

## DIVISION OF FISH, GAME AND WILDLIFE

## CHAPTER 25

## DIVISION OF FISH, GAME 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.1996 d.119, effective February 2, 1996.  
See: 27 N.J.R. 4514(a), 28 N.J.R. 1378(b).

## Executive Order No. 66(1978) Expiration Date

Chapter 25, Division of Fish, Game and Wildlife Rules, expires on February 2, 2001.

## Chapter Historical Note

Chapter 25, Division of Fish, Game and Wildlife Rules, was filed 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). Subchapter 12, Surf Clams, was repealed and replaced by R.1990 d.46, effective January 16, 1990. See: 21 N.J.R. 3214(a), 22 N.J.R. 183(a). Pursuant to Executive Order No. 66(1978), Chapter 25 was readopted as R.1991 d.132, 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 was readopted as R.1996 d.119, effective February 2, 1996. See: Source and Effective Date.

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**7:25-1.1 Scope**

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

**Case Notes**

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

**7:25-1.2 Construction**

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

**7:25-1.3 Practice where rules do not govern**

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

**7:25-1.4 Definitions**

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

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

“Code” means the New Jersey Administrative Code.

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

“Conservation officer” means a law enforcement officer of the division.

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

“Division” means the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection.

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

**7:25-1.5 License, permit and stamp fees**

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

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

Commercial Hunt	222.00
Propagation	7.50
Fish Preserve	167.00

R.1973 d.13, effective January 8, 1973.  
 See: 5 N.J.R. 38(c).  
 Amended by R.1989 d.26, effective January 3, 1989.  
 See: 20 N.J.R. 2666(a), 20 N.J.R. 55(a).  
 Deleted (a)5 and 6 and renumbered 7.-11. as 5.-9.  
 Amended by R.1989 d.502, effective September 18, 1989.  
 See: 21 N.J.R. 1482(b), 21 N.J.R. 2963(a).  
 Lease and surveying fees deleted.  
 Repealed by R.1991 d.132, effective March 18, 1991.  
 See: 23 N.J.R. 37(a), 23 N.J.R. 848(b).  
 Section 1.5—Fee schedule—deleted.  
 New Rule, R.1993 d.360, effective July 19, 1993.  
 See: 25 N.J.R. 1928(a), 25 N.J.R. 3154(a).

**7:25-1.6 (Reserved)**

**7:25-1.7 Penalties**

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

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

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

R.1980 d.395, effective September 17, 1980.  
 See: 12 N.J.R. 456(a), 12 N.J.R. 576(d).  
 R.1988 d.339, effective July 18, 1988.  
 See: 19 N.J.R. 2358(a), 20 N.J.R. 1743(b).  
 This section expired and new rules were adopted.  
 Amended by R.1991 d.132, effective March 18, 1991.  
 See: 23 N.J.R. 37(a), 23 N.J.R. 848(b).  
 Monetary amount of penalty changed in (b). Deleted (d) and (e).

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

**7:25-2.1 Cutting or damaging vegetation**

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

“Coordinator” means the Division of Fish, Game and Wildlife employee designated by the Director as the official representative with the local authority(ies) to develop, adopt and monitor the administration of the Memorandum of Understanding.

“Council” means the Fish and Game Council which is an 11-member body which has legislative authority to determine seasons, bag limits, and manners and means of take for game species, and establishes policy regarding these matters.

“Cultural Carrying Capacity” means the number of deer that can co-exist compatibly with the local human population in a given land area.

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

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

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

“Huntable” means those sites on which, due to their size, location and available habitat, traditional or controlled deer hunting seasons can be conducted.

“Memorandum of Understanding” or “MOU” means the written cooperative deer management agreement approved by the local authority(ies) which may be a municipal or county governing body, the Council and the Division to employ alternative deer control methods.

“Traditional Hunting” means the pursuit of deer by licensed hunters during annual prescribed open seasons as approved by the Council and provided by the game code (firearm and bow) without additional restrictions.

3. Issuance of Special Deer Management Permits allowing for the use of both traditional hunting and alternative deer population control techniques shall be based on all applicable regulations and the criteria as set forth in the Memorandum of Understanding.

i. All requests shall be made in writing to the Director and no Special Deer Management Permits may be issued, except as set forth herein.

ii. Following inspection and verification of the need for deer control by the Division, management options shall be reviewed with the Cooperator and a MOU may be entered into and signed by the Council, the Division and the Cooperator.

iii. Among other preconditions to the issuance of Special Deer Management Permits, the MOU shall, at a minimum, require that the Cooperator implement the following measures: discouragement of deer feeding, support of traditional and controlled hunting where they can be conducted, reasonable efforts, to utilize

deer killed by non-traditional means, and a plan by the Cooperator to use its best efforts to ensure donation of venison to the needy.

iv. The MOU may authorize such non-traditional control options as shooting by agents of the Cooperator, live capture and euthanize and live capture and remove to a deer farm or facility.

v. All costs associated with the application of alternative deer control options, including, but not limited to, those associated with the processing of venison, shall be borne by the Cooperator.

vi. The Division may issue Special Deer Management Permits for the experimental use of fertility control methodologies, including immunocontraception. Approval for such efforts shall be restricted to bona fide researchers, following review and approval of a study plan by the Division and the Department of Animal Science, Cook College-Rutgers University. Any experimental use of fertility control chemicals and vaccines on free-ranging deer populations shall be restricted to those substances/locations which have been granted an Investigational Exemption for a New Animal Drug (INAD) by the U.S. Food and Drug Administration.

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

(d) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 13:1B-27 et seq., 13:1B-30, 23:4-1 et seq., 23:4-42, 23:4-43, 23:4-44, 23:4-45, 23:4-47, 23:4-52, 23:4-63.3 and other applicable statutes.

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

**7:25-5.33 Pheasants and quail stamp designated areas**

(a) Designated wildlife management areas where the special “pheasant and quail” stamp is required.

1. No person shall at any time hunt for, pursue, kill, take or attempt to take with a firearm or bow and arrow, or have in possession any pheasant or quail in the following designated wildlife management areas unless such person has first procured and has in possession a valid special “pheasant and quail” stamp.

2. Designated wildlife management areas:

- |                        |                              |
|------------------------|------------------------------|
| Assunpink              | Bevan-Cedarville (Millville) |
| Berkshire Valley       | Nantuxent                    |
| Black River            | Peaslee                      |
| Clinton                | Pt. Republic                 |
| Colliers Mills         | Stafford Forge               |
| Dix                    | MacNamara                    |
| Flatbrook-Roy          | (Tuckahoe-Corbin City)       |
| Glassboro              | Walpack                      |
| Greenwood (including   | Winslow                      |
| Pasadena-Howardsville) | Whittingham                  |

Heislerville  
Mad Horse  
Manahawkin  
Medford  
Delaware River Gap National Recreation Area.

Pequest  
Fort Dix  
Manasquan River

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 1997-98 season. However, hunting with firearms shall be prohibited on November 7, 1997 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.

**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 contraceptive chemicals, vaccines or related materials to any species of free ranging wildlife without first procuring a permit from the Division. No person shall employ any physical alteration or device that would alter the reproductive 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 this code. Prior to submission of the application, applicants must first obtain any necessary Federal permits. Each permit applicant must provide a written proposal describing the contraception application protocol, the credentials of the person(s) who will administer the contraceptive 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, 23:4-48, 23:4-60.3 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.

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

(a) North—No. Region Office, R.R. 1, Box 383, Hampton, N.J. 08827 (908) 735-8240.

(b) Central—Assunpink WMA, R.D. # 3, Robbinsville, N.J. 08691 (609-259-2120).

(c) South—Winslow WMA, 220 New Brooklyn/Blue Anchor Road, Sickleville, N.J. 08081. (609) 629-0555.

(d) DEP Hotline (Action Line) (609-292-7172).

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.

**7:25-5.39 Severability**

If any provision of this Code adopted hereunder or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provisions to persons and circumstances other than

those to which it is held invalid, shall not be affected thereby.

Recodified from 7:25-5.38 by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).  
 See: 28 N.J.R. 2434(b), 28 N.J.R. 3934(a).

**SUBCHAPTER 6. 1997-98 FISH CODE**

**Authority**

N.J.S.A. 13:1B-29 et seq. and 23:1-1 et seq.

**Source and Effective Date**

R.1994 d.577, effective November 21, 1994 (operative January 1, 1995).  
 See: 26 N.J.R. 2835(a), 26 N.J.R. 3258(a), 26 N.J.R. 4611(a).

**Subchapter Historical Note**

The Fish Code is revised annually to reflect changing conditions in the State's game fish resource. Previous revisions in the code were as follows:

- R.1972 d.184, effective January 1, 1973.
- See: 4 N.J.R. 186(a), 4 N.J.R. 234(a).
- R.1973 d.25, effective January 18, 1973.
- See: 5 N.J.R. 39(a).
- R.1973 d.264, effective September 17, 1973.
- See: 5 N.J.R. 261(a), 5 N.J.R. 336(c).
- R.1973 d.265, effective January 1, 1974.
- See: 5 N.J.R. 260(c), 5 N.J.R. 337(a).
- R.1973 d.347, effective January 1, 1974.
- See: 5 N.J.R. 369(c), 6 N.J.R. 6(b).
- R.1974 d.253, effective January 1, 1975.
- See: 6 N.J.R. 305(a), 6 N.J.R. 394(a).
- R.1975 d.301, effective January 1, 1976.
- See: 7 N.J.R. 359(c), 7 N.J.R. 499(d), 8 N.J.R. 460(a).
- R.1976 d.316, effective January 1, 1977.
- See: 8 N.J.R. 379(a), 8 N.J.R. 510(a).
- R.1977 d.384, effective January 1, 1978.
- See: 9 N.J.R. 361(a), 9 N.J.R. 513(a).
- R.1978 d.351, effective January 1, 1979.
- See: 10 N.J.R. 324(a), 10 N.J.R. 479(a).
- R.1979 d.403, effective January 1, 1980.
- See: 11 N.J.R. 370(a), 11 N.J.R. 543(a).
- R.1980 d.400, effective January 1, 1981.
- See: 12 N.J.R. 457(a), 12 N.J.R. 577(a).
- R.1981 d.470, effective December 7, 1981.
- See: 13 N.J.R. 483(a), 13 N.J.R. 887(a).
- R.1982 d.429, effective December 6, 1982 (operative January 1, 1983).
- See: 14 N.J.R. 872(a), 14 N.J.R. 1336(c).
- R.1983 d.542, effective November 21, 1983 (operative January 1, 1984).
- See: 15 N.J.R. 1217(a), 15 N.J.R. 1942(a).
- R.1984 d.498, effective November 5, 1984 (operative January 1, 1985).
- See: 16 N.J.R. 2034(a), 16 N.J.R. 3011(a).
- R.1985 d.646, effective December 16, 1985 (operative January 1, 1986).
- See: 17 N.J.R. 2187(a), 17 N.J.R. 2972(a).
- R.1987, d.41, effective January 5, 1987.
- See: 18 N.J.R. 1644(a), 19 N.J.R. 110(a).
- R.1988 d.15, effective January 4, 1988.
- See: 19 N.J.R. 1385(a), 20 N.J.R. 72(a).
- R.1988 d.531, effective November 7, 1988 (operative January 1, 1989).
- See: 20 N.J.R. 1627(a), 20 N.J.R. 2758(a).
- R.1989 d.567, effective November 6, 1989 (operative January 1, 1990).
- See: 21 N.J.R. 1775(b), 21 N.J.R. 3483(a).
- R.1990 d.616, effective December 17, 1990 (operative January 1, 1991).
- See: 22 N.J.R. 2071(a), 22 N.J.R. 3746(a).

R.1991 d.527, effective November 18, 1991 (operative January 1, 1992).  
See: 23 N.J.R. 2115(a), 23 N.J.R. 3446(c).  
R.1992 d.439, effective November 2, 1992 (operative January 1, 1993).  
See: 24 N.J.R. 2539(a), 24 N.J.R. 4122(a).  
R.1993 d.526, effective November 1, 1993 (operative January 1, 1994).  
See: 25 N.J.R. 3053(b), 25 N.J.R. 4905(a).  
R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).  
See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

### 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> ,<br><i>Luxilus</i> , <i>Cyprinella</i> , and<br><i>Semotilus</i> . |
| 15. American eel   | <i>Anguilla rostrata</i>   |

"Closures" (closed waters) means those waters in which angling is not permitted, particularly in reference to time (also Closed Season).

"Code" means the State Fish Code.

"Creel or possession limit" means the total number of fish that are legally retainable. Most normally this is expressed on a daily basis.

"Creelred trout" shall mean any trout which a fisherman has in his possession.

"Director" means Director of the Division of Fish, Game and Wildlife.

"Division" means the Division of Fish, Game and Wildlife.

"Fathom" shall mean a unit of measure equal to six feet.

"Foodfish" for the purpose of N.J.A.C. 7:25-6.11 only, means the following species:

- |   |                                |
|---|--------------------------------|
| 1. Atlantic sturgeon  | <i>Acipenser oxyrinchus</i> ;  |
| 2. White sucker   | <i>Catostomus commersoni</i> ; |
| 3. Carp   | <i>Cyprinus carpio</i> ;       |
| 4. American eel   | <i>Anguilla rostrata</i> ;     |
| 5. Blueback herring   | <i>Alosa aestivalis</i> ;      |
| 6. Hickory shad   | <i>Alosa mediocris</i> ;       |
| 7. American shad  | <i>Alosa sapidissima</i> ;     |
| 8. Gizzard shad   | <i>Dorosoma cepedianum</i> ;   |
| 9. Alewife (anadromous form)  | <i>Alosa pseudoharengus</i> ;  |
| 10. Yellow perch  | <i>Perca flavescens</i> ;      |
| 11. White perch   | <i>Morone americana</i> ;      |
| 12. White catfish   | <i>Ameiurus catus</i> ;        |
| 13. Black bullhead  | <i>Ameiurus melas</i> ;        |
| 14. Brown bullhead  | <i>Ameiurus nebulosus</i> ;    |
| 15. Yellow bullhead   | <i>Ameiurus natalis</i> ;      |
| 16. Channel catfish   | <i>Ictalurus punctatus</i> ;   |
| 17. Bowfin  | <i>Amia calva</i> ; and        |
| 18. Any other marine fish species that is legal for taking with net in marine waters. |                                |

"Natural bait" means any bait that in its live, preserved or original form would be consumed by fish.

"Open waters" (all sections except N.J.A.C. 7:25-6.9) means those waters in which angling is permitted, particularly in reference to time.

"Open waters" (N.J.A.C. 7:25-6.9) means those waters not covered with ice.

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

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

"Possession" means all fish, live or dead, under the control of the fisherman.

“Size limit” means the legal length of fish and may be expressed as a minimum size or a maximum size of a fish that may be retained. Length shall be the maximum total length.

“Snagging” means the hooking of fish other than inside the mouth, through the action of the fisherman.

“Trout” shall include the following species and all hybrids and strains thereof:

- |                  |                              |
|------------------|------------------------------|
| 1. Brook trout   | <i>Salvelinus fontinalis</i> |
| 2. Lake trout    | <i>Salvelinus namaycush</i>  |
| 3. Brown trout   | <i>Salmo trutta</i>          |
| 4. Rainbow trout | <i>Oncorhynchus mykiss</i>   |

“Unattended” means user not available for questioning by officer at the time of inspection.

“Warmwater fish” includes the following species and all hybrids and strains thereof:

- |                      |                                     |
|----------------------|-------------------------------------|
| 1. Largemouth bass   | <i>Micropterus salmoides</i>        |
| 2. Smallmouth bass   | <i>Micropterus dolomieu</i>         |
| 3. Black crappie     | <i>Pomoxis nigromaculatus</i>       |
| 4. White crappie     | <i>Pomoxis annularis</i>            |
| 5. Rock bass         | <i>Ambloplites rupestris</i>        |
| 6. Redbreast sunfish | <i>Lepomis auritis</i>              |
| 7. Green sunfish     | <i>Lepomis cyanellus</i>            |
| 8. Pumpkinseed       | <i>Lepomis gibbosus</i>             |
| 9. Bluegill          | <i>Lepomis macrochirus</i>          |
| 10. Longear sunfish  | <i>Lepomis megalotis</i>            |
| 11. Redear sunfish   | <i>Lepomis microlophus</i>          |
| 12. Yellow perch     | <i>Perca flavescens</i>             |
| 13. Walleye          | <i>Stizostedion vitreum vitreum</i> |
| 14. White perch      | <i>Morone americana</i>             |
| 15. White catfish    | <i>Ameiurus catus</i>               |
| 16. Black bullhead   | <i>Ameiurus melas</i>               |
| 17. Brown bullhead   | <i>Ameiurus nebulosus</i>           |
| 18. Yellow bullhead  | <i>Ameiurus natalis</i>             |
| 19. Channel catfish  | <i>Ictalurus punctatus</i>          |
| 20. Redfin           | <i>Esox americanus americanus</i>   |
| 21. Northern pike    | <i>Esox lucius</i>                  |
| 22. Muskellunge      | <i>Esox masquinongy</i>             |
| 23. Chain pickerel   | <i>Esox niger</i>                   |
| 24. Bowfin           | <i>Amia calva</i>                   |
| 25. Carp             | <i>Cyprinus carpio</i>              |

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).  
 See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).  
 Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).  
 See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

**7:25-6.3 Trout Season and Angling in Trout-Stocked Waters**

(a) Except as provided in N.J.A.C. 7:25-6.4, 6.6 to 6.9, 6.19, 6.20 and (i) below, the trout season for 1997 shall commence 12:01 A.M. January 1, 1997 and extend to midnight March 24, 1997. The trout season shall re-open at

8:00 A.M. Saturday, April 12, 1997 and extend to include March 22, 1998.

(b) Except as provided in N.J.A.C. 7:26-6.4, 6.6 and 6.7 and (i) below, it shall be unlawful to fish for any species of fish from midnight March 24, 1997 to 8:00 A.M. on April 12, 1997 in ponds, lakes or those portions of streams that are listed herein for stocking during 1997.

(c) Except as provided in N.J.A.C. 7:25-6.6 to 6.9, waters with listed stocking dates shall be closed to all fishing from 5:00 A.M. to 5:00 P.M. on listed dates; included in these waters are all feeder and tributary streams for a distance of 100 feet from the main channel.

(d) Except as provided in N.J.A.C. 7:25-6.6 to 6.9, in trout-stocked waters for which in-season closures will be in force, waters will be closed from 5:00 A.M. to 5:00 P.M. on dates indicated, provided that in the event of emergent conditions, the Division may suspend stocking of any or all of the following:

1. Big Flat Brook—100 ft. above Steam Mill Bridge on Crigger Road in Stokes State Forest to Delaware River—April 18, 25; May 2, 9, 16, 23, 30.
2. Black River—Route 206 Chester, to the posted Black River Fish and Game club property at the lower end of Hacklebarney State Park—April 17, 24; May 1, 8, 15, 22, 29.
3. Manasquan River—Route 9 bridge downstream to Bennetts Bridge, Manasquan Wildlife Management Area—April 14, 21, 28; May 5, 12, 19, 26.
4. Metedeconk River, N. Br.—Aldrich Road Bridge to Ridge Avenue—April 14, 21, 28; May 5, 12, 19, 26.
5. Matedeconk River, S. Br.—Bennetts Mills dam to twin wooden footbridge, opposite Lake Park Boulevard, on South Lake Drive, Lakewood—April 14, 21, 28; May 5, 12, 19, 26.
6. Musconetcong River—Lake Hopatcong Dam to Delaware River including all main stem impoundments, but excluding Lake Musconetcong, Netcong—April 18, 25; May 2, 9, 16, 23, 30.
7. Paulinskill River and E. Br. and W. Br.—Limecrest Railroad Spur Bridge on E. Br., Sparta Township, and Warbasse Junction Road, Route 663, on W. Br., Lafayette Twp., to Columbia Lake—April 17, 24; May 1, 8, 15, 22, 29.
8. Pequest River—Source to Delaware River—April 18, 25; May 2, 9, 16, 23, 30.
9. Pohatcong Creek—Route 31 to Delaware River—April 15, 22, 29; May 6, 13, 20, 27.
10. Ramapo River—State line to Pompton Lake—April 17, 24; May 1, 8, 15, 22, 29.

11. Raritan River, N. Br.—Peapack Road Bridge in Far Hills to Jct. with S. Br. Raritan River—April 16, 23, 30; May 7, 14, 21, 28.

12. Raritan River, S. Br.—Budd Lake dam through Hunterdon and Somerset Counties to Jct. with N. Br. Raritan River—April 15, 22, 29; May 6, 13, 20, 27.

13. Rockaway River—Longwood Lake dam to Jersey City Reservoir in Boonton—April 14, 21, 28; May 5, 12, 19, 26.

14. Toms River—Ocean County Route 528, Holmansville, to confluence with Maple Root Branch and Route 70 to County Route 571—April 14, 21, 28; May 5, 12, 19, 26.

15. Wallkill River—Lake Mohawk Dam to Route 23, Hamburg—April 14, 21, 28; May 5, 12, 19, 26.

16. Wanaque River—Greenwood Lake Dam to Jct. with Pequannock River, excluding Wanaque Reservoir, Monksville Reservoir and Lake Inez—April 18, 25; May 2, 9, 16, 23, 30.

(e) Except as provided in N.J.A.C. 7:25-6.6 to 6.8, no person shall catch, take, kill or possess trout during the closed period (5:00 A.M. to 5:00 P.M.) on any of the waters listed for in-season closures.

(f) Trout stocked waters for which no in-season closures will be in force. Figure in parenthesis indicates the anticipated number of stockings to be carried out from April 21 through May 31, provided that, in the event of emergency conditions, the Division may suspend stocking of any or all of the following:

1. Atlantic County

Birch Grove Park Pond—Northfield—(4)

Hammonton Lake—Hammonton—(4)

2. Bergen County

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

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

Indian Lake—Little Ferry—(4)

Mill Pond—Park Ridge—(3)

Pascack Creek—Orchard Street, Hillsdale, to Lake Street, Westwood—(4)

Saddle River—State Line to Dunkerhook Road, Fairlawn—(5)

Tienekill Creek—Closter, entire length—(3)

Whites Pond—Waldwick—(4)

3. Burlington County

Crystal Lake—Willingboro—(4)

Rancocas Creek, Southwest Branch—Medford, Mill Street Park to Branch St. Bridge—(4)

Sylvan Lake—Burlington—(3)

4. Camden County

Laurel Pond, Mt. Laurel—(3) Oak Pond—Sicklerville—(4)

5. Cape May County

Dennisville Lake—Dennisville—(4)

West Pond—Cape May Courthouse—(4)

6. Cumberland County

Bostwick Lake—Friesburg—(3)

Cohansey River—Dam at Seeley's Pond to powerline above Sunset Lake, Bridgeton—(4)

Giampietro Park Lake—Vineland—(3)

Mary Elmer Lake—Bridgeton—(3)

Maurice River—Willow Grove Lake dam to Sherman Avenue, Vineland—(4)

Shaw's Mill Pond—Newport—(3)

7. Essex County

Branch Brook Park Lake—Newark—(4)

Diamond Mill Pond—Millburn—(3)

Verona Park Lake—Verona—(4)

8. Gloucester County

Greenwich Lake—Gibbstown—(3)

Grenloch Lake—Turnersville—(3)

Harrisonville Lake—Harrisonville—(3)

Iona Lake—Iona—(3)

Mullica Hill Pond—Mullica Hill—(3)

Swedesboro Lake—Swedesboro—(3)

9. Hudson County

Woodcliff Lake—North Bergen, James J. Braddock Park—(4)

10. Hunterdon County

Amwell Lake—Linvale—(3)

Beaver Brook—Clinton Township, entire length—(2)

Capoolong Creek—Pittstown, entire length—(5)

Delaware-Raritan Feeder Canal—Bulls Island to Hunterdon-Mercer County line—(6)

Everittstown Brook—Everittstown, entire length—(1)

Frenchtown Brook—Frenchtown, entire length—(2)

Hakihohake Creek—Holland Township, entire length—(2)

Lockatong Creek—Opdyke Road Bridge, Kingwood Township to Delaware-Raritan Feeder Canal—(5)

Mulhockaway Creek—Pattenburg, source to Spruce Run Reservoir—(5)

Neshanic River—Kuhl Road to Hunterdon County Route 514—(2)

Rockaway Creek—Readington Township, entire length—(4)

Rockaway Creek, S. Br.—Lebanon to Whitehouse, entire length—(5)

Round Valley Reservoir—Lebanon—(3)

Spring Mills Brook—Spring Mills, entire length—(2)

Spruce Run—Glen Gardner and Lebanon Township, entire length—(5)  
 Spruce Run Reservoir—Clinton—(3)  
 Sydney Brook—Sydney, entire length—(1)  
 Wickecheoke Creek—Covered Bridge, Sergeantsville to Delaware River—(2)

11. Mercer County

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

12. Middlesex County

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

13. Monmouth County

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

14. Morris County

Beaver Brook—Rockaway, entire length—(3)  
 Burnham Park Pond—Morristown—(4)  
 Drakes Brook—Flanders, entire length—(3)  
 Hibernia Brook—Hibernia, entire length—(5)

India Brook—Mountainside Ave. to Rt. 24, Ralston—(5)  
 Lake Hopatcong—Lake Hopatcong—(3)  
 Lake Musconetcong—Netcong—(3)  
 Mill Brook—Center Grove, entire length—(2)  
 Mt. Hope Pond—Mt. Hope—(3)  
 Passaic River—White Bridge to Dead River—(4)  
 Pompton River—Pequannock Township (see Passaic Co.)—(4)  
 Russia Brook—Jefferson Township, Ridge Road to Lake Swannanoa—(2)  
 Speedwell Lake—Morristown—(4)  
 Whippany River—Tingley Road, Morris Township to Rt. 202, Morristown—(2)

15. Ocean County

Lake Shenandoah—Lakewood, Ocean County Park—(3)  
 Prospertown Lake—Prospertown—(3)

16. Passaic County

Barbour's Pond—West Paterson—(3)  
 Clinton Reservoir—Newark Watershed—(3)  
 Greenwood Lake—West Milford—(3)  
 Monksville Reservoir—Hewitt—(3)  
 Oldham Pond—North Haledon—(3)  
 Pequannock River—Route 23, Smoke Rise to Paterson-Hamburg Turnpike, Pompton Lakes—(6)  
 Pompton Lake—Pompton Lakes—(3)  
 Pompton River—Pompton Lake to Newark-Pompton Turnpike—(4)  
 Ringwood Brook—State line to Sally's Pond, Ringwood Park—(5)  
 Sheppard's Lake—Thunder Mountain, Ringwood Borough—(3)

17. Salem County

Harrisonville Lake—Harrisonville—(3)  
 Maurice River—Willow Grove Lake dam to Sherman Avenue, Vineland—(4)  
 Schadler's Sand Wash Pond—Penns Grove—(3)

18. Somerset County

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

19. Sussex County

Aeroflex Lake—Andover—(3)

Alms House Brook—Myrtle Grove, Hampton Township, entire length—(2)  
 Andover Junction Brook—Andover, entire length—(2)  
 Bier's Kill—Shaytown, entire length—(2)  
 Big Flat Brook, Upper—Saw Mill Lake, High Point State Park to 100 feet above Steam Mill Bridge on Crigger Road—(4)  
 Canistear Reservoir—Newark Watershed—(3)  
 Clove River—Junction of Route 23 and Mt. Salem Road to Route 565 bridge—(5)  
 Cranberry Lake—Byram Township—(3)  
 Culver's Lake Brook—Frankford Township, entire length—(2)  
 Dry Brook—Branchville, entire length—(3)  
 Franklin Pond Creek—Hamburg Mt. Wildlife Management Area, entire length—(5)  
 Glenwood Brook—Lake Glenwood to State line—(2)  
 Iliff Lake—Andover Township—(3)  
 Lake Musconetcong—Netcong—(3)  
 Lake Hopatcong—Lake Hopatcong—(3)  
 Lake Ocquittunk—Stokes State Forest—(3)  
 Little Flat Brook—Sandyston Township, entire length—(5)  
 Little Swartswood Lake—Swartswood—(3)  
 Lower Blue Mountain Lake—Delaware Water Gap National Recreation Area—(3)  
 Lubbers Run—Byram Township, entire length—(5)  
 Neldon Brook—Swartswood, entire length—(2)  
 Papakating Creek—Plains Road bridge to Route 565, Lewisburg—(2)  
 Papakating Creek, W. Br.—Libertyville, entire length—(2)  
 Pond Brook—Middleville, entire length—(5)  
 Roy Spring Brook—Stillwater, entire length—(1)  
 Saw Mill Lake—High Point State Park—(3)  
 Shimers Brook—Montague Township, entire length—(2)  
 Stony Lake—Stokes State Forest—(3)  
 Swartswood Lake—Swartswood—(3)  
 Trout Brook—Middleville, entire length—(2)  
 Tuttle's Corner Brook—Tuttle's Corner, entire length—(2)  
 Wawayanda Lake—Vernon—(3)

#### 20. Union County

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

#### 21. Warren County

Barker's Mill Brook—Vienna, entire length—(1)

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

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

(h) A person shall not take, kill or have in possession in one day more than six in total of brook trout, brown trout, rainbow trout, lake trout or hybrids thereof during the period extending from 8:00 A.M. April 12, 1997 until midnight May 31, 1997 or more than four of these species during the periods of January 1, 1997 to midnight March 24, 1997 and June 1, 1997 through midnight March 22, 1998 except as designated in N.J.A.C. 7:25-6.4 to 6.9.

(i) Spruce Run Reservoir, Hunterdon County, Farrington Lake, Middlesex County, Lake Hopatcong, Morris/Sussex County, Shenandoah Lake, and the Manasquan Reservoir, Monmouth County, will remain open to angling year-round. Trout, if taken during the period commencing at midnight, March 24, 1997 and extending to 8:00 A.M. April 12, 1997 must be returned to the water immediately and unharmed.

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).

See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).

Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

#### 7:25-6.4 Special Regulation Trout Fishing Areas—Fly Fishing Waters

(a) Beginning January 1, 1997 to midnight March 24, 1997 and from 5:00 A.M. on Monday, April 21, 1997 to and including March 22, 1998 the following stretches are open to fly-fishing only, and closed to all fishing from 5:00 A.M. to 5:00 P.M. on days listed for stocking:

1. Big Flat Brook, Sussex County—from the concrete bridge on Route 206 downstream to the Roy Bridge on Mountain Road, a distance of approximately four miles, except that portion known as the Blewett Tract, regulated below at (b)1.

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

(b) Beginning January 1, 1997 to midnight March 24, 1997 and from 8:00 A.M. on April 12, 1997 to midnight March 22, 1998 the following stretch is open to fly-fishing only, but is closed to all fishing from 5:00 A.M. to 5:00 P.M. on days listed for stocking:

1. Big Flat Brook, Sussex County—an approximate 0.5 mile portion, clearly defined by markers, known as the Blewett Tract, which extends from the Three Bridges Road to a point upstream of the junction of the Big Flatbrook and the Little Flatbrook.

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

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

(d) The following rules shall apply to the above designated fly-fishing waters:

1. Fishing in Fly-Fishing Waters is permitted 24 hours daily except on those days during April and May when they are closed for stocking.

2. Not more than six trout may be killed daily during the April 11 through May 31 portion of the season; at other times the limit is four. Trout in excess of the creel limit may be caught provided such trout are immediately returned to the water unharmed.

3. No bait or lures of any kind may be used except artificial flies which are expressly limited to dry flies, wet flies, bucktails, nymphs and streamers. Expressly prohibited are metal, plastic or wooden lures, plugs, spinners and flies with spinners attached, or any multiple-hooked device. In the Musconetcong “no kill” area, only single pointed barbless hooks may be used.

4. Expressly prohibited are spinning reels or any type of angling whereby the fly is cast directly from the reel.

5. No person may have in possession while engaged in angling on the waters designated as fly waters, any natural bait, live or preserved, in that period of time during which fly-fishing only is in effect.

6. A person shall not have in possession, while fishing, any substance, either as a natural or synthetic compound, that contains a concentration of bait scent or such scent enhanced bait.

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).

See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).

Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

#### 7:25-6.5 Special Regulation Trout Fishing Areas— Seasonal Trout Conservation Areas

(a) The following stream segments are designated as Seasonal Trout Conservation Areas and are subject to the provisions at (b) below governing these areas during the period of May 26, 1997 through March 2, 1998.

1. Pequest River—An approximate 1.0 mile portion, within the Pequest Wildlife Management Area, extending from the County bridge on Pequest Furnace Road at Pequest upstream to the Conrail Railroad Bridge upstream of the Pequest Trout Hatchery Access Road.

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

(b) The following shall apply to the Seasonal Trout Conservation Areas designated at (a) above:

1. No bait or lures of any kind may be used except artificial lures and flies;

2. A person shall not have in possession while fishing any natural bait, live or preserved;

3. A person shall not have in possession, while fishing, any substance, either as a natural or synthetic compound, that contains a concentration of bait scent or such scent enhanced bait;

4. A person shall not kill or have in possession while fishing any trout less than 15 inches in total length;

5. A person shall not have in possession, while fishing, any more than one dead, creeled or otherwise appropriated trout, except that no trout may be retained during in-season closures which apply to the remainder of the respective rivers where these areas exist. Additional trout may be caught providing they are returned to the water immediately and unharmed; and

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

Administrative Correction.

See: 26 N.J.R. 3082(a).

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).

See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).

Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

#### 7:25-6.6 Special Regulation Trout Fishing Areas—Wild Trout Streams

(a) The following streams, or portions thereof, are designated as the "Wild Trout Streams". Listing of streams in this category does not convey the right to trespass or fish on private lands without the landowner's permission. These waters will not be stocked with trout. Unless otherwise noted, the entire length of the stream is included in the designation.

1. Bear Creek (Southtown);
2. Bear Swamp Brook (Mahwah);
3. Black Brook (Clinton Wildlife Management Area);
4. Burnett Brook (Ralston);
5. Cold Brook (Oldwick);
6. Dark Moon Brook, also known as Bear Brook (Johnsonburg);
7. Dunnfield Creek (Worthington State Park)
8. Flanders Brook (Flanders);
9. Hance's Brook (Penwell);
10. Hickory Run (Califon);
11. India Brook (Source to Mountainside Ave., Mendham);
12. Indian Grove Brook (Bernardsville);
13. Ledgewood Brook (Ledgewood);
14. Little York Brook (Little York);
15. Lomerson Brook, also known as Herzog Brook (Pottersville);
16. Merrill Creek (Stewartsville)
17. Mill Brook (Montague);
18. North Branch of Rockaway Creek (Mountainville);
19. Parker Brook (Montague);
20. Passaic River (Source to Rt. 202, Bernardsville);
21. Pequannock River (Newark Watershed, Oak Ridge; Road bridge downstream to railroad bridge; immediately upstream of Charlottesburg Reservoir);
22. Rhineharts Brook (Hacklebarney State Park);
23. Rocky Run (Clinton Twp.);
24. Stephensburg Creek (Stephensburg);
25. Stony Brook (Stokes State Forest);
26. Stony Brook (Washington Twp., Morris County);
27. Tetertown Brook (Tetertown);

28. Trout Brook (Hacklebarney State Park);
29. Turkey Brook (Mount Olive);
30. Van Campens Brook (Delaware Water Gap National Recreation Area);
31. West Brook (Source downstream to Windbeam Club Property); and
32. Willoughby Brook, also known as Buffalo Hollow Brook (Clinton Twp.).

(b) The following regulations shall apply to the Wild Trout Streams designated at (a) above.

1. Fishing in Wild Trout Streams is permitted year-round.
2. Only artificial lures and flies may be used. While fishing, the use or possession of any natural bait, live or preserved, is prohibited.
3. A person shall not have in possession, while fishing, any substance, either as a natural or synthetic compound, that contains a concentration of bait scent or such scent enhanced bait.
4. A person shall not kill or have in possession, while fishing the portions of the Pequannock River and Van Campens Brook designated as Wild Trout Streams, any brown trout less than 12 inches in total length. For all other designated Wild Trout Streams, and for brook and rainbow trout in the Wild Trout Stream designated portions of the Pequannock River and Van Campens Brook, the minimum length for trout shall be seven inches in total length.
5. During the period extending from 8:00 A.M. April 12, 1997 to September 15, 1997, no person shall have in possession while fishing any more than two legally sized dead, creeled or otherwise appropriated trout. No trout may be killed or possessed during other times of the year. Any number of trout may be caught provided they are immediately returned to the water unharmed.
6. Size limits and creel limits on species other than trout are in accordance with Statewide rules.

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).

See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).

Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

#### 7:25-6.7 Special Regulation Trout Fishing Areas—Year-Round Trout Conservation Areas

(a) The following stream segments are designated as Year-Round Trout Conservation Areas and are subject to the provisions at (b) below governing these areas on a year-round basis:

1. Toms River, Ocean County—a one mile stretch of river from the downstream end of Riverwood Park in Dover Township, defined by markers, downstream to the Route 571 bridge;

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

3. South Branch Raritan River, Morris County—an approximate 1.1 mile stretch of river, locally known as the Claremont Stretch extending from the downstream end of the posted Anglers Anonymous property downstream to its junction with Electric Brook.

(b) The following shall apply to the Year-Round Trout Conservation Areas designated at (a) above:

1. Fishing in Year-Round Trout Conservation Areas is permitted year-round;

2. Only artificial lures and flies may be used. While fishing, the use or possession of any natural bait, live or preserved, is prohibited;

3. A person shall not kill or have in possession, while fishing, any trout less than 15 inches in total length;

4. A person shall not have in possession, while fishing, any substance, either as a natural or synthetic compound, that contains a concentration of bait scent or such scent enhanced bait;

5. A person shall not have in possession, while fishing, any more than one dead, creeled or otherwise obtained trout, except that trout may not be retained during pre-season and in-season stocking closures which apply to the remainder of the respective rivers where these areas exist. Additional trout may be caught provided they are returned to the water immediately and unharmed; and

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

**7:25-6.8 Special Regulation Trout Fishing Areas—Trophy Trout Lakes**

(a) The following lakes are designated as Trophy Trout Lakes:

1. Round Valley Reservoir; and
2. Merrill Creek Reservoir.

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

1. The minimum size of brown trout and rainbow trout shall be 15 inches. Daily bag and possession limit for brown trout and rainbow trout shall be two in total.

2. There shall be no closed season for brown trout and rainbow trout.

3. The minimum size for lake trout shall be 24 inches and the daily bag and possession limit shall be one.

4. The season for lake trout shall extend from 12:01 A.M., January 1, 1997 to midnight, September 15, 1997 and from December 1, 1997 to midnight, September 14, 1998.

5. A person shall not have in possession, while on the waters or adjacent lands of any designated Trophy Trout Lake, any fish, or any part thereof, which has been mutilated so that its size at capture cannot be determined, or so that it is unidentifiable as to species, except that this restriction shall not apply to fish which are being prepared for immediate on-site consumption.

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).

See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).

Amended by R.1996 d.493, effective October 1, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

**7:25-6.9 Special Regulation Trout Fishing Areas—Holdover Trout Lakes**

(a) The following lakes are designated as Holdover Trout Lakes:

1. Clinton Reservoir;
2. Swartwood Lake;
3. Monksville Reservoir;
4. Wawayanda Lake;
5. Sheppard's Lake; and
6. Aeroflex Lake.

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

1. Fishing is permitted year-round unless otherwise specified by an administering agency of the water body other than the Division;

2. There shall be a seven inch minimum size limit for any species of brook, brown or rainbow trout, or any hybrids thereof.

3. A person shall not take, kill or have in possession, in one day, more than four in total of brook trout, brown trout, rainbow trout, lake trout or hybrids thereof, during the period extending from 8:00 A.M. April 12, 1997 until May 31, 1997 or more than two of these species during the periods of January 1, 1997 to midnight March 24, 1997 and June 1, 1997 through midnight March 22, 1998. Trout, if taken during the period commencing at midnight, March 24, 1997 and extending to 8:00 A.M., April 12, 1997 must be returned to the water immediately and unharmed.

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).

See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).  
Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).  
See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

### 7:25-6.10 Baitfish

(a) Except as provided for in trout-stocked waters listed in N.J.A.C. 7:25-6.3, and (b) and (c) below, up to 35 baitfish per person per day may be taken from the freshwaters of the State with a seine not over 50 feet in length in all ponds and lakes which have an area of over 100 acres, and in all other waters with a seine not to exceed 30 feet in length, or half the width of the stream at the point of use, whichever is less, year-round. Minnow traps not larger than 24 inches in length with a funnel mouth no greater than two inches in diameter, an umbrella net no greater than 3.5 feet square and a cast net with a radius of not more than four feet may be used in any of the freshwaters of the State.

(b) In waters listed in N.J.A.C. 7:25-6.3 to be stocked with trout, it is prohibited to net, trap or attempt to net or trap baitfish from March 21 to June 15th except where the taking is otherwise provided for. For the remainder of the year, up to 35 baitfish per person per day may be taken with a seine not over 10 feet in length and four feet in depth or a minnow trap not larger than 24 inches in length with a funnel mouth no greater than two inches in diameter, an umbrella net no greater than 3.5 feet square or a cast net with a radius of not more than four feet.

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

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

1. Required permit information shall be as follows:

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

2. Applications shall be directed to:

New Jersey Division of Fish, Game and Wildlife  
Bureau of Freshwater Fisheries  
PO Box 394  
Lebanon, NJ 08833

3. The permittee shall agree to:

- i. All reporting requirements;
- ii. Return species, other than baitfish, to the water immediately and unharmed;

iii. Display name and address on any devices left in the water unattended;

iv. Operate only one device per permit;

v. Be present during the operation of the device;

vi. Not transfer the permit to other operators;

vii. Notification of, and permission from, the owner of the waterbody named in the application or the administering agency if that waterbody is publicly owned; and

viii. Comply with any local ordinances or other State laws or regulations.

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).

See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).

Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

### 7:25-6.11 Nets

(a) Except as provided for the taking of baitfish, it shall be illegal to take fish from the freshwaters of the State by means of nets except under special permit issued by the division at its discretion and as hereafter provided for in the tidal freshwaters of New Jersey, other than the Delaware River:

1. No person shall catch or take or attempt to catch and take fish of any kind or description by means of a net, or use a net of any character except for fyke nets and bait seines used for the purpose of taking of baitfish, from Saturday at 2:00 P.M. until the following Sunday at 12 midnight.

2. It shall be legal to take foodfish as defined in N.J.A.C. 7:25-6.2 by the following means:

i. Haul seines, the mesh of which shall not be less than two and three quarter inches stretched while being fished and not to exceed 70 fathoms in length, whether singly or attached, for all species except striped bass may be used from November 1 to April 30.

ii. Fykes, with leaders shall not exceed 30 feet in length and no part of the net or leaders to be larger than three inches stretched mesh or less than three quarter inch stretched measure while being fished for all species except striped bass may be used from November 1 to April 30.

iii. Miniature fykes or pots for the taking of carp, catfish, suckers and eels, the same not to exceed 16 inches in diameter may be used from March 15 to December 15. All other species of fish which may be caught must be immediately returned, unharmed, to the waters from which they were taken.

iv. Drifting gill nets, the smallest mesh of which shall be five and one quarter inches stretched measure while being fished, and shall not exceed 100 feet in length, for all species excepting striped bass may be used from March 1 to June 15.

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

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

Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

#### 7:25-6.12 Snagging prohibited

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

#### 7:25-6.13 Warmwater fish

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

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

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

(d) The minimum size of smallmouth bass shall be 12 inches.

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

(f) The daily creel and possession limit for largemouth bass and smallmouth bass shall be five in total, except for Parvin Lake and Assunpink Lake where it shall be three. During the period of April 15 through June 15 the posses-

sion of these bass is prohibited and all bass caught shall be immediately returned to the water unharmed.

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

(h) Eels may not be taken from non-tidal waters of this state by use of eel baskets, fykes, or traps of any kind, except that eel weirs may be operated under permit of the Division in accordance with N.J.S.A. 23:3-55.

(i) The minimum length prescribed for northern pike shall be 24 inches, and 30 inches for the muskellunge and tiger muskie, and the daily creel and possession limit for these species shall be two in aggregate except for Echo Lake (Newark Watershed) where the minimum length for muskellunge shall be 36 inches and the daily creel and possession limit shall be one.

(j) Fishing for all species of freshwater fish is permitted 24 hours daily except on those days that certain trout waters are closed for stocking during March, April and May.

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

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

(m) The daily creel and possession limit for walleye shall be three, with a closed season during the period of March 1, 1996 to April 30, 1996.

(n) The minimum length for striped bass × white bass hybrid shall be 16 inches and the daily creel and possession limit shall be one, except for the Raritan River downstream of the Duke Island Park dam where the minimum length shall be 28 inches and the daily creel and possession limit shall be two.

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

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

(q) The minimum length for striped bass shall be 28 inches. The daily creel and possession limit shall be two.

(r) Striped bass may not be taken or possessed during the period of January 1, 1996 to February 29, 1996.

(s) Hybrid striped bass may not be taken in the Raritan River downstream of the Duke Island Park dam during the period of January 1, 1997 to February 28, 1997.

Amended by R.1993 d.139, effective April 5, 1993.  
See: 25 N.J.R. 224(a), 25 N.J.R. 1556(b).

Prohibits the harvest of largemouth bass and smallmouth bass from April 15 through June 15 by establishing a catch-and-release fishery during this period.

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).

See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).

Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

#### 7:25-6.14 Ice fishing

(a) Except as provided in N.J.A.C. 7:25-6.3, ice fishing shall be permitted whenever ice is present.

(b) A person, while fishing through the ice, may use not more than five devices for the taking of fish. The types of devices that may be used are:

1. Ice supported tip-ups or lines with one single pointed hook attached;
2. An artificial jigging lure with not more than one burr of three hooks that measure not more than  $\frac{1}{2}$  inch from point to point;
3. An artificial jigging lure with not more than three single hooks measuring not more than  $\frac{1}{2}$  inch from point to shaft;
4. An artificial jigging lure with a combination of the hook limitations described in (b)2 and 3 above.

(c) Expressly prohibited are any devices with automatic hook setting capability. Natural bait may be used on the hooks of the artificial jigging lure. All devices that are not hand-held must be clearly marked with the name and address of the user and shall not be left unattended.

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).

See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).

#### 7:25-6.15 Bow and arrow fishing

(a) Except as provided in N.J.A.C. 7:25-6.3, 6.18 and 6.19, it shall be legal to take any species of fish except brook trout, lake trout, brown trout, rainbow trout, landlocked Atlantic salmon, largemouth bass, smallmouth bass, striped bass, chain pickerel, northern pike, walleye, muskellunge, or any hybrids of any of these species, at any time by use of bow and arrow with line attached, provided a person has a proper fishing license. For the purpose of this section a bow means any longbow, recurved bow or compound bow that is hand-held and hand-drawn.

#### 7:25-6.16 Closed waters

(a) It is illegal to fish, place any contrivance for the taking of fish, or attempt to catch or kill fish by any manner or means in any fish ladder or within 100 feet, or as posted feet, of any fish ladder entrance or exit.

(b) It is illegal to fish or attempt to catch or kill fish by any manner or means in waters within the boundaries of the State Fish Hatcheries, except where specifically permitted, that is, the Musconetcong River and Pequest River.

#### 7:25-6.17 Emergency closure notice

It shall be illegal to fish or attempt to catch or kill fish by any manner or means in any waters for which the Director of the Division of Fish, Game and Wildlife, upon approval of the Fish and Game Council, issues an Emergency Closure Notice. Such notice shall be effective and/or rescinded immediately upon public notification. It shall be based upon imminent threat to the well-being of the fishery resource and/or its users, and may include any exceptions to the total ban on fishing that the Director deems practical.

#### 7:25-6.18 Wanton waste of fish prohibited

Fish, of any species, taken, by any means, which are purposely killed, become part of the fisherman's daily creel or possession limit and must be removed from the waters from which they were taken, and any adjacent lands, pursuant to N.J.S.A. 23:5-28. This section shall not apply to those fish which are released while still alive, by the angler, and subsequently die as a result of stress or hooking mortality.

#### 7:25-6.19 Greenwood Lake

In cooperation with the New York State Department of Environmental Conservation, Division of Fish, Game and Wildlife, the following regulations for Greenwood Lake, which lies partly in Passaic County, New Jersey, and partly in Orange County, New York, are made a part of the New Jersey State Fish and Game Code and will be enforced on the whole lake by the conservation authorities of both States.

1.	Season	Size Limit	Daily Bag Limit
Trout	No closed season	No minimum	3
Largemouth bass and smallmouth bass	Jan. 1-April 14, 1997 and June 16, 1997-April 14, 1998 April 15-June 15, 1997	12" minimum	5 singly or in aggregate
Chain pickerel	No closed season	15" minimum	Catch and Release Only 5
Muskellunge and any hybrid thereof	No closed season	36" minimum	1
Walleye	Jan. 1-Feb. 29 and May 1, 1997-Feb. 28, 1998	18"	3
Channel catfish	No closed season	12"	5
Black crappie and white crappie	No closed season	8"	10 singly or in total
All other species	No closed season	No minimum	No limit

2. On Greenwood Lake, it shall be legal for any ice fisherman to use up to five tip-ups and two hand-held devices for the taking of fish. All devices that are not hand-held must be plainly marked with the name and address of the angler. The ice fishing season is from ice-in to ice-out (when ice is present in a sufficient quantity to support fishing activities).

3. On Greenwood Lake, fishing will be permitted 24 hours a day.

4. Either New York or New Jersey fishing licenses will be honored on all of Greenwood Lake.

5. Bow and arrow fishing for carp, suckers, herring, catfish and eels by properly licensed fishermen, will be permitted on Greenwood Lake.

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).  
 See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).  
 Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1996).  
 See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

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

(a) In cooperation with the Pennsylvania Fish Commission, the following regulations for the Delaware River between New Jersey and Pennsylvania are made a part of the New Jersey State Fish and Game Code and will be enforced by the conservation authorities of each state.

I.	Season	Size Limit	Daily Bag Limit
Trout	April 12-Sept. 30	No minimum	5
Largemouth bass and smallmouth bass	No closed season	12 inch minimum	5 in total
Walleye	No closed season	18 inch minimum	3
Chain pickerel	No closed season	12 inch minimum	5
Muskellunge, and any hybrid thereof	No closed season	30 inch minimum	2
Northern pike	No closed season	24 inch minimum	2
Baitfish, fish bait	No closed season	No minimum	50
Shortnose sturgeon	Closed—endangered species		
Striped bass and Striped bass x white bass hybrid	Downstream of Trenton Falls March 1-30 and June 1-Dec. 31 Upstream of Trenton Falls— March 1-Dec. 31	28 inch minimum	2 in total
All other freshwater species	No closed season	No minimum	No limit

2. Angling may be done with two rods each with one line or two lines or one of each. Not more than three single hooks or three burrs of three hooks each may be used per line.

3. Ice fishing shall be legal whenever ice is present. Open (unfrozen) water creel and size limits shall apply. The maximum size of the ice hole shall not exceed 10 inches in diameter. Five tip-ups or any combination of five devices that will include tip-ups of not more than two rods and lines or two hand lines or one of each may be used.

4. Spears (not mechanically propelled) and longbows may be used to take shad, eels, carp, suckers, herring and bullheads by properly licensed fishermen, except within 50 rods (825 feet) of an eel weir.

5. Bait fish, including alewife and blueback herring, may be taken and possessed for personal uses but not to exceed 50 per day.

6. Eel weirs for the catching of carp, catfish, eels, and suckers only, may be operated under permit from the Division of Fish, Game and Wildlife at any time of the year and at any time of day.

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).  
 See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).  
 Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).  
 See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

**7:25-6.21 Fresh tidal tributaries of the Delaware River and Bay**

The minimum length prescribed for Atlantic sturgeon shall be 60 inches with no daily creel limit.

**7:25-6.22 Snapping turtles, bull frogs and green frogs**

(a) Any person who has a fishing license or is entitled to fish without a license may in the waters of the State, take snapping turtles, bull frogs and green frogs by means of spears, hooks, dip nets not more than 24 inches in diameter, traps or by hand. Turtles shall not be taken with a gun or bow and arrow. The use of set lines is prohibited.

(b) The daily limit for snapping turtles shall be three and the daily limit for both bull frogs and green frogs shall be 15 in total.

(c) The open season for taking of snapping turtles shall extend from January 1, 1997 through April 30, 1997 and from June 16, 1997 through April 30, 1998. The open season for the taking of bull frogs and green frogs shall be from January 1, 1997 through March 31, 1997 and from July 1, 1997 through March 31, 1998.

(d) Snapping turtles, bull frogs and green frogs may be taken in numbers greater than the daily limit under special permit issued by the Division at its discretion.

1. Required permit information is as follows:
  - i. The applicant's name;
  - ii. The applicant's address and telephone number; and
  - iii. The time period for permit.
2. Applications shall be directed to:
 

New Jersey Division of Fish, Game, and Wildlife  
 Bureau of Freshwater Fisheries  
 CN 400  
 Trenton, New Jersey 08625-0400
3. The following information will be needed by the Division to grant the permit:
  - i. Why is the extension necessary;
  - ii. How long will the extension be needed;
  - iii. Where will the trapping activity take place; and

## iv. What method will be used.

4. The permittee must agree to all reporting requirements in this subchapter.

(e) Those species of frogs and turtles listed as State Threatened or Endangered may not be pursued, taken, killed or possessed. The possession of other species of frogs and turtles is regulated under N.J.S.A. 23:2A-6.

Amended by R.1994 d.234, effective May 16, 1994.

See: 26 N.J.R. 1047(a), 26 N.J.R. 2021(a).

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).

See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).

Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).

## 7:25-7.11 Mussels

(a) No person shall take mussels (*Mytilus edulis*) by any means whatsoever upon any of the lands lying under the tidal waters of this State before sunrise or after sunset or at any time on Sunday.

(b) "Person," as used in this section, shall include, but not be limited to, the captain or other person responsible for the operation of any vessel.

R.1975 d.133, effective May 19, 1975.

See: 7 N.J.R. 146(a), 7 N.J.R. 261(b).

New Rule, R.1985 d.401, effective August 5, 1985.

See: 16 N.J.R. 3385(a), 17 N.J.R. 1883(b).

This section expired March 13, 1984 pursuant to Executive Order 66(1978). The adoption reinstated the rule.

## 7:25-7.12 through 7:25-7.13 (Reserved)

## SUBCHAPTER 7. MISCELLANEOUS SHELLFISH RULES

## Subchapter Historical Note

All provisions of Subchapter 7 became effective prior to September 1, 1969. Subchapter 7 expired on March 13, 1984 pursuant to Executive Order No. 6(1978). N.J.A.C. 7:25-7.13 was filed and became effective as an emergency new rule on October 31, 1984 (operative November 1, 1984, to expire December 31, 1984), as R.1984 d.537. See: 16 N.J.R. 3216(a). N.J.A.C. 7:25-7.13 was readopted effective March 18, 1985 as R.1985 d.131. See: 16 N.J.R. 3216(a), 17 N.J.R. 697(a). N.J.A.C. 7:25-7.10 and 7:25-7.11 were filed as new rules effective August 5, 1985 as R.1985 d.401. See: 16 N.J.R. 3385(a), 17 N.J.R. 1883(a). See chapter and section levels for further amendments.

## 7:25-7.1 through 7:25-7.9 (Reserved)

## 7:25-7.10 Taking of oysters

(a) No person shall catch, take or attempt to catch or take by tonging or by any hand-operated device any oysters in the waters of this State unless such person has in his or her possession a valid oyster license issued by the Bureau of Shellfisheries of the Division of Fish, Game and Wildlife.

1. The fee for an oyster license shall be \$10.00 and it shall expire at the end of the calendar year in which it was issued, except that no fee shall be charged for a recreational license issued to a resident of this State who is 62 or more years old.

R.1981 d.199, effective July 9, 1981.

See: 13 N.J.R. 125(a), 13 N.J.R. 403(d).

Amended by R.1982 d.337, effective October 18, 1982.

See: 14 N.J.R. 629(a), 14 N.J.R. 1158(b).

(a)1: free "recreational license" provided for residents 62 and over. New Rule, R.1985 d.401, effective August 5, 1985.

See: 16 N.J.R. 3385(a), 17 N.J.R. 1883(b).

This section expired March 13, 1984 pursuant to Executive Order 66(1978). The adoption reinstated the rule.

## SUBCHAPTER 8. CLAM LICENSES

## Subchapter Historical Note

All provisions of Subchapter 8, Clam Dredging, were filed and became effective January 7, 1973 as R.1972 d.3. Subchapter 8, Clam Dredging, was repealed by R.1986 d.234, effective June 16, 1986. See: 18 N.J.R. 784(a), 18 N.J.R. 1279(b). Subchapter 8, Clam Licenses, became effective January 3, 1989 as R.1989 d.26. See: 20 N.J.R. 2666(a), 21 N.J.R. 55(a).

## 7:25-8.1 Scope and authority

This subchapter constitutes the rules governing the issuance and use of recreational resident and non-resident, juvenile and commercial clam licenses pursuant to the authority of N.J.S.A. 13:1D-9, 50:1-5, P.L. 1988 c.35, and N.J.S.A. 50:2-1 et seq.

## 7:25-8.2 Purpose

The purpose of this subchapter is to establish the fees for recreational resident and non-resident, juvenile and commercial clam licenses, to provide necessary restrictions on the use of these licenses, and to establish the Shellfisheries Enforcement Fund, into which these fees shall be deposited.

## 7:25-8.3 Construction

This subchapter shall be liberally construed to permit the Department to effectuate the purposes of N.J.S.A. 13:1D-9, 50:1-5, P.L. 1988 c.35, and N.J.S.A. 50:2-1 et seq.

## 7:25-8.4 Applicability

This subchapter applies to the harvest of clams from any of the natural clam grounds in the waters of the State.

7:25-8.5 Licenses

(a) Any person engaged in the harvest of clams from any of the natural clam grounds in the waters of the State shall first obtain the appropriate license, as set forth in (b)1 to 3 below, issued by the Division of Fish, Game and Wildlife, Bureau of Shellfisheries, or its designated agents. Licenses to harvest clams shall only be available to natural persons and only licensees may harvest clams from the natural clam grounds of the State.

(b) The following licenses are available for the harvest of clams:

- 1. Any person harvesting clams not in excess of 150 clams per day shall first obtain either a resident recreational clam license or a nonresident recreational clam license;
- 2. Any person under 14 years of age harvesting clams not in excess of 150 clams per day shall obtain a juvenile recreational clam license; and
- 3. Any person of any age harvesting more than 150 clams per day shall first obtain a commercial clam license.

(c) Whenever a person in possession of a commercial clam license in any vessel or vehicle is engaged in any clamming activity, all other persons on or in that vessel or vehicle harvesting clams shall also possess a commercial clam license.

(d) Clams harvested by a person in possession of a recreational clam license shall not be commingled with clams harvested by a person in possession of a commercial clam license.

7:25-8.6 License fees

(a) The license fees for the license described in N.J.A.C. 7:25-8.5 shall be as follows:

- 1. Resident recreational clam license, persons under 62 years of age: .....\$10.00;
- 2. Resident recreational clam license, persons 62 or more years of age: .....No Fee;
- 3. Nonresident recreational clam license: .....\$20.00;
- 4. Juvenile clam license: .....\$2.00; and

5. Commercial clam license: .....\$50.00.

(b) All clam license fees collected pursuant to this subchapter shall be deposited into the Shellfisheries Law Enforcement Fund.

SUBCHAPTER 9. HARD CLAM SIZE LIMITS

Subchapter Historical Note

All provisions of Subchapter 9, Resolutions of Shellfisheries Council, became effective prior to September 1, 1969. Amendments became effective December 15, 1975 as R.1975 d.365. See: 8 N.J.R. 14(a). Further amendments became effective September 6, 1977 as R.1977 d.338. See: 9 N.J.R. 464(b). Further amendments became effective September 27, 1977 as R.1977 d.363. See: 9 N.J.R. 512(b). Further amendments became effective September 17, 1980 as R.1980 d.395. See: 12 N.J.R. 456(a), 12 N.J.R. 576(d). Further amendments became effective October 7, 1980 as R.1980 d.433. See: 12 N.J.R. 454(b), 12 N.J.R. 643(a). Further amendments became effective July 9, 1981 as R.1981 d.256. See: 13 N.J.R. 126(a), 13 N.J.R. 404(c). Further amendments became effective October 8, 1981 as R.1981 d.362. See: 13 N.J.R. 404(b), 13 N.J.R. 706(a). Further amendments became effective July 5, 1983 as R.1983 d.270. See: 14 N.J.R. 689(a), 15 N.J.R. 1095(a). Further amendments became effective October 17, 1983 as R.1983 d.461. See: 15 N.J.R. 1220(a), 15 N.J.R. 1762(a). Subchapter 9, Resolutions of Shellfisheries Council, expired pursuant to Executive Order 66(1978) on September 17, 1985. A new Subchapter 9, Hard Clam Size Limits, became effective June 16, 1986 as R.1986 d.231. See: 18 N.J.R. 146(a), 18 N.J.R. 1280(a).

7:25-9.1 Scope

This subchapter constitutes the rules governing the minimum size of hard clams allowed to be harvested in New Jersey. Nothing in this subchapter or in N.J.A.C. 7:12 or 7:17 shall prevent the harvest and replanting of hard clams with shell length less than one and one-half inches when such harvest and replanting are an express part of a program designed and directed by the department to prevent the loss of hard clams which might occur under conditions such as channel dredging or other destructive action.

7:25-9.2 Purpose

The purpose of this subchapter is to provide a means to control the minimum size of hard clams harvested in New Jersey.

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

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

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

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

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

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

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

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

“Department” means the Department of Environmental Protection.

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

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

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

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

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

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

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

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

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

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

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

#### 7:25-12.6 Applicability

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

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

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

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

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

#### 7:25-12.7 General control methods

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

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

1. The captain of a surf clam vessel possessing a surf clam license, or of a licensed bait clam vessel, or his or her designee, shall notify the Department of the intended

fishing location of the vessel and the intended port and time of landing each day it fishes in State waters. The notification shall be made by calling the Division's Marine Enforcement Unit, Bureau of Law Enforcement, at (609) 748-2050, prior to fishing in State waters and prior to change of location. Changes in port of landing or time of landing must be given four hours prior to landing.

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

3. A person shall not transfer surf clams from a surf clam vessel or bait clam vessel to any other vessel. All surf clams harvested in State waters shall be landed in this State. Specific hours of landing may be designated by the Division. A person shall not operate a surf clam vessel or bait clam vessel to fish in or land surf clams from both State and Federal waters on a single fishing trip. A surf clam vessel shall not land any quahogs or surf clams taken from Federal waters during the same fishing trip for which the Division's Marine Enforcement Unit, Bureau of Law Enforcement, has received notification of intent to use that vessel in State waters to harvest surf clams.

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

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

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

#### 7:25-12.8 Season

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

#### 7:25-12.9 Prohibited fishing areas

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Notice: Increase in surf clam harvest quota.

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

#### 7:25-12.11 Bait clams

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

1. A bait clam vessel license as provided for at N.J.A.C. 7:25-12.15; and

2. A special permit for bait clam harvest from the Division of Water Resources, as provided for at N.J.A.C. 7:12.

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

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

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

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

1. October 1 through May 31: Daily, between 6:00 A.M. and 6:00 P.M. Eastern Standard Time; and

2. June 1 through September 30: Monday through Saturday, between one half-hour before sunrise (Trenton Time) and 4:00 Eastern Standard Time.

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

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

Adopted Concurrent Proposal, R.1991 d.173, effective April 1, 1991.

See: 23 N.J.R. 223(a), 23 N.J.R. 1001(a).

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

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

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

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

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

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

#### 7:25-12.13 Weekly reporting

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

1. The harvest vessel name and New Jersey surf clam license or bait clam vessel license number;

2. The dates fished and, for each date fished, the fishing time in hours, the numbers of bushels harvested and the number of the New Jersey Inshore Surf Clam Harvest Zone fished;

3. For each surf clam or bait clam landing, the port at which the clams were landed;

4. The name and signature of the captain of the surf clam vessel or bait clam vessel, or the captain's agent, attesting to the validity of the report (see N.J.A.C. 7:25-12.18); and

5. Sequential listing of surf clam tags used.

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

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

Nacote Creek Shellfish Office  
New Jersey Department of Environmental Protection  
P.O. Box 418, Route 9  
Port Republic, New Jersey 08241

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

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

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

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

#### 7:25-12.14 Issuance of surf clam licenses

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

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

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

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

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

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

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

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

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

#### 7:25-12.15 Issuance of bait clam vessel licenses

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

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

Nacote Creek Shellfish Office  
Division of Fish, Game, Wildlife  
New Jersey Department of Environmental Protection  
P.O. Box 418, Route 9  
Port Republic, New Jersey 08241

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

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

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