

(c) A deer that has been so severely injured by a collision with a motor vehicle that it must be killed shall be considered as accidentally killed for the purposes of this subchapter.

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

7:25-17.7 Information required

(a) Any State or municipal officer disposing of or authorizing the disposal or possession of accidentally killed deer shall notify the Division on a quarterly basis of the following information on forms provided by the Division:

1. The location where the deer was killed;
2. The sex of the deer;
3. The date of the accidental deer kill; and
4. The name and address of the permittee.

Amended by R.2001 d.74, effective March 5, 2001.
See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

SUBCHAPTER 18. MARINE FISHERIES

7:25-18.1 Size, season and possession limits

(a) For the purpose of this subchapter, the following common names shall mean the following scientific name(s) for a species or group of species, except as otherwise specified elsewhere in this subchapter.

<u>Common Name</u>	<u>Scientific Name</u>
American Eel	Anquilla rostrata
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
Dolphin	Coryphaena hippurus
Goosefish (Monkfish)	Lophius americanus
Haddock	Melanogrammus aeglefinus
Hybrid striped bass	Morone saxatilis x Morone spp.
Kingfish	Menticirrhus saxatilis
	Menticirrhus americanus
King Mackerel	Scomberomorus cavalla
Pollock	Pollachius virens
Red Drum	Sciaenops ocellatus
River herring	Alosa aestivalis (alewife)
	Alosa pseudoharengus (blueback herring)
Scup (Porgy)	Stenotomus chrysops
Shad	Alosa sapidissima
	Alosa mediocris
Shark	Large Coastal Group
	Sphyrna mokarran (Great Hammerhead)
	Sphyrna lewini (Scalloped Hammerhead)
	Sphyrna zygaena (Smooth Hammerhead)
	Ginglymostoma cirratum (Nurse Shark)

<u>Common Name</u>	<u>Scientific Name</u>
	Carcharhinus limbatus (Blacktip Shark)
	Carcharhinus leucas (Bull Shark)
	Negaprion brevirostris (Lemon Shark)
	Carcharhinus falciformis (Silky Shark)
	Carcharhinus brevipinna (Spinner Shark)
	Galeocerdo cuvieri (Tiger Shark)
Small Coastal Group	
	Sphyrna tiburo (Bonnethead)
	Carcharhinus acronotus (Blacknose Shark)
	Carcharhinus isodon (Finetooth Shark)
Pelagic Group	
	Lamna nasus (Porbeagle Shark)
	Isurus oxyrinchus (Shortfin Mako)
	Prionace glauca (Blue Shark)
	Carcharhinus longimanus (Oceanic Whitetip Shark)
	Alopias vulpinus (Thresher Shark)
Research Only Group	
	Carcharhinus plumbeus (Sandbar Shark)
Smooth Dogfish	Mustelus canis
Spanish Mackerel	Scomberomorus maculatus
Spider crab	Libinia dubia
	Libinia emarginata
Spiny Dogfish	Squalus acanthias
Striped Bass	Morone saxatilis
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 provided elsewhere in this subchapter, and subject to the specific provisions of any such section. Any commercially licensed vessel or person shall be presumed to possess the following species for sale purposes and shall comply with the minimum sizes below. Fish length shall be measured from the tip of the snout to the tip of the tail (total length), except as noted below.

<u>Species</u>	<u>Minimum Size (inches)</u>
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
Dolphin	No Limit
Goosefish (Monkfish)	17
Haddock	21
Kingfish	8
King Mackerel	23
Pollock	19
Red Drum	18
River herring (Alewife, blueback herring)	No Limit
Scup (Porgy)	9
Shad	No Limit
Shark	

Species	Minimum Size (inches)
Large Coastal Group	No Limit
Small Coastal Group	No Limit
Pelagic Group	No Limit
Smooth Dogfish	No Limit
Spanish Mackerel	14
Summer Flounder	14
Tautog (Blackfish)	15
Weakfish	13
Winter Flounder	12

1. Total length for black sea bass shall be measured along the midline from the tip of the snout to the end of the central portion of the tail, not to include tail filaments.

2. In addition to the total minimum goosefish size, all goosefish tails possessed must be at least 11 inches in length from the anterior portion of the fourth cephalic dorsal spine to the end of the caudal fin. The total weight of all goosefish livers landed shall not be more than 30 percent of the total weight of all goosefish tails landed or 12 percent of the total weight of all goosefish landed.

3. A person shall not take in any one day or possess more than the possession limit specified below for each species listed, except as may be provided elsewhere in this subchapter, and subject to the specific provisions of any such section.

Species	Possession Limit
Cobia	2
Red Drum	1, no more than 27 inches

(c) A person angling with a hand line or with a rod and line or using a bait net or spearfishing shall not have in his or her possession any species listed below less than the minimum length, nor shall such person take in any one day or possess more than the possession limits as provided below, nor shall such person possess any species listed below during the closed season for that species. Exceptions to this section as may be provided elsewhere in this subchapter shall be subject to the specific provisions of any such section. Fish length shall be measured from the tip of the snout to the tip of the tail (total length), except as noted below:

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	12.5	May 28 – Sept. 11 Nov. 1—Dec. 31	25
Bluefish	No Limit	Jan. 1—Dec. 31	15
Cobia	37	Jan. 1—Dec. 31	2
Dolphin	No Limit	Jan. 1—Dec. 31	No Limit
Haddock	21	Jan. 1—Dec. 31	No Limit
Hybrid striped bass	Refer to N.J.S.A. 23:5-45.1		
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

Species	Minimum Size In Inches	Open Season	Possession Limit
Red Drum	18	Jan. 1—Dec. 31	1, not greater than 27 inches
River herring (Alewife, blueback herring)	No Limit	None	0
Scup (Porgy)	9	Jan. 1—Feb. 28 and July 1—Dec. 31	50
Shad	No Limit	Jan. 1—Dec. 31	6
Shark			1 per vessel, as specified in (c)2 below
Large Coastal Group	54	Jan. 1—May 14, and July 16—Dec. 31	
Small Coastal Group	No Limit	Jan. 1—Dec. 31	
Pelagic Group	54	Jan. 1—Dec. 31	
Smooth Dogfish	No Limit	Jan. 1—Dec. 31	No Limit
Spanish Mackerel	14	Jan. 1—Dec. 31	10
Summer Flounder (Fluke)	18	May 7 – Sept. 25	8
Striped Bass		refer to N.J.S.A. 23:5-45.1	
Tautog	15	Jan. 1—Feb. 28 Apr. 1—Apr. 30 July 27—Aug. 31 Oct. 18—Nov. 15 Nov. 16—Dec. 31	4 4 1 1 4
Weakfish	13	Jan. 1—Dec. 31	1
Winter Flounder	12	March 23—May 21	2

1. Total length for black sea bass shall be measured along the midline from the tip of the snout to the end of the central portion of the tail, not to include tail filaments.

2. Shark length shall be measured from the tip of the snout to the V shaped indentation between the two separate tail segments (fork length) forming the caudal fin. Sharks may be harvested in the recreational fishery only by angling with a hand line, or rod and reel. The possession limit for shark, as listed at (a) above, shall be a maximum harvest of one shark from the Large Coastal, Small Coastal, or Pelagic species group on a per vessel basis regardless of the number of individuals on board said vessel. In addition, each recreational angler fishing from a boat may harvest one bonnethead and one Atlantic sharpnose per trip. If a person is fishing from shore or a land based structure, the possession limit shall be a maximum harvest of one shark from the Large Coastal, Small Coastal, or Pelagic species group per calendar day on a per person basis. In addition, each recreational angler fishing from the shore or a land-based structure may harvest one bonnethead and one Atlantic sharpnose per calendar day.

3. Anglers may take no more than 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, except as specified below, any of the following species:

1. Any party/charter vessel carrying recreational fisherman for hire to fish for bluefish shall have a valid Federal party/charter vessel permit.

(p) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify the fishing seasons, minimum size limits and possession limits, and the list of shark species contained within any of the shark groups specified in this section by notice in order to maintain and/or to come into compliance with any fishery management plan approved by the Atlantic States Marine Fisheries Commission pursuant to 16 U.S.C. §5104(b) or to maintain consistency with any Mid-Atlantic Fishery Management Council plan adopted by the National Marine Fisheries Service. The Department shall publish notice of any such modification in the New Jersey Fish and Wildlife Digest and the New Jersey Register, and shall submit a news release to individuals on the Division outdoor writers' mailing list.

(q) All persons aboard any fishing vessel subject to this rule shall immediately comply with instructions and signals issued by a conservation officer, a marine police officer or other law enforcement officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, and catch for the purpose of enforcement of this rule. After any instructions, signals or other communication from an authorized law enforcement officer indicating the officer's intent to perform an inspection, it shall be unlawful for any person to dispose of fish, fish parts or any other matter in any manner until such time as the inspection is complete. Violation of this provision shall subject the violator to the penalties established pursuant to N.J.S.A. 23:2B-14.

(r) Pursuant to N.J.S.A. 23:10-21 and 21.1, any gear used in the violating of the provisions of this subchapter may be seized and forfeited to the Division.

Amended by R.1990 d.607, effective December 3, 1990.
See: 22 N.J.R. 3078(a), 22 N.J.R. 3628(b).

Added new (e) through (h), redesignated existing (e) as (i).
Amended by R.1991 d.132, effective March 18, 1991.
See: 23 N.J.R. 37(a), 23 N.J.R. 848(b).

Size limit for marine fish changed in (a). Added (f), (g), (h), (i) and (j).
Amended by R.1991 d.348, effective July 1, 1991.
See: 23 N.J.R. 43(a), 23 N.J.R. 2011(a).

Deleted "winter flounder measuring less than six inches in length, or measuring less than 13 inches in length" with stylistic changes in (a). Added "winter flounder under 10 inches in length, or red drum under 14 inches in length" with stylistic changes in (b). Added (d). Redesignated (d) as (e); added reference to "(d)". Redesignated (e)-(n) as (f)-(o).
Amended by R.1992 d.143, effective March 16, 1992.
See: 24 N.J.R. 4(c), 24 N.J.R. 1113(a).

Added requirements for weakfish management.
Petition for Rulemaking: Request for reduction of size limit; denied.
See: 24 N.J.R. 2957(a).
Public Notice: Announcement of fish checking stations for the Striped Bass Trophy Program.
See: 24 N.J.R. 3767(c).
Amended by R.1992 d.476, effective December 7, 1992.
See: 24 N.J.R. 1456(a), 24 N.J.R. 4368(b).

New (e) and (f) added prohibiting the filleting of any flatfish at sea in order to prevent circumvention of size limits on fluke and winter flounder; recodification of existing (e)-(o) as (g)-(q).
Amended by R.1993 d.56, effective January 19, 1993.

See: 24 N.J.R. 4249(a), 25 N.J.R. 303(a).

(c) repealed and replaced in accordance with the Summer Flounder Fishery Management Plan developed by the Mid-Atlantic Fishery Management Council and Atlantic States Marine Fisheries Commission.
Amended by R.1993 d.77, effective February 16, 1993.
See: 24 N.J.R. 205(a), 25 N.J.R. 689(a).

Added Atlantic Sturgeon under 60 inches in height.
Administrative Correction.
See: 25 N.J.R. 4495(a).
Amended by R.1994 d.44, effective January 18, 1994.
See: 25 N.J.R. 2167(a), 26 N.J.R. 353(a).
Emergency Amendment, R.1994 d.230, effective April 13, 1994 (to expire June 12, 1994).
See: 26 N.J.R. 1885(a).
Amended by R.1994 d.248, effective May 16, 1994.
See: 26 N.J.R. 291(a), 26 N.J.R. 2021(b).
Adopted Concurrent Proposal, R.1994 d.339, effective June 10, 1994.
See: 26 N.J.R. 1885(a), 26 N.J.R. 2792(a).

Provisions of emergency amendment R.1994 d.230 readopted, with a change effective July 5, 1994.
Amended by R.1994 d.615, effective December 19, 1994.
See: 26 N.J.R. 1931(a), 26 N.J.R. 5011(a).
Amended by R.1995 d.82, effective February 6, 1995.
See: 26 N.J.R. 4277(b), 27 N.J.R. 487(a).

Administrative Change.
See: 27 N.J.R. 1793(a).
Amended by R.1996 d.587, effective December 16, 1996 (operative January 1, 1997).
See: 28 N.J.R. 3998(a), 28 N.J.R. 5231(a).

Changed section name from "Size and possession limits"; added species and changed size and possession limits throughout; in (a) and (b), inserted provisions relating to presumed possession; and in (c), inserted reference to bait nets.
Administrative change.
See: 29 N.J.R. 2278(a).

In (b), increased minimum size of Summer Flounder and Tautog; and in (c), increased possession limit of Summer Flounder.
Amended by R.1997 d.246, effective June 2, 1997.
See: 29 N.J.R. 285(a), 29 N.J.R. 2555(a).

In (a) and (b), added "(total length, except as noted below)"; in (a), in table, changed minimum size for "Black sea bass" from 8 to 9 inches and added "Tautog (blackfish)"; inserted new (a)1, and recodified former (a)1 and (a)2 as (a)2 and (a)3; in (b), added "Black sea bass" to table; added (b)1; in (c), added "Black sea bass" to table; in (e), inserted "or possess such mutilated fish,"; and in (f)3v, added "Black sea bass" and "Scup" to table.
Amended by R.1998 d.40, effective January 5, 1998.
See: 29 N.J.R. 4595(a), 30 N.J.R. 226(a).

Added Bluefish to size limits; in (b) changed minimum size for Atlantic Cod and Haddock from 19 inches to 21 inches; in (f)3v, changed minimum length of Atlantic Cod and Haddock from 13 inches to 14 inches.
Administrative change.
See: 30 N.J.R. 1319(b).
Administrative change.
See: 30 N.J.R. 1402(b).
Amended by R.1999 d.52, effective February 16, 1999.
See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).

Rewrote (a) through (f).
Administrative change.
See: 31 N.J.R. 1084(a).
Amended by R.2000 d.10, effective January 3, 2000.
See: 31 N.J.R. 2555(a), 32 N.J.R. 48(a).

In (c), changed minimum size for Winter Flounder; in (h), substituted "upstream side of the U.S. Route 1 Bridge" for "Trenton Falls" following "from the".
Administrative change.
See: 32 N.J.R. 1387(a).
Amended by R.2000 d.395, effective October 2, 2000.
See: 31 N.J.R. 2555(a), 32 N.J.R. 3592(b).

In (c), increased minimum size for Winter Flounder; in (h), substituted "upstream side of the U.S. Route 1 Bridge" for "Trenton Falls"; inserted a new (n); and recodified former (n) through (p) as (o) through (q).

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

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

Administrative change.

See: 33 N.J.R. 1589(a).

Amended by R.2001 d.346, effective September 17, 2001.

See: 33 N.J.R. 453(a), 33 N.J.R. 3352(a).

Rewrote the section.

Administrative change.

See: 34 N.J.R. 921(a).

Administrative change.

See: 34 N.J.R. 1023(b).

Administrative change.

See: 34 N.J.R. 1669(a).

Amended by R.2002 d.277, effective August 19, 2002.

See: 34 N.J.R. 1375(a), 34 N.J.R. 2995(a).

In (a) to (c), added "River herring"; in (g), deleted "(a)", "or" preceding (e), inserted "or (f)" after (e); rewrote (h).

Administrative change.

See: 35 N.J.R. 708(a).

Administrative correction.

See: 35 N.J.R. 1561(a).

Administrative change.

See: 35 N.J.R. 1927(a).

Administrative correction.

See: 35 N.J.R. 5619(a).

Amended by R.2004 d.20, effective January 5, 2004.

See: 35 N.J.R. 4224(b), 36 N.J.R. 174(b).

In (a), amended the table of Common Name and Scientific Name; in (g), substituted "\$30.00" for "\$20.00".

Administrative change.

See: 36 N.J.R. 1191(c).

Administrative change.

See: 36 N.J.R. 2420(c).

Administrative change.

See: 37 N.J.R. 1177(b).

Administrative change.

See: 37 N.J.R. 3696(a).

Amended by R.2005 d.413, effective November 21, 2005.

See: 37 N.J.R. 742(a), 37 N.J.R. 4408(a).

In (a), added common name "Striped Bass" and scientific name "*Morone saxatilis*"; in (c), added species "Striped Bass" and open season information "refer to N.J.S.A. 23:5-45.1"; in (f)3vii, increased number of days suspension to 60 for first offense and 120 for second offense; added (f)3viii; recodified former (f)3viii as (f)3ix.

Administrative change.

See: 38 N.J.R. 1731(a).

Administrative correction.

See: 38 N.J.R. 2797(b).

Administrative change.

See: 39 N.J.R. 1473(b).

Amended by R.2008 d.15, effective January 7, 2008.

See: 39 N.J.R. 143(a), 40 N.J.R. 126(a).

In the tables in (a) and (c), inserted the entries for "Dolphin" and "Hybrid striped bass"; in the table in (b), inserted the entry for "Dolphin"; in the introductory paragraph of (e), inserted "(e)2 and"; added (e)2; in the introductory paragraph of (f)3v, inserted "fish of any species less than the minimum size limit specified in (c) above shall be filleted and no", and in the table in (f)3v, inserted the entries for "Hybrid striped bass" and "Striped bass"; in (g), substituted "(d) or (e)" for "(d), (e) or (f)"; in (p), inserted "or to maintain consistency with any Mid-Atlantic Fishery Management Council plan adopted by the National Marine Fisheries Service"; and in (q), inserted the second and third sentences.

Administrative change.

See: 40 N.J.R. 150(c), 2109(c).

Administrative change.

See: 41 N.J.R. 2012(a), 4114(a).

Administrative change.

See: 42 N.J.R. 789(a), 1374(a).

Amended by R.2010 d.155, effective July 19, 2010.

See: 42 N.J.R. 700(a), 42 N.J.R. 1527(a).

In (a), rewrote the table; in the introductory paragraph of (b), inserted a comma following the second occurrence of "sale"; in the tables following the introductory paragraphs of (b) and of (c), inserted the entries for "Large Coastal Group", "Small Coastal Group" and "Pelagic Group"

under entry "Shark", and inserted the entry for "Smooth Dogfish"; in the introductory paragraph of (c), substituted "be measured" for "measure"; in the table following the introductory paragraph of (c), in the entry for "Shark", deleted "48" from the Minimum Size in inches" column and "Jan. 1-Dec. 31" from the "Open Season" column and substituted "1 per vessel, as specified in (c)2 below" for "2 per vessel" in the "Possession Limit" column; rewrote (c)2, the table in (d) and (e)1; and in (p), inserted "and the list of shark species contained within any of the shark groups".

Administrative change.

See: 43 N.J.R. 1332(b), 1424(a).

Administrative change.

See: 44 N.J.R. 493(a).

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.