

(f) The Division of Fish, Game and Wildlife shall maintain separate waiting lists for Delaware Bay commercial and non-commercial gill net permits based on the chronological order of the date that each complete permit application is postmarked. Applications shall not be placed on both the commercial and the non-commercial gill net permit list.

(g) An applicant shall annually confirm that the applicant wants to remain on the permit waiting list. Confirmation shall be made by letter postmarked between January 1 and January 31 sent to the Division of Fish, Game and Wildlife at the address set forth in (a) above. Failure to send confirmation to the Division as above provided shall result in cancellation of the application and removal of the applicant from the permit waiting list without the Division of Fish, Game and Wildlife giving notice to the applicant.

New Rule, R.1991 d.278, effective June 3, 1991.
See: 22 N.J.R. 1311(a), 23 N.J.R. 1792(a).

Case Notes

Fisherman denied gill net permit and wait-listed; untimely application. *Shelton v. Department of Environmental Protection and Energy*. 93 N.J.A.R.2d (EPE) 191.

7:25-18.10 Issuance of Delaware Bay commercial and non-commercial gill net permits after August 2, 1991

(a) When, after August 2, 1991, the combined number of Delaware Bay commercial and non-commercial gill net permits for staked, anchored or drifting gill nets falls below 800 for staked or anchored gill nets or 200 drifting gill nets as set forth in N.J.A.C. 7:25-18.6(c), the Commissioner may issue new permits for the type of net allowed by the available permit.

(b) After August 2, 1991, the combined number of Delaware Bay commercial and non-commercial gill net permits for staked, anchored or drifting gill nets issued under (a) above shall be limited to no more than 800 for staked or anchored gill nets and 200 drifting gill nets.

(c) Delaware Bay commercial and non-commercial gill net permits shall be issued in the name of the applicant that appears at the top of the permit waiting lists maintained by the Division of Fish, Game, and Wildlife under N.J.A.C. 7:25-18.9(f).

(d) Applicants for commercial and non-commercial gill net permits shall remain at the top of the permit waiting list and shall be issued permits as they become available until the applicant has been offered the type and number of new gill net permits that the applicant applied for not to exceed the limits in (d)1 and 2 for each type of permit. Upon reaching the limits in (d)1 and 2 below, as appropriate, the applicant's name shall be removed from the permit waiting list.

1. Delaware Bay commercial gill net permits shall be issued for no more than four drifting gill nets and/or 25 staked or anchored gill nets.

2. Delaware Bay non-commercial gill net permits shall be issued for no more than one drifting gill net not to exceed 360 feet in length or two staked or anchored gill nets not to exceed 180 feet in length each.

(e) Delaware Bay non-commercial gill net permits shall not be issued to an individual in possession of one or more Delaware Bay commercial gill net permits.

(f) Delaware Bay commercial gill net permits shall not be issued to an individual in possession of one or more Delaware Bay non-commercial gill net permits.

New Rule, R.1991 d.278, effective June 3, 1991.
See: 22 N.J.R. 1311(a), 23 N.J.R. 1792(a).

7:25-18.11 Transfer of Delaware Bay commercial and non-commercial gill net permits

(a) Except as provided in (b) below, Delaware Bay commercial and non-commercial gill net permits are non-transferable.

(b) The Commissioner shall transfer a Delaware Bay commercial or non-commercial gill net permit to the son or daughter of the holder of the commercial or non-commercial permit provided that:

1. The Division of Fish, Game and Wildlife receives a written request at the address set forth in N.J.A.C. 7:25-18.9(a) signed by the holder of a Delaware Bay commercial or non-commercial gill net permit requesting transfer of the holder's permit to a designated son or daughter;

2. For the transfer of a Delaware Bay commercial gill net permit, the written request required under (b)1 above shall be accompanied by documentation that establishes that the designated son or daughter has three years of commercial fishing experience; and

3. The number and type of commercial or non-commercial permits transferred shall be the same number and type issued to the holder.

New Rule, R.1991 d.278, effective June 3, 1991.
See: 22 N.J.R. 1311(a), 23 N.J.R. 1792(a).

7:25-18.12 Commercial fishing seasons and quotas

(a) The following provisions are applicable to the commercial harvest of weakfish:

1. A person shall not land any weakfish by the gear specified below except during the respective open season specified below or as modified by the Commissioner pursuant to (d) below.

Gear	Open Season
Otter Trawl	January 1 through July 31 and October 13 through December 31
Pound Net	January 1 through June 6 and July 1 through December 31
Gill Net	January 1 through May 20, September 3 through October 19 and October 27 through December 31

2. A dealer shall not accept any weakfish landed in New Jersey taken by the respective gear types specified in (a)1 above except during the respective open season specified above or as modified by the Commissioner pursuant to (d) below.

(b) The following provisions are applicable to the commercial harvest of bluefish:

1. New Jersey's annual allocation of bluefish as determined by the National Marine Fisheries Service shall be allocated according to gear type as follows:

- i. Gill Net: 60.9 percent;
- ii. Pound Net: 14.9 percent;
- iii. Otter Trawl: 14.7 percent;
- iv. Purse Seine: 7.5 percent; and
- v. Hook and Line: 1.8 percent.

2. A person shall not land any bluefish taken by the gear type specified in (b)1 above except during the respective open season specified below or as modified by the Commissioner pursuant to (d) below.

Gear Type	Open Season
Gill Net	January 1 through October 10
Pound Net	January 1 through December 31
Otter Trawl	January 1 through November 16
Hook and Line	January 1 through July 31

3. A dealer shall not accept any bluefish landed in New Jersey taken by the respective gear type specified in (b)1 above except during the respective open season specified in (b)2 above or as modified by the Commissioner pursuant to (d) below.

4. As specified at (b)1 above, the annual bluefish quota for the purse seine fishery shall be 7.5 percent of New Jersey's annual commercial bluefish quota as allocated by the National Marine Fisheries Service. No purse seine vessel shall land and no dealer shall accept any bluefish landed in New Jersey that have been harvested by purse seine in excess of the annual purse seine quota or after the purse seine season has been closed. If the annual purse seine quota is exceeded in any one calendar year, the overharvest shall be deducted from the purse seine quota in the next subsequent calendar year(s).

5. A person angling with a handline or with rod and line shall not possess more than the possession limit for bluefish set forth at N.J.A.C. 7:25-18.1(c) except during the open commercial hook and line season and provided that the angler is in possession of a valid National Marine Fisheries Service commercial bluefish permit in the angler's name.

6. The Commissioner, or his or her designee, may close the season for the respective gear types in (b)2 above upon four days public notice of the projected date the quota for the respective gear types shall be landed. Such notice shall be sent by first class mail to all commercial docks and commercial fishing organizations on the mailing list of the Division of Fish, Game and Wildlife.

(c) For the purpose of this section, "land" shall mean to begin offloading fish, to offload fish or to enter port with fish.

(d) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify quotas and/or seasons specified in this section, by notice in order to maintain and/or to come into compliance with any fishery management plan approved by the Atlantic States Marine Fisheries Commission pursuant to 16 U.S.C. § 5104(b). The Department shall publish notice of any such modification in the Division's commercial regulation publication and the New Jersey Register.

New Rule, R.1992 d.143, effective March 16, 1992.
 See: 24 N.J.R. 4(c), 24 N.J.R. 1113(a).
 Amended by R.1993 d.56, effective January 19, 1993.
 See: 24 N.J.R. 4249(a), 25 N.J.R. 303(a).
 Former (a) and (i) recodified to new rule at 7:25-8.14; remaining subsections recodified as (a)-(g).
 Administrative Correction to N.J.A.C. 7:25-18.12(b) through (g).
 See: 25 N.J.R. 2001(d).
 Administrative Correction to (c).
 See: 25 N.J.R. 2281(a).
 Amended by R.1994 d.201, effective April 18, 1994.
 See: 26 N.J.R. 789(a), 26 N.J.R. 1632(a).
 Repeal and New Rule, R.1995 d.82, effective February 6, 1995.
 See: 26 N.J.R. 4277(b), 27 N.J.R. 487(a).
 Formerly "Weakfish management."
 Administrative Correction.
 See: 27 N.J.R. 1794(a).
 Administrative correction.
 See: 27 N.J.R. 3420(a).
 Administrative correction.
 See: 27 N.J.R. 3420(b).

7:25-18.13 Striped bass trophy program

(a) Pursuant to N.J.S.A. 23:5-45.1(c), the possession of one "trophy sized" striped bass, measuring not less than 28 inches in length, will be allowed in addition to the possession limit allowed under N.J.S.A. 23:5-45.1(a), pursuant to (b) through (o) below.

(b) Any person intending to take one striped bass measuring not less than the size limit specified at (a) above in addition to his or her striped bass possession limit as specified at N.J.S.A. 23:5-45.1 shall apply to the Division for a "fish possession tag." Applications may be obtained from the following: