

49. Zone No. 49: That portion of Gloucester, Camden and Burlington Counties lying within a continuous line beginning at the mouth of Mantua Creek on the Delaware River; then northeast along the east bank of the Delaware River to Rt. 541 at the City of Burlington; then southeast along Rt. 541 to its intersection with Interstate 295; then southwest along Interstate 295 to its intersection with Rancocas Creek; then east along the Rancocas Creek to its intersection with the New Jersey Turnpike; then southwest along the New Jersey Turnpike to its intersection with Rt. 73; then south along Rt. 73 to its intersection with County Road 689 (Cross Keys Road) at Berlin; then southwest along County Road 689 to its intersection with County Road 688 (Turnersville-Hickstown Road); then west along County Road 688 to its intersection with County Road 705; then northwest along County Road 705 (County House Road) to its intersection with County Road 635 (Grenlode-Hurville Road); then southwest on County Road 635 to its intersection with Mantua Creek; then northwest along Mantua Creek to its mouth at the Delaware River, the point of beginning. Petty Island lying in the Delaware River is in this zone.

50. Zone No. 50: That portion of Monmouth and Middlesex Counties lying within a continuous line beginning at the intersection of the New Jersey Turnpike and Rt. 522 near Jamesburg; then southeast on Rt. 522 to the intersection with Rt. 537 at Freehold; then southwest on Rt. 537 to the intersection with business Rt. 33; then east on Rt. 33 to the intersection with the western edge of the fenced boundary of the Earle Naval Weapons Depot; then north and east along the fenced boundary of the Earle Depot to the intersection of County Route 38 (Wayside Rd.) and Rt. 547 at the most eastern point of the fenced boundary of Naval Weapons Station—Earle; then northeast on Rt. 547 to the intersection with the Garden State Parkway; then north on the Garden State Parkway to the intersection with Rt. 36 near Eatontown; then east on Rt. 36 to the Atlantic Ocean; then north along the Atlantic coastline to the Raritan Bay; then south and west along the southern shore of Raritan Bay to Raritan River; then continuing west along the south bank of the Raritan River to the intersection with the New Jersey Turnpike; then southwest along the New Jersey Turnpike to the intersection with Rt. 522, the point of beginning. Monmouth Battlefield State Park (Zone 64), Naval Weapons Station, Earle (Zones 39 and 40), and Fort Monmouth (Zone 62), are excluded from this zone.

51. Zone No. 51: That portion of Monmouth and Ocean Counties lying within a continuous line beginning at the intersection of Rt. 547 and Rt. 571 near Lakehurst; then southeast along Rt. 571 to the intersection with the Garden State Parkway; then south on the Garden State Parkway to its intersection with Rt. 72 near Manahawkin; then east along Rt. 72 to the Atlantic Ocean at Ship Bottom; then north along the Atlantic coastline to the

intersection with Rt. 36 in Long Branch; then west on Rt. 36 to the intersection with the Garden State Parkway near Eatontown; then south on the parkway to the intersection with Rt. 547; then south on Rt. 547 to the intersection with county route 38 (Wayside Road) at the eastern fenced boundary of Naval Weapons Station, Earle; then south along the eastern fenced boundary of Naval Weapons Station, Earle to the intersection with Rt. 34; then south on Rt. 34 to the intersection with Tinton Falls Rd. and Rt. 33; then south on Tinton Falls Rd. to the intersection with Rt. 547 (Asbury Rd.); then south on Rt. 547 through Farmingdale to the intersection with Rt. 571, the point of beginning.

52. Zone No. 52: That portion of Fort Dix Military Reservation, U.S. Department of the Army, designated as open for deer hunting, lying within Ocean County.

53. Zone No. 53: That portion of Lakehurst Naval Air Engineering Center, U.S. Department of the Navy, designated as open for deer hunting, lying within Ocean County.

54. Zone No. 54: That portion of U.S. Army Armament Research and Development Command (ARRAD-COM), U.S. Department of the Army, designated as open for deer hunting, lying within Morris County.

55. Zone No. 55: That portion of Gloucester County lying within a continuous line beginning at the intersection of Rts. 47 and 322 at Glassboro; then east along Rt. 322 (County Rt. 536) to its intersection with Rt. 655 (Fries Mill Road); then south on Rt. 655 to its intersection with Rt. 610 (Academy Avenue); then west on Rt. 610 to its intersection with Rt. 47 (Delsea Drive) at Clayton; then north along Rt. 47 to its intersection with Rt. 322 at Glassboro, the point of beginning.

56. Zone No. 56: That portion of Edwin B. Forsythe National Wildlife Refuge, U.S. Department of the Interior, located south of Stoney Hill Road, designated as open for deer hunting, lying within Atlantic County.

57. Zone No. 57: That portion of Edwin B. Forsythe National Wildlife Refuge, U.S. Department of the Interior, located north of Stoney Hill Road and south of the Mullica River, designated as open for deer hunting, lying within Atlantic County.

58. Zone No. 58: Those portions of Edwin B. Forsythe National Wildlife Refuge, including the Barnegat Division, U.S. Department of the Interior, located north of the Mullica River, designated as open for deer hunting, lying within Burlington and Ocean Counties.

59. Zone 59: That portion of Supauna Meadows National Wildlife Refuge, U.S. Department of the Interior, designated as open for deer hunting, lying within Salem County.

60. Zone No. 60: Not designated.
61. Zone No. 61: Those portions of the Atlantic County Park System, County of Atlantic, designated as open for deer hunting, lying within Atlantic County.
62. Zone No. 62: Not designated.
63. Zone No. 63: That portion of Salem County lying within a continuous line beginning at the intersection of the Salem Canal and the Delaware River at Deepwater; then eastward along the south bank of the Salem Canal to its intersection with the Salem River; then southward along the west bank of the Salem River to its intersection with Rt. 49 at Salem; then southeastward on Rt. 49 to its intersection with Alloway Creek at Quinton; then, southwest along the northern bank of the Alloway Creek to its intersection with the Delaware River; then northward along the east bank of the Delaware River and New Jersey State line to Finns Point and Fort Mott State Park; then northward along the New Jersey State Line through Killcohook National Wildlife Refuge to the Delaware River; then northwest along the east bank of the Delaware River; then northwestward along the east bank of the Delaware River and New Jersey State line to its intersection with the Salem Canal at Deepwater, the point of beginning. The Supawna Meadows National Wildlife Refuge (Zone 59) is excluded from Zone 63.
64. Zone No. 64: That portion of Monmouth Battlefield State Park, designated as open for deer hunting, lying within Monmouth County.
65. Zone No. 65: That portion of Camden and Gloucester Counties lying within a continuous line beginning at the intersection of Rt. 322 and County Road Rt. 659 (Malaga-New Brooklyn Road) in Monroe Township, Gloucester County; then northeast along Rt. 659 to its intersection with County Road Rt. 536 at New Brooklyn; then northward along Rt. 536 to its intersection with County Road Rt. 720 (Brooklyn-Blue Anchor Road); then southeast on Rt. 720 to its intersection with Rt. 73 near Blue Anchor; then southward along Rt. 73 to its intersection with Piney Hollow Road; then southwest along Piney Hollow Road to its intersection with Rt. 322; then west along Rt. 322 to its intersection with County Road Rt. 659, the point of beginning.
66. Zone No. 66: That portion of Atlantic County including lands, roads, right of ways and easements within the contiguous boundary of the Federal Aviation Administration William J. Hughes Technical Center, excluding Laurel Memorial Park Cemetery. Lands open for deer hunting only and persons authorized to hunt deer on the facility shall be determined by the Federal Aviation Administration William J. Hughes Technical Center, the administrative agency.

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

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

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

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

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

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

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

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

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

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

Rewrote the section.

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

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

Rewrote the section.

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

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

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

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

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

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

Rewrote section.

Amended by R.2002 d.272, effective August 19, 2002, (operative August 24, 2002).

See: 34 N.J.R. 1504(a), 34 N.J.R. 2973(a).

Rewrote the section.

Amended by R.2003 d.359, effective September 2, 2003 (operative September 7, 2003).

See: 35 N.J.R. 1804(a), 35 N.J.R. 4053(a).

Rewrote the section.

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

(a) The Director with the approval of the Council may authorize the issuance of bow permit season permits for the taking of deer anywhere within this State or at any State or Federal installation.

(b) If the anticipated harvest of deer has not been accomplished during this season, one additional day of bow permit deer hunting may be authorized by the Director. Such authorization and date thereof shall be announced by press and radio.

(c) Bag Limit: Only one antlered deer may be taken Statewide during the bow permit season, regardless of the number of permits obtained. Hunters taking an antlered deer in accordance with the provisions set forth in this section must have a valid "Antlered Buck Stub Permit Bow Only" from their bow and arrow or all around sportsman license from the calendar year in which the season began. Two deer, one antlered and one antlerless or two antlerless may be taken on a permit in Zones 1, 3, 4, 6, 18, 21, 23, 24, 30, 34, 37, 43, 45, 46, 52, 53, 55 and 65. One antlered and an unlimited number of antlerless deer may be taken in Zones 2, 5, 7-17, 19, 22, 25-29, 31, 35, 36, 39-42, 47-51, 54, 57-59, 61, 63 and 66, except as noted in (c)1 and 2 below. Only one deer may be taken at a time per permit until the season limit is reached. All supplemental tags are valid on the date of issuance and only in the zone for which the special season permit was issued. All deer registration requirements apply. In Zones 7, 8, 9, 10, 11, 12, 13, 14, 15, 36, 40, 41, 49, 50 and 51, an antlerless deer must be taken from one of these zones before taking or attempting to take an antlered deer through December 13, 2003; December 11, 2004 and December 10, 2005. The earn a buck requirement shall not apply after these dates. Deer shall be tagged immediately with the bow and arrow permit "transportation tag," completely filled in, and shall be transported to a checking station before 7:00 P.M. E.S.T. on the day killed to secure a legal possession tag. The legal possession tag must be securely affixed or locked before the deer is transported or removed from the authorized deer checking station. Hunters are responsible for legal possession tags being securely affixed or locked on the deer before leaving the deer check station. In addition, hunters taking an antlered deer must immediately detach, date and initial the current year "Antlered Buck Stub—Permit Bow Only" from bow and arrow or all around sportsman license, and surrender the stub with the transportation tag at the checking station. The possession of a deer after 7:00 P.M. E.S.T. on the date killed without a legal possession seal shall be deemed illegal possession. Upon completion of the registration of the first deer, one valid and proper "New Jersey Supplemental Deer Transportation Tag" (supplemental tag) will be issued which will allow the person to continue hunting and take one additional deer during bow permit season, provided the season is open. The supplemental tag shall be valid on the day of issuance and all registration requirements apply.

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

2. In Zones 3, 6, 9, 13, 27, 29, 35, 37, 40, 59, 63 and 66 it shall be illegal to kill, take or attempt to take any

antlered deer which does not have a minimum of three antler points on one side.

(d) Duration of the bow permit season is set forth (d)1 through 6 below. There is no season in the following Zones: 38, 56, 64 and 67 or any time as determined by the Director. Legal hunting hours shall be ½ hour before sunrise to ½ hour after sunset.

1. October 25–November 22, 27–29, 2003; October 30–November 20 and November 25–27, 2004; and October 29–November 19 and November 24–26, 2005 in Zones 1, 3, 4, 6, 18, 21, 23, 24, 30, 34, 43, 45, 46, 55, 57–59, and 65.

2. October 25–November 22 and November 27–December 24, 26–31, 2003; October 30–November 20 and November 25–December 24, 27–31, 2004; and October 29–November 19 and November 24–December 31, 2005, in Zones 2, 5, 7–17, 19, 22, 25–29, 31, 35, 36, 41, 42, 47–51 and 63.

3. October 25–December 31, 2003, and January 1–31, 2004; October 30–December 31, 2004 and January 1–31, 2005; and October 29–December 31, 2005 and January 2–31, 2006 in Zone 61.

4. October 25–December 31, 2003; October 30–December 31, 2004; and October 29–December 31, 2005 in Zones 39, 40, 54 and 66.

5. October 25–November 8, 15–29, 2003; October 30–November 6, 13–27, 2004; and October 29–November 5, 12–26, 2005 in Zones 37 and 52.

6. October 25–November 29, 2003; October 30–November 27, 2004; and October 29–November 26, 2005 in Zone 53.

(e) Bow permit season permits are valid only in the designated deer management zones or other designated areas and are not transferable.

(f) Method: The taking of two deer, one antlered and one antlerless or two antlerless, except as noted in (c) and (c)1 above or the taking of deer as designated for special hunts with a bow under a bow permit season permit or a farmer bow permit season permit, is permitted in designated deer management zones by holders of a bow permit season permit and on the farm occupied and designated in the application by holders of a farmer bow permit season permit.

1. Bow permit season permits will be issued on an individual basis to holders of valid and current bow licenses, persons who have a bow hunter education course pending as of the permit application period and qualified farmers.

2. For special deer management zones where the agency administering the affected lands requires hunters to attend a mandatory orientation session as a condition

of access, failure to attend the designated session shall result in invalidation of the special bow season permit for the zone.

3. Limited quota, special deer permits for bow permit season will be issued on an individual basis to holders of valid and current bow licenses and qualified farmers. Limited quota, special deer permit zones include the following deer management zones: 37, 38, 39, 40, 52, 53, 54, 57, 58, 59, 61 and 66. Only one bow permit season permit may be purchased per zone.

4. All other special deer permits for bow permit season will be issued on an individual basis to holders of valid and current firearm licenses and rifle permits at designated license issuing agents. These permits may be issued beginning on the effective date of the current Game Code, or as authorized by the Division, through the last day of the season. Qualified applicants may purchase permits from authorized agents for the following deer management zones: 1-19, 21-31, 34-36, 41, 42, 43, 45-51, 55, 63 and 65. Qualified farmers may obtain permits as provided in (i) below. Only one bow permit season permit may be purchased per zone.

(g) Permits consist of back display which includes a deer transportation tag or proper and valid "supplemental tag" or a proper and valid bonus tag. The back display portion of the permit will be conspicuously displayed on the outer clothing in addition to the valid bow license, and without the license in the case of the farmer bow and arrow permit season permit. The "Deer Transportation Tag" portion of the permit must be completely filled out and affixed to the deer immediately upon killing. This completely filled in deer transportation tag allows legal transportation of the deer of either sex to an authorized checking station only. Personnel at the checking station will issue a "possession tag." Any permit holder killing a deer of either sex during this season must transport this deer to an authorized checking station by 7:00 P.M. E.S.T. on date killed to secure the legal "possession tag." The legal possession tag must be securely affixed or locked before the deer is transported or removed from the authorized deer checking station. Hunters are responsible for legal possession tags being securely affixed or locked before leaving the deer check station. The possession of a deer of either sex after 7:00 P.M. E.S.T. on date killed without a legal "possession tag" shall be deemed illegal possession. Any legally killed deer which is recovered too late to be brought to the check station by closing time must be immediately reported by telephone to the nearest Division of Fish and Wildlife law enforcement regional headquarters. Such deer must be brought to a checking station on the next open day to receive a legal "possession tag." If the season has been concluded such deer must be taken to a regular deer checking station on the following weekday to receive a legal "possession tag."

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

1. Holders of valid bow and arrow licenses, including juvenile bow license holders, and all around sportsman licenses shall apply by submitting an application form which has been properly completed in accordance with instructions. First time permit applicants who do not yet possess a valid hunting license may apply to a bow permit season hunting permit provided they have applied for a hunter education course prior to the permit application period and have provided such related information as may be required on the application. Application forms may be obtained from:

- i. Division of Fish and Wildlife, PO Box 400, Trenton, NJ 08625-0400;
- ii. License Issuing Agents; and
- iii. Conservation Officers.
- iv. Division Field Offices.

2. Application for a bow permit season permit shall not preclude an individual from applying for either the muzzleloader rifle or shotgun season permits.

3. Only one application for limited quota, bow permits may be submitted per regular bow license holder during the initial application period and only one application for a left-over permit may be submitted by any one individual during the initial application period. Application for more than the allowable number of permits during the initial application period will cause all applications by an individual to be void and subject the applicant to prosecution. All persons, while their hunting licenses are void under the authority of law or as imposed by a court are prohibited from making application for or otherwise procuring a bow deer permit.

4. The application form shall be filled in to include: name, address, current bow and arrow hunting license number, deer management zone applied for, social security number, and any other information requested. Only those applications will be accepted for participation in random selection, which are received in the Trenton office during the period of June 1 to August 31. Applications postmarked after August 31 will not be considered for the initial drawing. Selection of permittees will be made by random selection.

5. Unsuccessful applicants will be notified only by return of permit fees, less the application fee. Any permit obtained by fraud is void.

6. Unless otherwise indicated, the permit fee in the form of a check or money order made payable to "Division of Fish and Wildlife" must accompany the completed application form.

7. Successful applicants will receive their permit by mail.

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

(i) Pursuant to the provisions of N.J.S.A. 23:3-56.1, Occupant and Non-occupant Farmer Bow Permit Season Permits shall be applied for as follows:

1. Only the owner or lessee of a farm, who resides thereon, or the spouse or children of that farmer 10 years of age or older who reside in the farmer's household, may apply on forms provided for a farmer bow permit season permit. Under this section a farm is an area of five acres or more and producing a gross income in excess of \$500.00 and is tax assessed as farmland. Farmer bow permit season permits will be issued only in those deer management zones where a bow permit season is prescribed.

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

3. Application forms may be obtained from:

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

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

5. Only one farmer application may be submitted per individual. Application for a farmer bow permit season permit shall not preclude an individual from applying for either the farmer muzzleloader rifle or shotgun permit seasons permits, or from applying for one regular bow permit season permit as a bow hunting license applicant. Application for more than the allowable number of permits during the initial application period will cause all applications by the individual to be void.

(j) Bow, Occupant Farmer Bow and Non-occupant Farmer Bow Permit Season Permits shall be used as follows:

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

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

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

(k) The Deer Management Zone Map is on file at the Office of Administrative Law and is available from that agency or the Division. The 2003-2005 Bow Permit Season Quotas are as follows:

2003-2005 BOW PERMIT SEASON PERMIT QUOTAS				
Deer Mgt. Zone No.	Season Dates Code	Permit Quota 2003-2005	Portions of Counties Involved	
1	1	1,105	Sussex	
2	2	2,790	Sussex	
3	1	1,185	Sussex, Passaic, Bergen	
4	1	1,140	Sussex, Warren	
5	2	4,300	Sussex, Warren	
6	1	2,210	Sussex, Morris, Passaic, Essex, Warren	
7	2	2,100	Warren, Hunterdon	
8	2	4,210	Warren, Hunterdon, Morris, Somerset	
9	2	1,115	Morris, Somerset	
10	2	2,440	Warren, Hunterdon	
11	2	1,580	Hunterdon	
12	2	3,080	Mercer, Hunterdon, Somerset	
13	2	1,650	Morris, Somerset	
14	2	2,290	Mercer, Somerset, Middlesex, Burlington	
15	2	1,820	Mercer, Monmouth, Middlesex	
16	2	1,850	Ocean, Monmouth	
17	2	880	Ocean, Monmouth	
18	1	635	Ocean	
19	2	1,910	Camden, Burlington	

Zone No.	Code	2003-2005	Involved	Zone No.	Code	2003-2005	Involved
21	1	970	Burlington, Ocean	59	1	35	Salem (Supawna Meadows National Wildlife Refuge)
22	2	480	Burlington, Ocean				
23	1	1,020	Burlington, Camden, Atlantic	61	3	40	Atlantic (Atlantic County Park System)
24	1	370	Burlington, Ocean				
25	2	1,455	Gloucester, Camden, Atlantic, Salem	63	2	320	Salem
26	2	1,315	Atlantic	64		0	Monmouth (Monmouth Battlefield State Park)
27	2	1,285	Salem, Cumberland				
28	2	1,400	Salem, Cumberland, Gloucester	65	1	390	Gloucester, Camden
29	2	1,145	Salem, Cumberland	66	4	100	Atlantic (Federal Aviation Administration William J. Hughes Technical Center)
30	1	435	Cumberland				
31	2	390	Cumberland				
34	1	1,240	Cape May, Cumberland	67		0	Sussex (High Point State Park)
35	2	1,740	Gloucester, Salem	Total		59,750	
36	2	500	Bergen, Hudson, Essex, Morris, Union, Somerset, Middlesex, Passaic				
37	5	190	Burlington (Fort Dix Military Reservation)				
38		0	Morris (Great Swamp National Wildlife Refuge)				
39	4	110	Monmouth (Earle Naval Weapons Station)				
40	4	0	Monmouth (Earle Naval Weapons Station—Waterfront)				
41	2	830	Mercer, Hunterdon				
42	2	600	Atlantic				
43	1	185	Cumberland				
45	1	420	Cumberland, Atlantic, Cape May				
46	1	300	Atlantic				
47	2	360	Atlantic, Cumberland, Gloucester				
48	2	1,040	Burlington				
49	2	285	Burlington, Camden, Gloucester				
50	2	1,320	Middlesex, Monmouth				
51	2	740	Monmouth, Ocean				
52	5	65	Ocean (Fort Dix Military Reservation)				
53	6	35	Ocean (Lakehurst Naval Engineering Station)				
54	4	40	Morris (Picatinny Arsenal—ARRAD Com)				
55	1	140	Gloucester				
56		0	Atlantic (Edwin B. Forsythe National Wildlife Refuge)				
57	1	40	Atlantic (Edwin B. Forsythe National Wildlife Refuge)				
58	1	50	Burlington, Ocean (Edwin B. Forsythe National Wildlife Refuge)				

(l) See (d)1 through 4 above for corresponding season date codes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rewrote the section.

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

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

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

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

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

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

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

Rewrote section.

Amended by R.2002 d.272, effective August 19, 2002, (operative August 24, 2002).

See: 34 N.J.R. 1504(a), 34 N.J.R. 2973(a).

Rewrote the section.

Amended by R.2003 d.359, effective September 2, 2003 (operative September 7, 2003).

See: 35 N.J.R. 1804(a), 35 N.J.R. 4053(a).

Rewrote the section.

7:25-5.31 White-tailed deer permit shotgun season and permit muzzleloader season, Great Swamp National Wildlife Refuge (Zone 38)

(a) This section applies only to the Great Swamp National Wildlife Refuge. (Zone 38).

(b) Nothing in this section shall affect the validity or operation of any other section of this Code.

(c) Duration of the Great Swamp Permit Shotgun Season and Permit Muzzleloader Season shall be from ½ hour before sunrise to ½ hour after sunset on the following dates November 19-22, 2003; November 17-20, 2004; and November 16-19, 2005 (concurrent) or as may otherwise be designated by the U.S. Fish and Wildlife Service. If the anticipated harvest of deer has not been accomplished during the season, one or more of the following days of shotgun permit deer hunting may be authorized by the Director: December 3-6, 2003; December 1-4, 2004; and November 30 and December 1-3, 2005. Such authorization and date thereof would be announced by press and radio.

(d) Bag limit: One antlered deer may be taken with a Great Swamp Permit Shotgun Season Permit or a Great Swamp Permit Muzzleloader Season Permit provided that the hunter has a valid antlered buck stub for the appropriate season, and an unlimited number of antlerless deer, may be taken with a Great Swamp Permit Shotgun Season Permit or a Great Swamp Permit Muzzleloader Season Permit; however, an antlerless deer must be taken before an antlered deer. Two deer may be taken at a time per permit. All tagging and registration regulations apply.

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

(f) Method: The taking of the designated bag limit of deer with a Great Swamp (Zone 38) permit shotgun season permit or permit muzzleloader season permit will be permitted in designated areas of the Great Swamp National Wildlife Refuge. A total of 290 Great Swamp, shotgun permit season permits and 10 muzzleloader permit season permits will be issued. Daily hunter quotas, hunt procedures and hunting methods in this area shall be provided by the U.S. Fish and Wildlife Service.

(g) Procedures for applying for a Great Swamp permit shotgun season permit and a permit muzzleloader season permit will be the same as outlined in N.J.A.C. 7:25-5.28 and 5.29. Applicants for the Great Swamp Permit Shotgun Season Permit and Permit Muzzleloader Season Permit must indicate Zone 38 on the application in the space reserved for deer management zone number.

(h) All hunters shall comply with the instructions of State conservation officers, State deputy conservation officers, other Division personnel and instructions of U.S. Fish and Wildlife Service personnel.

(i) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:10-5, 25:4-42, 23:4-43, 23:4-47, 23:4-48, 13:1B-30 et seq. and other applicable statutes.

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

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

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

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

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

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

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

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

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

In (c), changed season dates.

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

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

Rewrote (c) through (g).

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

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

In (c), changed dates.

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

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

In (c), changed dates.

Amended by R.2002 d.272, effective August 19, 2002, (operative August 24, 2002).

See: 34 N.J.R. 1504(a), 34 N.J.R. 2973(a).

Changed dates in (c); rewrote (d); in (f), substituted "480" for "450" and "20" for "50" in the second sentence.

Amended by R.2003 d.359, effective September 2, 2003 (operative September 7, 2003).

See: 35 N.J.R. 1804(a), 35 N.J.R. 4053(a).

In (c), substituted "November 19-22, 2003; November 17-20, 2004; and November 16-19, 2005" for "December 4-7, 2002" and "December 3-6, 2003; December 1-4, 2004; and November 30 and December 1-3, 2005" for "January 8-11, 2003"; in (f), substituted "290" for "480" and "10" for "20".

7:25-5.32 Special Wildlife Management Permits

(a) Special permits, known as special wildlife management permits, may be issued by the Director, in his or her discretion for the taking of any game species by any lawful manner and means and at any time subject to the requirements of this section. Such permits shall be valid for the times, conditions and areas or installations indicated thereon and need not conform to the provisions applicable to general permits.

(b) In granting this special wildlife management permit the Director shall consider any data available to him including, but not limited to, damage being done to crops or property, the biological condition of the animal or any other special management problem.

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

1. The farm must include an area of 10 acres or more, produce a gross income in excess of \$500.00, be assessed as farm land and have a documented history of deer damage;

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

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

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

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

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

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

“Biological carrying capacity” means the maximum number of deer that a given land area can support in good health over an extended period of time.

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

“Controlled hunting” means an alternative deer control method involving the capturing, taking or killing of deer during a modified season which is usually more restrictive than traditional hunting in terms of hunter density, methods of take, size of huntable area, etc. than deer hunting elsewhere in New Jersey as approved by the Council.

“Cooperator” means the local authority(ies), including airports, county boards of agriculture, municipal governing bodies, or a combination thereof, and/or instrumentalities thereof that have secured the approval of their applicable governing body(ies), cooperating in the administration of a community based deer management plan.

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

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

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

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

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

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

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

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

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

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

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

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

7:25-17.7 Information required

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

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

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

SUBCHAPTER 18. MARINE FISHERIES

Subchapter Historical Note

Subchapter 18, Marine Fisheries, was adopted as R.1980 d.394, effective September 17, 1980. See: 12 N.J.R. 312(a), 12 N.J.R. 576(c).

Pursuant to Executive Order No. 66(1978), Subchapter 18 was re-adopted as R.1985 d.386, effective July 8, 1985. See: 17 N.J.R. 1188(a), 17 N.J.R. 1883(b).

Subchapter 18, Marine Fisheries, was repealed and Subchapter 18, Marine Fisheries, was adopted as new rules by Emergency Rule R.1985 d.674, effective December 17, 1985. This emergency new rule expired on February 15, 1986. See: 18 N.J.R. 102(a). The provisions of the concurrent proposal were adopted with changes by R.1986 d.121, effective April 7, 1986. See: 18 N.J.R. 102(a), 18 N.J.R. 657(b). See, also, section annotations.

7:25-18.1 Size, season and possession limits

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

<u>Common Name</u>	<u>Scientific Name</u>
American Eel	Anquilla rostrata
Atlantic Cod	Gadus morhua
Atlantic Croaker	Micropogon undulatus
Atlantic Mackerel	Scomber scombrus
Black Drum	Pogonias cromis
Black Sea Bass	Centropristis striata
Bluefish	Pomatomus saltatrix
Cobia	Rachycentron canadum
Conch	Busycon carica
	Busycotyplus canaliculatum
	Busycon contrarium
Goosefish (Monkfish)	Lophius americanus
Haddock	Melanogrammus aeglefinus
Kingfish	Menticirrhus saxatilis
	Menticirrhus americanus

<u>Common Name</u>	<u>Scientific Name</u>
King Mackerel	Scomberomorus cavalla
Pollock	Pollachius virens
Red Drum	Sciaenops ocellatus
River herring	Alosa aestivalis (alewife)
	Alosa pseudoharengus (blueback herring)
Scup (Porgy)	Stenotomus chrysops
Shad	Alosa sapidissima
	Alosa mediocris
Shark	Large Coastal Group
	Sphyrna mokarran (Great Hammerhead)
	Sphyrna lewini (Scalloped Hammerhead)
	Sphyrna zygaena (Smooth Hammerhead)
	Ginglymostoma cirratum (Nurse Shark)
	Carcharhinus altimus (Bignose Shark)
	Carcharhinus limbatus (Blacktip Shark)
	Carcharhinus leucas (Bull Shark)
	Carcharhinus perezi (Caribbean Reef Shark)
	Carcharhinus obscurus (Dusky Shark)
	Carcharhinus galapagensis (Galapagos Shark)
	Negaprion brevirostris (Lemon Shark)
	Carcharhinus brachyurus (Narrowtooth Shark)
	Carcharhinus signatus (Night Shark)
	Carcharhinus plumbeus (Sandbar Shark)
	Carcharhinus falciformis (Silky Shark)
	Carcharhinus brevipinna (Spinner Shark)
	Galeocerdo cuvieri (Tiger Shark)
	Small Coastal Group
	Squatina dumerili (Atlantic Angle Shark)
	Sphyrna tiburo (Bonnethead)
	Rhizoprionodon terraenovae (Atlantic Sharpnose Shark)
	Carcharhinus acronotus (Blacknose Shark)
	Rhizoprionodon porosus (Caribbean Sharpnose Shark)
	Carcharhinus isodon (Finetooth Shark)
	Carcharhinus porosus (Smalltail Shark)
	Pelagic Group
	Hexanchus vitulus (Bigeye Sixgill Shark)
	Heptranchias perlo (Sevengill Shark)
	Hexanchus griseus (Sixgill Shark)
	Isurus paucus (Longfin Mako)
	Lamna nasus (Porbeagle Shark)
	Isurus oxyrinchus (Shortfin Mako)
	Prionace glauca (Blue Shark)
	Carcharhinus longimanus (Oceanic Whitetip Shark)
	Alopias superciliosus (Bigeye Thresher)
	Alopias vulpinus (Thresher Shark)
Smooth Dogfish	Mustelus canis
Spanish Mackerel	Scomberomorus maculatus
Spider crab	Libinia dubia
	Libinia emarginata
Spiny Dogfish	Squalus acanthias
Summer Flounder (Fluke)	Paralichthys dentatus
Tautog (Blackfish)	Tautoga onitis
Weakfish	Cynoscion regalis
	Cynoscion nebulosus
Winter Flounder	Pleuronectes americanus

(b) A person shall not purchase, sell, offer for sale, or expose for sale any species listed below less than the minimum length, measured in inches, except as may be provided elsewhere in this subchapter, and subject to the specific provisions of any such section. Any commercially licensed vessel or person shall be presumed to possess the following species for sale purposes and shall comply with the minimum sizes below. Fish length shall be measured from the tip

of the snout to the tip of the tail (total length), except as noted below.

Species	Minimum Size (inches)
American Eel	6
Atlantic Cod	21
Atlantic Croaker	No Limit
Atlantic Mackerel	7
Black Drum	16
Black Sea Bass	11
Bluefish	9
Cobia	37
Conch	5
Goosefish (Monkfish)	17
Haddock	21
Kingfish	8
King Mackerel	23
Pollock	19
Red Drum	18
River herring (Alewife, blueback herring)	No Limit
Scup (Porgy)	9
Shad	No Limit
Shark	48
Spanish Mackerel	14
Summer Flounder	14
Tautog (Blackfish)	14
Weakfish	13
Winter Flounder	12

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

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

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

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

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

Species	Minimum Size in Inches	Open Season	Possession Limit
American Eel	6	Jan. 1-Dec. 31	50
Atlantic Cod	21	Jan. 1-Dec. 31	No Limit
Atlantic Croaker	No Limit	Jan. 1-Dec. 31	No Limit
Black Drum	16	Jan. 1-Dec. 31	3
Black Sea Bass	12	Jan. 1-Sep. 1 and Sep. 16-Nov. 30	25
Bluefish	No Limit	Jan. 1-Dec. 31	15
Cobia	37	Jan. 1-Dec. 31	2
Haddock	21	Jan. 1-Dec. 31	No Limit
Kingfish	No Limit	Jan. 1-Dec. 31	No Limit
King Mackerel	23	Jan. 1-Dec. 31	3
Pollock	19	Jan. 1-Dec. 31	No Limit
Red Drum	18	Jan. 1-Dec. 31	1, not greater than 27 inches
River herring (Alewife, blueback herring)	No Limit	Jan. 1-Dec. 31	35
Scup (Porgy)	10	Jan 1-Feb. 28 and July 1-Dec. 31	50
Shad	No Limit	Jan. 1-Dec. 31	6
Shark	48	Jan. 1-Dec. 31	2 per vessel
Spanish Mackerel	14	Jan. 1-Dec. 31	10
Summer Flounder (Fluke)	16½	May 3-Oct. 13	8
Tautog	14	Jan. 1-May 31 Jun. 1-Nov. 14 Nov. 15-Dec. 31	4 1 8
Weakfish	13	Jan. 1-Dec. 31	8
Winter Flounder	10	Mar. 1-May 31 and Sep. 15-Dec. 31	No Limit

(11 effective Jan. 1, 2001)

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

2. The possession limit for shark, as listed at (a) above, shall be as enumerated at (c) above on a per vessel basis regardless of the number of individuals on board said vessel. If a person is fishing from shore or a land based structure, the possession limit shall be as enumerated at (c) above on a per person basis.

3. Anglers may take no more than 50 eels per day; however, anglers may keep more than 50 eels in storage for personal use, provided they possess no more than 50 eels per person for bait purposes while fishing.

(d) A person shall not take, possess, land, purchase, sell or offer for sale any of the following species:

Species	Scientific Name
Atlantic Sturgeon	Acipenser oxyrhynchus
Basking Shark	Cetorhinidae maximus
Bigeye Sand Tiger Shark	Odontaspis noronhai
Sand Tiger Shark	Odontaspis taurus
Shortnose Sturgeon	Acipenser brevirostrum
Whale Shark	Rhincodon typus
White Shark	Carcharodon carcharias

(e) Except as provided in (f) below, a person shall not remove the head, tail or skin, or otherwise mutilate to the extent that its length or species cannot be determined, any species with a minimum size limit specified at (b) or (c) above or any other species of flatfish, or possess such mutilated fish, except after fishing has ceased and such species have been landed to any ramp, pier, wharf or dock or other shore feature where it may be inspected for compliance with the appropriate size limit.

1. A shark may be eviscerated and the head and tail removed prior to landing, provided that the alternate length as measured from the origin of the first dorsal fin to the precaudal pit (located just forward of the origin of the upper lobe of the caudal or tail fin) is not less than 23 inches in length. The fins may not be removed from a shark or dogfish, except after fishing has ceased and such shark or dogfish has been landed as specified in (e) above.

(f) Special provisions applicable to a Special Fillet Permit are as follows:

1. A party boat owner may apply to the Commissioner for a permit for a specific vessel, known as a Special Fillet Permit to fillet species specified at (c) above at sea;

2. For purposes of this section, party boats are defined as vessels that can accommodate 15 or more passengers as indicated on the Certificate of Inspection issued by the United States Coast Guard for daily hire for the purpose of recreational fishing;

3. The Special Fillet Permit shall be subject to the following conditions:

i. Once fishing commences, no parts or carcasses of any species specified in (c) above and no flatfish parts or carcasses shall be discarded overboard; of the species specified at (c) above, only whole live fish may be returned to the water;

ii. No carcasses of any flatfish or species listed at (c) above shall be mutilated to the extent that its length or species cannot be determined;

iii. All fish carcasses of species specified at (c) above shall be retained until such time as the vessel has docked and been secured at the end of the fishing trip adequate to provide a law enforcement officer access to inspect the vessel and catch;

iv. No fillet of any flounder or other flatfish shall be less than eight inches in length during the period of May 1 through October 31 or less than five inches in length during the period of November 1 through April 30;

v. No fillet of any species listed below shall have the skin removed and no fillet shall be less than the minimum length in inches specified below.

<u>Species</u>	<u>Minimum Fillet or Part Length</u>
Atlantic Cod	14 inches
Atlantic Croaker	No Limit
Black Drum	9 inches
Black Sea Bass	5 inches
Bluefish	No Limit
Cobia	26 inches
Haddock	14 inches
Kingfish	No Limit
King Mackerel	16 inches
Pollock	13 inches
Red Drum	13 inches
Scup	4 inches
Spanish Mackerel	10 inches
Tautog	7 inches
Weakfish	9 inches

vi. Fish carcasses from the previous trip shall be disposed of prior to commencing fishing on a subsequent trip;

vii. Violation of any of the provisions of the Special Fillet Permit shall subject the captain and permit holder to the penalties established pursuant to N.J.S.A. 23:2B-14 and shall result in a suspension or revocation, applicable to both the vessel and the owner, of the Special Fillet Permit according to the following schedule:

(1) First offense: 30 days suspension;

(2) Second offense: 90 days suspension; and

(3) Third offense: Revocation of permit, rendering the vessel and the owner not eligible for permit renewal regardless of vessel ownership.

viii. Upon receipt of the notice of suspension but prior to the suspension or revocation of the Special Fillet Permit, the permittee has 20 days to request a hearing from the Department. The hearing shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1.1. If a request for a hearing is not received by the Department within 20 days of the permittee's receipt of the notice of suspension, the permit suspension or revocation will be effective on the date indicated in such notice.

(g) Any person violating the provisions of (b), (c), (d), (e) or (f) above shall be liable to a penalty of \$30.00 for each fish taken or possessed. Each fish taken or possessed shall constitute an additional separate and distinct offense.

(h) A person shall not take, attempt to take or have in his or her possession any striped bass or striped bass hybrids, as defined in (i) below, while on or angling in the Delaware River or its tributaries from the upstream side of the U.S. Route 1 Bridge to and including the Salem River and its tributaries from April 1 through May 31 of each year, or from any waters of the State, except the Atlantic Ocean, from January 1 through February 28 of each year as set forth in N.J.S.A. 23:5-45.2.

1. Hook and line fishermen are hereby restricted to the use of non-offset circle hooks while fishing with any natural bait within the Delaware River or its tributaries from April 1 through May 31 of each year. This restriction shall apply only to hooks of size two and larger and shall not apply to hooks of smaller sizes (such as those normally used for white perch fishing).

(i) Except for the products of commercial aquaculture, no person shall take from the marine waters in this State or have in his or her possession while on or angling in the marine waters of this State any striped bass hybrids, being hybrids of the *Morone* genus, less than the striped bass minimum size limits established pursuant to N.J.S.A. 23:5-45.1.

1. For the purposes of this section, commercial aquaculture shall mean the culture or husbandry of striped bass hybrids in non-wild systems for the purpose of egg and larval production and/or increasing size.

2. For the purposes of this section, parents of striped bass hybrids shall include *Morone saxatilis* (striped bass), *M. chrysops* (white bass), *M. americana* (white perch), and *M. mississippiensis* (yellow bass).

(j) Except for striped bass hybrids that are the products of commercial aquaculture, a person shall not possess more than the possession limit or less than the minimum size limits established pursuant to N.J.S.A. 23:5-45.1, whether striped bass or striped bass hybrid, while on or angling in the marine waters of this State.

(k) A person shall not remove the head, tail or skin from any striped bass hybrid except immediately prior to preparation or serving as food.

(l) All hybrid striped bass which are the products of commercial aquaculture shall be accompanied by accurate and dated documentation of quantity, original description and destination.

(m) Wanton waste of fish is prohibited.

1. Fish of any species, taken by any means, which are purposely killed shall become part of the fisherman's daily possession limit and shall be removed from the waters from which they were taken and from adjacent lands. This subsection shall not apply to those fish which are released while still alive and subsequently die or to those fish taken inadvertently by net (bycatch) and subsequently die.

(n) Any person violating the provisions of (h) through (l) above shall be liable for a penalty of \$100.00 for each fish taken or possessed. Each fish taken or possessed shall constitute a separate and distinct offense.

(o) The following provision is applicable to the recreational harvest of bluefish.

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

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

(q) All persons aboard any fishing vessel subject to this rule shall immediately comply with instructions and signals issued by a conservation officer, a marine police officer or other law enforcement officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, and catch for the purpose of enforcement of this rule.

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

Amended by R.1990 d.607, effective December 3, 1990.

See: 22 N.J.R. 3078(a), 22 N.J.R. 3628(b).

Added new (e) through (h), redesignated existing (e) as (i).

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

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

Size limit for marine fish changed in (a). Added (f), (g), (h), (i) and (j).

Amended by R.1991 d.348, effective July 1, 1991.

See: 23 N.J.R. 43(a), 23 N.J.R. 2011(a).

Deleted "winter flounder measuring less than six inches in length, or measuring less than 13 inches in length" with stylistic changes in (a). Added "winter flounder under 10 inches in length, or red drum under 14 inches in length" with stylistic changes in (b). Added (d). Redesignated (d) as (e); added reference to "(d)". Redesignated (e)-(n) as (f)-(o).

Amended by R.1992 d.143, effective March 16, 1992.

See: 24 N.J.R. 4(c), 24 N.J.R. 1113(a).

Added requirements for weakfish management.

Petition for Rulemaking: Request for reduction of size limit; denied.

See: 24 N.J.R. 2957(a).

Public Notice: Announcement of fish checking stations for the Striped Bass Trophy Program.

See: 24 N.J.R. 3767(c).

Amended by R.1992 d.476, effective December 7, 1992.

See: 24 N.J.R. 1456(a), 24 N.J.R. 4368(b).

New (e) and (f) added prohibiting the filleting of any flatfish at sea in order to prevent circumvention of size limits on fluke and winter flounder; recodification of existing (e)-(o) as (g)-(q).

Amended by R.1993 d.56, effective January 19, 1993.

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

(c) repealed and replaced in accordance with the Summer Flounder Fishery Management Plan developed by the Mid-Atlantic Fishery Management Council and Atlantic States Marine Fisheries Commission.

Amended by R.1993 d.77, effective February 16, 1993.

See: 24 N.J.R. 205(a), 25 N.J.R. 689(a).

Added Atlantic Sturgeon under 60 inches in height.

Administrative Correction.

See: 25 N.J.R. 4495(a).

Amended by R.1994 d.44, effective January 18, 1994.

See: 25 N.J.R. 2167(a), 26 N.J.R. 353(a).

Emergency Amendment, R.1994 d.230, effective April 13, 1994 (to expire June 12, 1994).
 See: 26 N.J.R. 1885(a).
 Amended by R.1994 d.248, effective May 16, 1994.
 See: 26 N.J.R. 291(a), 26 N.J.R. 2021(b).
 Adopted Concurrent Proposal, R.1994 d.339, effective June 10, 1994.
 See: 26 N.J.R. 1885(a), 26 N.J.R. 2792(a).
 Provisions of emergency amendment R.1994 d.230 readopted, with a change effective July 5, 1994.
 Amended by R.1994 d.615, effective December 19, 1994.
 See: 26 N.J.R. 1931(a), 26 N.J.R. 5011(a).
 Amended by R.1995 d.82, effective February 6, 1995.
 See: 26 N.J.R. 4277(b), 27 N.J.R. 487(a).
 Administrative Change.
 See: 27 N.J.R. 1793(a).
 Amended by R.1996 d.587, effective December 16, 1996 (operative January 1, 1997).
 See: 28 N.J.R. 3998(a), 28 N.J.R. 5231(a).
 Changed section name from "Size and possession limits"; added species and changed size and possession limits throughout; in (a) and (b), inserted provisions relating to presumed possession; and in (c), inserted reference to bait nets.
 Administrative change.
 See: 29 N.J.R. 2278(a).
 In (b), increased minimum size of Summer Flounder and Tautog; and in (c), increased possession limit of Summer Flounder.
 Amended by R.1997 d.246, effective June 2, 1997.
 See: 29 N.J.R. 285(a), 29 N.J.R. 2555(a).
 In (a) and (b), added "(total length), except as noted below"; in (a), in table, changed minimum size for "Black sea bass" from 8 to 9 inches and added "Tautog (blackfish)"; inserted new (a)1, and recodified former (a)1 and (a)2 as (a)2 and (a)3; in (b), added "Black sea bass" to table; added (b)1; in (c), added "Black sea bass" to table; in (e), inserted "or possess such mutilated fish,"; and in (f)3v, added "Black sea bass" and "Scup" to table.
 Amended by R.1998 d.40, effective January 5, 1998.
 See: 29 N.J.R. 4595(a), 30 N.J.R. 226(a).
 Added Bluefish to size limits; in (b) changed minimum size for Atlantic Cod and Haddock from 19 inches to 21 inches; in (f)3v, changed minimum length of Atlantic Cod and Haddock from 13 inches to 14 inches.
 Administrative change.
 See: 30 N.J.R. 1319(b).
 Administrative change.
 See: 30 N.J.R. 1402(b).
 Amended by R.1999 d.52, effective February 16, 1999.
 See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).
 Rewrote (a) through (f).
 Administrative change.
 See: 31 N.J.R. 1084(a).
 Amended by R.2000 d.10, effective January 3, 2000.
 See: 31 N.J.R. 2555(a), 32 N.J.R. 48(a).
 In (c), changed minimum size for Winter Flounder; in (h), substituted "upstream side of the U.S. Route 1 Bridge" for "Trenton Falls" following "from the".
 Administrative change.
 See: 32 N.J.R. 1387(a).
 Amended by R.2000 d.395, effective October 2, 2000.
 See: 31 N.J.R. 2555(a), 32 N.J.R. 3592(b).
 In (c), increased minimum size for Winter Flounder; in (h), substituted "upstream side of the U.S. Route 1 Bridge" for "Trenton Falls"; inserted a new (n); and recodified former (n) through (p) as (o) through (q).
 Amended by R.2001 d.73, effective March 5, 2001.
 See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).
 Administrative change.
 See: 33 N.J.R. 1589(a).
 Amended by R.2001 d.346, effective September 17, 2001.
 See: 33 N.J.R. 453(a), 33 N.J.R. 3352(a).
 Rewrote the section.
 Administrative change.
 See: 34 N.J.R. 921(a).
 Administrative change.
 See: 34 N.J.R. 1023(b).

Administrative change.
 See: 34 N.J.R. 1669(a).
 Amended by R.2002 d.277, effective August 19, 2002.
 See: 34 N.J.R. 1375(a), 34 N.J.R. 2995(a).
 In (a) to (c), added "River herring"; in (g), deleted "(a)," "or" preceding (e), inserted "or (f)" after (e); rewrote (h).
 Administrative change.
 See: 35 N.J.R. 708(a).
 Administrative correction.
 See: 35 N.J.R. 1561(a).
 Administrative change.
 See: 35 N.J.R. 1927(a).
 Administrative correction.
 See: 35 N.J.R. 5619(a).
 Amended by R.2004 d.20, effective January 5, 2004.
 See: 35 N.J.R. 4224(b), 36 N.J.R. 174(b).
 In (a), amended the table of Common Name and Scientific Name; in (g), substituted "\$30.00" for "\$20.00".
 Administrative change.
 See: 36 N.J.R. 1191(c).

7:25-18.2 Pound nets

(a) The following words and terms shall have the following meanings unless the context clearly indicates otherwise.

"Department" means the New Jersey Department of Environmental Protection.

"Heart" means an upright fence of netting forming a heart-shaped (round or square) compartment located between the leader and the pocket. It is designed to cause fish to circle in front of and eventually enter the pocket of a pound net.

"Leader" means an upright fence of netting that acts as a barrier to fish and guides them toward a trap; the netting is made of heavy twine, not designed to catch fish by the gills.

"Navigable channel" means a channel marked with navigational markers including poles, piling or buoys, by the Coast Guard or the State.

"Pocket" means an upright fence of netting forming the final compartment of a pound net in which trapped fish accumulate.

"Pound net" means a large fish trap, consisting of a leader, pocket and one or more hearts, held in place with poles, the netting of which reaches from the bottom to above the surface of the water.

"Staked or anchored gill net" means an upright fence of monofilament or nylon netting, held in place at each end by stakes or anchors, that catches fish by snagging their gill covers as they try to pass through the mesh of the net.

"Submarine pound net" means a pound net that is totally submerged beneath the water and held in place by anchors.

(b) General requirements for all pound net users are as follows:

1. No person may install, operate or maintain a pound net in the marine waters of the State without having first obtained a license from the Department.

2. The Department may establish limits on the number of licenses to be issued for pound nets in Raritan Bay and Sandy Hook Bay and in the Atlantic Ocean within three nautical miles of the coastline.

3. Licenses must be renewed annually.

4. Holders of pound net licenses from the previous year shall have first priority in obtaining a new license, provided they apply before March 1 of the current year.

5. Any person operating any fish pound net in the marine waters of New Jersey, must, at the time of emptying the net, return to the waters wherein the net is located all species less than the minimum size limits specified pursuant to N.J.A.C. 7:25-18.1.

6. No person may, by boat, anchor, dredge or otherwise, willfully and without reasonable cause, interfere with, break, damage or destroy any fish net or associated equipment being lawfully used by a license holder.

7. The Department may require any licensee to submit a money surety bond to insure removal of pound net poles and apparatus as required by these rules.

8. Violation of the rules in this section will subject the violator to money penalties, loss of license and/or injunctive relief under N.J.S.A. 23:2B-14.

(c) Specific requirements for pound net users in Raritan, Sandy Hook and Delaware Bays are as follows:

1. Any person applying for a pound net license must indicate the specific proposed site for the net, as designated by a chart developed by the Department. Sites which have not previously been located on the approved chart must be approved by the Department prior to issuance of a license.

2. New pound net sites must be at least 3,000 feet from a previously located pound net site, when measured parallel to the shoreline, and must be at least 1,000 feet from any navigable channel.

3. Any pound net license holder has priority in retaining a pound net site previously licensed by him or her, provided that he or she has actively and lawfully fished that site during the previous year and has submitted a license application prior to March 1 of the current year. After March 1, any citizen may apply for any available site on a first-come basis.

4. No staked or anchored shad net may be placed within 3,000 feet of an operating pound net. However, shad nets may be set on licensed pound net sites by the license holder or on unoccupied, approved pound net sites, provided the shad nets are set end-to-end with and in line with any existing pound nets.

5. Pound nets must be placed end-to-end so as to form a straight line, perpendicular to the shoreline.

6. The maximum allowable length of a pound net, including leader and hearts, is 750 feet.

7. A minimum distance of 50 feet must be maintained between any two pound nets, shad nets or combination thereof, when measured perpendicular to the shoreline.

8. A pound net license holder must maintain a nameplate, on the offshore pole of the net not less than six inches square, on which shall be legibly marked the identification number of the pound, as assigned by the Department.

9. A flashing, amber light must be displayed between sunset and sunrise on each of the two end poles of a pound net or a continuous row of pound nets. These lights must be placed at least 10 feet above the mean high water level and must be of sufficient brightness to be visible for at least three miles in all directions (360 degrees) at such times and under such weather conditions as would allow visibility of 10 miles.

10. Within 30 days of the termination of fishing activities for that year, all poles and stakes must be removed by the pound net license holder.

11. The pound net license holder will be responsible for the cost of pole and/or stake removal where the Department accepts responsibility for such removal, due to the licensee's failure to comply with 10 above.

(d) Specific requirements for pound net users in the Atlantic Ocean are as follows:

1. When submitting a request for an ocean or submarine pound net license, the applicant must specify the specific proposed site-location for placement of each net. Upon site approval, the Department may issue the license. (Note: Permission for location of ocean pound nets is also required from the United States Army Corps of Engineers.)

2. No portion of a pound net may be set within 1,500 feet or greater than 7,000 feet from the mean low water line on the ocean shoreline.

3. No row of pound nets may be erected or operated within one and one-half miles of any other row of pound nets, when measured parallel with the coastline.

4. No more than two pound nets may be joined together.

5. A minimum distance of 1,000 feet, when measured perpendicular to the coastline, must be maintained between individual or paired pound nets set in a row.

6. A row of ocean or submarine pound nets must form a straight line with the nets placed end-to-end.

7. The maximum allowable length of an ocean or submarine pound net, including leader and pocket, is 1,100 feet.

8. The minimum mesh size for ocean or submarine pound nets is two inches, stretched.

9. Ocean pound nets shall be maintained in compliance with the following additional requirements:

i. White reflectors must be placed around the top of each pole so as to reflect in all directions;

ii. Flashing amber lights must be displayed on the inshore and offshore poles of nets or rows of nets, between sunset and sunrise; these lights must be placed at least 10 feet above the mean high water level and must be of sufficient brightness to be visible for at least three miles in all directions (360 degrees) at such times and under such weather conditions as would allow visibility of 10 miles.

10. Submarine pound nets shall be maintained in compliance with the following additional requirements:

i. At least eight fluorescent orange floats, at least 12 inches in diameter, shall be maintained along the length of each net, including the inshore and offshore ends.

ii. The pound net license holder shall maintain a nameplate, not less than 12 inches square, on which shall be legibly marked the identification number of the pound, as assigned by the Department.

11. The license holder must completely remove all pound net poles and stakes, within ten months of the termination of fishing activities.

12. The pound net license holder will be responsible for the cost of pole and/or stake removal, where the Department accepts responsibility for such removal, due to the licensee's failure to comply with 11 above.

Amended by R.1984 d.439, effective October 1, 1984.

See: 16 N.J.R. 1866(a), 16 N.J.R. 2543(b).

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

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

Lighting requirements affecting pound nets increased on (c)9 and (d)9ii.

Amended by R.1994 d.248, effective May 16, 1994.

See: 26 N.J.R. 291(a), 26 N.J.R. 2021(b).

7:25-18.3 Net identification tags

(a) Any identification tag furnished by the Division for a licensed net shall be displayed in a prominent and easily accessible place on such net.

(b) No identification tag furnished by the division may be counterfeited or transferred.

7:25-18.4 Spearfishing

It shall be lawful to take, catch, or kill all species of fish by means of spearfishing, during the respective open season, except for those species of fish specifically protected. For

the purpose of this rule, spearfishing shall mean the taking of fish by means of a spear, harpoon, or other missile, or by hand, while completely submerged in the marine waters of the State.

Amended by R.1985 d.609, effective January 7, 1985.

See: 16 N.J.R. 2478(a), 17 N.J.R. 79(a).

Amended by R.1995 d.82, effective February 6, 1995.

See: 26 N.J.R. 4277(b), 27 N.J.R. 487(a).

7:25-18.5 General net regulations

(a) No person shall take, catch, kill or attempt to take, catch or kill any fish within the marine waters of the State by any means except in the manner commonly known as angling with hand line or with rod and line unless specifically permitted by statute or regulation.

(b) All stakes used in fyke nets, pound nets, parallel nets or gill nets shall be marked with at least one of the following which shall be placed at least two feet above mean high water and be visible from all sides:

1. Reflectors of not less than two inches in diameter;
 2. Reflecting tape not less than two inches in width;
 3. Light colored flags not less than two square feet;
- or
4. Light colored jugs or buoys not less than 12 inches in diameter.

(c) It shall be illegal to catch fish or attempt to catch fish by means of a rod and line or hand line, commonly called angling, within 300 feet of a set (operating) fish net as licensed pursuant to this section.

(d) It shall be illegal to set a fish net as licensed pursuant to this section within 300 feet of any person actively fishing with a rod and line or hand line, commonly called angling.

(e) All nets licensed pursuant to this section must be legibly and indelibly marked with the gear identification number of the owner.

(f) No person shall set, tend, tamper with or damage in any way or remove fish or other organisms from any net requiring a license without having in his possession the numbered license issued to said person which corresponds to the gear identification number marked on such net.

(g) Individuals intending to take fish with a net in the marine waters of this State pursuant to N.J.S.A. 23:5-24.2 shall, as required, apply to the Commissioner for a license and/or permit. To be eligible for a gill net license in 2003, an applicant must provide a copy of a previously valid New Jersey gill net license held by the applicant between January 1, 1997 and July 13, 2000. Individuals may purchase the greatest number of each type of gill net license they held in any one calendar year between January 1, 1997 and July 13, 2000. To be eligible for a gill net license in all subsequent years, an applicant must provide a copy of a previously valid

gill net license held by the applicant from the preceding year. Individuals must purchase the maximum number of gill net licenses to which they are entitled annually. Any licenses not purchased will be forfeited. The holder of a valid gill net license not pending revocation or court action due to violation of provisions of this subchapter may transfer the right to purchase all of the gill net licenses he is entitled to purchase to another individual at any time, upon notification to the Department. The new licensee shall have a license(s) issued in his or her name after payment of the fee specified in (g)5vi or (g)6ix below. Any licenses not purchased by the new entrant will be forfeited. Individuals who applied to the gill net delayed entry program prior to July 13, 2000 and who obtained gill net licenses after the July 13th control date in 2000 or in 2001 or who obtained gill net licenses or are eligible to obtain gill net licenses in 2002, will be restricted to purchase a maximum of two drifting and/or six staked or anchored gill net licenses. Any licenses not purchased in any year will be forfeited. Availability of Delaware Bay Gill Net Permits shall be determined pursuant to N.J.A.C. 7:25-18.6 through 18.11. Upon receipt of the application, and the prescribed license fee, the Commissioner may, in his or her discretion, issue single season licenses and/or permits as specified for each net type for the taking of fish with nets only as follows:

1. Haul seines shall have a mesh not smaller than 2.75 inches stretched and shall not exceed 70 fathoms in length, whether used singly or in series. Haul seines may be used for all species except those specifically protected.

i. The haul seine season shall begin on November 1 and end on April 30;

ii. A person shall not use or attempt to use a haul seine for any species in Lake Takanassee, Spring Lake, Wreck Pond and Deal Lake;

iii. The haul seine resident fee shall be \$25.00 per net.

2. Fykes shall have a length, including leaders, which shall not exceed 30 fathoms and no part of the net or leaders shall be constructed of monofilament or have a mesh larger than five inches stretched or smaller than three eight inches stretched (inside measurement). Fyke nets may be used for all species except those specifically protected.

i. The fyke season shall begin on November 1 and end on April 30;

ii. A person shall not use or attempt to use a fyke net for any species in Lake Takanassee, Spring Lake, Wreck Pond and Deal Lake, or in the area commonly known as Collins Cove off the Mullica River between a line starting at aid to navigation channel marker flashing red number 8 (latitude 39°33.36'N, longitude 74°28.39'W), bearing approximately 229°T to a point on the western shore of Collins Cove at latitude 39°33.09'N, longitude 74°28.72'W and the Garden State Parkway where it crosses the Mullica River;

iii. No fyke net nor any part of a fyke net shall be set in the middle one third of any river, stream or tributary.

iv. All stakes used for the setting of fyke nets must be removed within 30 days of the close of the season;

v. Submerged anchored fyke nets shall be marked at each end with a fluorescent orange float at least 12 inches in diameter or a fluorescent orange flag at least 12 inches by 12 inches and suspended at least three feet above the water, measured from the surface of the water to the bottom of the flag. No less than 24 square inches of any reflective material shall be attached and maintained on each marker.

vi. Winter flounder may be taken by fyke net during the season of November 1 through February 19. Any winter flounder taken by fyke net from February 20 through April 30 shall not be retained and must be immediately returned to the water.

7:25-18.12 Commercial fishing seasons, quotas, and trip limits

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

1. A vessel shall not possess or land in any one day more than 150 pounds of weakfish harvested by the gear specified below, provided the amount of weakfish landed from any vessel shall not exceed 50 percent, by weight, of the total weight of all species landed and sold, except during the respective open season specified below.

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

2. A person shall not possess or land by any gear any weakfish less than 13 inches in length except as provided elsewhere in this subchapter.

3. A vessel shall not possess or land by any gear other than the specified in (a)1 above more than 150 pounds of weakfish in any one day, provided the amount of weakfish landed from any vessel shall not exceed 50 percent, by weight, of the total weight of all species landed and sold.

4. A dealer shall not accept more than 150 pounds of weakfish landed in New Jersey taken by the respective gear specified in (a)1 above, provided the amount of weakfish landed from any vessel shall not exceed 50 percent, by weight, of the total weight of all species landed and sold, except during the respective open season specified above.

5. A dealer shall not accept more than 150 pounds of weakfish a day landed in New Jersey taken by gear other than that specified in (a)1 above at any time, provided the amount of weakfish landed from any vessel shall not exceed 50 percent, by weight, of the total weight of all species landed and sold.

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

1. A vessel shall not land for the purpose of sale nor sell any bluefish unless such vessel is in possession of a valid Federal commercial permit for bluefish.

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

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

v. Hook and Line: 1.8 percent.

3. A vessel shall not land nor sell any bluefish taken by the gear type specified in (b)2 above except during the respective open season specified below.

<u>Gear</u>	<u>Open Season</u>
Gill Net	Jan. 1 through Nov. 6
Pound Net	Jan. 1 through Dec. 31
Otter Trawl	Jan. 1 through Dec. 7
Hook and Line	Jan. 16 through Aug. 7
Purse Seine	Jan. 1 through Dec. 31

4. A dealer shall not accept any bluefish landed in New Jersey taken by the respective gear specified in (b)2 above except during the respective open season specified in (b)3 above.

5. As specified in (b)2 above, the annual bluefish quota for the purse seine fishery shall be 7.5 percent of New Jersey's annual commercial bluefish quota as allocated by the National Marine Fisheries Service. No purse seine vessel shall land and no dealer shall accept any bluefish landed in New Jersey that have been harvested by purse seine in excess of the annual purse seine quota or after the purse seine season has been closed. If the annual purse seine quota is exceeded in any one calendar year, the overharvest shall be deducted from the purse seine quota in the next subsequent calendar year(s).

6. No fish dealer shall accept any bluefish from any vessel or harvester unless such dealer is in possession of a valid Federal dealer permit.

7. No dealer shall accept any bluefish from any vessel unless said vessel is in possession of a valid Federal commercial permit for bluefish.

8. Any individual or vessel landing bluefish in New Jersey for the purpose of sale shall sell all bluefish to a Federally permitted bluefish dealer.

9. All permitted bluefish dealers shall provide weekly landing reports to the Division on a form supplied by the Commissioner.

10. A party or charter vessel possessing a Federal permit to commercially harvest bluefish by angling or hook and line or spearfishing and when operating under the permit shall be subject to the following:

- i. Crew size shall be limited to no more than five persons, including the captain; and
- ii. The vessel shall not carry any passengers for hire. When carrying passengers for hire, the bluefish permit is not valid and the possession limits and seasonal restrictions as specified in N.J.A.C. 7:25-18.1 apply.

11. The Commissioner, or his or her designee, may close the season for the respective gear in (b)3 above upon four days public notice of the projected date the quota for the respective gear shall be landed. Such notice shall be sent by first class mail to all commercial docks

and commercial fishing organizations on the mailing list of the Division.

(c) The following provisions are applicable to the commercial harvest of tautog:

1. The possession of more than 100 pounds of tautog on board a vessel or landed from a vessel shall constitute a directed fishery for tautog.

2. A vessel shall not land more than 100 pounds of tautog in New Jersey on any one trip, after January 1, 1997 unless said vessel is in possession of its valid New Jersey Tautog Permit to participate in a directed fishery for tautog. The permit shall be issued in the name of the vessel and the owner, and for the specific gear type(s) used to qualify for the permit.

i. Applicants for a New Jersey Tautog Permit shall complete an application provided by the Department and submit their application no later than December 31, 2002 including information on name, address, vessel name, vessel documentation or registration number, gear and landings criteria as specified at (c)2ii below;

ii. To be eligible for a New Jersey Tautog permit, the vessel's owner shall meet the following criteria:

(1) The vessel shall have landed at least 1,000 pounds of tautog in New Jersey and subsequently sold at least 1,000 pounds of tautog in each of two years during the period 1982 through 1993;

(2) Documented proof of landings shall accompany the application and shall consist of one or more of the following:

(A) Weigh-out slips totaling the weight harvested;

(B) A notarized statement, from the applicant and the purchaser(s), attesting to the weight harvested (a copy of the business records supporting the statement(s) must accompany the application); or

(C) Other documentation similar to that in (c)2ii(2)(A) or (B) above may be accepted at the discretion of the Commissioner after his or her review.

3. The possession of 100 pounds or less of tautog on board a vessel or landed from a vessel for the purpose of sale shall constitute a non-directed fishery for tautog.

4. A harvester or vessel shall not land tautog for the purpose of sale or sell any tautog after March 1, 1998 unless such harvester or vessel is in the possession of a valid New Jersey Tautog Permit or a valid New Jersey Non-Directed Fishery Tautog Permit.

5. A New Jersey Non-Directed Fishery Tautog Permit shall be issued in the name of the vessel and the owner, and for the specific gear type(s) used to qualify for the permit.

i. Applicants for a New Jersey Non-Directed Fishery Tautog Permit shall complete an application provided by the Department and submit their application no later than December 31, 2002 including information on name, address, vessel name, vessel documentation or registration number, gear and landings criteria as specified at (c)5ii below;

ii. To be eligible for a New Jersey Non Directed Fishery Tautog Permit, the vessel's owner shall meet the following criteria:

(1) The vessel or owner shall have landed at least 100 pounds of tautog in New Jersey and subsequently sold at least 100 pounds of tautog in each of two years during the period 1982 through 1997.

(2) Documented proof of landings shall accompany the application and shall consist of one or more of the following:

(A) Weigh-out slips totaling the weight harvested;

(B) A notarized statement, from the applicant and the purchaser(s), attesting to the weight harvested (a copy of the business records supporting the statement(s) must accompany the application); or

(C) Other documentation similar to that in (c)5ii(1)(A) or (B) above may be accepted at the discretion of the Commissioner after his or her review.

6. The New Jersey Tautog Permit or the New Jersey Non-Directed Fishery Tautog Permit shall be on board the vessel to which it is issued at all times. The applicable permit is valid upon issuance and in subsequent years unless revoked as part of a penalty action. The applicable permit is issued to a specific vessel in the name of the owner. The vessel, when engaged in a tautog fishery, may only have on board the gear type(s) listed on that vessel's permit.

7. The owner of a vessel permitted pursuant to this subsection may transfer his or her tautog permit provided the permit is not pending revocation or court action, upon application to the Department, as follows:

i. To his or her replacement vessel, provided the replacement vessel has no greater than 10 percent increase in length overall and 20 percent increase in shaft horsepower as compared to the originally permitted vessel. The vessel being replaced shall no longer be eligible for a tautog permit; or

ii. Along with the sale of his or her vessel to a new owner. The owner selling the vessel shall no longer be eligible for a tautog permit based on the harvesting history of the vessel being sold.

8. Transfer of a permit to a new vessel shall be limited to the same gear type(s) of the originally permitted vessel.

9. No permit shall be transferred without the prior approval of the Department.

10. A vessel possessing a permit to commercially harvest tautog by angling or hook and line or spearfishing and when operating under the permit shall be subject to the following:

i. Crew size shall be limited to no more than five persons, including the captain; and

ii. The vessel shall not carry any passengers for hire. When carrying passengers for hire, the tautog permit is not valid and the possession limits and seasonal restrictions as specified in N.J.A.C. 7:25-18.1 apply.

11. The annual tautog harvest quota for New Jersey shall be 103,000 pounds or as modified by the Commissioner pursuant to (i) below. All landings of tautog in New Jersey shall be applied to the New Jersey annual quota.

i. The commercial season for tautog shall be from April 15 through June 30 and November 1 through January 15.

ii. The Commissioner, or his or her designee, shall close the season for the commercial tautog fishery upon four days public notice of the projected date the annual quota shall be caught. Public notice shall include letters by first class mail to all New Jersey Tautog Permit and New Jersey Non-Directed Fishery Tautog Permit holders.

iii. Once the season has been closed for the commercial tautog fishery, no vessel shall land any tautog in New Jersey and no dealer shall accept any tautog landed in New Jersey.

iv. If the Commissioner, or his or her designee, closes the season prematurely because of unanticipated environmental events resulting in the quota not being landed by the projected date and at least one month remains in the current season, then the Commissioner, or his or her designee, may reopen the season for a specified period of time upon four days public notice. Public notice shall be made as specified in (c)11ii above.

v. If the quota for any year is exceeded, the amount over harvested will be deducted from the following year's annual quota.

vi. Beginning in 1997, the Department shall notify the holders of New Jersey Tautog Permits and New Jersey Non-Directed Fishery Tautog Permits of the

season allocations no later than January 31 of the year to which the allocation applies. Notification shall be by first class mail to permit holders.

vii. All New Jersey Tautog Permit and New Jersey Non-Directed Fishery Tautog Permit holders shall be required to complete monthly reports supplied by the Department. The monthly report shall be signed by the permittee attesting to the validity of the information and be submitted so it is received by the Department no later than five working days following the end of the reported month at the following address:

Tautog Program
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418

(1) The monthly report shall include, but not be limited to, the following information: name, permit number, total amount (in pounds) of tautog taken, dates caught, time at sea, duration of fishing time, area fished, crew size, landing port, date sold, buyer. This information shall be provided for any trip in which tautog are landed.

(2) If no trips for tautog were taken and no tautog were landed during the month, a report to that effect shall be required.

12. Any person violating the provisions of this section shall be subject to the penalties prescribed in N.J.S.A. 23:2B-14 in addition to the following:

i. Failure to submit the required documentation to the application shall result in the denial of the permit.

ii. Falsification or misrepresentation of any information on the application including documentation provided to verify the amount of tautog landed as specified in (c)2ii(2) and (c)5ii(1) above shall result in the denial or revocation of the permit in addition to any civil or criminal penalties prescribed by law.

iii. Failure to comply with the provisions of (c)11iii above, landing tautog after the season has been closed, or (c)11vii above, failure to submit accurate and timely monthly reports, shall result in the suspension or revocation of the vessel's tautog permit according to the following schedule:

(1) First Offense: 60 days suspension

(2) Second Offense: 120 days suspension

(3) Third Offense: permanent revocation

iv. Prior to revocation of the permit, the permittee shall have the opportunity to request a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(d) The following provisions are applicable to the commercial harvest of sharks:

1. A person shall not possess more than two sharks per vessel nor shall a person sell or attempt to sell more than two sharks without a valid annual vessel permit for sharks issued by the National Marine Fisheries Service.

i. Any harvester or vessel landing shark in New Jersey for the purpose of sale shall sell all shark only to a dealer with a valid permit for sharks issued by the National Marine Fisheries Service.

2. A dealer shall not purchase or receive a shark without a valid annual dealer permit for sharks issued by the National Marine Fisheries Service.

3. A person shall not sell and a dealer shall not receive any large coastal shark, any small coastal shark, or any pelagic shark, as identified in N.J.A.C. 7:25-18.1(a), after the effective date that the quota for that group of sharks has been reached or is projected to be reached by the National Marine Fisheries Service, for the remainder of that semi-annual period.

(e) The following provisions are applicable to the commercial harvest of shad:

1. An individual shall not take or attempt to take, possess or land any shad in the State, without a valid Shad Commercial Net Permit or a Shad Incidental Harvest Permit issued by the Department, except as provided in (e)1i below. No person shall harvest or possess more than 300 pounds of shad per day without a Shad Commercial Net Permit.

i. An individual may possess the recreational possession limit for shad as established in N.J.A.C. 7:25-18.1(c) provided that the shad are taken by hook and line only and are not sold, offered for sale, or exposed for sale.

2. To qualify for a Shad Commercial Net Permit, an applicant shall meet the following criteria:

i. The applicant shall complete an application provided by the Department including information regarding the name and address of the vessel owner, vessel name, vessel documentation or registration number and documented proof of landings as listed in (e)2i and ii below. Completed applications should be submitted to:

New Jersey Shad Permit
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418;

ii. The applicant shall have landed at least 3,000 pounds of shad in each of three years from 1994-1998 inclusive;

iii. Documented proof of landings shall be one of the following:

(1) Weigh-out slips issued to the applicant by a wholesaler(s) who acquired fish from the applicant;

(2) Notarized statement(s) of the wholesaler(s) that the wholesaler's records establish that the applicant sold at least 3,000 pounds of shad in each of three calendar years during the period from 1994 through 1998 inclusive. A copy of the business records supporting the statement(s) shall accompany the application and the original business records shall be made available for inspection by the Department; or

(3) Other documentation similar to that in (e)2iii(1) and (2) above may be accepted at the discretion of the Commissioner after his or her review; and

iv. The applicant shall sign an affidavit on the application certifying as to the validity of the information provided.

3. Failure to attach the required documentation under (e)2iii above to the application shall result in the denial of the permit.

4. Falsification or misrepresentation of any information on the Shad Commercial Net Permit application including documentation provided to verify the amount of shad harvested shall result in the denial or revocation of the permit in addition to any civil or criminal penalties prescribed by law.

5. A Shad Incidental Harvest Permit shall be issued to qualifying applicants which will allow the harvest or possession of not more than 300 pounds of shad per day from New Jersey's waters. To qualify for a Shad Incidental Harvest Permit, an application shall comply with the following provisions:

i. The applicant shall complete an application provided by the Department including information regarding the name and address of the vessel owner, vessel name, vessel documentation or registration number and documented proof of landings as listed in (e)5i and ii below. Completed applications should be submitted to:

New Jersey Shad Permit
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418;

ii. The applicant shall submit documented proof establishing that the applicant landed at least 150 pounds of shad in each of three calendar years during the period from 1994 through 1998 inclusive;

iii. Documented proof shall be one of the following:

(1) Weigh-out slips issued to the applicant by a wholesaler(s) who acquired fish from the applicant;

(2) Notarized statement(s) of the wholesaler(s) that the wholesaler's records establish that the applicant sold at least 150 pounds of shad during each of three calendar years during the period from 1994 through 1998 inclusive. A copy of the business records supporting the statement(s) shall accompany the application; or

(3) Other documentation similar to that in (e)5iii(1) and (2) above may be accepted at the discretion of the Commissioner after his or her review; and

iv. The applicant shall sign an affidavit on the application certifying as to the validity of the information provided.

6. Failure to attach the required documentation under (e)5iii to the application shall result in the denial of the permit.

7. Falsification or misrepresentation of any information on the Shad Incidental Harvest Permit application including documentation provided to verify the amount of shad harvested shall result in the denial or revocation of the permit in addition to any civil or criminal penalties prescribed by law.

8. All Shad Commercial Net Permit and Shad Incidental Harvest Permit holders shall have their permit on their person at all times when engaged in any phase of harvesting, transporting, selling or possessing shad.

9. Shad Commercial Net Permits and Shad Incidental Harvest Permits are non-transferable.

10. A person shall not land nor sell any shad taken in New Jersey waters except during the season from January 1 through December 31.

11. All Shad Commercial Net Permit and Shad Incidental Harvest Permit holders shall be required to complete annual reports on forms supplied by the Department. The annual report shall be signed by the permittee attesting to the validity of the information and be submitted so it is received by the Department no later than January 15 of the following calendar year at the following address:

Division of Fish and Wildlife
 American Shad Program
 PO Box 418
 Port Republic, NJ 08241

i. The annual report shall include:

(1) The daily harvest and sale, in pounds, of American shad;

(2) The buyer(s) name;

(3) The name and address of the permit holder; and

(4) Any other requested information pertinent to management of the American shad resource including catch/effort, length and sex data, by-catch data and tagging information from a representative size range of shad.

12. Research personnel from the Department shall be allowed to sail aboard any permitted vessel at any time, provided the Department notifies the permittee at least two days in advance.

13. Any person or permittee violating the provisions of this section shall be subject to the penalties described in N.J.S.A. 23:2B-14 in addition to the following:

i. Failure to comply with the provisions of (e)1 above, landing shad without the applicable shad permit or landing greater than the allowable limit authorized by the applicable shad limit, (e)10 above, landing shad outside the open season or (e)11 above, timely submission or annual reports, shall subject the violator to suspension or revocation of the Shad Commercial Net Permit or Shad Incidental Harvest Permit according to the following schedule:

(1) First offense: 30 day suspension;

(2) Second offense: 90 day suspension;

(3) Third offense: Permanent revocation of permit.

ii. Prior to the suspension or revocation of the permit, the permittee shall have the opportunity to request a hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(f) The following provisions are applicable to the commercial harvest of black drum:

1. A vessel shall not possess or land by any gear more than 10,000 pounds of black drum in any one day;

2. A dealer shall not accept from a vessel or person more than 10,000 pounds of black drum a day landed in New Jersey;

3. The annual black drum harvest quota for New Jersey shall be 65,000 pounds; and

4. The Commissioner, or his or her designee, may close the season upon two days public notice of the projected date the quota shall be landed. Such notice shall be sent by first class mail to all commercial docks and commercial fishing organizations on the mailing list of the Division of Fish and Wildlife.

(g) The following provisions are applicable to the commercial harvest of spiny dogfish:

1. A person or vessel shall not possess for sale any spiny dogfish nor shall a person sell or attempt to sell spiny dogfish without a valid annual vessel permit for spiny dogfish issued by the National Marine Fisheries Service.

2. A dealer shall not purchase or receive spiny dogfish without a valid annual dealer permit for spiny dogfish issued by the National Marine Fisheries Service.

3. No person or vessel shall have in possession or land and no dealer shall accept from any one vessel more than the daily trip limit set by the National Marine Fisheries Service or the Atlantic State Marine Fisheries Commission.

4. Any closure of the spiny dogfish fishery by the National Marine Fisheries Service in adjacent Federal waters or recommended closure by the Atlantic States Marine Fisheries Commission for areas including New Jersey automatically closes New Jersey waters to the harvest of spiny dogfish and to the commercial landings of spiny dogfish.

(h) The following provisions are applicable to the commercial harvest of black sea bass:

1. After December 31, 2002, a vessel shall not land more than 100 pounds of black sea bass during the period of January 1 through March 31 or more than 50 pounds of black sea bass during the period April 1 through December 31 in New Jersey on any one trip unless said vessel is in possession of a valid New Jersey Black Sea Bass Permit. The permit shall be issued in the name of the vessel and the owner and for the specific gear type(s) used to qualify for the permit.

i. Applicants for a New Jersey Black Sea Bass Permit shall complete and submit an application provided by the Department by December 31, 2002 that includes information on name, address, vessel name, vessel documentation or registration number, gear and landings criteria as specified in (h)1ii below. Applications for a New Jersey Black Sea Bass Permit received after the above date shall be denied.

ii. To be eligible for a New Jersey Black Sea Bass Permit, the vessel's owner shall meet the following criteria:

(1) The vessel shall have landed and sold a minimum cumulative total of 10,000 pounds of black sea bass in New Jersey during the period 1988 through May 3, 2001;

(2) The vessel shall have possessed a valid Federal Black Sea Bass Moratorium Permit or appropriate New Jersey gear license for each year of submitted landings documentation; and

(3) Documented proof of landings shall consist of one or more of the following:

(A) Weigh-out slips totaling the weight harvested;

(B) A notarized statement from the applicant and the purchaser(s) attesting to the weight harvested (a copy of the business records supporting the statement(s) must accompany the application);

(C) Other documentation similar to that in (h)1ii(3)(A) or (B) above may be accepted at the discretion of the Commissioner after his or her review.

2. The New Jersey Black Sea Bass Permit shall be on board the vessel to which it is issued at all times. The permit is valid from the date of issuance and for any subsequent years unless revoked as part of a penalty action. The vessel, when engaged in a black sea bass fishery, may only have on board the gear type(s) listed on that vessel's New Jersey Black Sea Bass Permit.

3. The owner of a vessel permitted pursuant to this subsection not pending revocation or court action may transfer his or her Black Sea Bass Permit, upon application to the Department, as follows:

i. To his or her replacement vessel, provided the replacement vessel is not greater than 10 percent larger in vessel length, gross registered tonnage and net tonnage and not more than 20 percent greater in horsepower than the originally permitted vessel. The vessel being replaced shall no longer be eligible for a black sea bass permit; or

ii. Along with the sale of his or her vessel to a new owner. The owner selling the vessel shall no longer be eligible for a Black Sea Bass Permit based on the harvesting history of the vessel being sold.

4. Transfer of a permit to a new vessel shall be limited to the same gear type(s) of the originally permitted vessel.

5. Applicants for permit transfer shall complete an application provided by the Department, and no permit may be transferred without the prior approval of the Department.

6. A vessel possessing a valid Black Sea Bass Permit to commercially harvest black sea bass by angling or hook and line and when operating under the permit shall be subject to the following:

i. Crew size shall be limited to no more than five persons, including the captain; and

ii. The vessel shall not carry any passengers for hire. When carrying passengers for hire the Black Sea Bass Permit is not valid and the recreational possession limits and seasonal restrictions as specified in N.J.A.C. 7:25-18.1 apply.

7. A vessel that does not possess a New Jersey Black Sea Bass Permit shall be permitted to land not more than 100 pounds of black sea bass during the period of January 1 through March 31, or not more than 50 pounds of black sea bass during the period of April 1 through December 31 on any trip provided the amount of black sea bass landed from any vessel shall not exceed 10 percent, by weight, of the total weight of all species landed and sold. Vessels taking black sea bass by angling or hook and line that do not possess a New Jersey Black Sea Bass Permit shall be subject to the possession limits established in N.J.A.C. 7:25-18.1 and the seasonal by-catch limits and 10 percent criteria specified above.

8. Annual and seasonal black sea bass quotas and daily trip limits shall be determined by the Mid-Atlantic Fishery Management Council and implemented by the National Marine Fisheries Service or determined by the Atlantic States Marine Fisheries Commission.

i. The Commissioner, or his or her designee, shall implement annual and seasonal black sea bass quotas and daily trip limits determined by the Atlantic States Marine Fisheries Commission upon four days public notice. Public notice shall include letters by first class mail to all New Jersey Black Sea Bass Permit holders. The implemented quotas and limits shall also be reflected in this subsection through a notice of administrative change in the New Jersey Register, in accordance with N.J.A.C. 1:30-2.7.

ii. Ten percent of the New Jersey annual black sea bass quota shall be allocated each year for by-catch landings when any of the seasons for the directed commercial fishery defined in (h)8iii below are closed. The by-catch landings shall be divided between seasons as identified in (h)8iii below at the same percentage apportioned to each season specified at (h)8iii below.

(1) Any by-catch not landed during the season allocated shall be added to the directed fisheries quota of the following season except during the last season.

(2) If any of the by-catch allowance has not been landed by December 1 in any calendar year the remaining amount shall be added to the directed black sea bass fishery quota.

iii. The balance of the New Jersey annual quota for the black sea bass fishery remaining after deducting the by-catch allowance specified in (h)8ii above shall be divided into seasons, percentage of the annual quota apportioned to each season, daily trip limits and number of allowable landing days in each week (Sunday through Saturday) as follows:

(1) January 1 April 15: 38.8 percent, 2,500 pound trip limit.

(2) April 16-June 30: 20.6 percent, 1,500 pound trip limit and a maximum of three days per week that a vessel may land black sea bass;

(3) July 1-September 30: 13.5 percent, 1,000 pound trip limit and a maximum of three days per week that a vessel may land black sea bass;

(4) October 1-December 31: 27.1 percent, 1,500 pound trip limit and a maximum of three days per week that a vessel may land black sea bass.

(5) If a minimum of 50,000 pounds of the New Jersey black sea bass quota remains unlanded as of December 1 in any calendar year, the Commissioner, or his or her designee, may set a daily trip limit for the remainder of that calendar year.

(6) Any daily landing of black sea bass not exceeding 100 pounds during the period of January 1 through March 31 or 50 pounds during the period of April 1 through December 31 shall not be applied to maximum weekly landing days during any season as specified in (h)8iii(1) through (4) above, provided the amount of black sea bass landed from any vessel shall not exceed 10 percent, by weight, of the total weight of all species landed and sold.

iv. No vessel shall have in possession or land and no dealer shall accept from any one vessel or person more than the lesser of the daily trip limit of black sea bass set by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission in any one calendar day.

v. The Commissioner, or his or her designee, shall close the season for the commercial black sea bass fishery upon two days public notice of the projected date the seasonal percentage of the annual quota shall be caught. Public notice shall include letters by first class mail to all New Jersey Black Sea Bass Permit holders.

vi. Once the season has been closed for the directed commercial black sea bass fishery, no vessel or person shall land or sell any black sea bass and no dealer or person shall accept or purchase any black sea bass landed in New Jersey in excess of the by-catch allowances specified in (h)1 and 7 above and provided the amount of black sea bass landed from any vessel shall not exceed 10 percent, by weight of all species landed and sold. If the entire season and/or annual quota including the by-catch allowance has been landed, then no vessel or person shall land or sell any black sea bass and no dealer or person shall accept or buy any black sea bass landed in New Jersey.

vii. If the Commissioner, or his or her designee, closes the season prematurely because of unanticipated events resulting in the quota not being landed by the projected date, then the Commissioner, or his or her designee, may reopen the season for a specified period of time upon two days public notice. Public notice shall be made as specified in (h)7v above.

(1) The Commissioner or his or her designee may set daily trip limits when reopening a prematurely closed season.

viii. If the quota for a particular season is not taken, the balance shall be reallocated for the following season, except that any balance existing as of December 31 of any year shall not be reallocated.

ix. If the quota for any season is exceeded, the amount overharvested shall be deducted from the following season. The amount overharvested shall also be deducted from the following years seasonal quota in pounds and reallocated to the season from which it was deducted the previous year.

x. Any vessel participating in the black sea bass fishery shall notify the Department of the time and place of unloading of the vessel at least two hours in advance of such unloading. Such unloading shall not occur except between the hours of 6:00 A.M. and 6:00 P.M. from November 1 through April 30 and 6:00 A.M. and 8:00 P.M. from May 1 through October 31. The vessel shall also report how many times that week (Sunday through Saturday) the vessel will have landed, including the trip being called in. For example, "This will be my third landing this week." Notification shall include a phone call to (609) 748-2050 unless changed by notice to permit holders via first class mail.

9. After December 31, 2002, no dealer shall accept or purchase any black sea bass from any vessel or harvester unless such dealer is in possession of a valid New Jersey Black Sea Bass Dealers Permit. A New Jersey Black Sea Bass Dealers Permit may be obtained by completing an application supplied by the Department and submitting it to:

New Jersey Black Sea Bass Dealers Permit
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241

10. After December 31, 2002, no dealer shall accept or purchase from any one vessel more than the amounts of black sea bass specified at (h)1 above unless said vessel is in possession of its valid New Jersey Black Sea Bass Permit.

11. After December 31, 2002, any harvester or vessel landing black sea bass in New Jersey for the purpose of sale shall sell all black sea bass to a permitted New Jersey Black Sea Bass Dealer.

12. All permitted New Jersey Black Sea Bass Dealers shall provide daily reports during the period January 1 through April 15 and weekly reports during the period April 16 through December 31 to the Division listing the amount of black sea bass landed on a daily basis and any other information that may be required by the Commissioner. If no black sea bass were landed, a report to that effect shall be required. Such report shall be faxed to the Division at the number listed on the reporting form no later than 10:00 A.M. on the following day for daily reports and 12:01 P.M. on Monday following the week's end for weekly reports or sent by any other method approved by the Department. For the purpose of this provision, the week shall begin on Sunday and end on Saturday.

13. Any person violating the provisions of this section shall be subject to the penalties prescribed in N.J.S.A. 23:2B-14 in addition to the following:

i. Failure to submit the required documentation to an application shall result in the denial of the permit.

ii. Falsification or misrepresentation of any information on an application including documentation provided to verify the amount of black sea bass landed as specified in (h)1ii(3) above shall result in the denial or revocation of the permit in addition to any civil or criminal penalties prescribed by law.

iii. Failure to comply with the provisions of (h)6 above, criteria under which a vessel may harvest black sea bass by angling or hook and line, (h)8 above, exceeding daily trip limits and landing black sea bass after the season has been closed, (h)9 above, accepting or purchasing black sea bass without a New Jersey Black Sea Bass Dealers Permit, (h)10 above, accepting or purchasing from any non-permitted vessel more than the amount of black sea bass stipulated pursuant to (h)1 and 7 above, and (h)11 above, selling black sea bass to a non-permitted dealer shall result in the suspension during open season(s) or revocation of the vessel's and/or dealer's Black Sea Bass Permit according to the following schedule:

- (1) First offense: 60 days suspension;
- (2) Second offense: 120 days suspension;
- (3) Third offense: permanent revocation;

iv. Any person who has had his or her New Jersey Black Sea Bass Dealers Permit suspended or revoked shall not land or permit the landing of any black sea bass at his or her facility during the suspension or revocation under the provisions of another permittee's New Jersey Black Sea Bass Dealers Permit.

v. Prior to revocation of the permit, the permittee shall have the opportunity to request a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(i) The following provisions are applicable to the commercial harvest of summer flounder:

1. A vessel shall not land more than 100 pounds of summer flounder during the period of May 1 through October 31 or more than 200 pounds of summer flounder during the period of November 1 through April 30 in New Jersey on any one trip unless said vessel is in possession of a valid New Jersey Summer Flounder Permit to participate in the directed fishery for summer flounder. Vessels fishing under the special terms of a quota transfer or combination program as provided in (i)3 below may be exempt from this requirement if such terms specify that a New Jersey Summer Flounder Permit is not necessary to land summer flounder in New Jersey. The permit shall be issued in the name of the vessel and the owner and for the specific gear type(s) used to qualify for the permit.

i. Applicants for a New Jersey Summer Flounder Permit shall complete an application provided by the Department. Applicants applying to use hook and line shall submit their applications no later than May 31, 1994. Applicants applying for a New Jersey Summer Flounder permit for any other gear type shall submit their applications no later than January 1, 2000. Applications for a New Jersey Summer Flounder Permit received after the above dates shall be denied.

ii. To be eligible for a New Jersey Summer Flounder Permit the vessel's owner shall meet the following criteria:

(1) The vessel shall have landed and sold at least 1,000 pounds of summer flounder in New Jersey in each of two years during the period of 1985-1992;

(2) The vessel shall have possessed a valid New Jersey otter trawl, pound net, or gill net license or a valid Federal summer flounder permit during each of the two years it qualified based upon the pounds of summer flounder landed and sold in (i)1ii(1) above. Vessels providing documentation regarding the amount of summer flounder landed for two years between January 1, 1985 to November 2, 1988 or vessels providing documentation of harvest by hook and line are exempt from this requirement; and

(3) Applicants shall provide weigh out slips to document the amount of summer flounder landed and copies of their New Jersey otter trawl, pound net or gill net license or Federal summer flounder permit for the respective years.

iii. The New Jersey Summer Flounder Permit shall be on board the vessel to which it is issued at all times. The permit is valid from the date of issuance and for any subsequent years unless revoked as part of a penalty action. The vessel, when engaged in the directed summer flounder fishery, may only have on board the gear type(s) listed on the New Jersey Summer Flounder Permit.

(1) The owner of a permitted vessel pursuant to this subsection not pending revocation or court action may transfer his or her New Jersey Summer Flounder Permit, upon application to the Department, as follows:

(A) To his or her replacement vessel, provided the replacement vessel is not greater than 10 percent larger in vessel length, gross registered tonnage and net tonnage and not more than 20 percent greater in horsepower than the originally permitted vessel. The vessel being replaced shall no longer be eligible for a New Jersey Summer Flounder Permit; or

(B) Along with the sale of his or her vessel to a new owner. The owner selling the vessel shall no longer be eligible for a New Jersey Summer

Flounder Permit based on the harvesting history of the vessel being sold.

(2) Transfer of a permit to a new vessel shall be limited to the same gear type(s) of the originally permitted vessel.

(3) Applicants for permit transfer shall complete an application provided by the Department, and no permit may be transferred without the prior approval of the Department.

iv. A vessel possessing a valid New Jersey Summer Flounder Permit to commercially harvest summer flounder by angling or hook and line and when operating under the permit shall be subject to the following:

(1) Crew size shall be limited to no more than five persons, including the captain; and

(2) The vessel shall not carry any passengers for hire. When carrying passengers for hire the New Jersey Summer Flounder Permit is not valid and the recreational possession limits and seasonal restrictions as specified in N.J.A.C. 7:25-18.1 apply.

v. A vessel that does not possess a New Jersey Summer Flounder Permit shall be permitted to land not more than 100 pounds of summer flounder during the period of May 1 through October 31, or not more than 200 pounds of summer flounder during the period of November 1 through April 30 on any trip provided the amount of summer flounder landed from any vessel shall not exceed 10 percent, by weight, of the total weight of all species landed and sold, except that vessels taking summer flounder by angling or hook and line shall be subject to the possession limits established in N.J.A.C. 7:25-18.1.

2. The annual summer flounder harvest quota for New Jersey shall be determined by the Mid Atlantic Fishery Management Council as implemented by the National Marine Fisheries Service. All landings of summer flounder in New Jersey shall be applied to the New Jersey annual summer flounder quota unless New Jersey enters into an agreement with another state(s) to transfer or combine summer flounder commercial quotas, as provided for pursuant to (i)3 below and such agreement indicated otherwise.

i. Ten percent, but not more than 200,000 pounds of the New Jersey annual summer flounder quota, shall be allocated each year for by-catch landings when any of the six seasons for the directed commercial fishery are closed. The by-catch landings shall be divided between the six seasons as identified at (i)2ii below at the same percentage as for the directed fishery specified at (i)2ii below or as modified by the Commissioner.

(1) Any by-catch not landed during the season allocated shall be added to the directed fishery of the following season except during the last season.

(2) If any of the by-catch allowance has not been landed by December 1 in any calendar year, the remaining amount shall be added to the directed summer flounder fishery quota.

(3) For the purpose of this section, all directed fishery seasons identified at (i)2ii below shall start on the first Sunday of the applicable month.

ii. The balance of the New Jersey annual quota for the summer flounder fishery remaining after deducting the by-catch allowance specified in (i)2i above shall be divided into seasons, percentage of the annual quota apportioned to each season, daily trip limits and number of allowable landing days in each week (Sunday through Saturday) as follows:

(1) January-February: 28 percent, 7,500 pound trip limit and a maximum of two days a week that a vessel may land summer flounder;

(2) March-April: 11 percent, 1,000 pound trip limit and a maximum of five days per week that a vessel may land summer flounder;

(3) May-June: 10.5 percent, 500 pound trip limit and a maximum of five days per week that a vessel may land summer flounder;

(4) July-August: 10.5 percent, 500 pound trip limit and a maximum of five days per week that a vessel may land summer flounder;

(5) September-October: 29 percent, 1,000 pound trip limit and a maximum of four days that a vessel may land summer flounder, except as follows:

(A) A vessel may elect to land summer flounder only one day per week. If such an election is made, the trip limit shall be 4,000 pounds;

(6) November-December: 11 percent, 1,000 pound trip limit and a maximum of five days per week that a vessel may land summer flounder; and

(7) Any daily landing of summer flounder not exceeding 100 pounds during the period of May 1 through October 31 or 200 pounds during the period November 1 through April 30 shall not be applied to maximum weekly landing days during any season as specified in (i)2ii(1) through (6) above, provided the amount of summer flounder landed from any vessel shall not exceed 10 percent, by weight, of the total weight of all species landed and sold.

iii. No vessel shall have in possession or land and no dealer shall accept from any one vessel more than the daily trip limit of summer flounder in any one calendar day.

iv. Any vessel participating in a directed summer flounder fishery shall notify the Department of the time and place of unloading of the vessel at least two hours in advance of such unloading. Such unloading shall not occur except between the hours of 6:00 A.M. and 6:00 P.M. from November 1 through April 30 and 6:00 A.M. and 8:00 P.M. from May 1 through October 31. The vessel shall also report how many times that week (Sunday through Saturday) the vessel will have landed, including the trip being called in. For example, "This will be my third landing this week." Notification shall include a phone call to (609) 748-2050 unless changed by notice to permit holders via first class mail.

v. If a minimum of 100,000 pounds of the New Jersey summer flounder quota remains unlanded as of December 1 in any calendar year, the Commissioner, or his or her designee, may set a daily trip limit for the remainder of that calendar year or until the quota specified in (i)2 above is landed, whichever occurs first.

vi. The Commissioner, or his or her designee, shall close the season for the directed and/or by-catch commercial summer flounder fishing season upon two days public notice of the projected date the seasonal percentage of the annual quota shall be caught. Public notice shall include letters by first class mail to all permitted New Jersey Summer Flounder Dealers and New Jersey Summer Flounder Permit holders.

vii. Once the season has been closed for the directed commercial summer flounder fishery, no vessel shall land any summer flounder and no dealer shall accept any summer flounder landed in New Jersey in excess of the by-catch allowances specified in (i)1 above and provided the amount of summer flounder landed from any vessel shall not exceed 10 percent by weight of the total weight of all species landed and sold. If the entire season and/or annual quota including the by-catch allowance has been landed, then no vessel or person shall land or sell any summer flounder and no dealer or person shall accept or buy any summer flounder landed in New Jersey.

viii. If the Commissioner, or his or her designee, closes the season prematurely because of unanticipated environmental events resulting in the quota not being landed by the projected date and at least one month remains in the current season, then the Commissioner, or his or her designee, may reopen the season for a specified period of time upon two days public notice. Public notice shall be made as specified in (i)2vi above.

(1) The Commissioner, or his or her designee, may set daily trip limits when reopening a prematurely closed season.

ix. If the quota for a particular season is not taken, the balance shall be reallocated for the following season, except that any balance existing as of December 31 of any year shall not be reallocated.

x. If the quota for any of the first five seasons is exceeded, the amount overharvested shall be deducted from the following season.

xi. If the quota for any year is exceeded, the amount overharvested will be deducted from the following year's annual quota. The remaining annual quota will then be allocated as defined in (i)2i and ii above.

xii. Beginning in 1994, the Department shall notify the holders of New Jersey Summer Flounder Permits of the season allocations no later than January 31 of the year to which the allocation applies. Notification shall be accomplished by first class mail to permit holders.

xiii. All New Jersey Summer Flounder Permit holders shall be required to complete monthly reports supplied by the Department. The monthly report shall be signed by the permittee attesting to the validity of the information and be submitted so it is received by the Department no later than 15 working days following the end of the reported month at the following address:

New Jersey Summer Flounder Program
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418

(1) The monthly report shall include, but not be limited to, the following information: name, New Jersey Summer Flounder Permit number of the vessel, total amount (in pounds) of each species taken, dates caught, time at sea, duration of fishing time, gear type used to harvest, number of tows, area fished, crew size, landing port, date sold and buyer. This information shall be provided for any trip in which summer flounder are landed. New Jersey Summer Flounder Permit holders who also possess a Federal summer flounder permit and are required to report monthly to the Federal government may submit the "STATE" copy of their Federal log book in satisfaction of the New Jersey reporting requirements.

(2) If no trips for summer flounder were taken and no summer flounder were landed during the month, a report to that effect shall be required.

3. Pursuant to Amendment 5 of the Mid-Atlantic Fishery Management Council's Summer Flounder Management Plan, the Commissioner may enter into agreements with other states to transfer or combine summer flounder commercial quotas. Such agreements shall specify the terms and conditions under which vessels not in possession of a New Jersey Summer Flounder Permit may land summer flounder in New Jersey, as well as how the landings will be applied to the quota. Any agreement developed by the Commissioner and any other state is not valid until such time as it has been reviewed and approved by the Northeast Regional Director of the National Marine Fisheries Service.

4. No fish dealer shall accept any summer flounder from any vessel or harvester unless such dealer is in possession of a valid New Jersey Summer Flounder Dealers Permit. A New Jersey Summer Flounder Dealers Permit may be obtained by completing an application supplied by the Department and submitting it to:

New Jersey Summer Flounder Dealers Permit
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418

5. No dealer shall accept from any vessel more than the amounts of summer flounder specified at (i)1 above unless said vessel is in possession of its valid New Jersey Summer Flounder Permit.

6. No vessel shall land and no dealer shall accept any summer flounder which have been frozen, filleted or processed in any way. Only whole, fresh summer flounder may be landed, except that by-catch amounts of summer flounder as specified in (i)1 above may be landed frozen provided that each fish is individually frozen whole and can be individually weighed and measured without thawing.

7. Any harvester or vessel landing summer flounder in New Jersey for the purpose of sale shall sell all summer flounder to a permitted New Jersey Summer Flounder Dealer.

8. All permitted New Jersey Summer Flounder Dealers shall provide daily reports during the period January 1 through February 28 and weekly reports during the period March 1 through December 31 to the Division listing the amount of summer flounder landed on a daily basis by size category and any other information that may be required by the Commissioner or as a result of any agreement with other states pursuant to (i)3 above. If no summer flounder were landed, a report to that effect shall be required. Such report shall be faxed to the Division at the number specified on the reporting forms supplied by the Division not later than 10:00 A.M. on the following day for daily reports and 12:01 P.M. on Monday following the week's end for weekly reports or sent by any other method approved by the Department. For the purpose of this provision, the week shall begin on Sunday and end on Saturday.

9. Any person violating the provisions of this section shall be subject to the penalties prescribed in N.J.S.A. 23:2B-14 in addition to the following:

i. Failure to submit the application by May 31, 1994 for use of hook and line or to attach the required documentation to the application shall result in the denial of the permit.

ii. Falsification or misrepresentation of any information on the application including documentation provided to verify the amount of summer flounder landed as specified in (i)1ii(3) above shall result in the denial or revocation of the permit in addition to any civil or criminal penalties prescribed by law.

iii. Failure to comply with the provisions of N.J.A.C. 7:25-18.14(i)2, minimum mesh sizes, (i)2iii above, landing, possession or accepting in excess of the daily trip limit for summer flounder, (i)2iv above, failure of notification of landing of summer flounder, (i)2vii above, landing summer flounder after the directed fishery and/or by-catch season has been closed, (i)2xiii above, failure to submit accurate and timely monthly reports, (i)5 above accepting more than by-catch amounts from nonpermitted vessels, (i)6 above accepting any summer flounder other than fresh product, or N.J.A.C. 7:25-18.14(a), (b), (d), (e), (f) or N.J.S.A. 23:3-46 through 47 shall result in the suspension during open seasons or revocation of the vessel's New Jersey Summer Flounder Permit or the dealer's New Jersey Summer Flounder Dealers Permit according to the following schedule:

- (1) First offense: 60 days suspension
- (2) Second offense: 120 days suspension
- (3) Third offense: permanent revocation

iv. Any person who has had his or her New Jersey Summer Flounder Dealers Permit suspended or revoked shall not land or permit the landing of any summer flounder at his or her facility during the suspension or revocation under the provisions of another permittee's New Jersey Summer Flounder Dealers Permit.

v. Prior to revocation of the permit, the permittee shall have the opportunity to request a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(j) The following provisions are applicable to the commercial harvest of winter flounder:

1. No person shall fish for or land any winter flounder taken by any net, trap, dredge or commercial gear in New Jersey waters, except during the open season of December 1 through May 31. No dealer shall accept any winter flounder taken in New Jersey waters except during such open season. The harvest of winter flounder by the use of fyke net is subject to the provisions of N.J.A.C. 7:25-18.5(g)2.

(k) The following provisions are applicable to the commercial harvest of scup fishery:

1. Annual coastwide scup quotas and daily trip limits for the periods of January 1 through April 30 and November 1 through December 31, and an annual New Jersey scup quota for the period from May 1 through October 31 shall be determined by the Mid-Atlantic Fishery Management Council as implemented by the National Marine Fisheries Service or determined by the Atlantic States Marine Fisheries Commission. All landings of scup in New Jersey during the period from May 1 through October 31 shall be applied to the New Jersey scup quota.

i. Any closure of the scup fishery by the National Marine Fisheries Service in adjacent Federal waters or any closure which includes New Jersey marine waters during the periods January 1 through April 30 and November 1 through December 31 would automatically close New Jersey to commercial landings of scup.

ii. The Commissioner, or his or her designee, shall implement annual and seasonal scup quotas and daily trip limits as determined by the Atlantic States Marine Fisheries Commission upon two days public notice. The implemented quotas and limits shall also be reflected in this subsection through a notice of administrative change in the New Jersey Register, in accordance with N.J.A.C. 1:30-2.7.

iii. The Commissioner, or his or her designee, shall close the season for the commercial scup fishery upon two days public notice of the projected date the New Jersey seasonal quota shall be caught. Public notice shall include letters by first class mail to all New Jersey Scup Dealer Permit holders and Federal scup moratorium permit holders that are New Jersey residents.

iv. Once any season has been closed for the commercial scup fishery, no vessel shall land any scup and no dealer shall accept any scup landed in New Jersey.

v. If the Commissioner, or his or her designee, closes the New Jersey season prematurely because of unanticipated events resulting in the quota not being landed by the project date, then the Commissioner, or his or her designee, may reopen the season for a specified period of time upon two days public notice. Public notice shall be made as specified in (k)liii above.

vi. If the quota for any season is exceeded, the amount overharvested shall be deducted from the following year's quota for that season.

2. No vessel shall have in possession or land and no dealer shall accept from any vessel more than the lesser of the daily trip limits set by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission for the seasons of January 1 through April 30 and November 1 through December 31 and no vessel shall have in possession or land and no dealers shall accept from any one vessel more than the daily trip limit of 1,000 pounds of scup during the season of May 1 through October 31 or as provided in (k)2i below.

i. If a minimum of 25 percent of the New Jersey scup quota is projected to remain unlanded as of October 1 in any calendar year, then there shall be a 4,000 pound trip limit for the remainder of the season or until the season is closed as provided in (k)li above.

ii. The daily trip limit for scup shall be one trip per week (Sunday through Saturday) at no more than 15,000 pounds per week or two trips per week (Sunday through Saturday) at no more than 7,500 pounds per trip from January 1 through April 30 and 1,500 pounds from November 1 through December 31. During the period of January 1 through April 30, the trip limit will be reduced to one trip per week at no more than 1,000 pounds when it is projected that 80 percent of the period quota will be harvested.

3. No fish dealer shall accept any scup from any vessel or harvester unless such dealer is in possession of a valid New Jersey Scup Dealer Permit. A New Jersey Scup Dealer Permit may be obtained by completing an application supplied by the Department and submitting it to:

New Jersey Scup Dealer Permit
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418

4. A harvester or vessel shall not land scup for the purpose of sale or sell any scup unless such harvester or vessel is in possession of a valid scup moratorium permit issued by the National Marine Fisheries Service.

5. Any harvester or vessel landing scup in New Jersey for the purpose of sale shall sell all scup to a permitted New Jersey Scup Dealer.

6. All permitted New Jersey Scup Dealers shall provide weekly reports to the Division listing the amount of scup landed on a daily basis and any other information that may be required by the Commissioner or as a result of an agreement with other states pursuant to (k)⁹ below. Such report shall be faxed to the Division at the number specified on the reporting forms supplied by the Division no later than two days following the week's end or sent by any other method approved by the Department. For the purpose of this provision, the week shall begin on Sunday and end on Saturday.

7. All scup moratorium permit holders landing scup in New Jersey shall be required to complete monthly reports supplied by the Department. The monthly report shall be signed by the permittee attesting to the validity of the information and be submitted so it is received by the Department no later than 15 working days following the end of the reported month at the following address:

New Jersey Scup Program
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418

i. The monthly report shall include, but not be limited to, the following information: name, scup moratorium permit number, total amount (in pounds) of each species taken, dates caught, time at sea, duration of fishing time, gear type used to harvest, number of

tows, area fished, crew size, landing port, date sold and buyer. This information shall be provided for any trip in which scup are landed. Scup moratorium permit holders may submit the "STATE" copy of the Federal log book in satisfaction of the New Jersey reporting requirements.

8. Any person violating the provisions of this section shall be subject to the penalties prescribed in N.J.S.A. 23:2B-14 in addition to the following:

i. Failure to comply with the provisions of (k)¹iv above, landing or accepting scup after the season has been closed; (k)² above, landing or accepting more than the daily trip limit; (k)³ above, accepting scup from a vessel without first having obtained a valid New Jersey Scup Dealer Permit; (k)⁴ above, landing for the purpose of sale or selling scup without first having obtained a valid scup moratorium permit; (k)⁵ above, selling scup to a non-permitted fish dealer; or (k)⁶ and 7 above, failure to submit accurate and timely reports shall result in the suspension or revocation of the dealer's New Jersey Scup Dealer Permit according to the following schedule:

(1) First offense: No suspension.

(2) Second offense: 60 days suspension during the open season as provided in (k)¹ above.

(3) Third offense: 120 days suspension during the open season as provided in (k)¹ above.

(4) Fourth offense: Permanent revocation.

ii. Prior to revocation of the permit, the permittee shall have the opportunity to request a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

iii. Any person who has had his or her New Jersey Scup Dealer Permit suspended or revoked, shall not land or permit the landing of any scup at his or her facility during the suspension or revocation under the provisions of another permittee's New Jersey Scup Dealer Permit.

9. Pursuant to Amendment 8 of the Mid-Atlantic Fishery Management Council's Fishery Management Plan for the Summer Flounder and Scup Fishery, the Commissioner may enter into agreements with other states to transfer or combine scup commercial quotas. Such agreements shall specify the terms and conditions under which vessels may land scup in New Jersey, as well as how the landings will be applied to the quota. Any agreement developed by the Commissioner and any other state is not valid until such time as it has been reviewed and approved by the Northeast Regional Director of the National Marine Fisheries Service.

(l) Special provisions applicable to an Atlantic herring fishery are as follows:

1. The possession of more than 5,000 pounds of Atlantic herring on board a vessel or landed from a vessel shall constitute a directed fishery for Atlantic herring.

2. A person shall not fish for or land any Atlantic herring in excess of 5,000 pounds using any vessel in excess of 165 feet in length and in excess of 3,000 horsepower in a directed fishery for Atlantic herring.

3. Atlantic herring taken in a directed fishery for Atlantic herring shall not be processed for use as fish meal or oil.

4. Any closure of the Atlantic herring fishery by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission in adjacent Federal waters or in any area which includes New Jersey marine waters would automatically close New Jersey waters to the commercial harvest of Atlantic herring.

5. If any of the management areas identified in the joint New England Fishery Management Council Atlantic States Marine Fisheries Commission Fishery Management Plan for Atlantic Herring are closed by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission, the landing of Atlantic herring harvested from any management area that is closed shall be prohibited in New Jersey.

(m) Dealer business records may be used as admissible evidence in any proceeding to document violations of trip limits, weekly landing limits or closed seasons specified in this section.

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

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

New Rule, R.1992 d.143, effective March 16, 1992.

See: 24 N.J.R. 4(c), 24 N.J.R. 1113(a).

Amended by R.1993 d.56, effective January 19, 1993.

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

Former (a) and (i) recodified to new rule at 7:25-8.14; remaining subsections recodified as (a)-(g).

Administrative Correction to N.J.A.C. 7:25-18.12(b) through (g).

See: 25 N.J.R. 2001(d).

Administrative Correction to (c).

See: 25 N.J.R. 2281(a).

Amended by R.1994 d.201, effective April 18, 1994.

See: 26 N.J.R. 789(a), 26 N.J.R. 1632(a).

Repeal and New Rule, R.1995 d.82, effective February 6, 1995.

See: 26 N.J.R. 4277(b), 27 N.J.R. 487(a).

Formerly "Weakfish management."

Administrative Correction.

See: 27 N.J.R. 1794(a).

Administrative Correction.

See: 27 N.J.R. 3420(a).

Administrative Correction.

See: 27 N.J.R. 3420(b).

Administrative Change.

See: 28 N.J.R. 3786(a).

Amended by R.1996 d.587, effective December 16, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3998(a), 28 N.J.R. 5231(a).

Inserted (b)1, (c), and (d); recodified former (b)1 through (b)6 as (b)2 through (b)7 and former (c) and (d) as (e) and (f); and made conforming changes throughout.

Amended by R.1998 d.40, effective January 5, 1998.

See: 29 N.J.R. 4595(a), 30 N.J.R. 226(a).

Inserted (a)2 and recodified (a)2 as 3; deleted (c)2iii through v, added (c)3 through 10 and recodified (c)3 and 4 as 11 and 12; deleted (d), and recodified (e) and (f) as (d) and (e).

Administrative change.

See: 30 N.J.R. 1402(b).

Amended by R.1999 d.52, effective February 16, 1999.

See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).

In (a)3, substituted "more than 150 pounds of" for "any" following "accept"; inserted a new (d); and recodified former (d) and (e) as (e) and (f).

Administrative change.

See: 31 N.J.R. 1612(a).

Amended by R.2000 d.10, effective January 3, 2000.

See: 31 N.J.R. 2555(a), 32 N.J.R. 48(a).

Rewrote (a); inserted a new (e); and recodified former (e) and (f) as (f) and (g).

Amended by R.2000 d.395, effective October 2, 2000.

See: 31 N.J.R. 2555(a), 32 N.J.R. 3592(b).

Rewrote the section.

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

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

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

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

Rewrote the section.

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

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

In (c)2i and (c)5i, inserted "and submit their application no later than December 31, 2002" after "Department"; in (c)7i, substituted "has no greater than 10 percent increase in length overall and 20 percent increase in shaft horsepower" for "is of equal or less gross registered tonnage and vessel registered length"; in (d)1, added i; added a new (h), recodify existing (h), (i) as (i), (j).

Administrative change.

See: 34 N.J.R. 3264(a).

Administrative change.

See: 35 N.J.R. 709(a).

Administrative change.

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

Administrative correction.

See: 35 N.J.R. 4285(a).

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

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

Rewrote the section.

Administrative change.

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

7:25-18.13 Striped bass bonus program

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

(b) Any person intending to take one striped bass measuring not less than 28 inches in length in addition to his or her striped bass possession limit as specified at N.J.S.A. 23:5-45.1 shall apply to the Division for "fish possession cards." Applications may be obtained from the following:

1. Division of Fish and Wildlife

Striped Bass Bonus Fish Program
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418