(a).

In (b), increased minimum size of Summer Flounder and Tautog; and in (c), increased possession limit of Summer Flounder.

Amended by R.1997 d.246, effective June 2, 1997.

See: 29 N.J.R. 285(a), 29 N.J.R. 2555(a).

In (a) and (b), added "(total length), except as noted below"; in (a), in table, changed minimum size for "Black sea bass" from 8 to 9 inches and added "Tautog (blackfish)"; inserted new (a)1, and recodified former (a)1 and (a)2 as (a)2 and (a)3; in (b), added "Black sea bass" to table; added (b)1; in (c), added "Black sea bass" to table; in (e), inserted "or possess such mutilated fish,"; and in (f)3v, added "Black sea bass" and "Scup" to table.

Amended by R.1998 d.40, effective January 5, 1998.

See: 29 N.J.R. 4595(a), 30 N.J.R. 226(a).

Added Bluefish to size limits; in (b) changed minimum size for Atlantic Cod and Haddock from 19 inches to 21 inches; in (f)3v, changed minimum length of Atlantic Cod and Haddock from 13 inches to 14 inches.

Administrative change.

See: 30 N.J.R. 1319(b).

Administrative change.

See: 30 N.J.R. 1402(b).

Amended by R.1999 d.52, effective February 16, 1999.

See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).

Rewrote (a) through (f).

Administrative change.

See: 31 N.J.R. 1084(a).

Amended by R.2000 d.10, effective January 3, 2000.

See: 31 N.J.R. 2555(a), 32 N.J.R. 48(a).

In (c), changed minimum size for Winter Flounder; in (h), substituted "upstream side of the U.S. Route 1 Bridge" for "Trenton Falls" following "from the".

Administrative change.

See: 32 N.J.R. 1387(a).

Amended by R.2000 d.395, effective October 2, 2000.

See: 31 N.J.R. 2555(a), 32 N.J.R. 3592(b).

In (c), increased minimum size for Winter Flounder; in (h), substituted "upstream side of the U.S. Route 1 Bridge" for "Trenton Falls"; inserted a new (n); and recodified former (n) through (p) as (o) through (q).

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

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

Administrative change.

See: 33 N.J.R. 1589(a).

Amended by R.2001 d.346, effective September 17, 2001.

See: 33 N.J.R. 453(a), 33 N.J.R. 3352(a).

Rewrote the section.

Administrative change.

See: 34 N.J.R. 921(a).

Administrative change.

See: 34 N.J.R. 1023(b).

Administrative change.

See: 34 N.J.R. 1669(a).

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 license for a drifting, stake or anchored gill net, the applicant shall have purchased a gill net license in one of the two previous years. An applicant who does not meet the above requirements shall 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. 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 or smaller than three eighth inches stretched (inside measurement). 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. No fyke net nor any part of a fyke net shall be set in the middle one third of any river, stream or tributary.

iv. All stakes used for the setting of fyke nets must be removed within 30 days of the close of the season;

v. 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.

vi. 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.

vii. 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.

viii. 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.

ix. 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 and Wildlife
Marine Fisheries Administration
PO Box 400
Trenton, New Jersey 08625-0400.

3. Miniature fykes or pots shall only be used for the taking of catfish, suckers, killifish (Cyprinodontidae) and eels. The mesh of this net type shall be no smaller than three sixteenth inches bar, inside measurement. This net type shall not have leaders or wings and 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.

iv. No miniature fyke or pot shall be placed in any man-made lagoon or in any marked or charted channel except noncommercial pots or miniature fykes fastened to a pier or other shore connected structure by a line no longer than twice the depth of the water at that point.

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) Hand held dip nets 24 inches in diameter or less;

(2) Bait seines not exceeding 150 feet and mesh not less than three eighths inches stretched, inside measurements, and not more than 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 with mesh not less than three sixteenth inches bar, inside measurements, and 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 harvest or attempt to harvest fish by any means from the Deal Lake flume, the Lake Takanassee spillway or Wreck Pond spillway on Monday, Wednesday, and Friday, during the months of April and May in any year.

iii. 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

iv. 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 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 net 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 the middle one third of any tributary or the 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 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 the middle one third of 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 1 through December 15, except as further defined 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 1 through February 29 except that anchored 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 mile of the mean high water line 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 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 may be used to take carp, catfish and suckers only and shall be used only in 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)11viii below.

i. All lobster and fish pots shall have a maximum size less than a volume equivalent to 22,950 cubic inches (376,082 cubic cm) when deployed in the waters as specified in (g)11 above, except as provided in (g)11viii below.

ii. 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;

iii. 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;

iv. 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.

v. 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;

vi. All lobster and fish pots shall 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) In a fishery in which the possession of lobster on board a vessel or landed from a vessel exceeds 100 lobsters, the escape vent(s) shall be not less than:

(A) A rectangular portal with an unobstructed opening not less than 1.875 inches (47.6 mm) by 5.75 inches (146.0 mm). Effective March 1, 1999 the unobstructed opening shall be increased to not less than 1.9375 inches (49.2 mm) by 5.75 inches (146.0 mm); or

(B) Two circular portals with unobstructed openings not less than 2.375 inches (60.3 mm) in diameter. Effective March 1, 1999 the diameter of the two circular portals shall be increased to not less than 2.4375 inches (61.9 mm);

(2) In a fishery in which the possession of more than 100 pounds of scup on board a vessel or landed from a vessel occurs, the escape vent(s) shall be not less than:

(A) A rectangular portal with an unobstructed opening not less than 2.25 inches (57.2 mm) by 2.25 inches (57.2 mm); or

(B) A circular portal with an unobstructed opening not less than 3.1 inches (78.7 mm) in diameter.

(3) In a fishery in which the possession of black sea bass on board a vessel or landed from a vessel occurs, the escape vent(s) shall be not less than:

(A) A square portal with an unobstructed opening not less than 2.0 inches (50.8 mm) by 2.0 inches (50.8 mm);

(B) A rectangular portal with an unobstructed opening not less than 1.375 inches (34.9 mm) by 5.75 inches (146.0 mm); or

(C) A circular portal with an unobstructed opening not less than 2.375 inches (60.3 mm) in diameter.

(4) In a fishery in which more than one of the escape vents listed in (g)11vi(1) through (3) above is applicable, the pots shall be constructed with the largest of the applicable escape vents.

vii. All lobster and fish pots shall be constructed to include a ghost panel or other mechanism which is designed to create an opening to allow the escape of lobsters and fish 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 located in the outer parlor section(s) of the pot, shall be in a position which allows the unobstructed exit of lobsters or fish from the pot and shall be of the following dimensions:

(A) Not less than 3.75 inches (95.25 mm) by 3.75 inches (95.25 mm), or

(B) Not less than three inches (76.2 mm) by six inches (152.4 mm) when used in a fishery in which the possession of black sea bass on board a vessel or landed from a vessel occurs.

(2) The panel shall be constructed of, or fastened to the pots with, one of the following materials: untreated wood lath; untreated cotton, hemp, sisal or jute twine not greater than $\frac{3}{16}$ inch (4.76 mm) in diameter; non-stainless, ungalvanized, uncoated ferrous metal not greater than $\frac{3}{32}$ inch (2.4 mm) in diameter; or magnesium alloy, timed float release (pop-up device), or similar magnesium alloy fasteners;

(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)11vii(2) above;

(4) The escape vent specified in (g)11vi 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)11vii(2) above, and, upon breakdown of the degradable materials, will create an opening of at least the dimensions

specified in (g)11vii(1)(A) and (B) above 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)11vii(1)(A) and (B) above.

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.

(i) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify seasons, mesh sizes, maximum net lengths, species allowed to be harvested by specific gear types, escape vent sizes, ghost panel sizes and acceptable materials for fastening ghost panels to pot and traps 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 as a notice of administrative change in the New Jersey Register.

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).

Amended by R.1996 587, effective December 16, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3998(a), 28 N.J.R. 5231(a).

Made changes to mesh sizes throughout; inserted (g)2iii, (g)4ii, and (g)11vi; and recodified from (g)2iii through (g)2viii as (g)2iv through (g)2ix, (g)4ii and (g)4iii as (g)4iii and (g)4iv, and (g)11vi through (g)11x as (g)11vii through (g)11xi.

Amended by R.1997 d.246, effective June 2, 1997.

See: 29 N.J.R. 285(a), 29 N.J.R. 2555(a).

In (g), made nonsubstantive changes; and substantially amended (g)11.

Amended by R.1999 d.52, effective February 16, 1999.

See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).

Rewrote (g)11; and added (i).

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

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

Amended by R.2001 d.346, effective September 17, 2001.

See: 33 N.J.R. 453(a), 33 N.J.R. 3352(a).

In (g), rewrote the second sentence and deleted the fifth sentence in the introductory paragraph, inserted 3iv, rewrote the first sentence in 9 and substituted "exceeds 100 lobsters" for "occurs" in 11vi(1).

Administrative change.

See: 34 N.J.R. 921(a).

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:

7:25-18.12 Commercial fishing seasons and quotas

(a) The following provisions are applicable to the commercial harvest of weakfish:

1. A vessel shall not possess or land in any one day more than 150 pounds of weakfish harvested by the gear specified below except during the respective open season specified below or as modified by the Commissioner pursuant to (f) below.

<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 person shall not possess or land by any gear any weakfish less than 13 inches in length except as provided elsewhere in this subchapter.

3. A vessel shall not possess or land by any gear other than that specified in (a)1 above more than 150 pounds of weakfish in any one day.

4. A dealer shall not accept more than 150 pounds of weakfish landed in New Jersey taken by the respective gear specified in (a)1 above except during the respective open season specified above or as modified by the Commissioner pursuant to (f) below.

5. A dealer shall not accept more than 150 pounds of weakfish a day landed in New Jersey taken by gear other than that specified in (a)1 above at any time.

(b) The following provisions are applicable to the commercial harvest of bluefish:

1. A vessel shall not land for the purpose of sale nor sell any bluefish unless such vessel is in possession of a valid Federal commercial permit for bluefish.

2. 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.

3. A vessel shall not land nor sell any bluefish taken by the gear type specified in (b)2 above except during the respective open season specified below or as modified by the Commissioner pursuant to (g) below.

<u>Gear</u>	<u>Open Season</u>
Gill Net	Jan. 1 through Nov. 6
Pound Net	Jan. 1 through Dec. 31
Otter Trawl	Jan. 1 through Dec. 7
Hook and Line	Jun. 16 through Aug. 7
Purse Seine	Jan. 1 through Dec. 31

4. A dealer shall not accept any bluefish landed in New Jersey taken by the respective gear specified in (b)2 above except during the respective open season specified in (b)3 above or as modified by the Commissioner pursuant to (g) below.

5. As specified in (b)2 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).

6. No fish dealer shall accept any bluefish from any vessel or harvester unless such dealer is in possession of a valid Federal dealer permit.

7. No dealer shall accept any bluefish from any vessel unless said vessel is in possession of a valid Federal commercial permit for bluefish.

8. Any individual or vessel landing bluefish in New Jersey for the purpose of sale shall sell all bluefish to a Federally permitted bluefish dealer.

9. All permitted bluefish dealers shall provide weekly landing reports to the Division on a form supplied by the Commissioner.

10. A party or charter vessel possessing a Federal permit to commercially harvest bluefish by angling or hook and line or spearfishing and when operating under the permit shall be subject to the following:

- i. Crew size shall be limited to no more than five persons, including the captain; and
- ii. The vessel shall not carry any passengers for hire. When carrying passengers for hire, the bluefish permit is not valid and the possession limits and seasonal restrictions as specified in N.J.A.C. 7:25-18.1 apply.

11. The Commissioner, or his or her designee, may close the season for the respective gear in (b)3 above upon four days public notice of the projected date the quota for the respective gear 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.

(c) The following provisions are applicable to the commercial harvest of tautog:

1. The possession of more than 100 pounds of tautog on board a vessel or landed from a vessel shall constitute a directed fishery for tautog.

2. A vessel shall not land more than 100 pounds of tautog in New Jersey on any one trip, after January 1, 1997 unless said vessel is in possession of its valid New Jersey Tautog Permit to participate in a directed fishery for tautog. The permit shall be issued in the name of the vessel and the owner, and for the specific gear type(s) used to qualify for the permit.

i. Applicants for a New Jersey Tautog Permit shall complete an application provided by the Department including information on name, address, vessel name, vessel documentation or registration number, gear and landings criteria as specified at (c)2ii below;

ii. To be eligible for a New Jersey Tautog permit, the vessel's owner shall meet the following criteria:

(1) The vessel shall have landed at least 1,000 pounds of tautog in New Jersey and subsequently sold at least 1,000 pounds of tautog in each of two years during the period 1982 through 1993;

(2) Documented proof of landings shall accompany the application and shall consist of one or more of the following:

(A) Weigh-out slips totaling the weight harvested;

(B) A notarized statement, from the applicant and the purchaser(s), attesting to the weight harvested (a copy of the business records supporting the statement(s) must accompany the application); or

(C) Other documentation similar to that in (c)2ii(2)(A) or (B) above may be accepted at the discretion of the Commissioner after his or her review.

3. The possession of 100 pounds or less of tautog on board a vessel or landed from a vessel for the purpose of sale shall constitute a non-directed fishery for tautog.

4. A harvester or vessel shall not land tautog for the purpose of sale or sell any tautog after March 1, 1998 unless such harvester or vessel is in the possession of a valid New Jersey Tautog Permit or a valid New Jersey Non-Directed Fishery Tautog Permit.

5. A New Jersey Non Directed Fishery Tautog Permit shall be issued in the name of the vessel and the owner, and for the specific gear type(s) used to qualify for the permit.

i. Applicants for a New Jersey Non-Directed Fishery Tautog Permit shall complete an application provided by the Department including information on name, address, vessel name, vessel documentation or registration number, gear and landings criteria as specified at (c)5ii below;

ii. To be eligible for a New Jersey Non Directed Fishery Tautog Permit, the vessel's owner shall meet the following criteria:

(1) The vessel or owner shall have landed at least 100 pounds of tautog in New Jersey and subsequently sold at least 100 pounds of tautog in each of two years during the period 1982 through 1997.

(2) Documented proof of landings shall accompany the application and shall consist of one or more of the following:

(A) Weigh-out slips totaling the weight harvested;

(B) A notarized statement, from the applicant and the purchaser(s), attesting to the weight harvested (a copy of the business records supporting the statement(s) must accompany the application); or

(C) Other documentation similar to that in (c)5ii(1)(A) or (B) above may be accepted at the discretion of the Commissioner after his or her review.

6. The New Jersey Tautog Permit or the New Jersey Non-Directed Fishery Tautog Permit shall be on board the vessel to which it is issued at all times. The applicable permit is valid upon issuance and in subsequent years unless revoked as part of a penalty action. The applicable permit is issued to a specific vessel in the name of the owner. The vessel, when engaged in a tautog fishery, may only have on board the gear type(s) listed on that vessel's permit.

7. The owner of a vessel permitted pursuant to this subsection may transfer his or her tautog permit, upon application to the Department, as follows:

i. To his or her replacement vessel, provided the replacement vessel is of equal or less gross registered tonnage and vessel registered length. The vessel being replaced shall no longer be eligible for a tautog permit; or

ii. Along with the sale of his or her vessel to a new owner. The owner selling the vessel shall no longer be eligible for a tautog permit based on the harvesting history of the vessel being sold.

8. Transfer of a permit to a new vessel shall be limited to the same gear type(s) of the originally permitted vessel.

9. No permit shall be transferred without the prior approval of the Department.

10. A vessel possessing a permit to commercially harvest tautog by angling or hook and line or spearfishing and when operating under the permit shall be subject to the following:

i. Crew size shall be limited to no more than five persons, including the captain; and

ii. The vessel shall not carry any passengers for hire. When carrying passengers for hire, the tautog permit is **not valid** and the possession limits and seasonal restrictions as specified in N.J.A.C. 7:25-18.1 apply.

11. The annual tautog harvest quota for New Jersey shall be 103,000 pounds or as modified by the Commissioner pursuant to (i) below. All landings of tautog in New Jersey shall be applied to the New Jersey annual tautog quota.

i. The commercial season for tautog shall be from April 1 through June 15 and from October 13 through December 31.

ii. The Commissioner, or his or her designee, shall close the season for the commercial tautog fishery upon four days public notice of the projected date the annual quota shall be caught. Public notice shall include letters by first class mail to all New Jersey Tautog Permit and New Jersey Non-Directed Fishery Tautog Permit holders.

iii. Once the season has been closed for the commercial tautog fishery, no vessel shall land any tautog in New Jersey and no dealer shall accept any tautog landed in New Jersey.

iv. If the Commissioner, or his or her designee, closes the season prematurely because of unanticipated environmental events resulting in the quota not being landed by the projected date and at least one month remains in the current season, then the Commissioner, or his or her designee, may reopen the season for a specified period of time upon four days public notice. Public notice shall be made as specified in (c)11ii above.

v. If the quota for any year is exceeded, the amount over harvested will be deducted from the following year's annual quota.

vi. Beginning in 1997, the Department shall notify the holders of New Jersey Tautog Permits and New Jersey Non-Directed Fishery Tautog Permits of the season allocations no later than January 31 of the year to which the allocation applies. Notification shall be by first class mail to permit holders.

vii. All New Jersey Tautog Permit and New Jersey Non-Directed Fishery Tautog Permit holders shall be required to complete monthly reports supplied by the Department. The monthly report shall be signed by the permittee attesting to the validity of the information and be submitted so it is received by the Department no later than five working days following the end of the reported month at the following address:

Tautog Program
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418

(1) The monthly report shall include, but not be limited to, the following information: name, permit number, total amount (in pounds) of tautog taken, dates caught, time at sea, duration of fishing time, area fished, crew size, landing port, date sold, buyer. This information shall be provided for any trip in which tautog are landed.

(2) If no trips for tautog were taken and no tautog were landed during the month, a report to that effect shall be required.

12. Any person violating the provisions of this section shall be subject to the penalties prescribed in N.J.S.A. 23:2B-14 in addition to the following:

i. Failure to submit the required documentation to the application shall result in the denial of the permit.

ii. Falsification or misrepresentation of any information on the application including documentation provided to verify the amount of tautog landed as specified in (c)2ii(2) and (c)5ii(1) above shall result in the denial or revocation of the permit in addition to any civil or criminal penalties prescribed by law.

iii. Failure to comply with the provisions of (c)11iii above, landing tautog after the season has been closed, or (c)11vii above, failure to submit accurate and timely monthly reports, shall result in the suspension or revocation of the vessel's tautog permit according to the following schedule:

(1) First Offense: 60 days suspension

(2) Second Offense: 120 days suspension

(3) Third Offense: permanent revocation

iv. Prior to revocation of the permit, the permittee shall have the opportunity to request a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(d) The following provisions are applicable to the commercial harvest of sharks:

1. A person shall not possess more than two sharks per vessel nor shall a person sell or attempt to sell more than two sharks without a valid annual vessel permit for sharks issued by the National Marine Fisheries Service.

2. A dealer shall not purchase or receive a shark without a valid annual dealer permit for sharks issued by the National Marine Fisheries Service.

3. A person shall not sell and a dealer shall not receive any large coastal shark, any small coastal shark, or

any pelagic shark, as identified in N.J.A.C. 7:25-18.1(a), after the effective date that the quota for that group of sharks has been reached or is projected to be reached by the National Marine Fisheries Service, for the remainder of that semi-annual period.

(e) The following provisions are applicable to the commercial harvest of shad:

1. An individual shall not take or attempt to take, possess or land any shad in the State, without a valid Shad Commercial Net Permit or a Shad Incidental Harvest Permit issued by the Department, except as provided in (e)1i below. No person shall harvest or possess more than 300 pounds of shad per day without a Shad Commercial Net Permit.

i. An individual may possess the recreational possession limit for shad as established in N.J.A.C. 7:25-18.1(c) provided that the shad are taken by hook and line only and are not sold, offered for sale, or exposed for sale.

2. To qualify for a Shad Commercial Net Permit, an applicant shall meet the following criteria:

i. The applicant shall complete an application provided by the Department including information regarding the name and address of the vessel owner, vessel name, vessel documentation or registration number and documented proof of landings as listed in (e)2i and ii below. Completed applications should be submitted to:

New Jersey Shad Permit
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418;

ii. The applicant shall have landed at least 3,000 pounds of shad in each of three years from 1994-1998 inclusive;

iii. Documented proof of landings shall be one of the following:

(1) Weigh-out slips issued to the applicant by a wholesaler(s) who acquired fish from the applicant;

(2) Notarized statement(s) of the wholesaler(s) that the wholesaler's records establish that the applicant sold at least 3,000 pounds of shad in each of three calendar years during the period from 1994 through 1998 inclusive. A copy of the business records supporting the statement(s) shall accompany the application and the original business records shall be made available for inspection by the Department; or

(3) Other documentation similar to that in (e)2iii(1) and (2) above may be accepted at the discretion of the Commissioner after his or her review; and

iv. The applicant shall sign an affidavit on the application certifying as to the validity of the information provided.

3. Failure to attach the required documentation under (e)2iii above to the application shall result in the denial of the permit.

4. Falsification or misrepresentation of any information on the Shad Commercial Net Permit application including documentation provided to verify the amount of shad harvested shall result in the denial or revocation of the permit in addition to any civil or criminal penalties prescribed by law.

5. A Shad Incidental Harvest Permit shall be issued to qualifying applicants which will allow the harvest or possession of not more than 300 pounds of shad per day from New Jersey's waters. To qualify for a Shad Incidental Harvest Permit, an application shall comply with the following provisions:

i. The applicant shall complete an application provided by the Department including information regarding the name and address of the vessel owner, vessel name, vessel documentation or registration number and documented proof of landings as listed in (e)5i and ii below. Completed applications should be submitted to:

New Jersey Shad Permit
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418;

ii. The applicant shall submit documented proof establishing that the applicant landed at least 150 pounds of shad in each of three calendar years during the period from 1994 through 1998 inclusive;

iii. Documented proof shall be one of the following:

(1) Weigh-out slips issued to the applicant by a wholesaler(s) who acquired fish from the applicant;

(2) Notarized statement(s) of the wholesaler(s) that the wholesaler's records establish that the applicant sold at least 150 pounds of shad during each of three calendar years during the period from 1994 through 1998 inclusive. A copy of the business records supporting the statement(s) shall accompany the application; or

(3) Other documentation similar to that in (e)5iii(1) and (2) above may be accepted at the discretion of the Commissioner after his or her review; and

iv. The applicant shall sign an affidavit on the application certifying as to the validity of the information provided.

6. Failure to attach the required documentation under (e)5iii to the application shall result in the denial of the permit.

7. Falsification or misrepresentation of any information on the Shad Incidental Harvest Permit application including documentation provided to verify the amount of shad harvested shall result in the denial or revocation of the permit in addition to any civil or criminal penalties prescribed by law.

8. All Shad Commercial Net Permit and Shad Incidental Harvest Permit holders shall have their permit on their person at all times when engaged in any phase of harvesting, transporting, selling or possessing shad.

9. Shad Commercial Net Permits and Shad Incidental Harvest Permits are non-transferable.

10. A person shall not land nor sell any shad taken in New Jersey waters except during the season from January 1 through December 31.

11. All Shad Commercial Net Permit and Shad Incidental Harvest Permit holders 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 following calendar year at the following address:

Division of Fish and Wildlife
American Shad Program
PO Box 418
Port Republic, NJ 08241

i. The annual report shall include:

(1) The daily harvest and sale, in pounds, of American shad;

(2) The buyer(s) name;

(3) The name and address of the permit holder; and

(4) Any other requested information pertinent to management of the American shad resource including catch/effort, length and sex data, by-catch data and tagging information from a representative size range of shad.

12. Research personnel from the Department shall be allowed to sail aboard any permitted vessel at any time, provided the Department notifies the permittee at least two days in advance.

13. Any person or permittee violating the provisions of this section shall be subject to the penalties described in N.J.S.A. 23:2B-14 in addition to the following:

i. Failure to comply with the provisions of (e)1 above, landing shad without the applicable shad permit

or landing greater than the allowable limit authorized by the applicable shad limit, (e)10 above, landing shad outside the open season or (e)11 above, timely submission or annual reports, shall subject the violator to suspension or revocation of the Shad Commercial Net Permit or Shad Incidental Harvest Permit according to the following schedule:

(1) First offense: 30 day suspension;

(2) Second offense: 90 day suspension;

(3) Third offense: Permanent revocation of permit.

ii. Prior to the suspension or revocation of the permit, the permittee shall have the opportunity to request a hearing pursuant to the Administrative Procedures 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.

(f) The following provisions are applicable to the commercial harvest of black drum:

1. A vessel shall not possess or land by any gear more than 10,000 pounds of black drum in any one day;

2. A dealer shall not accept from a vessel or person more than 10,000 pounds of black drum a day landed in New Jersey;

3. The annual black drum harvest quota for New Jersey shall be 65,000 pounds or as modified by the Commissioner pursuant to (i) below; and

4. The Commissioner, or his or her designee, may close the season upon two days public notice of the projected date the quota 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 and Wildlife.

(g) The following provisions are applicable to the commercial harvest of spiny dogfish:

1. A person or vessel shall not possess for sale any spiny dogfish nor shall a person sell or attempt to sell spiny dogfish without a valid annual vessel permit for spiny dogfish issued by the National Marine Fisheries Service.

2. A dealer shall not purchase or receive spiny dogfish without a valid annual dealer permit for spiny dogfish issued by the National Marine Fisheries Service.

3. No person or vessel shall have in possession or land and no dealer shall accept from any one vessel more than the daily trip limit set by the National Marine Fisheries Service or the Atlantic State Marine Fisheries Commission.

4. Any closure of the spiny dogfish fishery by the National Marine Fisheries Service in adjacent Federal

waters or recommended closure by the Atlantic States Marine Fisheries Commission for areas including New Jersey automatically closes New Jersey waters to the harvest of spiny dogfish and to the commercial landings of spiny dogfish.

(h) For the purpose of this section, "land" shall mean to begin offloading fish, to offload fish or to enter port with fish.

(i) 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).

Administrative Change.

See: 28 N.J.R. 3786(a).

Amended by R.1996 d.587, effective December 16, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3998(a), 28 N.J.R. 5231(a).

Inserted (b)1, (c), and (d); recodified former (b)1 through (b)6 as (b)2 through (b)7 and former (c) and (d) as (e) and (f); and made conforming changes throughout.

Amended by R.1998 d.40, effective January 5, 1998.

See: 29 N.J.R. 4595(a), 30 N.J.R. 226(a).

Inserted (a)2 and recodified (a)2 as 3; deleted (c)2iii through v, added (c)3 through 10 and recodified (c)3 and 4 as 11 and 12; deleted (d), and recodified (e) and (f) as (d) and (e).

Administrative change.

See: 30 N.J.R. 1402(b).

Amended by R.1999 d.52, effective February 16, 1999.

See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).

In (a)3, substituted "more than 150 pounds of" for "any" following "accept"; inserted a new (d); and recodified former (d) and (e) as (e) and (f).

Administrative change.

See: 31 N.J.R. 1612(a).

Amended by R.2000 d.10, effective January 3, 2000.

See: 31 N.J.R. 2555(a), 32 N.J.R. 48(a).

Rewrote (a); inserted a new (e); and recodified former (e) and (f) as (f) and (g).

Amended by R.2000 d.395, effective October 2, 2000.

See: 31 N.J.R. 2555(a), 32 N.J.R. 3592(b).

Rewrote the section.

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

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

Amended by R.2001 d.346, effective September 17, 2001.

See: 33 N.J.R. 453(a), 33 N.J.R. 3352(a).

Rewrote the section.

7:25-18.13 Striped bass bonus program

(a) Pursuant to N.J.S.A. 23:5-45.1(c), the possession of one "bonus sized" striped bass, measuring not less than 28 inches in length, will be allowed in addition to the possession limit allowed under N.J.S.A. 23:5-45.1(a), pursuant to (b) through (o) below.

(b) Any person intending to take one striped bass measuring not less than 28 inches in length 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 "fish possession cards." Applications may be obtained from the following:

1. Division of Fish and Wildlife

Striped Bass Bonus Fish Program

Nacote Creek Research Station

PO Box 418

Port Republic, NJ 08241-0418

2. Fish checking stations, as authorized by the Division and identified 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 fish possession cards will be accepted for participation in the bonus fish program and processed in order of receipt by the Division.

(e) Successful applicants will receive two, color-coded, non-transferable fish possession cards. One card shall be filled out completely and the month and day numbers perforated immediately upon retention of bonus fish. A finite number of cards shall be available to participating party and charter boat captains in the name of the vessel owner.

(f) Fish possession cards shall be valid in the calendar year for which they were issued except during those periods in which the Department has closed the State's waters to harvesting as provided at (l) below. All fish possession cards not utilized during the calendar year shall be returned to the address at (b) above by January 15 of the next subsequent calendar year.

(g) Successful applicants may keep and submit annual records of their striped bass fishing activity as requested on forms furnished by the Division. Such records shall include the name, address, and card number(s) of the fishermen, the days and hours fished, the lengths of striped bass caught, the location of fishing activity and the type of fishing. Party and charter boat captains shall be required to maintain and submit logbooks developed by the Division.

(h) A person shall not have in his or her possession at any time more than three striped bass, of which two shall be not less than the size provided for in N.J.S.A. 23:5-45.1 and the other shall be not less than 28 inches in length and said person shall have a properly completed and legal fish possession card, as provided for at (e) above.

(i) Any striped bass taken under this section may be transported to an authorized fish 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 a striped bass under this section and who cannot arrive at a fish checking station shall immediately mail his her bonus card to the address presented at (b) above.

(j) A person shall not possess any striped bass taken or tagged under the provisions of this section which is damaged or mutilated to the extent that its length cannot be determined, other than immediately prior to preparation or being served as food.

(k) An additional fish possession card shall be provided to the angler upon recording of his or her prior legally harvested bonus striped bass at an authorized fish checking station or via mail as presented at (i) above, provided the season has not been closed pursuant to (l) below.

(l) When, at any time during the calendar year, the Division has projected that the quota established by the Atlantic States Marine Fisheries Commission for striped bass will have been harvested the Division will close the State's waters to any further harvesting upon two days public notice by distribution of a news release to individuals on the Division outdoor writers mailing list. A notice shall also be published in the New Jersey Register.

(m) The quota described in (l) above shall be 225,000 pounds until such time as another quota is duly promulgated by the Atlantic States Marine Fisheries Commission. A portion of this quota will be allotted to party and charter boats.

(n) Upon promulgation of any change in the quota described in (l) above, the Division will provide public notice in the New Jersey Register and by distribution of a news release to individuals on the Division outdoor writers mailing list.

(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 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, applicable to both the vessel and the owner, from the Striped Bass Bonus Program. Revocation would render the vessel and the owner ineligible for participation in the

program regardless of vessel ownership. Any fish possession cards in such person's possession shall be invalid and shall be returned to the Division upon such person's receipt of notification of such revocation. Failure to return the cards upon notification shall subject the violator to penalties prescribed pursuant to N.J.S.A. 23:2B-14.

(p) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify the size limit, bag limit, season and/or quota specified in this section, by notice in order to maintain and/or to come into compliance with any fishery management plan approved by the Atlantic States Marine Fisheries Commission pursuant to 16 U.S.C. § 5104(b). The Department shall publish notice of any such notice in the Division's Fish and Wildlife Digest publication and the New Jersey Register.

New Rule, R.1995 d.82, effective February 6, 1995.

See: 26 N.J.R. 4277(b), 27 N.J.R. 487(a).

Administrative Correction.

See: 27 N.J.R. 2739(a).

Amended by R.1996 d.587, effective December 16, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3998(a), 28 N.J.R. 5231(a).

Changed section name from "Striped bass trophy program"; and substantially amended section.

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

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

Amended by R.2001 d.346, effective September 17, 2001.

See: 33 N.J.R. 453(a), 33 N.J.R. 3352(a).

In (e), inserted "in the name of the vessel owner" following "boat captains"; in (o), inserted ", applicable to both the vessel and the owner," in the second sentence and added the third sentence; added (p).

7:25-18.14 Otter and beam trawls

(a) Vessels greater than 165 feet in length and in excess of 3,000 horsepower shall not fish in the marine waters of this State with an otter or beam trawl nor may any such vessel have an otter or beam trawl available for immediate use while on the marine waters of this State as defined in (b) below.

1. 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.

i. 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) A vessel or person utilizing a roller rig trawl gear shall not utilize rollers greater than 18 inches in diameter.

(f) 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.

(g) 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.

(h) 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.

(i) 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.

(j) For the purpose of this section, "land" shall mean to begin offloading fish, to offload fish or to enter port with fish.

(k) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify quotas, mesh sizes, minimum size limits, seasons, trip limits, by-catch allocations and the amount of fish that shall constitute a directed fishery 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 by filing and publishing in the New Jersey Register and in the Division's commercial regulation publication. All such notices shall be effective when the Department files the notice with the Office of Administrative Law or as specified otherwise in the notice.

(l) Special provisions applicable to the commercial harvest of summer flounder are as follows:

1. The possession of more than 100 pounds of summer flounder during the period of May 1 through October 31 or the possession of more than 200 pounds of summer flounder during the period of November 1 through April 30 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 14 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 the 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. The mesh size shall be applied throughout the body, extensions and cod end portions of the net upon adoption in the Federal Register of essentially the same criteria. Until such time, the mesh size shall be 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 engaged in a directed fishery for summer flounder is prohibited unless such net 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 during the period of May 1 through October 31 or more than 200 pounds of summer flounder during the period of November 1 through April 30 in New Jersey on any one trip unless said vessel is in possession of a valid New Jersey Summer Flounder Permit to participate in the directed fishery for summer flounder. Vessels fishing under the special terms of a quota transfer or combination program as provided in (l)6 below may be exempt from this requirement if such terms specify that a New Jersey Summer Flounder Permit is not necessary to land summer flounder in New Jersey. The permit shall be issued in the name of the vessel and the owner and for the specific gear type(s) used to qualify for the permit.

i. Applicants for a New Jersey Summer Flounder Permit shall complete an application provided by the Department. Applicants applying to use hook and line shall submit their applications no later than May 31, 1994. Applicants applying for a New Jersey Summer Flounder permit for any other gear type shall submit their applications no later than January 1, 2000. 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 (l)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 from the date of issuance and for any subsequent years unless revoked as part of a penalty action. The vessel, when engaged in the directed summer flounder fishery, may only have on board the gear type(s) listed on the New Jersey Summer Flounder Permit.

(1) The owner of a permitted vessel may transfer his or her New Jersey Summer Flounder Permit, upon application to the Department, as follows:

(A) To his or her replacement vessel, provided the replacement vessel is not greater than 10 percent larger in vessel length, gross registered tonnage and net tonnage and not more than 20 percent greater in horsepower. The vessel being replaced shall no longer be eligible for a New Jersey Summer Flounder Permit; or

(B) Along with the sale of his or her vessel to a new owner. The owner selling the vessel shall no longer be eligible for a New Jersey Summer Flounder Permit based on the harvesting history of the vessel being sold.

(2) Transfer of a permit to a new vessel shall be limited to the same gear type(s) of the originally permitted vessel.

(3) Applicants for permit transfer shall complete an application provided by the Department, and no permit may be transferred without the prior approval of the Department.

iv. A vessel possessing a valid 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 possession limits and seasonal restrictions as specified in N.J.A.C. 7:25-18.1 apply.

v. A vessel that does not possess a New Jersey Summer Flounder Permit shall be permitted to land not more than 100 pounds of summer flounder during the period of May 1 through October 31, or not more than 200 pounds of summer flounder during the period of November 1 through April 30 on any trip provided the amount of summer flounder landed from any vessel shall not exceed 10 percent, by weight, of the total weight of all species landed and sold, 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 unless New Jersey enters into an agreement with another state(s) to transfer or combine summer flounder commercial quotas, as provided for pursuant to (l)6 below and such agreement indicates otherwise.

i. Ten percent, but not more than 200,000 pounds of the New Jersey annual summer flounder quota, shall be allocated each year for by-catch landings when any of the six seasons for the directed commercial fishery are closed. The by-catch landings shall be divided between the six seasons as identified at (l)5ii below at the same percentage as for the directed fishery specified at (l)5ii below or as modified by the Commissioner.

(1) Any by-catch not landed during the season allocated shall be added to the directed fishery of the following season except during the last season.

(2) If any of the by-catch allowance has not been landed by December 1 in any calendar year the remaining amount shall be added to the directed summer flounder fishery quota.

(3) For the purpose of this section, all seasons identified at (l)5ii below shall start on the first Sunday of the applicable month.

ii. The balance of the New Jersey annual quota for the summer flounder fishery remaining after deducting the by-catch allowance specified in (l)5i above shall be divided into seasons, daily trip limits and number of allowable landing days in each week (Sunday through Saturday) as follows:

(1) January-February: 28 percent, 7,500 pound trip limit and a maximum of two days a week that a vessel may land summer flounder.

(2) March-April: 11 percent, 1,000 pound trip limit and a maximum of five days per week that a vessel may land summer flounder;

(3) May-June: 10.5 percent, 500 pound trip limit and a maximum of five days per week that a vessel may land summer flounder;

(4) July-August: 10.5 percent, 500 pound trip limit and a maximum of five days per week that a vessel may land summer flounder;

(5) September-October: 29 percent, 1,000 pound trip limit and a maximum of four days that a vessel may land summer flounder, except as follows:

(A) A vessel may elect to land summer flounder only one day per week. If such an election is made, the trip limit shall be 4,000 pounds; and

(6) November-December: 11 percent, 1,000 pound trip limit and a maximum of five days per week that a vessel may land summer flounder.

(7) Any daily landing of summer flounder not exceeding 100 pounds during the period of May 1 through October 31 or 200 pounds during the period November 1 through April 30 shall not be applied to maximum weekly landing days during any season as specified in (l)5ii(1) through (6) above, provided the amount of summer flounder landed from any vessel shall not exceed 10 percent, by weight, of the total weight of all species landed and sold.

iii. No vessel shall have in possession or land and no dealer shall accept from any one vessel more than the daily trip limit of summer flounder in any one calendar day.

iv. Any vessel participating in a directed summer flounder fishery shall notify the Department of the time and place of unloading of the vessel at least two hours in advance of such unloading. Such unloading shall not occur except between the hours of 6:00 A.M. and 6:00 P.M. from November 1 through April 30 and 6:00 A.M. and 8:00 P.M. from May 1 through October 31. The vessel shall also report how many times that week (Sunday through Saturday) the vessel will have landed, including the trip being called in. For example, "This will be my third landing this week." Notification shall include a phone call to (609) 748-2050 unless changed by notice to permit holders via first class mail.

v. If a minimum of 100,000 pounds of the New Jersey summer flounder quota remains unlanded as of December 1 in any calendar year, the Commissioner, or his or her designee, may set a daily trip limit for the remainder of that calendar year or until the quota specified in (l)5iii above is landed, whichever occurs first.

vi. The Commissioner, or his or her designee, shall close the season for the directed and/or by-catch commercial summer flounder fishing season upon two days public notice of the projected date the season quota shall be caught. Public notice shall include letters by first class mail to all permitted New Jersey Summer Flounder Dealers and New Jersey Summer Flounder Permit holders.

vii. Once the season has been closed for the directed commercial summer flounder fishery, no vessel shall land any summer flounder and no dealer shall accept any summer flounder landed in New Jersey in excess of the by-catch allowances specified in (l)1 and 4 above and provided the amount of summer flounder landed from any vessel shall not exceed 10 percent, by weight of the total weight of all species landed and sold. If the entire season and/or annual quota including the by-catch allowance has been landed, then no vessel or person shall land or sell any summer flounder and no dealer or person shall accept or buy any summer flounder landed in New Jersey.

viii. If the Commissioner, or his or her designee, closes the season prematurely because of unanticipated environmental events resulting in the quota not being landed by the projected date and at least one month remains in the current season, then the Commissioner, or his or her designee, may reopen the season for a specified period of time upon four days public notice. Public notice shall be made as specified in (l)5vi above.

(1) The Commissioner or his or her designee may set daily trip limits when reopening a prematurely closed season.

ix. 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.

x. If the quota for any of the first five seasons is exceeded, the amount overharvested shall be deducted from the following season.

xi. 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 (l)5i and ii above.

xii. 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.

xiii. 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 15 working days following the end of the reported month at the following address:

New Jersey Summer Flounder Program
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418

(1) The monthly report shall include, but not be limited, to the following information: name, 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, gear type used to harvest, 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. New Jersey Summer Flounder Permit holders who also possess a Federal summer flounder permit and are required to report monthly to the Federal government may submit the "STATE" copy of their Federal log book in satisfaction of the New Jersey reporting requirements.

(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. Pursuant to Amendment 5 of the Mid-Atlantic Fishery Management Council's Summer Flounder Management Plan, the Commissioner may enter into agreements with other states to transfer or combine summer flounder commercial quotas. Such agreements shall specify the terms and conditions under which vessels not in possession of a New Jersey Summer Flounder Permit may land summer flounder in New Jersey, as well as how the landings will be applied to the quota. Any agreement developed by the Commissioner and any other state is not valid until such time as it has been reviewed and approved by the Northeast Regional Director of the National Marine Fisheries Service.

7. No fish dealer shall accept any summer flounder from any vessel or harvester unless such dealer is in possession of a valid New Jersey Summer Flounder Dealers Permit. A New Jersey Summer Flounder Dealers Permit may be obtained by completing an application supplied by the Department and submitting it to:

New Jersey Summer Flounder Dealers Permit
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418

8. No dealer shall accept from any vessel more than the amounts of summer flounder specified at (l)4 above unless said vessel is in possession of its valid New Jersey Summer Flounder Permit.

9. No vessel shall land and no dealer shall accept any summer flounder which have been frozen, filleted or

processed in any way. Only whole, fresh summer flounder may be landed, except that by-catch amounts of summer flounder as specified in (l)1 and 4 above may be landed frozen provided that each fish is individually frozen whole and can be individually weighed and measured without thawing.

10. Any harvester or vessel landing summer flounder in New Jersey for the purpose of sale shall sell all summer flounder to a permitted New Jersey Summer Flounder Dealer.

11. All permitted New Jersey Summer Flounder Dealers shall provide daily reports during the period January 1 through February 28 and weekly reports during the period March 1 through December 31 to the Division listing the amount of summer flounder landed on a daily basis by size category and any other information that may be required by the Commissioner or as a result of an agreement with other states pursuant to (l)6 above. Such report shall be faxed to the Division at the number specified on the reporting forms supplied by the Division not later than 10:00 A.M. on the following day for daily reports and 12:01 P.M. on Monday following the week's end for weekly reports or sent by any other method approved by the Department. For the purpose of this provision, the week shall begin on Sunday and end on Saturday.

12. Any person violating the provisions of this section shall be subject to the penalties prescribed in N.J.S.A. 23:2B-14 in addition to the following:

i. Failure to submit the application by May 31, 1994 for use of hook and line or the 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 (l)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 (l)3 above, minimum mesh size, (l)5iii above, landing, possession or accepting in excess of the daily trip limit for summer flounder (l)5iv, failure of notification of landing of summer flounder, (l)5vii above, landing, summer flounder after the directed fishery and/or bycatch season has been closed, or (l)5xiii above, failure to submit accurate and timely monthly reports, (l)8 accepting more than by-catch amounts from nonpermitted vessels, (l)9 accepting any summer flounder other than fresh product, or (a), (b), (d), (e), (f) above or N.J.S.A. 23:3-46 through 23:3-47 shall result in the suspension or revocation of the vessel's New Jersey Summer Flounder permit or the dealers New Jersey Summer Flounder Dealers Permit according to the following schedule:

- (1) First offense: 60 days suspension
- (2) Second offense: 120 days suspension
- (3) Third offense: permanent revocation

iv. Any person who has had his or her New Jersey Summer Flounder Dealers Permit suspended or revoked shall not land or permit the landing of any summer flounder at his or her facility during the suspension or revocation under the provisions of another permittee's New Jersey Summer Flounder Dealers Permit.

v. Prior to revocation of the permit, the permittee shall have the opportunity to request a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

13. Dealer business records may be used as admissible evidence in any proceeding to document violations of trip limits, weekly landing limits or closed seasons.

(m) Special provisions applicable to a directed weakfish or Atlantic croaker fishery are as follows:

1. The possession of more than 100 pounds of weakfish or Atlantic croaker on board a vessel or landed from a vessel shall constitute a directed fishery for weakfish or Atlantic croaker.

2. A person shall not possess any weakfish less than 12 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 or Atlantic croaker shall not use a net of less than 3.75 inches stretched diamond mesh or 3.375 inches 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 mesh specified above in this paragraph on board any vessel in a directed fishery for weakfish or Atlantic croaker 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. No dealer shall accept any weakfish landed in New Jersey taken by otter trawl except during such open seasons.

(n) 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. No dealer shall accept any winter flounder taken in New Jersey waters except during such open season. 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.

5. Except during the open season specified at (l)4 above, a vessel with any winter flounder on board shall not have any otter or beam trawl available for immediate use while on the marine waters of this State. An otter or beam trawl that conforms to the provisions at (b)1 through 3 above is considered not "available for immediate use."

(o) 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 by otter trawl except during the open season of January 1 through December 7.

(p) Special provisions applicable to a directed scup fishery are as follows:

1. The possession of more than 500 pounds of scup during the period of November 1 through April 30 and more than 100 pounds of scup during the period of May 1 through October 31 on board a vessel or landed from a vessel shall constitute a directed fishery for scup.

2. A person utilizing an otter or beam trawl in a directed fishery for scup shall not use a net of less than 4.5 inches stretched mesh inside measurement applied for no more than 25 continuous meshes forward of the terminus of the net with at least 100 continuous meshes not less than 5.0 inches stretched mesh inside measurement forward of the 4.5 inch mesh in the cod end.

i. Nets not large enough to accommodate the number of minimum meshes listed in (p)2 above shall not contain any meshes less than 4.5 inches stretched mesh inside measurement throughout the entire net.

3. The possession of any net with a mesh less than the minimum specified in (p)2 above on board a vessel in a directed fishery for scup is prohibited unless it is not available for immediate use as defined in (b) above.

4. Annual coastwide scup quotas and daily trip limits for the periods of January 1 through April 30 and November 1 through December 31, and an annual New Jersey scup quota for the period from May 1 through October 31 shall be determined by the Mid-Atlantic Fishery Management Council as implemented by the National Marine Fisheries Service or determined by the Atlantic States Marine Fisheries Commission. All landings of scup in New Jersey during the period from May 1 through October 31 shall be applied to the New Jersey scup quota.

i. Any closure of the scup fishery by the National Marine Fisheries Service in adjacent Federal waters or any closure which includes New Jersey marine waters during the periods January 1 through April 30 and November 1 through December 31 would automatically close New Jersey to commercial landings of scup.

ii. The Commissioner, or his or her designee, shall implement annual and seasonal scup quotas and daily trip limits as determined by the Atlantic States Marine Fisheries Council upon four days public notice. The implemented quotas and limits shall also be reflected in this subsection through a notice of administrative change in the New Jersey Register, in accordance with N.J.A.C. 1:30-2.7.

iii. The Commissioner, or his or her designee, shall close the season for the commercial scup fishery upon four days public notice of the projected date the New Jersey seasonal quota shall be caught.

iv. Public notice shall include letters by first class mail to all New Jersey Scup Dealer holders and Federal scup moratorium permit holders that are New Jersey residents.

v. Once any season has been closed for the commercial scup fishery, no vessel shall land any scup and no dealer shall accept any scup landed in New Jersey.

vi. If the Commissioner, or his or her designee, closes the New Jersey season prematurely because of unanticipated events resulting in the quota not being landed by the project date, then the Commissioner, or his or her designee, may reopen the season for a specified period of time upon four days public notice. Public notice shall be made as specified in (p)4 iii above.

vii. If the quota for any season is exceeded, the amount overharvested shall be deducted from the following year's quota for that season.

5. No vessel shall have in possession or land and no dealer shall accept from any vessel more than the lesser of the daily trip limits set by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission for the seasons of January 1 through April 30 and November 1 through December 31 and no vessel shall have in possession or land and no dealers shall accept from any one vessel more than the daily trip limit of 1,000 pounds of scup during the season of May 1 through October 31 or as provided for in (p)5i below.

i. If a minimum of 25 percent of the New Jersey scup quota is projected to remain unlanded as of October 1 in any calendar year, then there shall be a 4,000 pound trip limit for the remainder of the season or until the season is closed as provided in (p)4i above.

ii. The daily trip limit for scup shall be 10,000 pounds from January 1 through April 30 and 2,000 pounds from November 1 through December 31. The daily trip limit from January 1 through April 30 shall be reduced to 1,000 pounds when the Atlantic States Marine Fisheries Commission (ASMFC) projects that 80 percent of the quota will be caught. The Division of Fish and Wildlife will notify all New Jersey Scup Dealer Permit holders and New Jersey residents who hold Scup Federal Moratorium Permits by letter (first class mail) of the ASMFC's projection and the new trip limits.

6. No fish dealer shall accept any scup from any vessel or harvester unless such dealer is in possession of a valid New Jersey Scup Dealer Permit. A New Jersey Scup Dealer Permit may be obtained by completing an application supplied by the Department and submitting it to:

New Jersey Scup Dealer Permit
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418

7. A harvester or vessel shall not land scup for the purpose of sale or sell any scup unless such harvester or vessel is in the possession of a valid scup moratorium permit issued by the National Marine Fisheries Service.

8. Any harvester or vessel landing scup in New Jersey for the purpose of sale shall sell all scup to a permitted New Jersey Scup Dealer.

9. All permitted New Jersey Scup Dealers shall provide weekly reports to the Division listing the amount of scup landed on a daily basis and any other information that may be required by the Commissioner or as a result of an agreement with other states pursuant to (p)10 below. Such report shall be faxed to the Division at the number specified on the reporting forms supplied by the Division no later than two days following the week's end or sent by any other method approved by the Department. For the purpose of this provision, the week shall begin on Sunday and end of Saturday.

10. All scup moratorium permit holders landing scup in New Jersey 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 15 working days following the end of the reported month at the following address:

New Jersey Scup Program
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418

i. The monthly report shall include, but not be limited to, the following information: name, scup moratorium permit number, total amount (in pounds) of each species taken, dates caught, time at sea, duration of fishing time, gear type used to harvest, number of tows, area fished, crew size, landing port, date sold and buyer. This information shall be provided for any trip in which scup are landed. Scup moratorium permit holders may submit the "STATE" copy of their Federal log book in satisfaction of the New Jersey reporting requirements.

11. 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 comply with the provisions of (p)4ii, landing or accepting scup after the season has been closed; (p)5, landing or accepting more than the daily trip limit; (p)6, accepting scup from a vessel without first having obtained a valid New Jersey Scup Dealer Permit; (p)7, landing for the purpose of sale or selling scup without first having obtained a valid scup moratorium permit; (p)8, selling scup to a non-permitted fish dealer; or (p)9 and (p)10, failure to submit accurate and timely reports shall result in the suspension or revocation of the dealer's New Jersey Scup Dealer Permit according to the following schedule:

(1) First offense: No suspension.

(2) Second offense: 60 days suspension during the open season as provided in (p)4 above.

(3) Third offense: 120 days suspension during the open season as provided in (p)4 above.

(4) Fourth offense: Permanent revocation.

ii. 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.

iii. Any person who has had his or her New Jersey Scup Dealer Permit suspended or revoked, shall not land or permit the landing of any scup at his or her facility during the suspension or revocation under the provisions of another permittee's New Jersey Scup Dealer Permit.

12. Pursuant to Amendment 8 of the Mid-Atlantic Fishery Management Council's Fishery Management Plan for the Summer Flounder and Scup Fishery, the Commissioner may enter into agreements with other states to transfer or combine scup commercial quotas. Such agreements shall specify the terms and conditions under which vessels may land scup in New Jersey, as well as how the landings will be applied to the quota. Any agreement developed by the Commissioner and any other state is not valid until such time as it has been reviewed and approved by the Northeast Regional Director of the National Marine Fisheries Service.

(q) Special provisions applicable to a directed black sea bass fishery are as follows:

1. The possession of more than 500 pounds during the period January 1 through March 31 or 100 pounds during the period April 1 through December 31 of black sea bass on board a vessel or landed from a vessel shall constitute a directed fishery for black sea bass.

2. A person utilizing an otter or beam trawl in a directed fishery for black sea bass shall not use a net of less than 4.5 inches stretched diamond mesh or 4.0 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 in this paragraph on board a vessel in a directed fishery for black sea bass is prohibited unless it is not available for immediate use as defined in (b) above.

i. Nets not large enough to accommodate the number of minimum meshes listed in (q)2 above shall not contain any meshes less than 4.5 inches stretched diamond mesh or 4.0 inches stretched square mesh inside measurement throughout the entire net.

3. Annual and seasonal black sea bass quotas and daily trip limits shall be determined by the Mid-Atlantic Fishery Management Council and implemented by the National Marine Fisheries Service or determined by the Atlantic States Marine Fisheries Commission.

i. The Commissioner, or his or her designee, shall implement annual and seasonal black sea bass quotas and daily trip limits determined by the Atlantic States Marine Fisheries Commission upon four days public notice. Public notice shall include letters by first class mail to all Federal black sea bass moratorium permit holders that are New Jersey residents. The implemented quotas and limits shall also be reflected in this subsection through a notice of administrative change in the New Jersey Register, in accordance with N.J.A.C. 1:30-2.7.

ii. No vessel shall have in possession or land and no dealer or person shall accept from any one vessel or person more than the lesser of the daily trip limit of black sea bass set by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission in any one calendar day. The daily trip limit of black sea bass shall be 7,000 pounds from January 1 through March 31, 2,000 pounds from April 1 through June 30, 2,000 pounds from July 1 through September 30 and 2,000 pounds from October 1 through December 31.

iii. The Commissioner, or his or her designee, shall close the season for the commercial black sea bass fishery upon four days public notice of the projected date each seasonal quota shall be caught. Public notice shall include letters by first class mail to all Federal

black sea bass moratorium permit holders that are New Jersey residents.

iv. Once the season has been closed for the commercial black sea bass fishery, no vessel or person shall land any black sea bass and no dealer or person shall accept any black sea bass landed in New Jersey.

v. If the Commissioner, or his or her designee, closes the season prematurely because of unanticipated events resulting in the quota not being landed by the projected date, then the Commissioner, or his or her designee, may reopen the season for a specified period of time upon four days public notice. Public notice shall be made as specified in (q)3i above.

(r) Special provisions applicable to an Atlantic herring fishery are as follows:

1. The possession of more than 5,000 pounds of Atlantic herring on board a vessel or landed from a vessel shall constitute a directed fishery for Atlantic herring.

2. A person shall not fish for or land any Atlantic herring in excess of 5,000 pounds using any vessel in excess of 165 feet in length and in excess of 3,000 horsepower in a directed fishery for Atlantic herring.

3. Atlantic herring taken in a directed fishery for Atlantic herring shall not be processed for use as fish meal or oil.

4. Any closure of the Atlantic herring fishery by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission in adjacent Federal waters or in any area which includes New Jersey marine waters would automatically close New Jersey waters to the commercial harvest of Atlantic herring.

5. If any of the management areas identified in the joint New England Fishery Management Council Atlantic States Marine Fisheries Commission Fishery Management Plan for Atlantic Herring are closed by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission, the landing of Atlantic herring harvested from any management area that is closed shall be prohibited in New Jersey.

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).

Emergency amendment R.1996 d.299, effective May 31, 1996 (to expire July 30, 1996).

See: 28 N.J.R. 3182(a).
 Administrative Change.
 See: 28 N.J.R. 3786(a).
 Adopted concurrent proposal, R.1996 d.392, effective July 24, 1996.
 See: 28 N.J.R. 3182(a), 28 N.J.R. 3956(a).
 Administrative change.
 See: 28 N.J.R. 4784(a).
 Amended by R.1996 d.587, effective December 16, 1996 (operative January 1, 1997).
 See: 28 N.J.R. 3998(a), 28 N.J.R. 5231(a).
 Substantially amended section.
 Administrative correction.
 See: 29 N.J.R. 600(a).
 Omitted recodification to (j)12v from a prior recodification corrected.
 Administrative change.
 See: 29 N.J.R. 1308(c).
 In (j), changed the minimum length of summer flounder harvested in a commercial fishery from 13 inches to 14 inches.
 Amended by R.1997 d.246, effective June 2, 1997.
 See: 29 N.J.R. 285(a), 29 N.J.R. 2555(a).
 Amended internal section references throughout; inserted new (j) and (k), recodified former (j) through (n) as (l) through (p), and deleted former (o) and (p); in (l)3, inserted “. The mesh size shall Until such time, the mesh size shall be” and deleted provisions relating to forfeiture of privilege of owners and vessels to land summer flounder of less than 14 inches upon violation of restrictions; in (m)3, (m)4, (n)4, and (o)2, deleted reference to modification by the Commissioner of the open season or mesh size; in (p)1, inserted “during the period . . . October 31”; in (p)2, substituted “4.5 inches” for “4.05 inches”; and added (p)3 through (p)12.
 Administrative correction.
 See: 29 N.J.R. 3251(a).
 In (l)2, increased size of summer flounder from 13 to 14 inches; and in (p)4 and 5, substituted “November 1 through December 31” for “November 1 through October 31”.
 Amended by R.1998 d.40, effective January 5, 1998.
 See: 29 N.J.R. 4595(a), 30 N.J.R. 226(a).
 Inserted (q)3 and (r).
 Administrative change.
 See: 30 N.J.R. 1402(b).
 Amended by R.1999 d.52, effective February 16, 1999.
 See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).
 In (l)12, deleted “by June 30, 1993 for use of otter trawls, pound nets, gill nets or scallop dredges or” following “application” in i, and substituted a reference to fresh product for a reference to fish product in the introductory paragraph of iii.
 Administrative change.
 See: 31 N.J.R. 1084(a).
 Amended by R.2000 d.10, effective January 3, 2000.
 See: 31 N.J.R. 2555(a), 32 N.J.R. 48(a).
 Rewrote (a), (l) and (p); and in (r), added 4 and 5.
 Administrative change.
 See: 32 N.J.R. 2230(a).
 Administrative change.
 See: 32 N.J.R. 4107(a).
 Administrative change.
 See: 33 N.J.R. 45(a), 45(b).
 Administrative change.
 See: 33 N.J.R. 1209(b).
 Administrative change.
 See: 33 N.J.R. 1914(a).
 Amended by R.2001 d.346, effective September 17, 2001.
 See: 33 N.J.R. 453(a), 33 N.J.R. 3352(a).
 In (l), rewrote 4, 5, 9 and 11; in (m), inserted references to Atlantic croaker throughout; rewrote (p); in (q), rewrote 3.
 Administrative correction.
 See: 33 N.J.R. 3740(a).
 Administrative change.
 See: 33 N.J.R. 3740(b).
 Administrative change.
 See: 34 N.J.R. 921(a).

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.