

2. To use as food, or to utilize the hide, skin, or other body parts;

3. Euthanasia by an agent of the Division or as ordered by the Commissioner;

4. When an animal creates a danger or serious threat to persons or other animals as determined by the Commissioner; or

5. Euthanasia of research animals held under the scientific holding permits or scientific collecting permit.

Amended by R.1984 d.132, effective April 16, 1984.

See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).

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

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

Added (c).

Amended by R.1995 d.48, effective January 17, 1995.

See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

7:25-4.12 Notice of a denial of permit, procedure, review, time limitations, hearing

(a) In the event of a denial of an application for any permit required by this subchapter or the revocation of any permit, the Division shall issue to the applicant or prior permittee a written statement setting forth the reasons for the denial or revocation.

(b) Any such person may request a hearing for a review of such determination within 30 days from the date of issuance of the denial, pursuant to the applicable provisions of the Administrative Procedure Act. The request for a hearing shall be sent to the Office of Legal Affairs, ATTENTION: Adjudicatory Hearing Requests, Department of Environmental Protection, CN 402, Trenton, New Jersey 08625-0402.

(c) Any permittee shall permit division personnel, at any reasonable time to inspect the housing facilities of the animal or animals to determine compliance with the permit requirements and criteria.

Administrative change in (b).

See: 23 N.J.R. 3325(b).

Amended by R.1995 d.48, effective January 17, 1995.

See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

7:25-4.13 List of endangered species

(a) Section 23:2A-4 of the revised statutes provides that the Department shall conduct investigations concerning wildlife in order to develop information relating to populations, distributions, habitat needs, limiting factors and other biological and ecological factors. On the basis of such investigations of wildlife and other available scientific and commercial data, the Department may by regulation promulgate a list of those species and subspecies of wildlife indigenous to the State which are determined to be endangered, giving their common and scientific names by species and subspecies.

(b) In accordance therewith, the following species are determined to be endangered:

1. Shortnose Sturgeon, *Acipenser brevirostrum*
2. Trembly's Salamander, *Ambystoma tremblayi*
3. Blue-spotted Salamander, *Ambystoma laterale*
4. Eastern Tiger Salamander, *Ambystoma tigrinum tigrinum*
5. Pine Barrens Treefrog, *Hyla andersoni*
6. Southern Gray Treefrog, *Hyla chrysocelis*
7. Bog Turtle, *Clemmys muhlenbergi*
8. Timber Rattlesnake, *Crotalus horridus horridus*
9. Corn Snake, *Elaphe guttata guttata*
10. Bald Eagle, *Haliaeetus leucocephalus*
11. Peregrine Falcon, *Falco peregrinus*
12. Cooper's Hawk, *Accipter cooperii*
13. Northern Harrier, *Circus cyaneus*
14. Red-shouldered Hawk, *Buteo lineatus* (Breeding population)
15. Short-eared Owl, *Asio flammeus*
16. Pied-billed Grebe, *Podilymbus podiceps*
17. Upland Sandpiper, *Bartramia longicauda*
18. Sedge Wren, *Cistothorus platensis*
19. Loggerhead Shrike, *Lanius ludovicianus*
20. Henslow's Sparrow, *Ammodrammus henslowii*
21. Vesper Sparrow, *Poocetes gramineus*
22. Piping Plover, *Charadrius melodus*
23. Roseate Tern, *Sterna dougallii*
24. Least Tern, *Sterna abifrons*
25. Black Skimmer, *Rynchops niger*
26. Atlantic Hawksbill, *Eretmochelys imbricata imbricata*
27. Atlantic Loggerhead, *Caretta caretta*
28. Atlantic Ridley, *Lepidochelys kempi*
29. Atlantic Leatherback, *Dermochelys coriacea coriacea*
30. Sperm Whale, *Physeter catodon*
31. Blue Whale, *Balaenoptera musculus*
32. Finback Whale, *Balaenoptera physalus*
33. Sei Whale, *Balaenoptera borealis*
34. Humpback Whale, *Megaptera novaeangliae*

35. Right Whale, *Eubalaena glacialis*
36. Bobcat, *Lynx rufus*
37. Eastern Woodrat, *Neotoma floridana*
38. Mitchell's Satyr, *Neonympha mitchellii mitchellii*
39. Northeastern Beach Tiger Beetle, *Cicindela dorsalis dorsalis*
40. American Burying Beetle, *Nicrophorus americanus*
41. Dwarf Wedge Mussel, *Alasmidonta heteredon*

R.1974 d.348, effective December 19, 1974.

See: 7 N.J.R. 6(c).

Amended by R.1975 d.164, effective June 13, 1975.

See: 7 N.J.R. 146(b), 7 N.J.R. 311(a).

Amended by R.1979 d.128, effective March 29, 1979.

See: 11 N.J.R. 10(a), 11 N.J.R. 229(a).

Amended by R.1983 d.638, effective January 17, 1984.

See: 15 N.J.R. 1623(a), 16 N.J.R. 131(b).

(b): Indiana bat delisted; (b)9 and 14 through 23 added.

Amended by R.1984 d.132, effective April 16, 1984.

See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).

Section recodified from 7:25-11-1.

Amended by R.1985 d.215, effective May 6, 1985.

See: 17 N.J.R. 350(a), 17 N.J.R. 1091(a).

Deleted (b)12; renumbered 13.-35. as 12.-34.

Amended by R.1987 d.308, effective July 20, 1987.

See: 19 N.J.R. 491(a), 19 N.J.R. 1293(a).

New (b)19; old 19.-34. renumbered 20.-35.

Amended by R.1991 d.277, effective June 3, 1991.

See: 22 N.J.R. 1308(a), 23 N.J.R. 1788(a).

Added new 14 in (b); redesignated existing 14 through 16 as 15 through 17. Deleted existing 17—"Cliff Swallow." Added 36 through 41.

7:25-4.14 Requirements for possession of endangered wildlife species

(a) Individuals wishing to apply for a permit to possess endangered wildlife must meet all criteria for a Federal endangered species permit (issued by the United States Fish and Wildlife Service), when applicable, and for the New Jersey nongame and exotic species permit pursuant to N.J.A.C. 7:25-4.7 (issued by the Division of Fish, Game and Wildlife). The Department will require and review the Federal permit before issuing a State permit.

(b) The Division shall issue a permit for possession of specific individual animals classified as endangered wildlife to an applicant who fulfills the criteria in (a) above, and who:

1. Has obtained a sponsoring organization and designated professional who have submitted to the Division all information required in (a)2 and 3 below;
2. Has submitted to the Division a detailed written proposal for scientific research to be completed by the applicant within the time stated by the applicant which, in the judgment of the Division, requires use of the species in question, will not jeopardize the animal's health and has a reasonable probability of yielding, when performed by the applicant under the supervision of the Division and the sponsor pursuant to scientific protocol approved in writing by the Division, scientifically-reliable, new information of use to researchers or zoologists specializing in the study or conservation of the species in question;

i. All proposals shall stipulate the intervals at which the applicant shall submit periodic reports to the Division stating the applicant's progress with the research and improvements in the applicant's expertise in handling and caring for the animals; and

3. Has submitted to the Division written records of the applicant's relevant education, past and current research, publications, funding, equipment and any other information (including personal demonstration as may be required by the Division) which demonstrates to the satisfaction of the Division that the applicant has working knowledge and expertise in handling and caring for the species in question, and that it is reasonably probable that the applicant will accept guidance from both the sponsor and the Division to improve that expertise and that the applicant will accomplish the research within the time stated to the Division in accordance with the scientific protocol approved by the Division.

(c) Amateur attempts or intent to propagate an endangered species will not be considered as sufficient purpose for an individual to be issued a permit to keep an endangered species.

(d) Applicants for a permit to possess endangered wildlife species in New Jersey must be sponsored by a scientific institution, zoological society or similar organization accredited by its professional peers. The goal of sponsorship is to improve the applicant's expertise in the handling, care and breeding of the animal in question, to ensure that the applicant's research requires use of the species in question and has a reasonable probability of producing scientifically-reliable, new data useful to other researchers or zoologists specializing in the study and conservation of the species in question. All research proposals, scientific protocols (including the frequency of reports to the Division by the applicant), and supervisory procedures must be described in writing to the Division by the applicant and receive written approval from both the Division, the sponsor, and the monitoring professional for a permit to be issued. Any permit issued pursuant to this section is conditioned upon the applicant's consistent compliance with instruction from the Division and the professional monitoring the applicant's research as well as the diligent pursuit and timely completion of the Division-approved research project by the applicant pursuant to the scientific protocols approved by the Division. Applicants shall produce their research and exhibit their animals to Division personnel on 24 hours notice. Should the Division determine that the applicant has failed to meet these conditions, the Division shall suspend or revoke the applicant's permit and place the animals possessed pursuant to that permit under immediate constructive seizure, pending permanent removal of the animals by the Division from the possession of the applicant at the applicant's own expense. All research by the applicant shall cease immediately upon receipt of a notice of suspension or revocation, except as approved in writing by the Division.

(e) An offer of sponsorship must contain the following:

1. An agreement to commit the organization to the responsibilities of sponsorship as defined in this section, executed by the president, director or other employee of the organization with authority to so bind the organization;

2. Confirmation that the organization is acquainted with the relevant training and experience of the applicant, has reviewed the applicant's proposed research and has determined that it is reasonably probable that the proposed research, as performed by the applicant pursuant to the supervision and scientific protocol described by the sponsor shall yield scientifically-reliable, new information which will be useful to other researchers or zoologists specializing in the study or conservation of the species in question. All scientific protocol and supervisory practices proposed are subject to approval by the Division. Any Division modification of the proposed protocol or practices shall be resubmitted to the sponsoring organization for its comment;

3. The name and address of a professional with well-established, recently-practiced expertise in the handling, care and breeding of the species at issue (or a species closely related) who has agreed to monitor all aspects of the applicant's research on behalf of the organization in accordance with the procedures approved in advance of commencement of the work by the Division and fulfill all the obligations set forth in (e)4 below. The sponsoring organization shall acknowledge its responsibility to locate another professional with credentials acceptable to the Division who shall monitor the applicant's work, report to the Division, and fulfill all the obligations set forth in (e)4 below in the event the professional initially chosen and approved by the Division is unable, for reasons unrelated to the performance of the applicant, to continue in assisting the Division in monitoring the applicant's work;

4. A letter from the professional identified in (e)3 above which lists his or her professional qualifications, verifies that he or she has personally met the applicant, reviewed the applicant's relevant training and experience as well as the proposed research, finds the research meritorious and believes, based upon his or her experience, that it is reasonably probable that the proposed research, as performed by the applicant within the time stated by the applicant pursuant to the supervision and scientific protocol described by the professional, shall yield scientifically-reliable, new information which will be useful to the other researchers or zoologists specializing in the study or conservation of the species in question. All scientific protocol and supervisory practices proposed are subject to approval by the Division. Any Division modification of the proposed protocol or practices shall be resubmitted for the professional's comment. The professional shall agree in writing to guide the applicant in the proper handling, care and breeding of the animals in question and review the applicant's research protocol

and data as frequently as needed to ensure the applicant's research meets the criteria for the issuance of this permit. The professional shall agree to personally meet with the applicant and review the applicant's work no less than once every three months and to submit a written report to the Division on the applicant's progress every three months. The applicant may prepare and submit this report as long as the report is approved in writing by the professional in advance of its submission to the Division. Reports must be submitted to the Division no later than the 15th day following the end of each three month reporting period;

5. A written statement that the professional agrees to notify the Division and the sponsoring organization in writing if the applicant fails to follow the professional's or the Division's guidance or the scientific protocol approved by the Division and the professional believes that such failure is jeopardizing the probability that scientifically-reliable, useful, new information shall be produced as a result of the applicant's research or that the research cannot be accomplished within the time stated by the applicant; and

6. The applicant shall execute a written acknowledgment releasing the Department, the sponsoring organization and any professionals monitoring the applicant's work from liability for any damages of whatsoever nature arising from the suspension or revocation of any permit issued by the Division. The applicant shall be solely responsible for all costs of maintaining and relocating at the direction of the Division all the animals possessed under this permit when a permit is suspended, revoked or expires.

R.1977 d.39, effective February 22, 1977.

See: 8 N.J.R. 175(a), 9 N.J.R. 118(c).

Amended by R.1984 d.132, effective April 16, 1984.

See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).

Section recodified from 7:25-11.2.

Amended by R.1985 d.251, effective May 20, 1985.

See: 17 N.J.R. 516(a), 17 N.J.R. 1289(a).

(f) added.

Administrative correction and change in (f) and (f)1.

See: 23 N.J.R. 3325(b).

Amended by R.1995 d.48, effective January 17, 1995.

See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

7:25-4.15 Protection of animal and welfare of public

(a) Individuals applying for a permit to possess endangered wildlife species must supply a written description of the housing and caging facilities for the species requested. A summary must be submitted of a continuous feed source available for the specific diet of the animals. Department personnel will inspect the completed facilities and determine if the facilities are suitable for the animal. Facilities must be constructed to prevent the possible escape of the animal.

(b) The housing facilities must be constructed to prevent public access to and contact with the animal, including all animals used for exhibition purposes. The animal may not be kept as a pet, for hobby purposes or in situations which,

in the judgment of the Department, could adversely affect or provide no net benefit to the health of the animal or the welfare of the species. The individual must demonstrate to the satisfaction of Division personnel that the security of the housing and caging facilities protects the animal and the public.

(c) Qualified veterinarian service must be readily available to the animal at all times.

R.1977 d.39, effective February 22, 1977.
See: 8 N.J.R. 175(a), 9 N.J.R. 118(c).
Amended by R.1984 d.132, effective April 16, 1984.
See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).
Section recodified from 7:25-11.3.
Amended by R.1995 d.48, effective January 17, 1995.
See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

7:25-4.16 Violations

Any person violating any provision of these rules and regulations will be subject to the penalties imposed by N.J.S.A. 23:2A-1 et seq.

R.1977 d.39, effective February 22, 1977.
See: 8 N.J.R. 175(a), 9 N.J.R. 118(c).
Amended by R.1984 d.132, effective April 16, 1984.
See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).
Section recodified from 7:25-11.4.

7:25-4.17 Defining status of indigenous wildlife species of New Jersey

The following table defines the status of indigenous non-game wildlife species of New Jersey:

Species	Scientific Name	Species Status
REPTILES		
Common Snapping Turtle	Chelydra s. serpentina	S
Common Musk Turtle	Kinosternon odoratum	S
Eastern Mud Turtle	Kinosternon s. subrubrum	U
Spotted Turtle	Clemmys guttata	U
Wood Turtle	Clemmys insculpta	T
Eastern Box Turtle	Terrapene c. carolina	S
Map Turtle	Graptemys geographica	U
Red-bellied Turtle	Pseudemys rubriventris	U
Red-eared Turtle	Chrysemys scripta elegans	I
Eastern Painted Turtle	Chrysemys p. picta	S
Midland Painted Turtle	Chrysemys picta marginata	U
Atlantic Green Turtle	Chelonia mydas	T
Eastern Spiny Softshell	Trionyx spiniferus	I
Northern Fence Lizard	Sceloporus undulatus hyacinthinus	S
Five-lined Skink	Eumeces fasciatus	U
Ground Skink	Scincella lateralis	U
Northern Water Snake	Nerodia s. sipedon	S
Queen Snake	Regina septemvittata	U
Northern Brown Snake	Storeria d. dekayi	S
Northern Red-bellied Snake	Storeria o. occipitamaculata	S
Eastern Garter Snake	Thamnophis s. sirtalis	S
Eastern Ribbon Snake	Thamnophis s. sauritus	S
Eastern Smooth Earth Snake	Virginia v. valeriae	U
Eastern Hognose Snake	Heterodon Platyrrhinus	D
Northern Ringneck Snake	Diadophis punctatus edwardsi	S
Southern Ringneck Snake	Diadophis p. punctatus	S
Eastern Worm Snake	Carphophis a. amoenus	U
Northern Black Racer	Coluber c. constrictor	U
Rough Green Snake	Opheodrys aestivus	S
Eastern Smooth Green Snake	Opheodrys v. vernalis	U
Black Rat Snake	Elaphe o. obsoleta	U
Northern Pine Snake	Pituophis m. melanoleucus	T
Eastern King Snake	Lampropeltis g. getulus	U
Eastern Milk Snake	Lampropeltis t. triangulum	S
Northern Scarlet Snake	Cemophora coccinea copei	U

Species	Scientific Name	Species Status
Northern Copperhead	Agkistrodon contortrix mokasen	U
AMPHIBIANS		
Marbled Salamander	Ambystoma opacum	D
Jefferson Salamander	Ambystoma jeffersonianum	D
Silvery Salamander	Ambystoma platineum	D
Spotted Salamander	Ambystoma maculatum	D
Red-spotted Newt	Notophthalmus v. viridescens	S
Northern Dusky Salamander	Desmognathus f. fuscus	S
Mountain Dusky Salamander	Desmognathus ochrophaeus	U
Red-backed Salamander	Plethodon c. cinereus	S
Slimy Salamander	Plethodon g. glutinosus	S
Four-toed Salamander	Hemidactylum scutatum	D
Northern Spring Salamander	Gyrinophilus p. porphyriticus	D
Northern Red Salamander	Pseudotriton r. ruber	D
Eastern Mud Salamander	Pseudotriton m. montanus	T
Northern Two-lined Salamander	Eurycea b. bislineata	S
Long-tailed Salamander	Eurycea l. longicauda	T
Eastern Spadefoot Toad	Scaphiopus h. holbrookii	D
American Toad	Bufo americanus	S
Fowler's Toad	Bufo woodhouseii fowleri	S
Northern Cricket Frog	Acris c. crepitans	U
Northern Spring Peeper	Hyla c. crucifer	S
Barking Treefrog	Hyla gratiosa	U
Northern Gray Treefrog	Hyla versicolor	S
New Jersey Chorus Frog	Pseudacris triseriata kalmi	S
Upland Chorus Frog	Pseudacris triseriata feriarum	U
Bullfrog	Rana catesbeiana	S
Carpenter Frog	Rana variegatipes	U
Green Frog	Rana clamitans melanota	S
Wood Frog	Rana sylvatica	S
Southern Leopard Frog	Rana sponocephala	S
Pickrel Frog	Rana palustris	S
MAMMALS		
Masked Shrew	Sorex cinereus	S
Tuckahoe Masked Shrew	Sorex cinereus nigriculus	U
Water Shrew	Sorex palustris	U
Smokey Shrew	Sorex fumeus	U
Long-tailed Shrew	Sorex dispar	U
Short-tailed Shrew	Blarina brevicauda	S
Least Shrew	Cryotis parva	U
Hairy-tailed Mole	Parascalops breweri	U
Eastern Mole	Scalopus aquaticus	S
Star-nosed Mole	Condylura cristata	U
Little Brown Bat	Myotis Lucifugus	S
Keen Myotis	Myotis keenii	U
Small-footed Myotis	Myotis subulatus	U
Silver-haired Bat	Lasiurus noctivagans	U
Eastern Pipistrel	Pipistrellus subflavus	U
Big Brown Bat	Eptesicus fuscus	S
Red Bat	Lasiurus borealis	S
Northern Yellow Bat	Lasiurus intermedius	P
Hoary Bat	Lasiurus cinereus	U
New England Cottontail	Sylvilagus transitionalis	U
European Hare	Lepus capensis	I
Black-tailed Jackrabbit	Lepus californicus	I
Eastern Chipmunk	Tamias striatus	S
Red Squirrel	Tamiasciurus hudsonicus	S
Southern Flying Squirrel	Glaucomys volans	U
Northern Flying Squirrel	Glaucomys sabrinus	U
Marsh Rice Rat	Oryzomys palustris	S
White-footed Mouse	Peromyscus leucopus	S
Red-backed Mouse	Clethrionomys gapperi	S
Meadow Vole	Microtus pennsylvanicus	S
Pine Vole	Pitymys pinetorum	S
Southern Bog Lemming	Synaptomys cooperi	U
Black Rat	Rattus rattus	I
Brown Rat	Rattus norvegicus	I
House Mouse	Mus musculus	I
Woodland Jumping Mouse	Napaeozapus isignis	U
Meadow Jumping Mouse	Zapus hudsonius	U
Porcupine	Erethizon dorsatum	INC
Harbor Seal	Phoca vitulina	S
Harp Seal	Pagophilus groenlandica	P
Gray Seal	Halichoerus grypus	P
Hooded Seal	Cystophora cristata	P
Goose-beaked Whale	Ziphius cavirostris	U
Dense Beaked Whale	Mesoplodon densirostris	U
Gervais Beaked Whale	Mesoplodon europaeus	U

Species	Scientific Name	Species Status	Breeding Status	Non-Breed Status	Species	Scientific Name	Breeding Status	Non-Breed Status
Truc's Beaked Whale	Mesoplodon mirus	U			American Avocet	Recurvirostra americana		INC
Pygmy Sperm Whale	Kogia breviceps	U			Greater Yellowlegs	Tringa melanoleuca		S
Dwarf Sperm Whale	Kogia simus	U			Lesser Yellowlegs	Tringa flavipes		S
Beluga Whale	Delphinapterus leucas	P			Solitary Sandpiper	Tringa solitaria		S
Bridled Spotted Dolphin	Stenella frontalis	U			Willet	Catoptrophorus semipalmatus	INC	S
Spotted Dolphin	Stenella plagiodon	U			Spotted Sandpiper	Actitis macularia	S	S
Striped Dolphin	Stenella coeruleoalba	U			Whimbrel	Numenius phaeopus		S
Saddle-backed Dolphin	Delphinus delphis	U			Hudsonian Godwit	Limosa haemastica		D
Bottle-nosed Dolphin	Tursiops truncatus	S			Marbled Godwit	Limosa fedoa		D
Atlantic Killer Whale	Orcinus orca	U			Ruddy Turnstone	Arenaria interpres		S
Risso's Dolphin	Grampus griseus	U			Red Knot	Calidris canutus		D
Long-finned Pilot Whale	Globicephala malaena	U			Sanderling	Calidris alba		D
Short-finned Pilot Whale	Globicephala macrothyncus	U			Semipalmated Sandpiper	Calidris pusillus		S
Harbor Porpoise	Phocoena phocoena	U			Western Sandpiper	Calidris mauri		S
Minke Whale	Balaenoptera acutorostrata	U			Least Sandpiper	Calidris minutilla		S
					White-rumped Sandpiper	Calidris fuscicollis		S
					Baird's Sandpiper	Calidris bairdii		D
					Pectoral Sandpiper	Calidris melanotos		S
					Purple Sandpiper	Calidris maritima		INC
					Dunlin	Calidris alpina		INC
					Curlew Sandpiper	Calidris ferruginea		S
					Stilt Sandpiper	Calidris himantopus		INC
					Buff-breasted Sandpiper	Tryngites subruficollis		S
					Ruff	Philomachus pugnax		INC
					Short-billed Dowitcher	Limnodromus griseus		S
					Long-billed Dowitcher	Limnodromus scolopaccus		S
					Wilson's Phalarope	Phalaropus tricolor		INC
					Red-necked Phalarope	Phalaropus lobatus		S
					Red Phalarope	Phalaropus fulicarius		S
					Pomarine Jaeger	Stercorarius pomarinus		S
					Parasitic Jaeger	Stercorarius parasiticus		S
					Long-tailed Jaeger	Stercorarius longicaudus		S
					Laughing Gull	Larus atricilla	S	S
					Little Gull	Larus minutus		S
					Common Black-headed Gull	Larus ridibundus		S
					Bonaparte's Gull	Larus philadelphia		S
					Ring-billed Gull	Larus delawarensis		INC
					Herring Gull	Larus argentatus	S	S
					Iceland Gull	Larus glaucooides		S
					Lesser Black-backed Gull	Larus fuscus		INC
					Glaucous Gull	Larus hyperboreus		S
					Great Black-backed Gull	Larus marinus	INC	S
					Black-legged Kittiwake	Rissa tridactyla		S
					Gull-billed Tern	Sterna nilotica		S
					Caspian Tern	Sterna caspia		S
					Royal Tern	Sterna maximus		S
					Common Tern	Sterna hirundo	D	S
					Forster's Tern	Sterna forsteri	INC	S
					Black Tern	Childonia niger		S
					Dovekie	Alle alle		D
					Thick-billed Murre	Uria lomvia		D
					Razorbill	Alca torda		D
					Rock Dove	Columba livia	I	S
					Mourning Dove	Zenaidura macroura	INC	S
					Black-billed Cuckoo	Coccyzus erythrophthalmus	S	S
					Yellow-billed Cuckoo	Coccyzus americanus	S	S
					Common Barn Owl	Tyto alba	S	S
					Eastern Screech Owl	Otus asio	S	S
					Great Horned Owl	Bubo virginianus	INC	S
					Snowy Owl	Nyctea scandiaca		S
					Barn Owl	Strix varia	T	T
					Long-eared Owl	Asio otus	T	T
					Short-eared Owl	Asio flammeus	E	U
					Northern Saw-whet Owl	Aegolius acadicus	S	S
					Common Nighthawk	Chordeiles minor	S	S
					Chuck-will's-widow	Caprimulgus carolinensis	INC	S
					Whippoorwill	Caprimulgus vociferus	D	S
					Chimney Swift	Chaetura pelagica	S	S
					Ruby-throated Hummingbird	Archilochus colubris	D	S
					Belted Kingfisher	Ceryle alcyon	S	S
					Red-headed Woodpecker	Melanerpes erythrocephalus	T	T
					Red-bellied Woodpecker	Melanerpes carolinus	INC	S
					Yellow-bellied Sapsucker	Sphyrapicus varius		S
					Downy Woodpecker	Picoides pubescens	S	S
					Hairy Woodpecker	Picoides villosus	S	S
					Northern Common Flicker	Colaptes auratus	S	S
					Pileated Woodpecker	Dryocopus pileatus	S	S

Species	Scientific Name	Breeding Status	Non-Breed Status	Species	Scientific Name	Breeding Status	Non-Breed Status
Olive-sided Flycatcher	Contopus borealis		S	Prothonotary Warbler	Protonotaria citrea	INC	S
Eastern Wood Pewee	Contopus virens	S	S	Worm-eating Warbler	Helmitheros vermivorus	S	S
Yellow-bellied Flycatcher	Empidonax flaviventris		S	Ovenbird	Seiurus aurocapillus	S	S
Acadian Flycatcher	Empidonax virescens	INC	S	Northern Waterthrush	Seiurus noveboracensis	S	S
Alder Flycatcher	Empidonax alorum	S	S	Louisiana Waterthrush	Seiurus motacilla	S	S
Willow Flycatcher	Empidonax traillii	INC	S	Kentucky Warbler	Oporornis formosus	S	S
Least Flycatcher	Empidonax minimus	S	S	Connecticut Warbler	Oporornis agilis	S	S
Eastern Phoebe	Sayornis phoebe	S	S	Mourning Warbler	Oporornis philadelphia	S	S
Great Crested Flycatcher	Myiarchus crinitus	S	S	Common Yellowthroat	Geothlypis trichas	S	S
Western Kingbird	Tyrannus verticalis		S	Hooded Warbler	Wilsonia citrina	D	S
Eastern Kingbird	Tyrannus tyrannus	D	D	Wilson's Warbler	Wilsonia pusilla		S
Horned Lark	Eremophila alpestris	D	S	Canada Warbler	Wilsonia canadensis	S	S
Purple martin	Progne subis	D	S	Yellow-breasted Chat	Icteria virens	D	S
Tree Swallow	Tachycineta bicolor	S	S	Summer Tanager	Piranga rubra		S
Northern Rough-winged Swallow	Stelgidopteryx serripennis	S	S	Scarlet Tanager	Piranga olivacea	S	S
Bank Swallow	Riparia riparia	S	S	Northern Cardinal	Cardinalis cardinalis	INC	INC
Cliff Swallow	Hirundo pyrrhonota	T	S	Rose-breasted Grosbeak	Pheucticus ludovicianus	S	S
Barn Swallow	Hirundo rustica	S	S	Blue Grosbeak	Guiraca caerulea	INC	S
Blue Jay	Cyanocitta cristata	INC	S	Indigo Bunting	Passerina cyanea	S	S
Fish Crow	Corvus ossifragus	INC	S	Dickcissel	Spiza americana	EX	U
Black-capped Chickadee	Parus atricapillus	INC	S	Rufous-sided Towhee	Pipilo erythrophthalmus	S	S
Carolina Chickadee	Parus carolinensis	S	S	American Tree Sparrow	Spizella arborea		S
Boreal Chickadee	Parus hudsonicus		S	Chipping Sparrow	Spizella passerina	S	S
Tufted Titmouse	Parus bicolor	INC	S	Field Sparrow	Spizella pusilla	S	S
Red-breasted Nuthatch	Sitta canadensis	S	S	Lark Sparrow	Chondestes grammacus		S
White-breasted Nuthatch	Sitta carolinensis	S	S	Savannah Sparrow	Passerculus sandwichensis	T	T
Brown Creeper	Corthis americana	S	S	Ipswich Sparrow	Passerculus sandwichensis princeps	T	T
Carolina Wren	Thryothorus ludovicianus	S	S	Grasshopper Sparrow	Ammodramus savannarum	T	T
House Wren	Troglodytes aedon	S	S	Sharp-tailed Sparrow	Ammodramus caudacuta	S	S
Winter Wren	Troglodytes troglodytes		S	Seaside Sparrow	Ammodramus maritima	S	S
Marsh Wren	Cistothorus palustris	D	S	Fox Sparrow	Passerella iliaca		S
Golden-crowned Kinglet	Regulus satrapa	S	S	Song Sparrow	Melospiza melodia	S	S
Ruby-crowned Kinglet	Regulus calendula		S	Lincoln's Sparrow	Melospiza lincolni		S
Blue-gray Gnatcatcher	Poliophtila caerulea	INC	S	Swamp Sparrow	Melospiza georgiana	S	S
Eastern Bluebird	Sialia sialis	S	S	White-throated Sparrow	Zonotrichia albicollis	S	S
Veery	Catharus fuscescens	S	S	White-crowned Sparrow	Zonotrichia leucophrys		INC
Gray-cheeked Thrush	Catharus minimus		S	Dark-eyed Junco	Junco hyemalis	S	S
Swainson's Thrush	Catharus ustulatus		S	Lapland Longspur	Calcarius lapponicus		S
Hermit Thrush	Catharus guttatus	S	S	Snow Bunting	Plectrophenax nivalis		S
Wood Thrush	Hylocichla mustelina	S	S	Bobolink	Dolichonyx oryzivorus	T	T
American Robin	Turdus migratorius	S	S	Red-winged Blackbird	Agelaius phoeniceus	S	S
Catbird	Dumetella carolinensis	S	S	Eastern Meadowlark	Sturnella magna	D	S
Northern Mockingbird	Mimus polyglottos	INC	S	Rusty Blackbird	Euphagus carolinus		S
Brown Thrasher	Toxostoma rufum	D	S	Boat-tailed Grackle	Quiscalus major	INC	S
Water Pipit	Anthus spinoletta		S	Common Grackle	Quiscalus quiscula	INC	S
Cedar Waxwing	Bombycilla cedrorum	S	S	Brown-headed Cowbird	Molothrus ater	INC	S
Northern Shrike	Lanius excubitor		S	Orchard Oriole	Icterus spurius	S	S
European Starling	Sturnus vulgaris	I	S	Northern Oriole	Icterus galbula	S	S
White-eyed Vireo	Vireo griseus	D	S	Pine Grosbeak	Pinicola enucleator		S
Solitary Vireo	Vireo solitarius	S	S	Purple Finch	Carpodacus purpureus	S	S
Yellow-throated Vireo	Vireo flavifrons	S	S	House Finch	Carpodacus mexicanus	INC	S
Warbling Vireo	Vireo gilvus	S	S	Red Crossbill	Loxia curvirostra		S
Philadelphia Vireo	Vireo philadelphicus		S	White-winged Crossbill	Loxia leucoptera		S
Red-eyed Vireo	Vireo olivaceus	INC	INC	Common Redpoll	Carduelis flammca		S
Blue-winged Warbler	Vermivora pinus	INC	S	Pine Siskin	Carduelis pinus		S
Golden-winged Warbler	Vermivora chrysoptera	D	S	American Goldfinch	Carduelis tristis	S	S
Tennessee Warbler	Vermivora peregrina		S	Evening Grosbeak	Hesperiphona vespertina		INC
Orange-crowned Warbler	Vermivora celata		S	House Sparrow	Passer domesticus	I	
Nashville Warbler	Vermivora reficappilla	S	S				
Northern Parula	Parula americana	P	S				
Yellow Warbler	Dendroica petechia	S	S				
Chestnut-sided Warbler	Dendroica pensylvanica	S	S				
Magnolia Warbler	Dendroica magnolia	S	S				
Cape May Warbler	Dendroica tigrina		S				
Black-throated Blue Warbler	Dendroica caerulescens	S	S				
Yellow-rumped Warbler	Dendroica coronata		S				
Black-throated Green Warbler	Dendroica virens	S	S				
Blackburnian Warbler	Dendroica fusca	S	S				
Yellow-throated Warbler	Dendroica dominica	S	S				
Pine Warbler	Dendroica pinus	S	S				
Prairie Warbler	Dendroica discolor	S	S				
Palm Warbler	Dendroica palmarum		S				
Bay-breasted Warbler	Dendroica castanea		S				
Blackpoll Warbler	Dendroica striata		S				
Cerulean Warbler	Dendroica cerulea	S	S				
Black and White Warbler	Miniotilta varia	S	S				
American Redstart	Setophaga ruticilla	S	S				

As amended, R.1983 d.638, effective January 17, 1984.

See: 15 N.J.R. 1623(a), 16 N.J.R. 131(b).

As amended, R.1984 d.132, eff. April 16, 1984.

See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).

Section recodified from 7:25-20.2.

Amended by R.1985 d.215, effective May 6, 1985.

See: 17 N.J.R. 350(a), 17 N.J.R. 1091(a).

Amended by R.1985 d.251, effective May 20, 1985.

See: 17 N.J.R. 516(a), 17 N.J.R. 1289(a).

(a): Added text "and endangered".

Amended by R.1986 d.230, effective June 16, 1986.

See: 18 N.J.R. 601(a), 18 N.J.R. 1280(b).

"S" substituted for "T".

Amended by R.1987 d.308, effective July 20, 1987.

See: 19 N.J.R. 491(a), 19 N.J.R. 1293(a).

Substantially amended.

Repeal and New Rule, R.1991 d.277, effective June 3, 1991.

See: 22 N.J.R. 1308(a), 23 N.J.R. 1788(a).

Repealed section—"Defining status of indigenous nongame and endangered wildlife species of New Jersey."

Case Notes

Endangered species list under the New Jersey Endangered and Nongame Species Conservation Act includes the rattlesnake (citing former N.J.A.C. 7:25-11.1 as N.J.A.C. 7:251101); discussion of compliance with federal environmental procedural requirements in construction of interstate highway. County of Bergen v. Dole, 620 F.Supp. 1009 (D.N.J.1985), affirmed 800 F.2d 1130 (1986).

7:25-4.18 Endangered and Nongame Species Advisory Committee

(a) The Endangered and Nongame Species Advisory Committee (committee) shall consist of 11 members appointed by the Commissioner. Prior to the making of any said appointments, the Commissioner shall consult with the committee as to their recommendations.

1. Members shall be reflective of various public groups concerned with, and supportive of, the endangered and nongame species program established by P.L. 1973, c.309, codified at N.J.S.A. 23:2A-1 to -13, and shall possess special knowledge, expertise, and/or interest relating to endangered and nongame species of New Jersey. Member affiliation shall be as follows:

Affiliation	Number of Members
i. Academic/research communities	4
ii. Public health/veterinary medicine	1
iii. Qualified non-profit organization (as defined by the Internal Revenue Code at § 501(c)(3)) with strong interest in promoting the nonconsumptive use of wildlife	3
iv. Public at large (that is, not in the capacity of an organizational representative)	3

2. Of the 11 members to be appointed by the Commissioner, initially, two shall be appointed for a term of one year, three for a term of two years, three for a term of three years, and three for a term of four years. Thereafter, all appointments shall be made for terms of four years. All appointed members shall serve, after the expiration of their terms, until their respective successors are appointed. Any vacancy occurring in the appointed membership of the committee, by expiration of term or otherwise, shall be filled by the Commissioner in the identical manner as the original appointment, for the unexpired term only, notwithstanding that the previous incumbent may have held over and continued in office as aforesaid.

3. The Commissioner may remove any member of the committee for cause upon notice and opportunity to be heard.

4. The committee shall select its chairperson from its membership, subject to the approval of the Commissioner, for a term of four years, and consecutive terms shall be permitted.

(b) The committee shall advise and assist the Commissioner in matters related to the intent of "The Endangered and Nongame Species Act," P.L. 1973, c.309, codified at N.J.S.A. 23:2A-1 to -13. Notwithstanding subsequent departmental action, the Commissioner shall respond in writing to all reasonable written comments on policy received from the committee.

(c) The committee shall transmit its business during regular meetings, held once each month, at a time and place designated by the committee. Adequate notice, as defined under the "Open Public Meetings Law," P.L. 1975, c.231, codified at N.J.S.A. 10:4-6 to -21, shall be given to the Secretary of State. Six members present shall constitute a quorum.

(d) Members of the committee shall serve without compensation, but shall be reimbursed for expenses actually incurred in attending committee meetings and in the performance of their duties as members thereof.

R.1984 d.509, effective November 5, 1984.
See: 16 N.J.R. 2033(a), 16 N.J.R. 3010(a).
Amended by R.1995 d.357, effective July 3, 1995.
See: 27 N.J.R. 797(a), 27 N.J.R. 2614(a).
Deleted former (a)3 and recodified existing (a)4 and (a)5 as new (a)3 and (a)4.

7:25-4.19 Criteria for possession of wild-caught bird species for breeding, zoological, scientific or educational purposes

(a) No permit shall be issued for the purpose of selling any wild-caught bird. Except as provided in this subchapter, a person issued a permit to possess wild bird species shall possess only birds bred from captive parent birds and eggs produced from captive parent birds. To preserve the genetic integrity of species of regulated birds, distinct species of birds shall not be cross-bred with other different species of birds to produce hybrid birds.

(b) In addition to meeting the general criteria in N.J.A.C. 7:25-4.7, every person applying for a permit to possess individuals of a species of wild-caught bird shall meet each and every of the following criteria:

1. Education and background, as follows:

i. A person applying for a permit to possess individuals of species of birds which have been wild-caught, or their eggs, primarily for breeding purpose, including those persons designated by institutions or businesses as those responsible for breeding birds, shall affirmatively demonstrate that he or she possesses extensive and thorough experience in breeding the species which is the subject of the application, or of a closely related species.

ii. A person applying for a permit to possess individuals of species of birds which have been wild-caught or their eggs primarily for zoological, scientific or educational purposes which include breeding only as a

secondary purpose, including those persons designated by institutions or businesses as those responsible for breeding and handling birds, shall demonstrate that he or she possesses a thorough knowledge of the handling, care and breeding of the species which is the subject of the application, or of a related bird species. As a condition for the issuance of the permit the Division may require that the applicant be supervised by an aviculturist approved by the Department. In the case of scientific or educational projects of limited duration, the applicant shall identify the final disposition of the bird(s);

2. Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall obtain, in addition to a New Jersey Exotic Species or Nongame Species Permit, all other permits applicable to the possession of such species. Any permit issued for the possession of birds by the Department shall not exempt an applicant from compliance with any other relevant Federal, state, county or municipal law;

3. Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall state in writing the purpose and intent of keeping the birds, the species of birds, and the number of individuals of each species the applicant intends to possess under the permit. In the case of multiple purposes and intents, the applicant shall rank his or her intentions in order of decreasing importance to the applicant;

4. Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall describe in written detail the caging facilities for each bird species, including those aspects of the facilities designed to prevent escape. For each building in which birds are to be housed, its street address and on which floors the birds are to be housed shall be stated. For each room in which birds are to be housed, that room's dimensions, the nearest source of natural and artificial light available for each bird, the type of heating, cooling and ventilation in each room and its source in each room relative to each bird's caging facilities and the location of each room within the building shall be described. Acceptance of any permit authorized under this subchapter shall entitle and authorize Department personnel to inspect the housing and caging of the licensed birds from 8:00 A.M. to 9:00 P.M., Monday through Saturday, in order to determine if the housing and caging is suitable for the species and will ensure accomplishment of the applicant's stated purposes;

5. Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall describe in written detail a reliable, continuous source of food for each bird species, including adult, nestling and hatchling diets for each bird species to be kept; and

6. Except as stated in this section, no person or organization shall possess for any purpose any wild-caught bird or egg produced from such a bird unless that person or organization produces credible documentary evidence that the bird (or egg) was legally possessed pursuant to this subchapter before December 10, 1991, the effective date of the Wild Bird Act.

i. All wild-caught birds possessed before December 10, 1991 by persons or organizations with a permit or other written approval from the Department are exempt from this proof requirement. The Department may consider, among other things, the following as proof of a wild-caught bird's pre-Act status: affidavits from persons with relevant knowledge and sworn-true copies of such documents as bills of lading, contracts of sale, pet shop records and veterinary records.

ii. No person or institution shall sell or otherwise transfer possession of any wild-caught bird or its egg which is possessed pursuant to a Department permit, or purchase or otherwise receive any new wild-caught birds without first obtaining written permission from the Department.

iii. Sellers or transferors of both pre-Act and post-Act birds shall maintain written documentation as per (b)6i above showing that all birds are either captive-bred or were legally possessed pursuant to these regulations before December 10, 1991. Copies of such documents for each regulated bird sold or otherwise transferred must be provided to the purchaser or receiver of each bird and to the Department.

New Rule, R.1995 d.48, effective January 17, 1995.
See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

7:25-4.20 Birds which must be banded; criteria for identifying and marking birds; permitted alterations of appearance; miscellaneous

(a) Regulated birds possessed under a permit issued prior to January 17, 1995 shall be exempt from banding until the bird is sold or otherwise transferred to a different person. All other regulated birds shall not be possessed until such time as an application to possess the bird, accompanied by proper documentation, is made to the Department and the bird is banded in accordance with this subchapter. Department denial of an application to possess regulated bird(s) shall result in the forfeiture of the bird(s) to the Department without compensation to the applicant.

(b) The natural appearance of any bird shall not be altered by any person in any way for any purpose, except as follows:

1. Seamless or butt-end bands as provided in this section;
2. Subcutaneous coded identification as provided in this section;

7:25-5.36 White-tailed deer (*Odocoileus virginianus*) special biological permit

(a) Notwithstanding any other provision in this Code, Division personnel may issue a second permit to a hunter who presents a lawfully taken deer found unfit for human consumption.

(b) Authority: N.J.S.A. 13:1B-29 et seq. and N.J.A.C. 7:25-5.26.

7:25-5.37 Special permit to inhibit wildlife reproduction

(a) No person shall administer or otherwise employ the use of contraceptive chemicals, vaccines or related materials to any species of free ranging wildlife without first procuring a permit from the Division. No person shall employ any physical alteration or device that would alter the reproductive potential of any free ranging wildlife species without first procuring a permit from the Division. The possession of such unauthorized materials or devices in the field shall be considered the attempt to take wildlife contrary to the provisions of this code. Prior to submission of the application, applicants must first obtain any necessary Federal permits. Each permit applicant must provide a written proposal describing the contraception application protocol, the credentials of the person(s) who will administer the contraceptive procedure, the purpose or intent of the procedure and an assessment of environmental impacts. The Division in cooperation with the Department of Animal Science, Cook College-Rutgers University and other scientists who may be selected by the Division will review each application and determine whether or not a permit is granted based on the overall justification and need for conducting such procedures, the qualifications of the person(s) administering the procedure and the anticipated environmental impacts affecting both wildlife and humans.

(b) The authority for the adoption of the foregoing subsection is found in N.J.S.A. 13:1B-30, 23:4-1, 23:4-11, 23:4-42, 23:4-48, 23:4-60.3 and other applicable statutes.

New Rule, R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Former N.J.A.C. 7:25-5.37, "Fish and Game Law Enforcement Region Headquarters", recodified to 7:25-5.38.

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

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

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

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

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

Recodified from 7:25-5.37 by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

Former N.J.A.C. 7:25-5.38, "Severability", recodified to 7:25-5.39.

7:25-5.39 Severability

If any provision of this Code adopted hereunder or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provisions to persons and circumstances other than those to which it is held invalid, shall not be affected thereby.

Recodified from 7:25-5.38 by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

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

SUBCHAPTER 6. 1999-2000 FISH CODE**Authority**

N.J.S.A. 13:1B-10 et seq. and 23:1-1 et seq.

Source and Effective Date

R.1997 d.538, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3217(a), 29 N.J.R. 5289(a).

Subchapter Historical Note

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

R.1972 d.184, effective January 1, 1973.

See: 4 N.J.R. 186(a), 4 N.J.R. 234(a).

R.1973 d.25, effective January 18, 1973.

See: 5 N.J.R. 39(a).

R.1973 d.264, effective September 17, 1973.

See: 5 N.J.R. 261(a), 5 N.J.R. 336(c).

R.1973 d.265, effective January 1, 1974.

See: 5 N.J.R. 260(c), 5 N.J.R. 337(a).

R.1973 d.347, effective January 1, 1974.

See: 5 N.J.R. 369(c), 6 N.J.R. 6(b).

R.1974 d.253, effective January 1, 1975.

See: 6 N.J.R. 305(a), 6 N.J.R. 394(a).

R.1975 d.301, effective January 1, 1976.

See: 7 N.J.R. 359(c), 7 N.J.R. 499(d), 8 N.J.R. 460(a).

R.1976 d.316, effective January 1, 1977.

See: 8 N.J.R. 379(a), 8 N.J.R. 510(a).

R.1977 d.384, effective January 1, 1978.

See: 9 N.J.R. 361(a), 9 N.J.R. 513(a).

R.1978 d.351, effective January 1, 1979.

See: 10 N.J.R. 324(a), 10 N.J.R. 479(a).

R.1979 d.403, effective January 1, 1980.

See: 11 N.J.R. 370(a), 11 N.J.R. 543(a).

R.1980 d.400, effective January 1, 1981.

See: 12 N.J.R. 457(a), 12 N.J.R. 577(a).

R.1981 d.470, effective December 7, 1981.

See: 13 N.J.R. 483(a), 13 N.J.R. 887(a).

R.1982 d.429, effective December 6, 1982 (operative January 1, 1983).

See: 14 N.J.R. 872(a), 14 N.J.R. 1336(c).

R.1983 d.542, effective November 21, 1983 (operative January 1, 1984).

See: 15 N.J.R. 1217(a), 15 N.J.R. 1942(a).

R.1984 d.498, effective November 5, 1984 (operative January 1, 1985).

See: 16 N.J.R. 2034(a), 16 N.J.R. 3011(a).

R.1985 d.646, effective December 16, 1985 (operative January 1, 1986).
 See: 17 N.J.R. 2187(a), 17 N.J.R. 2972(a).
 R.1987, d.41, effective January 5, 1987.
 See: 18 N.J.R. 1644(a), 19 N.J.R. 110(a).
 R.1988 d.15, effective January 4, 1988.
 See: 19 N.J.R. 1385(a), 20 N.J.R. 72(a).
 R.1988 d.531, effective November 7, 1988 (operative January 1, 1989).
 See: 20 N.J.R. 1627(a), 20 N.J.R. 2758(a).
 R.1989 d.567, effective November 6, 1989 (operative January 1, 1990).
 See: 21 N.J.R. 1775(b), 21 N.J.R. 3483(a).
 R.1990 d.616, effective December 17, 1990 (operative January 1, 1991).
 See: 22 N.J.R. 2071(a), 22 N.J.R. 3746(a).
 R.1991 d.527, effective November 18, 1991 (operative January 1, 1992).
 See: 23 N.J.R. 2115(a), 23 N.J.R. 3446(c).
 R.1992 d.439, effective November 2, 1992 (operative January 1, 1993).
 See: 24 N.J.R. 2539(a), 24 N.J.R. 4122(a).
 R.1993 d.526, effective November 1, 1993 (operative January 1, 1994).
 See: 25 N.J.R. 3053(b), 25 N.J.R. 4905(a).
 R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).
 See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).
 R.1997 d.538, effective December 15, 1997 (operative January 1, 1998).
 See: 29 N.J.R. 3217(a), 29 N.J.R. 5289(a).
 R.1998 d.541, effective November 16, 1998 (operative January 1, 1999).
 See: 30 N.J.R. 2552(a), 30 N.J.R. 4037(b).

7:25-6.1 General provisions

(a) Authority. This Code is adopted pursuant to the provisions of N.J.S.A. 13:1B-29 et seq. and the provisions of N.J.S.A. 23:1-1 et seq.

(b) Judicial notice. N.J.S.A. 13:1B-34 provides in pertinent part, "(C)opies of the State Fish & Game Code, and its amendments, duly certified by the chairman of the council, shall be received in evidence in all court or other judicial proceedings in the State."

(c) Time. The hours listed in this Code are EST or EDT at date.

7:25-6.2 Definitions

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

"Baitfish" means the following species:

- | | |
|--|---|
| 1. Alewife (anadromous and land-locked forms) | Alosa pseudoharengus; |
| 2. Blueback herring | Alosa acstivalis; |
| 3. Golden shiner | Notemigonus crysoleucas; |
| 4. Banded killifish | Fundulus diaphanus; |
| 5. Mummichog | Fundulus heteroclitus; |
| 6. Spotfin killifish | Fundulus luciae; |
| 7. Rainwater killifish | Lucania parva; |
| 8. American brook lamprey | Lampetra lamottei; |
| 9. Fathead minnow | Pimephales promelas; |
| 10. Bluntnose minnow | Pimephales notatus; |
| 11. Stonecat | Noturus flavus; |
| 12. Tadpole madtom | Noturus gyrinus; |
| 13. Margined madtom | Noturus insignis; |
| 14. All shiner, dace, and minnows of the following genera: | Notropis, Rhinichthys, Luxilus, Cyprinella, and |
| 15. American eel | Semotilus. Anguilla rostrata |

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

"Code" means the State Fish Code.

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

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

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

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

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

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

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

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

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

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

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

- | | |
|-----------------------|------------------------|
| 1. Shortnose sturgeon | Acipenser brevirostrum |
| 2. Atlantic sturgeon | Acipenser oxyrhynchus |

3. Striped bass hybrid	Morone saxatilis x Morone chrysops	17. Brown bullhead	Ameiurus nebulosus
4. White sucker	Catostomus commersoni	18. Yellow bullhead	Ameiurus natalis
5. Creek chubsucker	Erimyzon oblongus	19. Channel catfish	Ictalurus punctatus
6. American eel	Anguilla rostrata	20. Redfin	Esox americanus americanus
7. Blueback herring	Alosa aestivalis	21. Northern pike	Esox lucius
8. Hickory shad	Alosa mediocris	22. Muskellunge	Esox masquinongy
9. American shad	Alosa sapidissima	23. Chain pickerel	Esox niger
10. Gizzard shad	Dorosoma cepedianum	24. Bowfin	Amia calva
11. Alewife (anadromous form)	Alosa pseudoharengus	25. Carp	Cyprinus carpio
12. Chinook salmon	Oncorhynchus tshawytscha		
13. Sea lamprey	Petromyzon marinus		

“Possession” means all fish, live or dead, under the control of the fisherman. No more than the daily creel limit of any fish for one person may be held on a stringer or in a container. On board containers, in boats, may only contain the combined daily creel limit of any fish for each legal fisherman aboard.

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

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

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

1. Brook trout	Salvelinus fontinalis
2. Lake trout	Salvelinus namaycush
3. Brown trout	Salmo trutta
4. Rainbow trout	Oncorhynchus mykiss

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

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

1. Largemouth bass	Micropterus salmoides
2. Smallmouth bass	Micropterus dolomieu
3. Black crappie	Pomoxis nigromaculatus
4. White crappie	Pomoxis annularis
5. Rock bass	Ambloplites rupestris
6. Redbreast sunfish	Lepomis auritis
7. Green sunfish	Lepomis cyanellus
8. Pumpkinseed	Lepomis gibbosus
9. Bluegill	Lepomis macrochirus
10. Longear sunfish	Lepomis megalotis
11. Redear sunfish	Lepomis microlophus
12. Yellow perch	Perca flavescens
13. Walleye	Stizostedion vitreum vitreum
14. White perch	Morone americana
15. White catfish	Ameiurus catus
16. Black bullhead	Ameiurus melas

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).
 See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).
 Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).
 See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).
 Amended by R.1998 d.541, effective November 16, 1998 (operative January 1, 1999).
 See: 30 N.J.R. 2552(a), 30 N.J.R. 4037(b).
 In “Other fish species”, added 13; and in “Possession”, added the second and third sentences.

7:25-6.3 Trout season and angling in trout stocked waters

(a) Except as provided in N.J.A.C. 7:25-6.4, 6.6 to 6.9, 6.19, 6.20 and (i) below, the trout season for 1999 shall commence 12:01 A.M. January 1, 1999 and extend to midnight March 21, 1999. The trout season shall re-open at 8:00 A.M. Saturday, April 10, 1999 and extend to include March 19, 2000.

(b) Except as provided in N.J.A.C. 7:26-6.4, 6.6 to 6.9 and (i) below, it shall be unlawful to fish for any species of fish from midnight March 21, 1999 to 8:00 A.M. on April 10, 1999 in ponds, lakes or those portions of streams that are listed herein for stocking during 1999.

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

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

1. Big Flat Brook—100 ft. above Steam Mill Bridge on Crigger Road in Stokes State Forest to Delaware River—April 16, 23, 30; May 7, 14, 21, 28.
2. Black River—Route 206 Chester, to the posted Black River Fish and Game club property at the lower end of Hacklebarney State Park—April 15, 22, 29; May 6, 13, 20, 27.
3. Manasquan River—Route 9 bridge downstream to Bennetts Bridge, Manasquan Wildlife Management Area—April 12, 19, 26; May 3, 10, 17, 24.

4. Metedeconk River, N. Br.—Aldrich Road Bridge to Ridge Avenue—April 12, 19, 26; May 3, 10, 17, 24.

5. Metedeconk River, S. Br.—Bennetts Mills dam to twin wooden foot bridge, opposite Lake Park Boulevard, on South Lake Drive, Lakewood—April 12, 19, 26; May 3, 10, 17, 24.

6. Musconetcong River—Lake Hopatcong Dam to Delaware River including all main stem impoundments, but excluding Lake Musconetcong, Netcong—April 16, 23, 30; May 7, 14, 21, 28.

7. Paulinskill River and E. Br. and W. Br.—Limecrest Railroad Spur Bridge on E. Br., Sparta Township, and Warbasse Junction Road, Route 663, on W. Br., Lafayette Twp., to Columbia Lake—April 15, 22, 29; May 6, 13, 20, 27.

8. Pequest River—Source to Delaware River—April 16, 23, 30; May 7, 14, 21, 28.

9. Pohatcong Creek—Route 31 to Delaware River—April 13, 20, 27; May 4, 11, 18, 25.

10. Ramapo River—State line to Pompton Lake—April 15, 22, 29; May 6, 13, 20, 27.

11. Raritan River, N. Br.—Peapack Road Bridge in Far Hills to Jct. with S. Br. Raritan River—April 14, 21, 28; May 5, 12, 19, 26.

12. Raritan River, S. Br.—Budd Lake dam through Hunterdon and Somerset Counties to Jct. with N. Br. Raritan River—April 13, 20, 27; May 4, 11, 18, 25.

13. Rockaway River—Longwood Lake dam to Jersey City Reservoir in Boonton—April 12, 19, 26; May 3, 10, 17, 24.

14. Toms River—Ocean County Route 528, Holmansville, to confluence with Maple Root Branch and Route 70 to County Road 571—April 12, 19, 26; May 3, 10, 17, 24.

15. Wallkill River—Lake Mohawk Dam to Route 23, Hamburg—April 12, 19, 26; May 3, 10, 17, 24.

16. Wanaque River—Greenwood Lake Dam to Jct. with Pequannock River, excluding Wanaque Reservoir, Monksville Reservoir and Lake Inez—April 16, 23, 30; May 7, 14, 21, 28.

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

(f) Trout stocked waters for which no in-season closures will be in force. Figure in parenthesis indicates the anticipated number of stockings to be carried out from April 19 through May 31, provided that, in the event of emergency conditions, the Division may suspend stocking of any or all of the following:

1. Atlantic County

Birch Grove Park Pond—Northfield—(4)

Hammonton Lake—Hammonton—(4)

2. Bergen County

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

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

Indian Lake—Little Ferry—(4)

Mill Pond—Park Ridge—(3)

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

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

Tienekill Creek—Closter, entire length—(3)

Whites Pond—Waldwick—(4)

3. Burlington County

Crystal Lake—Willingboro—(4)

Laurel Pond—Mt. Laurel—(3)

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

Sylvan Lake—Burlington—(3)

4. Camden County

Haddon Lake—Audubon—(0)

Oak Pond—Sicklerville—(4)

5. Cape May County

Dennisville Lake—Dennisville—(3)

West Pond—Cape May Courthouse—(4)

6. Cumberland County

Bostwick Lake—Friesburg—(3)

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

Giampietro Park Lake—Vineland—(3)

Mary Elmer Lake—Bridgeton—(3)

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

Shaw's Mill Pond—Newport—(3)

7. Essex County

Branch Brook Park Lake—Newark—(4)

Clarks Pond—Bloomfield—(0)

Diamond Mill Pond—Millburn—(3)

Verona Park Lake—Verona—(4)

8. Gloucester County

Greenwich Lake—Gibbstown—(3)

Grenloch Lake—Turnersville—(3)

Harrisonville Lake—Harrisonville—(3)

Iona Lake—Iona—(3)

Mullica Hill Pond—Mullica Hill—(3)

Swedesboro Lake—Swedesboro—(3)

Westville Lake—Westville—(0)

9. Hudson County

West Hudson County Park Pond—Harrison—(0)

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

10. Hunterdon County

Amwell Lake—Linvale—(3)

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

Capoolong Creek—Pittstown, entire length—(5)

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

Everittstown Brook—Everittstown, entire length—(1)

Frenchtown Brook—Frenchtown, entire length—(2)

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

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

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

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

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

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

Round Valley Reservoir—Lebanon—(3)

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

Spruce Run—Glen Gardner and Lebanon Township, entire length—(5)

Spruce Run Reservoir—Clinton—(3)

Sydney Brook—Sydney, entire length—(1)

Wickecheoke Creek—Covered Bridge, Sergeantsville to Delaware River—(2)

11. Mercer County

Assunpink Creek—Assunpink Site 5 dam upstream of Rt. 130 Bridge to Carnegie Road, Hamilton Township—(4)

Colonia Lake—Lawrence Township—(3)

Delaware-Raritan Canal—Mulberry Street, Trenton, to Alexander St., Princeton—(4)

Delaware-Raritan Feeder Canal—Hunterdon-Mercer County line to Upper Ferry Road Bridge—(6)

Rosedale Lake—Rosedale—(3)

Stony Brook—Woodsville to Port Mercer—(4)

12. Middlesex County

Farrington Lake—North Brunswick—(3)

Hook's Creek Lake—Cheesequake State Park—(4)

Ireland Brook—Farrington Lake to point 500 feet upstream of Riva Avenue—(2)

Lake Papaianni—Edison—(0)

Lawrence Brook—Dam at Farrington Lake to 2nd RR Bridge (Raritan Railroad) below Main St.—Milltown—(4)

Roosevelt Park Pond—Edison Township—(3)

13. Monmouth County

Englishtown Mill Pond—Englishtown—(3)

Garvey's Pond—Navesink—(3)

Hockhocks Brook—Hockhocks Road to Garden State Parkway Bridge (northbound)—(5)

Holmdel Park Pond—Holmdel—(3)

Mac's Pond—Manasquan—(0)

Manasquan Reservoir—Howell Township—(3)

Mingamahone Brook—Farmingdale, Hurley Pond Road to Manasquan River—(5)

Mohawk Pond—Red Bank—(4)

Pine Brook—Tinton Falls, Jersey Central Railroad to Hockhocks Brook—(2)

Shadow Lake—Red Bank—(3)

Shark River—Hamilton, Route 33 to Remsen Mill Road—(5)

Spring Lake—Spring Lake—(3)

Takanassee Lake—Long Branch—(4)

Topenemus Lake—Freehold—(3)

Yellow Brook—Heyers Mill Road to Muhlenbrink Road, Colts Neck Township—(2)

14. Morris County

Beaver Brook—Rockaway, entire length—(3)

Burnham Park Pond—Morristown—(4)

Drakes Brook—Flanders, entire length—(3)

Hibernia Brook—Hibernia, entire length—(5)

India Brook—Mountainside Ave. to Rt. 24, Ralston—(5)

Lake Hopatcong—Lake Hopatcong—(3)

Lake Musconetcong—Netcong—(3)

Mill Brook—Center Grove, entire length—(2)

Mt. Hope Pond—Mt. Hope—(3)

Passaic River—White Bridge to Dead River—(4)

Pompton River—Pequannock Township (see Passaic Co.)—(4)

Russia Brook—Jefferson Township, Ridge Road to Lake Swannanoa—(2)

Speedwell Lake—Morristown—(4)

Whippany River—Tingley Road, Morris Township, to Ridgedale Ave., Morristown—(2)

15. Ocean County

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

Prospertown Lake—Prospertown—(3)

16. Passaic County

Barbour's Pond—West Paterson—(3)

Clinton Reservoir—Newark Watershed—(3)

Monksville Reservoir—Hewitt—(3)

Oldham Pond—North Haledon—(3)
 Pequannock River—Route 23, Smoke Rise to Paterson—
 Hamburg Turnpike, Pompton Lakes—(6)
 Pompton Lake—Pompton Lakes—(3)
 Pompton River—Pompton Lake to Newark—Pompton Turn-
 pike—(4)
 Ringwood Brook—State line to Sally's Pond, Ringwood
 Park—(5)
 Sheppard's Lake—Thunder Mountain, Ringwood Bor-
 ough—(3)

17. Salem County

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

18. Somerset County

Harrison Brook—Liberty Corner, entire length—(1)
 Lamington River—Rt. 523 (Lamington Road) at Burnt
 Mills to Jct. with North Branch of Raritan River—(4)
 Middle Brook E/Br.—Martinsville, entire length—(2)
 Passaic River—White Bridge to Dead River—(4)
 Peapack Brook—Peapack, entire length—(5)
 Raritan River—Jct. of Raritan River N/Br and S/Br to Rt.
 206 Bridge—(4)
 Rock Brook—Zion, entire length—(1)
 Spooky Brook Park Pond—Franklin—(0)

19. Sussex County

Alm's House Pond—Myrtle Grove, Hampton Township,
 entire length—(3)
 Andover Junction Brook—Andover, entire length—(2)
 Bier's Kill—Shaytown, entire length—(2)
 Big Flat Brook, Upper—Saw Mill Lake, High Point State
 Park, to 100 feet above Steam Mill Bridge on Crigger
 Road—(4)
 Blue Mountain Lake—Delaware Water Gap National Re-
 creation Area—(3)
 Canistear Reservoir—Newark Watershed—(3)
 Clove River—Junction of Route 23 and Mt. Salem Road to
 Route 565 Bridge—(5)
 Cranberry Lake—Byram Township—(3)
 Culver's Lake Brook—Frankford Township, entire length—
 (5)
 Dry Brook—Branchville, entire length—(3)
 Franklin Pond Creek—Hamburg Mountain Wildlife Man-
 agement Area, entire length—(5)
 Glenwood Brook—Lake Glenwood to State line—(2)
 Lake Aeroflex—Andover—(3)
 Lake Musconetcong—Netcong—(3)
 Lake Hopatcong—Lake Hopatcong—(3)
 Lake Ocquittunk—Stokes State Forest—(3)

Little Flat Brook—Sandyston Township, entire length—(5)
 Little Swartswood Lake—Swartswood—(3)
 Lubbers Run—Byram Township, entire length—(5)
 Neldon Brook—Swartswood, entire length—(2)
 Papakating Creek—Plains Road bridge to Route 565, Lewis-
 burg—(2)
 Papakating Creek, W. Br.—Libertyville, entire length—(2)
 Pond Brook—Middleville, entire length—(5)
 Roy Spring Brook—Stillwater, entire length—(1)
 Saw Mill Lake—High Point State Park—(3)
 Shimers Brook—Montague Township, entire length—(2)
 Silver Lake—Hamburg Mountain Wildlife Management
 Area—(0)
 Stony Lake—Stokes State Forest—(3)
 Swartswood Lake—Swartswood—(3)
 Trout Brook—Middleville, entire length—(2)
 Tuttle's Corner Brook—Tuttle's Corner, entire length—(2)
 Wawayanda Lake—Vernon—(3)

20. Union County

Green Brook—Route 527, Berkeley Heights, to Route 22,
 Scotch Plains—(2)
 Lower Echo Park Pond—Mountainside—(3)
 Milton Lake—Madison Hill Road Bridge to Milton Lake
 Dam, Rahway—(4)
 Rahway River—Route I-78 Bridge, Springfield, to St.
 George Ave. (Route 27), Rahway—(4)
 Seeleys Pond—Berkeley Heights—(3)
 Warinanco Park Pond—Roselle—(0)

21. Warren County

Barker's Mill Brook—Vienna, entire length—(1)
 Beaver Brook—Silver Lake Dam to Pequest River—(4)
 Blair Creek—Hardwick Center to Blair Lake—(2)
 Blair Lake—Blairstown—(2)
 Buckhorn Creek—Roxburg, entire length—(2)
 Columbia Lake and Gatehole—Knowlton Township—(3)
 Furnace Brook—Oxford, entire length—(2)
 Furnace Lake—Oxford—(3)
 Honey Run—Swayze's Mill Road to Route 519, Hope
 Township—(2)
 Jacksonburg Creek—Jacksonburg, entire length—(2)
 Lopatcong Creek—Route 519 to South Main Street, Phil-
 lipsburg—(5)
 Merrill Creek Reservoir—Stewartville—(0)
 Mountain Lake—Buttzeville—(3)
 Pohatcong Creek—Mt. Bethel to Route 31—(2)
 Pophandusing Creek—Oxford Road, Hazen to Delaware
 River—(2)
 Roaring Rock Brook—Brass Castle, entire length—(2)
 Trout Brook—Hackettstown, entire length—(2)
 Trout Brook—Hope, entire length—(2)

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

(h) A person shall not take, kill or have in possession in one day more than six in total of brook trout, brown trout, rainbow trout, lake trout or hybrids thereof during the period extending from 8:00 A.M. April 10, 1999 until midnight May 31, 1999 or more than four of these species during the periods of January 1, 1999 to midnight March 21, 1999 and June 1, 1999 through midnight March 19, 2000 except as designated in N.J.A.C. 7:25-6.4 to 6.9.

(i) Spruce Run Reservoir, Hunterdon County, Farrington Lake, Middlesex County, Lake Hopatcong, Morris/Sussex County, Shenandoah Lake, and the Manasquan Reservoir, Monmouth County, will remain open to angling year-round. Trout, if taken during the period commencing at midnight, March 21, 1999 and extending to 8:00 A.M. April 10, 1999 must be returned to the water immediately and unharmed.

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

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

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

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

Amended by R.1997 d.538, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3217(a), 29 N.J.R. 5289(a).

Amended by R.1998 d.541, effective November 16, 1998 (operative January 1, 1999).

See: 30 N.J.R. 2552(a), 30 N.J.R. 4037(b).

Changed dates throughout; in (b), changed N.J.A.C. reference; and in (f), inserted a reference to Laurel Pond in 3, deleted a reference to Laurel Pond in 4, substituted a reference to Ridgedale Ave. for a reference to Rt. 202 in 14, and substituted a reference to Alm's House Pond for a reference to Alm's House Brook and increased the number of anticipated stockings from 2 to 3, and inserted a reference to Silver Lake in 19.

7:25-6.4 Special regulation trout fishing areas—fly fishing waters

(a) Beginning January 1, 1999 to midnight March 21, 1999 and from 5:00 A.M. on Monday, April 19, 1999 to and including March 19, 2000 the following stretches are open to fly-fishing only, and closed to all fishing from 5:00 A.M. to 5:00 P.M. on the days listed for stocking:

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

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

(b) Beginning January 1, 1999 to midnight March 21, 1999 and from 8:00 A.M. on April 10, 1999 to midnight March 19, 2000 the following stretch is open to fly-fishing

only, but is closed to all fishing from 5:00 A.M. to 5:00 P.M. on days listed for stocking:

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

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

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

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

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

2. Not more than six trout may be killed daily during the April 10 through May 31 portion of the season; at other times the limit is four. Trout in excess of the creel limit may be caught provided such trout are immediately returned to the water unharmed.

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

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

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

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

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

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

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

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

Amended by R.1997 d.538, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3217(a), 29 N.J.R. 5289(a).

Amended by R.1998 d.541, effective November 16, 1998 (operative January 1, 1999).

See: 30 N.J.R. 2552(a), 30 N.J.R. 4037(b).

Changed dates throughout.

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

(a) The following stream segments are designated as Seasonal Trout Conservation Areas and are subject to the provisions at (b) below governing these areas during the period of May 24, 1999 through March 19, 2000.

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

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

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

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

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

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

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

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

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

Administrative Correction.

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

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

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

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

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

Amended by R.1997 d.538, effective December 15, 1997 (operative January 1, 1998).

See: 29 N.J.R. 3217(a), 29 N.J.R. 5289(a).

Amended by R.1998 d.541, effective November 16, 1998 (operative January 1, 1999).

See: 30 N.J.R. 2552(a), 30 N.J.R. 4037(b).

In (a), changed dates in the introductory paragraph.

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

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

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