

**NEW JERSEY STATE LIBRARY**

**CHAPTER 25**

**DIVISION OF FISH, GAME AND WILDLIFE RULES**

**Authority**

N.J.S.A. 13:1B-30 et seq., 13:1D-9, 23:1-1 et seq. and 50:1-1 et seq.

**Source and Effective Date**

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

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

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

**Chapter Historical Note**

Chapter 25, Division of Fish, Game and Wildlife Rules, was filed and became effective prior to September 1, 1969. Subchapter 2, Use of All Land and Water Areas Under the Control of the Division of Fish, Game and Wildlife, was adopted as R.1975 d.292, effective October 1, 1975. See: 7 N.J.R. 411(a), 7 N.J.R. 499(c). Subchapter 12, Surf Clams, was repealed and replaced by R.1990 d.46, effective January 16, 1990. See: 21 N.J.R. 3214(a), 22 N.J.R. 183(a). Pursuant to Executive Order No. 66(1978), Chapter 25 was readopted as R.1991 d.132, effective February 15, 1991. See: 23 N.J.R. 37(a), 23 N.J.R. 848(b).

Pursuant to Executive Order No. 66(1978), Chapter 25 was readopted as R.1996 d.119, effective February 2, 1996. See: Source and Effective Date.

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**7:25-1.1 Scope**

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

**Case Notes**

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

**7:25-1.2 Construction**

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

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

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

**7:25-1.4 Definitions**

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

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

"Code" means the New Jersey Administrative Code.

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

"Conservation officer" means a law enforcement officer of the division.

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

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

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

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

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

|                      |          |
|----------------------|----------|
| Resident Fishing     | \$ 16.50 |
| Jr/Sr Fishing        | 7.75     |
| Family Fishing       | 27.50    |
| Family Supplement    | 2.25     |
| Non-Resident Fishing | 25.25    |

|                            |        |
|----------------------------|--------|
| Non-Resident 7-Day Fishing | 16.50  |
| Resident Trout Stamp       | 7.75   |
| Non-Resident Trout Stamp   | 15.50  |
| Resident Hunting           | 22.00  |
| Jr/Sr Hunting              | 10.75  |
| Juvenile Hunting           | 3.00   |
| Non-Resident 2-Day Hunting | 27.50  |
| 1 Day Hunting              | 7.75   |
| Resident Bow and Arrow     | 26.25  |
| Jr/Sr Bow and Arrow        | 12.00  |
| Juvenile Bow and Arrow     | 3.00   |
| All Around Sportsman       | 60.50  |
| Pheasant/Quail Stamp       | 22.00  |
| Woodcock Stamp             | 2.75   |
| Rifle Permit               | 14.00  |
| Deer Permit                | 21.75  |
| Turkey Permit              | 16.25  |
| Semi-Wild                  | 57.00  |
| Commercial Hunt            | 222.00 |
| Propagation                | 7.50   |
| Fish Preserve              | 167.00 |

R.1973 d.13, effective January 8, 1973.

See: 5 N.J.R. 38(c).

Amended by R.1989 d.26, effective January 3, 1989.

See: 20 N.J.R. 2666(a), 20 N.J.R. 55(a).

Deleted (a)5 and 6 and renumbered 7.-11. as 5.-9.

Amended by R.1989 d.502, effective September 18, 1989.

See: 21 N.J.R. 1482(b), 21 N.J.R. 2963(a).

Lease and surveying fees deleted.

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

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

Section 1.5—Fee schedule—deleted.

New Rule, R.1993 d.360, effective July 19, 1993.

See: 25 N.J.R. 1928(a), 25 N.J.R. 3154(a).

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

**7:25-1.7 Penalties**

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

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

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

R.1980 d.395, effective September 17, 1980.

See: 12 N.J.R. 456(a), 12 N.J.R. 576(d).

R.1988 d.339, effective July 18, 1988.

See: 19 N.J.R. 2358(a), 20 N.J.R. 1743(b).

This section expired and new rules were adopted.

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

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

Monetary amount of penalty changed in (b). Deleted (d) and (e).

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

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

No person or persons shall at any time cut, fell, dig up, pull up, damage, gather, carry away, take, remove or destroy

any tree, shrub, vine or other vegetation or part thereof without written permission or other authorization of the Division of Fish, Game and Wildlife. Nothing in this section shall apply to public utility companies or their agents engaged in the maintenance of existing utility company rights-of-way, provided that prior notice is given to the Division.

**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. 2000-2001 FISH CODE**

**Authority**

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

**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).
- R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).
- See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).

**7:25-6.1 General provisions**

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

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

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

**7:25-6.2 Definitions**

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

"Baitfish" means the following species:

- |  |  |
|--|--|
| 1. Alewife (anadromous and land-locked forms)              | 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 Semotilus. |
| 15. American eel   | 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 |
| 4. White sucker        | Catostomus commersoni              |
| 5. Creek chubsucker    | Erimyzon oblongus                  |
| 6. American eel        | Anguilla rostrata                  |
| 7. Blueback herring    | Alosa aestivalis                   |

- |                               |                          |
|-------------------------------|--------------------------|
| 8. Hickory shad               | Alosa mediocris          |
| 9. American shad              | Alosa sapidissima        |
| 10. Gizzard shad              | Dorosoma cepedianum      |
| 11. Alewife (anadromous form) | Alosa pseudoharengus     |
| 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               |
| 17. Brown bullhead   | Ameiurus nebulosus           |
| 18. Yellow bullhead  | Ameiurus natalis             |
| 19. Channel catfish  | Ictalurus punctatus          |
| 20. Redfin           | Esox americanus americanus   |
| 21. Northern pike    | Esox lucius                  |
| 22. Muskellunge      | Esox masquinongy             |
| 23. Chain pickerel   | Esox niger                   |
| 24. Bowfin           | Amia calva                   |
| 25. Carp             | Cyprinus carpio              |

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 2000 shall commence 12:01 A.M. January 1, 2000 and extend to midnight March 19, 2000. The trout season shall reopen at 8:00 A.M. Saturday, April 8, 2000 and extend to include March 18, 2001.

(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 19, 2000 to 8:00 A.M. on April 8, 2000 in ponds, lakes or those portions of streams that are listed herein for stocking during 2000.

(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 feet above Steam Mill Bridge on Crigger Road in Stokes State Forest to Delaware River—April 14, 21, 28; May 5, 12, 19, 26.

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 13, 20, 27; May 4, 11, 18, 25.

3. Manasquan River—Route 9 bridge downstream to Bennetts Bridge, Manasquan Wildlife Management Area—April 10, 17, 24; May 1, 8, 15, 22.

4. Metedeconk River, N. Br.—Aldrich Road Bridge to Ridge Avenue—April 10, 17, 24; May 1, 8, 15, 22.

5. Metedeconk River, S. Br.—Bennetts Mills dam to twin wooden foot bridge, opposite Lake Park Boulevard, on South Lake Drive, Lakewood—April 10, 17, 24; May 1, 8, 15, 22.

6. Musconetcong River—Lake Hopatcong Dam to Delaware River including all main stem impoundments,

but excluding Lake Musconetcong, Netcong—April 14, 21, 28; May 5, 12, 19, 26.

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 13, 20, 27; May 4, 11, 18, 25.

8. Pequest River—Source to Delaware River—April 14, 21, 28; May 5, 12, 19, 26.

9. Pohatcong Creek—Route 31 to Delaware River—April 11, 18, 25; May 2, 9, 16, 23.

10. Ramapo River—State line to Pompton Lake—April 13, 20, 27; May 4, 11, 18, 25.

11. Raritan River, N. Br.—Peapack Road Bridge in Far Hills to Jct. with S. Br. Raritan River—April 12, 19, 26; May 3, 10, 17, 24.

12. Raritan River, S. Br.—Budd Lake dam through Hunterdon and Somerset Counties to Jct. with N. Br. Raritan River—April 11, 18, 25; May 2, 9, 16, 23.

13. Rockaway River—Longwood Lake dam to Jersey City Reservoir in Boonton—April 10, 17, 24; May 1, 8, 15, 22.

14. Toms River—Ocean County Route 528, Holmansville, to confluence with Maple Root Branch and Route 70 to County Route 571—April 10, 17, 24; May 1, 8, 15, 22.

15. Walkkill River—Lake Mohawk Dam to Route 23, Hamburg—April 10, 17, 24; May 1, 8, 15, 22.

16. Wanaque River—Greenwood Lake Dam to Jct. with Pequannock River, excluding Wanaque Reservoir, Monksville Reservoir and Lake Inez—April 14, 21, 28; May 5, 12, 19, 26.

(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) This subsection sets forth trout stocked waters for which no in-season closures will be in force. The figure in parenthesis indicates the anticipated number of stockings to be carried out from April 17 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, Fair-  
 lawn—(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)  
 Rowands Pond—Clementon—(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 Ave-  
 nue, 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 Hunter-  
 don—Mercer County line—(6)  
 Everittstown Brook—Everittstown, entire length—(1)  
 Frenchtown Brook—Frenchtown, entire length—(2)  
 Hakihoake Creek—Holland Township, entire length—(2)  
 Lockatong Creek—Opdyke Road Bridge, Kingwood Town-  
 ship to Delaware—Raritan Feeder Canal—(5)  
 Mulhockaway Creek—Pattensburg, 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 De-  
 laware 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 Al-  
 exander 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 Papianni—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 Turnpike—(4)  
 Ringwood Brook—State line to Sally's Pond, Ringwood Park—(5)  
 Sheppard's Lake—Thunder Mountain, Ringwood Borough—(3)

## 17. Salem County

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

## 18. Somerset County

Harrison Brook—Liberty Corner, entire length—(1)  
 Lamington River—Rt. 523 (Lamington Road) at Burnt Mills to Jct. with North Branch of Raritan River—(4)  
 Middle Brook E/Br.—Martinsville, entire length—(2)  
 Passaic River—White Bridge to Dead River—(4)  
 Peapack Brook—Peapack, entire length—(5)  
 Raritan River—Jct. of Raritan River N/Br and S/Br to Rt. 206 Bridge—(4)  
 Rock Brook—Zion, entire length—(1)  
 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 Recreation 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 Management 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, Lewisburg—(2)  
 Papakating Creek, W. Br.—Libertyville, entire length—(2)  
 Pond Brook—Middleville, entire length—(5)  
 Roy Spring Brook—Stillwater, entire length—(1)  
 Saw Mill Lake—High Point State Park—(3)  
 Shimers Brook—Montague Township, entire length—(2)  
 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—(3)  
 Buckhorn Creek—Roxburg, entire length—(2)  
 Columbia Lake and Gatehole—Knowlton Township—(3)  
 Furnace Brook—Oxford, entire length—(2)  
 Furnace Lake—Oxford—(3)  
 Honey Run—Swayze's Mill Road to Route 519, Hope Township—(2)  
 Jacksonburg Creek—Jacksonburg, entire length—(2)  
 Lopatcong Creek—Route 519 to South Main Street, Phillipsburg—(5)  
 Merrill Creek Reservoir—Stewartsville—(0)  
 Mountain Lake—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)  
 White Lake—Hardwick—(3)

(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 8, 2000 until midnight May 31, 2000 or more than four of these species during the periods of January 1, 2000 to midnight March 19, 2000 and June 1, 2000 through midnight March 18, 2001 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, Prospertown Lake, Ocean County and the Manasquan Reservoir, Monmouth County, will remain open to angling year-round. Trout, if taken during the period commencing at midnight, March 19, 2000 and extending to 8:00 A.M. April 8, 2000 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.

Administrative correction.

See: 31 N.J.R. 1924(a).

Amended by R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).

See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).

Changed dates throughout; in (f)4, inserted a reference to Rowlands Pond—Clementon, and added in (f)21, a reference to White Lake—Hardwick; and in (i), inserted a reference to Prospertown Lake, Ocean County.

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

(a) Beginning January 1, 2000 to midnight March 19, 2000 and from 5:00 A.M. on Monday, April 17, 2000 to and including March 18, 2001, 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, 2000 to midnight March 19, 2000 and from 8:00 A.M. on April 8, 2000 to midnight March 18, 2001, 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 regulations 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 8 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.

Amended by R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).

See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).

In (a), (b) and (d), 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 periods of January 1, 2000 through April 7, 2000 and May 22, 2000 through March 18, 2001.

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 pre-season and 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.

Amended by R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).

See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).

In (a), changed dates in the introductory paragraph; and in (b)5, inserted a reference to pre-season closures.

#### 7:25-6.6 Special regulation trout fishing areas—Wild Trout Streams

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

1. Bear Creek (Southtown);
2. Bear Swamp Brook (Mahwah);
3. Black Brook (Clinton Wildlife Management Area);
4. Burnett Brook (Ralston);
5. Cold Brook (Oldwick);
6. Dark Moon Brook, also known as Bear Brook (Johnsonburg);
7. Dunnfield Creek (Worthington State Park)
8. Flanders Brook (Flanders);
9. Hance's Brook (Penwell);
10. Hickory Run (Califon);
11. India Brook (Source to Mountainside Ave., Mendham);
12. Indian Grove Brook (Bernardsville);
13. Ledgewood Brook (Ledgewood);
14. Little York Brook (Little York);
15. Lomerson Brook, also known as Herzog Brook (Pottersville);
16. Merrill Creek (Stewartsville)
17. Mill Brook (Montague);

18. North Branch of Rockaway Creek (Mountainville);
19. Parker Brook (Montague);
20. Passaic River (Source to Rt. 202, Bernardsville);
21. Pequannock River (Newark Watershed, Oak Ridge; Road bridge downstream to railroad bridge; immediately upstream of Charlottesburg Reservoir);
22. Rhineharts Brook (Hacklebarney State Park);
23. Rocky Run (Clinton Twp.);
24. Stephensburg Creek (Stephensburg);
25. Stony Brook (Stokes State Forest);
26. Stony Brook (Washington Twp., Morris County);
27. Tetertown Brook (Tetertown);
28. Trout Brook (Hacklebarney State Park);
29. Turkey Brook (Mount Olive);
30. Van Campens Brook (Delaware Water Gap National Recreation Area);
31. West Brook (Source downstream to Windbeam Club Property); and
32. Willoughby Brook, also known as Buffalo Hollow Brook (Clinton Twp.).

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

1. Fishing in Wild Trout Streams is permitted year-round.
2. Only artificial lures and flies may be used. While fishing, the use or possession of any natural bait, live or preserved, is prohibited.
3. A person shall not have in possession, while fishing, any substance, either as a natural or synthetic compound, that contains a concentration of bait scent or such scent enhanced bait.
4. A person shall not kill or have in possession, while fishing the portions of the Pequannock River and Van Campens Brook designated as Wild Trout Streams, any brown trout less than 12 inches in total length. For all other designated Wild Trout Streams, and for brook and rainbow trout in the Wild Trout Stream designated portions of the Pequannock River and Van Campens Brook, the minimum length for trout shall be seven inches in total length.
5. During the period extending from 8:00 A.M. April 8, 2000 to September 15, 2000, no person shall have in possession while fishing any more than two legally sized dead, creeled or otherwise appropriated trout. No trout may be killed or possessed during other times of the year. Any number of trout may be caught provided they are immediately returned to the water unharmed.

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

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

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

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

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

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 (b)5, changed dates.

Amended by R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).

See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).

In (b)5, changed dates.

### 7:25-6.7 Special regulation trout fishing areas—Year-Round Trout Conservation Areas

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

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

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

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

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

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

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

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

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

5. A person shall not have in possession, while fishing, any more than one dead, creeled or otherwise obtained trout, except that trout may not be retained during pre-

season and in-season stocking closures which apply to the remainder of the respective rivers where these areas exist. Additional trout may be caught provided they are returned to the water immediately and unharmed; and

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

### 7:25-6.8 Special regulation trout fishing areas—Trophy Trout Lakes

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

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

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

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

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

3. The minimum size for lake trout shall be 24 inches at Round Valley Reservoir and 15 inches at Merrill Creek Reservoir. The daily bag and possession limit shall be one at Round Valley Reservoir and two at Merrill Creek Reservoir.

4. The season for lake trout shall extend from 12:01 A.M., January 1, 2000 to midnight, September 15, 2000 and from December 1, 2000 to midnight, September 15, 2001.

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

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

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

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

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

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 (b), substituted "Round Valley Reservoir and two at Merrill Creek Reservoir" for "both lakes" at the end of 3, and changed dates in 4. Amended by R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).

See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).

In (b)4, changed dates throughout.

**7:25-6.9 Special regulation trout fishing areas—Holdover Trout Lakes**

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

1. Clinton Reservoir;
2. Swartwood Lake;
3. Monksville Reservoir;
4. Wawayanda Lake;
5. Sheppard's Lake;
6. Aeroflex Lake; and
7. White Lake, Warren County.

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

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

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

3. A person shall not take, kill or have in possession, in one day, more than four in total of brook trout, brown trout, rainbow trout, lake trout or hybrids thereof, during the period extending from 8:00 A.M., April 8, 2000 until May 31, 2000 or more than two of these species during the periods of January 1, 2000 to midnight March 19, 2000 and June 1, 2000 through midnight March 18, 2001. Trout, if taken during the period commencing at midnight, March 19, 2000 and extending to 8:00 A.M., April 8, 2000 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).

In (b), changed dates in 3.

Amended by R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).

See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).

In (a), added 7; and in (b)3, changed dates throughout.

**7:25-6.10 Baitfish**

(a) Any person, who has a fishing license or is entitled to fish without a license, may take up to 35 baitfish per day from the freshwaters of the State.

(b) Except as provided for in trout-stocked waters listed in N.J.A.C. 7:25-6.3 to 6.9 and (c) and (d) below, up to 35 baitfish per person per day may be taken from the freshwaters of the State with a seine not over 50 feet in length in all ponds and lakes which have an area of over 100 acres, and in all other waters with a seine not to exceed 30 feet in length, or half the width of the stream at the point of use, whichever is less, year-round. Minnow traps not larger than 24 inches in length with a funnel mouth no greater than two inches in diameter, and an umbrella net no greater than 3.5 feet square may be used in any of the freshwaters of the State.

(c) In waters listed in N.J.A.C. 7:25-6.3 to be stocked with trout, it is prohibited to net, trap or attempt to net or trap baitfish from March 19 to June 15 except where the taking is otherwise provided for. For the remainder of the year, up to 35 baitfish per person per day may be taken with a seine not over 10 feet in length and four feet in depth or a minnow trap not larger than 24 inches in length with a funnel mouth no greater than two inches in diameter or an umbrella net no greater than 3.5 feet square.

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

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

1. Required permit information shall be as follows:

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

2. Applications shall be directed to:

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

3. The permittee shall agree to:

- i. All reporting requirements;
- ii. Return species, other than baitfish, to the water immediately and unharmed;
- iii. Display name and address on any devices left in the water unattended;
- iv. Operate only one device per permit;
- v. Be present during the operation of the device;
- vi. Not transfer the permit to other operators;

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

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

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

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

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

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

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).

Added a new (a); recodified former (a) through (d) as (b) through (e); in the new (b), changed N.J.A.C. and internal citation references in the first sentence; and in the new (c), substituted a reference to March 21 for a reference to March 23 in the first sentence.

Amended by R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).

See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).

In (c), substituted a reference to March 19 for a reference to March 21.

#### 7:25-6.11 Nets

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

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

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

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

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

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

caught must be immediately returned, unharmed, to the waters from which they were taken.

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

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

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

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

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

#### 7:25-6.12 Snagging prohibited

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

#### 7:25-6.13 Warmwater fish

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

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

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

(d) The minimum size of smallmouth bass shall be 12 inches, except for Boonton Reservoir where it shall be 15 inches.

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

(f) The daily creel and possession limit for largemouth bass and smallmouth bass shall be five in total, except for Parvin Lake, Boonton Reservoir, Delaware Lake and Assunpink Lake where it shall be three and Ryker Lake where it shall be two. During the period of April 15 through June 15, the possession of these bass is prohibited and all bass caught shall be immediately returned to the water unharmed.

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

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

(i) The minimum length prescribed for northern pike shall be 24 inches, and 30 inches for the muskellunge and tiger muskie, and the daily creel and possession limit for these species shall be two in aggregate except for Echo Lake (Newark Watershed) where the minimum length for muskellunge shall be 36 inches and the daily creel and possession limit shall be one and Mountain Lake (Warren County) where the minimum length shall be 40 inches and the daily creel and possession limit shall be one.

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

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

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

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

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

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

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

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

(r) Striped bass may not be taken or possessed during the period of January 1 to February 28.

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

(t) The daily creel and possession limit for shad (including both American shad and hickory shad) shall be six in total.

(u) For Ryker Lake the daily creel and possession limit for sunfish and for yellow perch shall be 10 and the minimum size for sunfish shall be seven inches.

Amended by R.1993 d.139, effective April 5, 1993.

See: 25 N.J.R. 224(a), 25 N.J.R. 1556(b).

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

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

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

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

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

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.1999 d.67, effective March 1, 1999.

See: 30 N.J.R. 4203(a), 31 N.J.R. 639(a).

Added (t).

Amended by R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).

See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).

In (e), inserted references to Ryker Lake and Delaware Lake; in (f), inserted references to Delaware Lake and Ryker Lake; and added (u).

#### 7:25-6.14 Ice fishing

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

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

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

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

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

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

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

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

**7:25-6.16 Closed waters**

(a) During the period of March 1 through June 30, it is illegal to fish, place any contrivance for the taking of fish, or attempt to catch or kill fish by any manner or means in any fish ladder or within 100 feet or as posted feet of any fish ladder entrance or exit.

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

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.1999 d.420, effective December 6, 1999 (operative January 1, 2000).

See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).

In (a), substituted a reference to March 1 for a reference to April 1.

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

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

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

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

(b) No person may tag or mark and release fish without first obtaining a special permit issued by the Division of Fish, Game and Wildlife after a determination that the action will provide information that will be beneficial to the management of the fisheries resource and will not detract from any studies being planned or conducted by the Division of Fish, Game and Wildlife or other scientific or

educational organization. "Educational or scientific organization" means a governmental unit or a private institution that provides environmental or natural resource education to its students or a governmental unit or private institution whose primary service is the evaluation of environmental or natural resource conditions.

1. Required permit information shall be as follows:
  - i. The permittee's name;
  - ii. The permittee's address;
  - iii. The species of fish to be tagged or marked;
  - iv. The type of tag or mark to be used;
  - v. The location in which the marked fish will be released; and
  - vi. The purpose of the tagging or marking of fish.
2. Applications shall be directed to:
 

New Jersey Division of Fish, Game and Wildlife  
Bureau of Freshwater Fisheries  
PO Box 394  
Lebanon, NJ 08833
3. The permittee shall agree to:
  - i. Submit a report of the results of the tagging study to the Division of Fish, Game and Wildlife;
  - ii. Display permittee's name and address or phone number on fish tags;
  - iii. Notification of, and permission from, the owner of the waterbody named in the application or the administering agency if that waterbody is publicly owned; and
  - iv. Comply with any local ordinances or other State laws or regulations.

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).

Recodified the former section as (a); and added (b).

**7:25-6.19 Greenwood Lake**

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

|                                     |   |                                    |                                  |
|-------------------------------------|---|------------------------------------|----------------------------------|
|                                     |   |                                    | <u>Daily Bag</u>                 |
|                                     |   |                                    | <u>Limit</u>                     |
| Trout                               | <u>Season</u>   | <u>Size Limit</u>                  |                                  |
| Largemouth bass and smallmouth bass | No closed season<br>Jan. 1-April 14,<br>and June 16-<br>Dec. 31 | No minimum<br>12 inch mini-<br>mum | 3<br>5 singly or<br>in aggregate |

|                                    | Season                                       | Size Limit      | Daily Bag Limit        |
|------------------------------------|--|-----------------|------------------------|
|                                    | April 15-June 15                             |                 | Catch and Release Only |
| Chain pickerel                     | No closed season                             | 15 inch minimum | 5                      |
| Muskellunge and any hybrid thereof | No closed season                             | 36 inch minimum | 1                      |
| Walleye                            | Jan. 1-Feb. 28 and May 1, 2000-Feb. 28, 2001 | 18 inches       | 3                      |
| Channel catfish                    | No closed season                             | 12 inches       | 5                      |
| Black crappie and white crappie    | No closed season                             | 8 inches        | 10 singly or in total  |
| All other species                  | No closed season                             | No minimum      | No limit               |

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

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

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

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

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

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).  
 See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).  
 Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1996).  
 See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).  
 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)1, changed dates for walleye.  
 Amended by R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).  
 See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).  
 In (a)1, changed dates for walleye season.

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

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

1.

|                                     | Season           | Size Limit      | Daily Bag Limit          |
|-------------------------------------|------------------|-----------------|--------------------------|
| Trout                               | April 8-Sept. 30 | No minimum      | 5                        |
| American Shad and Hickory Shad      | No closed season | No minimum      | 6 singly or in aggregate |
| Largemouth bass and smallmouth bass | No closed season | 12 inch minimum | 5 in total               |

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

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

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

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

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

Amended by R.1995 d.573, effective November 6, 1995 (operative January 1, 1996).  
 See: 27 N.J.R. 2657(a), 27 N.J.R. 4288(a).  
 Amended by R.1996 d.493, effective October 21, 1996 (operative January 1, 1997).  
 See: 28 N.J.R. 3495(a), 28 N.J.R. 4602(a).  
 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)1, changed dates for trout.  
 Amended by R.1999 d.67, effective March 1, 1999.  
 See: 30 N.J.R. 4203(a), 31 N.J.R. 639(a).  
 In (a)1, inserted a reference to American Shad and Hickory Shad.  
 Amended by R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).  
 See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).  
 In (a)1, changed April date in trout season, and substituted references to the Route 1 Bridge for references to Trenton Falls in striped bass and striped bass x white bass hybrid season.

**7:25-6.21 Fresh Tidal Tributaries of the Delaware River and Bay**

Atlantic sturgeon may not be taken or possessed at any time.

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).

Rewrote the section.

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

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

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

(c) The open season for taking of snapping turtles shall extend from January 1, 2000 through April 30, 2000 and from June 16, 2000 through April 30, 2001. The open season for the taking of bull frogs and green frogs shall be from January 1, 2000 through March 31, 2000 and from July 1, 2000 through March 31, 2001.

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

1. Required permit information is as follows:

- i. The applicant's name;
- ii. The applicant's address and telephone number; and
- iii. The time period for permit.

2. Applications shall be directed to:

New Jersey Division of Fish, Game, and Wildlife  
 Bureau of Freshwater Fisheries  
 PO Box 400  
 Trenton, New Jersey 08625-0400

3. The following information will be needed by the Division to grant the permit:

- i. Why is the extension necessary;
- ii. How long will the extension be needed;
- iii. Where will the trapping activity take place; and
- iv. What method will be used.

4. The permittee shall agree to:

- i. Comply with all reporting requirements in this subchapter;
- ii. Display his or her name and address on any traps left in the water unattended;
- iii. Notification of, and permission from, the owner of the waterbody where the trap is set;
- iv. Tend all traps at least once every 24 hours;

v. Use only those traps that provide a means of escape, or survival, of species of turtles other than snapping turtles; and

vi. Comply with any local ordinances.

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

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

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

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

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

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

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

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 (c), changed dates.

Amended by R.1999 d.420, effective December 6, 1999 (operative January 1, 2000).

See: 31 N.J.R. 1839(a), 31 N.J.R. 4013(a).

In (c), changed dates throughout.

**7:25-6.23 Special permit to organizations providing care for disabled persons**

(a) The Director of the Division of Fish, Game and Wildlife may issue a permit to organizations that provide care for disabled persons authorizing those disabled persons to fish in a specified body of water, on a designated date, provided they are escorted by the staff of the organization, without a license or stamp as required by Title 23 of the New Jersey Statutes. This permit allows the taking of any species at any location at any time, subject to the following requirements. For the purposes of this section, an "organization that provides care for the disabled" shall mean a governmental or licensed private care facility that is responsible for the physical or mental developmental health of persons who have a lifelong need of supervised care. "Disabled person" shall mean a person who has a condition that substantially limits one or more of the major life functions such as caring for themselves, or limited mental development that prevents a person's caring for themselves, seeing, hearing, or speaking.

(b) Applications shall be made to the Division of Fish, Game and Wildlife, Bureau of Freshwater Fisheries, PO Box 400, Trenton, New Jersey 08625-0400. Applications shall be submitted at least 21 days prior to the event upon the organization's letterhead stationery. Applications shall contain the date or dates of the proposed event, the body of water involved, the number of disabled persons who will be authorized by the permit, and the number of care providers. Angling under the authority of this permit shall be in accordance to season, size, creel limit and equipment restrictions. The permit shall be issued when the Director determines that the event will provide a natural resource educational experience for disabled persons consistent with the goals of the Division of Fish, Game and Wildlife.

New Rule, 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).

#### 7:25-6.24 Permits issued to educational or scientific organizations

(a) Educational or scientific organizations may apply to the Director, subject to approval by the Fish and Game Council, for a permit that shall authorize their participation in fisheries notwithstanding the requirements of N.J.A.C. 7:25-6. This permit would allow the taking of any species at any location at any time, subject to the requirements of this section. This permit shall satisfy any licensing requirement associated with such activity. Such permit shall be effective and/or rescinded immediately upon public notification. For the purposes of this section, "educational or scientific organization" shall mean a governmental unit or private institution that provides environmental or natural resource education to its students or a governmental unit or private institution whose primary service is the evaluation of environmental or natural resource conditions.

(b) Applications shall be submitted to the Division of Fish, Game and Wildlife, Bureau of Freshwater Fisheries, PO Box 400, Trenton, New Jersey 08625-0400. Applications shall contain the dates of the proposed event, the body or bodies of water involved, the details of the activity, including a listing of any equipment that is expected to be used, the disposition of any aquatic life collected, and the number of persons who will be authorized by the permit. The Director shall grant the permit after a determination that the event will provide a natural resource educational experience or a scientific investigation consistent with the goals of the Division that cannot otherwise be accomplished in conformance with N.J.A.C. 7:25-6.

New Rule, 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 7. MISCELLANEOUS SHELLFISH RULES

#### Subchapter Historical Note

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

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

#### 7:25-7.10 Taking of oysters

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

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

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

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

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

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

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

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

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

#### 7:25-7.11 Mussels

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

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

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

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

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

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

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

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

## SUBCHAPTER 8. CLAM LICENSES

#### Subchapter Historical Note

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

#### 7:25-8.1 Scope and authority

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

**7:25-8.2 Purpose**

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

**7:25-8.3 Construction**

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

**7:25-8.4 Applicability**

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

**7:25-8.5 Licenses**

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

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

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

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

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

**7:25-8.6 License fees**

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

1. Resident recreational clam license, persons under 62 years of age: . . . . . \$10.00;
2. Resident recreational clam license, persons 62 or more years of age: . . . . . No Fee;
3. Nonresident recreational clam license: . . . . . \$20.00;
4. Juvenile clam license: . . . . . \$2.00; and
5. Commercial clam license: . . . . . \$50.00.

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

**SUBCHAPTER 9. HARD CLAM SIZE LIMITS**

**Subchapter Historical Note**

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

**7:25-9.1 Scope**

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

**7:25-9.2 Purpose**

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

(m) The quota described in (l) above shall be 225,000 pounds until such time as another quota is duly promulgated by the Atlantic States Marine Fisheries Commission. A portion of this quota will be allotted to party and charter boats.

(n) Upon promulgation of any change in the quota described in (l) above, the Division will provide public notice in the New Jersey Register and by distribution of a news release to individuals on the Division of Fish, Game and Wildlife outdoor writers mailing list.

(o) Any person violating the striped bass size or possession limits as provided for in N.J.S.A. 23:5-45.1, or this

section shall be liable for penalty of \$100.00 per fish for the first offense and a penalty of \$200.00 per fish for each subsequent offense. In addition, any person violating any provision of this section shall be subject to revocation from the Striped Bass Bonus Program. Any fish possession cards in such person's possession shall be invalid and shall be returned to the Division upon such person's receipt of notification of such revocation. Failure to return the cards upon notification shall subject the violator to penalties prescribed pursuant to N.J.S.A. 23:2B-14.

New Rule, R.1995 d.82, effective February 6, 1995.  
See: 26 N.J.R. 4277(b), 27 N.J.R. 487(a).  
Administrative Correction.

See: 27 N.J.R. 2739(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 "Striped bass trophy program"; and substantially amended section.

#### 7:25-18.14 Otter and beam trawls

(a) Vessels greater than 165 feet in length and in excess of 3,000 horsepower shall not fish in the marine waters of this State with an otter or beam trawl nor may any such vessel have an otter or beat trawl available for immediate use while on the marine waters of this State as defined in (b) below.

1. All trawl net doors possessed on the waters of the State of New Jersey must contain the official documentation number or the state registration number of the vessel to whom they belong indelibly branded or stamped in block letters no less than two inches in height on the surface of each door.

i. Trawl doors shall be used only by the vessel which corresponds to the branded or stamped numbers. A vessel may utilize another vessel's trawl doors provided the vessel owner utilizing such doors contacts the Division's Bureau of Law Enforcement at 609-748-2050 in advance and provides the following information: name of owner and vessel borrowing doors, name of owner, vessel and branded or stamped number of borrowed doors. The vessel owner borrowing the trawl doors shall also be responsible for contacting the Bureau of Law Enforcement in advance to indicate when he will begin utilizing his own trawl doors.

(b) No vessel may have available for immediate use any otter or beam trawl while on the marine waters of this State during the hours between sunset and sunrise except on the Atlantic Ocean, at a distance of greater than two miles from the coast line. An otter or beam trawl that conforms to one of the following is considered not "available for immediate use":

1. A net stowed below deck, provided:
  - i. It is located below the main working deck from which the net is deployed and retrieved;
  - ii. The towing wires, including the "leg" wires are detached from the net; and
  - iii. It is fan-folded (flaked) and bound around its circumference;
2. A net stowed and lashed down on deck, provided:
  - i. It is securely fastened to the deck of the vessel;
  - ii. The towing wires, including the leg wires are detached from the net; and
  - iii. It is fan-folded (flaked) and bound around its circumference; or

3. A net is on a reel and is covered and secured; provided:

- i. The entire surface of the net is covered with canvas or other similar material and held in place by line bound securely around the entire net in such a manner so that no section of the net is exposed;
- ii. The towing wires or towing lines located between the net and the trawl doors shall be completely detached from the trawl doors; and
- iii. The cod end closure rope shall be removed from the cod end.

(c) To determine compliance with any established minimum mesh requirement for an otter or beam trawl, the following procedures shall be employed. Stretched mesh sizes are measured by a wedge-shaped gauge having a taper of two centimeters in eight centimeters and a thickness of two and three-tenths millimeters, inserted into the meshes under pressure or pull of five kilograms. The mesh size of the cod end of the net will be the average measurement of any series of 20 consecutive meshes measured at least 10 meshes from the lacings, beginning at the after end and running parallel to the long axis.

(d) No person shall use any device or method which would have the effect of reducing an established minimum mesh size; provided, however, that chafing gear which does not obstruct the meshes of the top half of the cod end may be attached and net strengtheners may be attached to the cod end of the trawl net if such net strengtheners consist of mesh material similar to the material of the cod end and have a mesh size of at least twice the authorized minimum mesh size.

(e) A vessel or person utilizing a roller rig trawl gear shall not utilize rollers greater than 18 inches in diameter.

(f) The operator of, or any other person aboard, any fishing vessel shall immediately comply with instructions and signals issued by an authorized law enforcement officer and comply with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, and catch, for the purpose of enforcement of this section.

(g) Any vessel in the act of fishing, upon being boarded and instructed by an authorized law enforcement officer, shall haul back, or retrieve from the waters for inspection, all gear being utilized. After being so instructed, the operator of the vessel, or any other person so instructed, shall have a 30 minute time period to commence haul back and shall continue haul back or retrieval at an ordinary rate and without interruption until the gear is on board and available for inspection.

(h) Possession of an otter trawl and doors shall subject said vessel to inspection for compliance with this section by authorized enforcement personnel. Any nets or doors pos-

sessed or used in violation of this section shall be subject to forfeiture under authority of N.J.S.A. 23:10-21.

(i) Violation of any section of this subchapter, or any license or order issued pursuant to it, shall subject the violator to the penalties prescribed in N.J.S.A. 23:2B-14. Penalties consist of \$100.00 to \$3,000 for the first offense and \$200.00 to \$5,000 for any subsequent offense.

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

(k) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify quotas, mesh sizes, minimum size limits, seasons, trip limits, by-catch allocations and the amount of fish that shall constitute a directed fishery specified in this section by notice in order to maintain 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 by filing and publishing in the New Jersey Register and in the Division's commercial regulation publication. All such notices shall be effective when the Department files the notice with the Office of Administrative Law or as specified otherwise in the notice.

(l) Special provisions applicable to the commercial harvest of summer flounder are as follows:

1. The possession of more than 100 pounds of summer flounder during the period of May 1 through October 31 or the possession of more than 200 pounds of summer flounder during the period of November 1 through April 30 on board a vessel or landed from a vessel shall constitute a directed fishery for summer flounder.

2. A person shall not possess any summer flounder less than 14 inches in length which have been harvested by vessels in a commercial fishery for summer flounder.

3. A person utilizing an otter or beam trawl in the directed fishery for summer flounder shall not use a net of less than 5.5 inches stretched diamond mesh or 6.0 inches minimum stretched square mesh, inside measurement. The mesh size shall be applied throughout the body, extensions and cod end portions of the net upon adoption in the Federal Register of essentially the same criteria. Until such time, the mesh size shall be applied throughout the cod end for at least 75 continuous meshes forward of the terminus of the net. The possession of any net less than the minimum specified above in this paragraph, on board a vessel engaged in a directed fishery for summer flounder is prohibited unless such net is not available for immediate use as defined in (b) above or is one of the following:

i. Vessels fishing in the fly net fishery are exempt from the minimum mesh size requirement. A fly net is a two seam otter trawl with the following configuration:

(1) The net has large mesh webbing in the wings with a stretch mesh measure of eight inches to 64 inches;

(2) The first body (belly) section of the net consists of 35 meshes or more of eight inch stretch mesh webbing or larger; and

(3) In the body section of the net the stretch mesh decreases in size relative to the wings and continues to decrease throughout the extensions to the cod end, which generally has a webbing of two inch stretch mesh.

4. 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 (l)6 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 (l)4ii(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 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. 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;

(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, 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.

5. The annual summer flounder harvest quota for New Jersey shall be determined by the Mid Atlantic Fishery Management Council as implemented by the Na-

tional 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 (l)6 below and such agreement indicates 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 (l)5ii below at the same percentage as for the directed fishery specified at (l)5ii 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 seasons identified at (l)5ii 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 (l)5i above shall be divided into seasons, daily trip limits and number of allowable landing days in each week (Sunday through Saturday) as follows:

(1) January-February: 28 percent and a 7,500 pound trip limit;

(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; and

(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.

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 (l)5iii 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 fishery upon four days public notice of the projected date the season 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 (l)1 and 4 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 four days public notice. Public notice shall be made as specified in (l)5vi 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 (l)5i 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.

6. 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.

7. 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

8. No dealer shall accept from any vessel more than the amounts of summer flounder specified at (l)4 above unless said vessel is in possession of its valid New Jersey Summer Flounder Permit.

9. 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.

10. 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.

11. All permitted New Jersey Summer Flounder Dealers shall provide weekly reports 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 an agreement with other states pursuant to (l)6 above. Such report shall be faxed to the Division at 609-984-1408 no later than 12:01 P.M. on Monday 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.

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 application by May 31, 1994 for use of hook and line or the 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 (l)4 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 (l)3 above, minimum mesh size, (l)5iii above, landing, possession or accepting in excess of the daily trip limit for summer flounder (l)5iv, failure of notification of landing of summer flounder, (l)5vii above, landing, summer flounder after the directed fishery and/or bycatch season has been closed, or (l)5xiii above, failure to submit accurate and timely monthly reports, (l)8 accepting more than by-catch amounts from nonpermitted vessels, (l)9 accepting any summer flounder other than fresh product, or (a), (b), (d), (e), (f) above or N.J.S.A. 23:3-46 through 23:3-47 shall result in the suspension or revocation of the vessel's New Jersey Summer Flounder permit or the dealers 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.

13. Dealer business records may be used as admissible evidence in any proceeding to document violations of trip limits, weekly landing limits or closed seasons.

(m) Special provisions applicable to a directed weakfish fishery are as follows:

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

2. A person shall not possess any weakfish less than 12 inches in length that have been harvested by otter or beam trawl during the period from September 1 through December 31. During the period of January 1 through August 31, the minimum size limit for weakfish harvested by otter or beam trawl is 13 inches in length pursuant to N.J.A.C. 7:25-18.12(a).

3. A person utilizing a beam or otter trawl in a directed fishery for weakfish shall not use a net of less than 3.75 inches stretched diamond mesh or 3.375 inches stretched square mesh, inside measurement, applied throughout the cod end for at least 75 continuous meshes forward of the terminus of the net. The possession of any net less than the minimum mesh specified above in this paragraph on board a vessel in a directed fishery for weakfish is prohibited.

4. A person shall not land any weakfish harvested by otter trawl except during the open seasons of January 1 through July 31 and October 13 through December 31. No dealer shall accept any weakfish landed in New Jersey taken by otter trawl except during such open seasons.

(n) Special provisions applicable to a directed winter flounder fishery are as follows:

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

2. A person shall not possess any winter flounder less than 12 inches in length that have been harvested by otter or beam trawl, or any other net, trap, dredge or commercial gear.

3. A person utilizing an otter or beam trawl in a directed fishery for winter flounder shall not use a net of less than 5.0 inches stretched mesh inside measurement applied throughout the cod end for at least 75 continuous meshes forward of the terminus of the net.

4. No person shall fish for or land any winter flounder taken by otter trawl or by any other 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 nets is subject to the provisions of N.J.A.C. 7:25-18.5(g)2.

5. Except during the open season specified at (l)4 above, a vessel with any winter flounder on board shall not have any otter or beam trawl available for immediate use while on the marine waters of this State. An otter or beam trawl that conforms to the provisions at (b)1 through 3 above is considered not "available for immediate use."

(o) Special provisions concerning the harvest of bluefish are as follows:

1. The annual bluefish allocation to the otter trawl fishery shall be 14.7 percent of New Jersey's annual commercial bluefish quota as allocated by the National Marine Fisheries Service.

2. A person shall not land any bluefish by otter trawl except during the open season of January 1 through December 7.

(p) Special provisions applicable to a directed scup fishery are as follows:

1. The possession of more than 200 pounds of scup during the period of November 1 through April 30 and more than 100 pounds of scup during the period of May 1 through October 31 on board a vessel or landed from a vessel shall constitute a directed fishery for scup.

2. A person utilizing an otter or beam trawl in a directed fishery for scup shall not use a net of less than 4.5 inches stretched mesh inside measurement applied throughout the cod end for at least 75 continuous meshes forward of the terminus of the net.

3. The possession of any net with a mesh less than the minimum specified in (p)2 above on board a vessel in a directed fishery for scup is prohibited unless it is not available for immediate use as defined in (b) above.

4. Annual coastwide scup quotas 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 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 or the Atlantic States Marine Fisheries Commission 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 the commercial landings of scup.

ii. The Commissioner, or his or her designee, shall close the season for the commercial scup fishery upon four days public notice of the projected date the New Jersey seasonal quota shall be caught.

iii. Public notice shall include letters by first class mail to all New Jersey Scup Dealer holders, New Jersey Scup 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 four days public notice. Public notice shall be made as specified in (p)4 iii 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.

5. No 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 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 dealer 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 for in (p)5i 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 (p)4i above.

6. 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

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

i. Applicants for a New Jersey Scup Permit shall complete an application provided by the Department including information on name, address, vessel name, vessel documentation number or registration number, gear type and landing criteria as specified in (p)7ii below:

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

(1) The vessel shall have landed and sold at least 1,000 pounds of scup in New Jersey during the period from January 1, 1993 through December 31, 1996;

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

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

(B) A notarized statement from the applicant and the purchaser(s), attesting to the weight harvested (records must be verifiable based upon inspection of the purchaser's business records); and/or

(C) Other documentation similar to that in (p)7ii(2)(A) or (B) above may be accepted at the discretion of the Commissioner after his or her review.

iii. Completed applications should be submitted to:

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

iv. Applications submitted after August 25, 1997 shall be denied.

v. The New Jersey Scup Permit shall be on board the vessel to which it is issued at all times. The permit is valid in 1997 and subsequent years unless revoked as part of a penalty action. The New Jersey Scup Permit is issued to a specific vessel in the name of the owner.

(1) The owner of a permitted vessel may transfer his or her New Jersey Scup Permit, upon application to the Department, as follows:

(A) To his or her replacement vessel. The vessel being replaced shall no longer be eligible for a New Jersey Scup 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 Scup Permit based on the harvesting history of the vessel being sold.

(2) No Permit shall be transferred without the prior approval of the Department.

vi. A vessel possessing a New Jersey Scup Permit to commercially harvest scup by angling or hook and line or spearfishing 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 Scup Permit is not valid and any possession limits and seasonal restrictions as specified in N.J.A.C. 7:25-18.1 apply.

8. 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.

9. 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 (p)10 below. Such report shall be faxed to the Division at 609-984-1408 no later than two days following the week's end or sent by any other method approved by the Depart-

ment. For the purpose of this provision, the week shall begin on Sunday and end on Saturday.

10. All New Jersey Scup Permit holders and any 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, New Jersey Scup Permit number or 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. New Jersey Scup Permit holders and scup moratorium permit holders may submit the "STATE" copy of their Federal log book in satisfaction of the New Jersey reporting requirements.

11. 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 (p)4ii, landing or accepting scup after the season has been closed; (p)5, landing or accepting more than the daily trip limit; (p)6, accepting scup from a vessel without first having obtained a valid New Jersey Scup Dealer Permit; (p)7, landing for the purpose of sale or selling scup without first having obtained a valid New Jersey Scup Permit or valid scup moratorium permit; (p)8, selling scup to a non-permitted fish dealer; or (p)9 and (p)10, failure to submit accurate and timely reports shall result in the suspension or revocation of the dealer's New Jersey Scup Dealer Permit or the vessel's New Jersey Scup Permit according to the following schedule:

- (1) First offense: No suspension.
- (2) Second offense: 60 days suspension during the open season as provided in (p)4 above.
- (3) Third offense: 120 days suspension during the open season as provided in (p)4 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.

12. 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.

(q) Special provisions applicable to a directed black sea bass fishery are as follows:

1. The possession of more than 1,000 pounds of black sea bass on board a vessel or landed from a vessel shall constitute a directed fishery for black sea bass.

2. A person utilizing an otter or beam trawl in a directed fishery for black sea bass shall not use a net of less than four inches stretched diamond mesh or 3.5 inches minimum stretched square mesh, inside measurement applied throughout the cod end for at least 75 continuous meshes forward of the terminus of the net. The possession of any net less than the minimum specified in this paragraph on board a vessel in a directed fishery for black sea bass is prohibited unless it is not available for immediate use as defined in (b) above.

3. Annual and season black sea bass quotas and trip limits shall be determined by the Mid-Atlantic Fishery Management Council and implemented by the National Marine Fisheries Service.

i. No vessel shall have in possession or land and no dealer or person shall accept from any one vessel or person more than the daily trip limit of black sea bass in any one calendar day. The daily trip limit for black sea bass shall be 3,000 pounds from April 1 through June 30, 2000 pounds from July 1 through September 30 and 3,000 pounds from October 1 through December 31.

ii. The Commissioner, or his or her designee, shall close the season for the commercial black sea bass fishery upon four days public notice of the projected date each seasonal quota shall be caught. Public notice shall include letters by first class mail to all Federal black sea bass moratorium permit holders that are New Jersey residents.

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

iv. 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 four days public notice. Public notice shall be made as specified in (q)3i above.

(r) 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.

New Rule, R.1993 d.56, effective January 19, 1993.  
 See: 24 N.J.R. 4249(a), 25 N.J.R. 303(a).  
 Amended by R.1994 d.44, effective January 18, 1994.  
 See: 25 N.J.R. 2167(a), 26 N.J.R. 353(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 Correction.  
 See: 27 N.J.R. 1794(a).  
 Administrative Change.  
 See: 27 N.J.R. 2390(b).  
 Administrative Correction.

See: 27 N.J.R. 3420(a).  
 Administrative Correction.  
 See: 27 N.J.R. 3420(b).  
 Administrative Change.  
 See: 27 N.J.R. 4916(c).  
 Emergency amendment R.1996 d.299, effective May 31, 1996 (to expire July 30, 1996).  
 See: 28 N.J.R. 3182(a).  
 Administrative Change.  
 See: 28 N.J.R. 3786(a).  
 Adopted concurrent proposal, R.1996 d.392, effective July 24, 1996.  
 See: 28 N.J.R. 3182(a), 28 N.J.R. 3956(a).  
 Administrative change.  
 See: 28 N.J.R. 4784(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).  
 Substantially amended section.  
 Administrative correction.  
 See: 29 N.J.R. 600(a).  
 Omitted recodification to (j)12v from a prior recodification corrected.  
 Administrative change.  
 See: 29 N.J.R. 1308(c).  
 In (j), changed the minimum length of summer flounder harvested in a commercial fishery from 13 inches to 14 inches.  
 Amended by R.1997 d.246, effective June 2, 1997.  
 See: 29 N.J.R. 285(a), 29 N.J.R. 2555(a).  
 Amended internal section references throughout; inserted new (j) and (k), recodified former (j) through (n) as (l) through (p), and deleted former (o) and (p); in (l)3, inserted “. The mesh size shall . . . . Until such time, the mesh size shall be” and deleted provisions relating to forfeiture of privilege of owners and vessels to land summer flounder of less than 14 inches upon violation of restrictions; in (m)3, (m)4, (n)4, and (o)2, deleted reference to modification by the Commissioner of the open season or mesh size; in (p)1, inserted “during the period . . . October 31”; in (p)2, substituted “4.5 inches” for “4.05 inches”; and added (p)3 through (p)12.  
 Administrative correction.  
 See: 29 N.J.R. 3251(a).  
 In (l)2, increased size of summer flounder from 13 to 14 inches; and in (p)4 and 5, substituted “November 1 through December 31” for “November 1 through October 31”.  
 Amended by R.1998 d.40, effective January 5, 1998.  
 See: 29 N.J.R. 4595(a), 30 N.J.R. 226(a).  
 Inserted (q)3 and (r).  
 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 (l)12, deleted “by June 30, 1993 for use of otter trawls, pound nets, gill nets or scallop dredges or” following “application” in i, and substituted a reference to fresh product for a reference to fish product in the introductory paragraph of iii.  
 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).  
 Rewrote (a), (l) and (p); and in (r), added 4 and 5.  
 Administrative change.  
 See: 32 N.J.R. 2230(a).

**7:25-18.15 Atlantic sturgeon management**

(a) An individual shall not take or attempt to take, possess or land any Atlantic sturgeon in the State, without a valid Atlantic Sturgeon Commercial Gill Net Permit or a valid Atlantic Sturgeon By-Catch Permit issued by the Department. No holder of either permit shall land an Atlantic sturgeon unless such sturgeon has a valid, properly affixed possession tag as specified at (g) and (h) below. No person shall possess any Atlantic sturgeon that does not have a

valid, properly affixed possession tag. "Land" shall mean to begin offloading fish, to offload fish or to enter port with fish.

(b) An Atlantic Sturgeon Commercial Gill Net Permit may be transferred to another individual eligible for a gill net license for the purpose of taking Atlantic sturgeon with gill nets. The permittee shall request approval to transfer the permit in writing to the Department, and no such transfer shall be valid until the transferee has received a valid permit issued in his or her name from the Department. An Atlantic sturgeon commercial gill net possession tag may be transferred to another Atlantic Sturgeon Commercial Gill Net Permit holder. The permittees shall list on the permittee's annual report pursuant to (l) below the name of the permittee or permittees to whom the permittee transferred any possession tag. The recipient of the transferred possession tag or tags shall list in the annual report pursuant to (l) below each such transferred tag received.