

possession of dredges and crabs or conchs simultaneously in the boat of any person when the crab dredge season is closed shall constitute prima facie evidence of the violation of this section.

(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).

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

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

Rewrote (b); in (d), substituted "December" for "November".

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), substituted "the said licensee's" for "a" in the introductory paragraph; in (d), inserted "or conchs" following "take crabs", and added the last sentence.

7:25-14.8 Landing crabs

All crabs harvested commercially in State waters shall be landed in this State.

New Rule, R.1994 d.152, effective March 21, 1994.

See: 25 N.J.R. 4831(a), 26 N.J.R. 1337(b).

7:25-14.9 Female crabs with eggs attached

No person shall take from any of the waters of this State, or have in his possession any female crustacean, commonly known as crab, with eggs or spawn attached thereto, or from which the egg pouch or bunion has been removed.

7:25-14.10 Size of crabs taken

(a) No person shall take from any tidal waters of this State or have in his or her possession any peeler or shedder 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 provided 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 and said filing must be current before a commercial license for crab pot/trot lines or crab dredges is issued for the subsequent year. 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 or permanent revocation of said license by the Department according to the following schedule:

1. First offense: no suspension;
2. Second offense: 120 days suspension; and
3. Third offense: permanent revocation.

(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).
 Amended by R.2002 d.277, effective August 19, 2002.
 See: 34 N.J.R. 1375(a), 34 N.J.R. 2995(a).
 Rewrote (a).

7:25-14.13 Size of lobster 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 the lengths listed below after the dates stipulated.

| <u>After</u> | <u>Minimum Size (inches)</u> |
|-----------------|---------------------------------|
| August 19, 2002 | 3 ¹ / ₄ |
| July 1, 2002 | 3 ⁵ / ₁₆ |
| July 1, 2003 | 3 ¹¹ / ₃₂ |
| July 1, 2004 | 3 ³ / ₈ |

(b) A person fishing in Atlantic States Marine Fisheries Commission (ASMFC) Lobster Management Area (LMA) 3 or that has designated Lobster Management Area 3 for fishing on their Federal Fisheries Permit or State Lobster Pot Permit shall not take, land, have in his or her possession, sell or offer to sell any American lobster with a length as measured in (a) above that is less than the length listed below after the dates stipulated:

| <u>After</u> | <u>Minimum Size (inches)</u> |
|--------------|---------------------------------|
| July 1, 2005 | 3 ¹³ / ₃₂ |
| July 1, 2006 | 3 ⁷ / ₁₆ |
| July 1, 2007 | 3 ¹⁵ / ₃₂ |
| July 1, 2008 | 3 ¹ / ₂ |

(c) A person fishing in ASMFC Lobster Management Area 4 and/or 5 or that has designated Lobster Management 4 and/or 5 for fishing on their Federal Fisheries or State Lobster Pot Permit shall not take, land, have in his or her possession, sell or offer to sell any American lobster with a length as measured in (a) above that is greater than the length listed below after the dates stipulated.

| <u>ASMFC Lobster Management Area</u> | <u>Dates</u> | <u>Maximum Size (inches)</u> |
|--------------------------------------|--------------------|-------------------------------|
| LMA 4 | after July 1, 2002 | 5 ¹ / ₄ |
| LMA 5 | after July 1, 2004 | 5 ¹ / ₄ |

(d) A person shall not import, export, have in his or her possession, buy, sell or offer to buy or sell any American lobster that does not comply with the size limits for the Lobster Management Areas as stipulated in (a) through (c) above.

(e) The maximum size limits stipulated in (c) above apply to the recreational harvest of American lobster. The minimum size limit for American lobster harvested for recreational purposes shall comply with those stipulated in (a) above and shall not be sold, offered for sale or bartered.

(f) A State Lobster Pot Permittee possessing a Type A, B, C, E or F Permit shall report to the Department the initial ASMFC Lobster Management Area(s) he or she intends to fish and notify the Department prior to relocating to a different Lobster Management Area(s). Notification shall be sent to:

NJ Lobster Pot Permit Program
 Nacote Creek Research Station
 PO Box 418
 Port Republic, NJ 08241

1. If the permittee identifies more than one ASMFC Lobster Management Area as an area he or she intends to fish, then the more restrictive maximum and/or minimum size limit of those identified areas shall apply to that permittee's possession, landing and sale of lobsters.

(g) 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.

(h) 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.
 Amended by R.2002 d.277, effective August 19, 2002.
 See: 34 N.J.R. 1375(a), 34 N.J.R. 2995(a).