

3. Clipped flight feathers of wing; or

4. Surgical or other medical procedure mandated in writing by a licensed veterinarian to preserve the life or health of the bird.

(c) Captive-bred birds hatched in New Jersey shall have seamless bands slipped onto one of their legs. A properly-sized seamless band slipped onto the leg of a hatchling shall be of such a size as to later fit a full-grown adult comfortably, but must not be so large that it could have been slipped over the foot of an older or full-grown bird. The Division shall publish and distribute a list of those species of birds exempt from the banding requirements because of adverse health effects.

(d) Captive-bred birds hatched outside the State of New Jersey and wild-caught birds (except for zebra finches, society finches, canaries, budgerigars and cockatiels) which remain in New Jersey for more than 48 hours and are not wearing seamless bands shall have butt-end bands placed around one of their legs upon arrival in New Jersey. All aviculturally recognized color mutations of any parrot species will be exempt from banding due to their captive-bred origin.

(e) In lieu of or in addition to banding as set forth in (a) through (d) above, birds may be identified by micro-chips (subcutaneous implants or coded information) obtained solely from manufacturers expressly authorized by the Department.

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

SUBCHAPTER 5. 1997-98 GAME CODE

Subchapter Historical Note

The Game Code is revised annually to reflect changing conditions in the State's wildlife resource. Previous revisions in the Code were as follows:

R.1971 d.74, effective May 21, 1971.
See: 3 N.J.R. 58(a), 3 N.J.R. 108(a).
R.1972 d.115, effective September 1, 1972.
See: 4 N.J.R. 101(a), 4 N.J.R. 158(a).
R.1972 d.202, effective October 13, 1972.
See: 4 N.J.R. 213(b), 4 N.J.R. 265(a).
R.1972 d.211, effective November 1, 1972.
See: 4 N.J.R. 232(b), 4 N.J.R. 264(a).
R.1973 d.164, effective August 1, 1973.
See: 5 N.J.R. 139(c), 5 N.J.R. 221(b).
R.1973 d.226, effective September 1, 1973.
See: 5 N.J.R. 221(a), 5 N.J.R. 304(b).
R.1973 d.263, effective September 17, 1973.
See: 5 N.J.R. 261(b), 5 N.J.R. 336(b).
R.1973 d.293, effective October 15, 1973.
See: 5 N.J.R. 304(a), 5 N.J.R. 370(a).
R.1974 d.149, effective August 1, 1974.
See: 6 N.J.R. 174(a), 6 N.J.R. 262(c).
R.1974 d.150, effective August 1, 1974.
See: 6 N.J.R. 175(a), 6 N.J.R. 263(a).

R.1975 d.178, effective August 1, 1975.
See: 7 N.J.R. 204(a), 7 N.J.R. 310(c).
R.1975 d.277, effective September 18, 1975.
See: 7 N.J.R. 359(b), 7 N.J.R. 464(a).
R.1975 d.281, effective September 24, 1975.
See: 7 N.J.R. 308(b), 7 N.J.R. 464(b).
R.1975 d.290, effective October 1, 1975.
See: 7 N.J.R. 413(a), 7 N.J.R. 499(a).
R.1976 d.187, effective August 1, 1976.
See: 8 N.J.R. 221(b), 8 N.J.R. 328(a), 8 N.J.R. 460(a).
R.1976 d.307, effective October 1, 1976.
See: 8 N.J.R. 378(b), 8 N.J.R. 509(b).
R.1977 d.85, effective March 15, 1977.
See: 9 N.J.R. 170(a).
R.1977 d.86, effective March 15, 1977.
See: 9 N.J.R. 170(b).
R.1977 d.219, effective August 1, 1977.
See: 9 N.J.R. 213(a), 9 N.J.R. 322(a).
R.1977 d.355, effective October 3, 1977.
See: 9 N.J.R. 360(c), 9 N.J.R. 465(a).
R.1978 d.199, effective August 1, 1978.
See: 10 N.J.R. 186(a), 10 N.J.R. 279(c).
R.1979 d.329, effective August 16, 1979.
See: 11 N.J.R. 324(b), 11 N.J.R. 434(b).
R.1979 d.404, effective October 12, 1979.
See: 11 N.J.R. 433(a), 11 N.J.R. 544(a).
R.1980 d.266, effective August 1, 1980.
See: 12 N.J.R. 259(a), 12 N.J.R. 392(a).
R.1981 d.253, effective July 9, 1981 (operative August 1, 1981).
See: 13 N.J.R. 262(a), 13 N.J.R. 403(c).
R.1982 d.212, effective July 19, 1982 (operative August 1, 1982).
See: 14 N.J.R. 302(b), 14 N.J.R. 755(d).
R.1982 d.351, effective October 18, 1982.
See: 14 N.J.R. 871(a), 14 N.J.R. 1158(a).
R.1983 d.302, effective August 1, 1983.
See: 15 N.J.R. 7118(a), 15 N.J.R. 1247(b).
R.1985 d.419, effective August 19, 1985.
See: 17 N.J.R. 1177(a), 17 N.J.R. 2021(c).
R.1986 d.325, effective August 4, 1986.
See: 18 N.J.R. 1026(b), 18 N.J.R. 1566(a).
R.1987 d.321, effective August 3, 1987.
See: 19 N.J.R. 808(a), 19 N.J.R. 1434(a).
R.1988 d.376, effective August 1, 1988.
See: 20 N.J.R. 1035(b), 20 N.J.R. 1895(a).
R.1989 d.418, effective August 7, 1989.
See: 21 N.J.R. 1289(b), 21 N.J.R. 2356(a).
R.1990 d.404, effective August 6, 1990.
See: 22 N.J.R. 1459(a), 22 N.J.R. 2288(a).
R.1991 d.416, effective August 5, 1991.
See: 23 N.J.R. 1494(a), 23 N.J.R. 2347(a).
R.1992 d.315, effective August 3, 1992.
See: 24 N.J.R. 1847(a), 24 N.J.R. 2715(b).
R.1993 d.390, effective August 2, 1993.
See: 25 N.J.R. 1930(a), 25 N.J.R. 3519(a).
R.1994 d.412, effective August 1, 1994 (operative August 6, 1994).
See: 26 N.J.R. 1913(b), 26 N.J.R. 3193(a).

See section annotations for subsequent revisions.

7:25-5.1 General provisions

(a) Judicial Notice. N.J.S.A. 13:1B-34 provides in pertinent part, "(C)opies of the State Fish and 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."

(b) Time: The hours listed in this Code are EST or EDT at date and are based on Trenton time. A copy of the official time table for Trenton is on file at the Office of Administrative Law and is available from that agency or the Division. Time tables for Trenton time are also published

in the annual Summary of Game Regulations and Trenton time shall be the Statewide official time.

(c) This Code, when adopted and when effective, shall supersede the provisions of 1996-97 Game Code.

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

1. "Bag limit" means the amount of permitted take per person per season except in a permit season the "bag limit" is the amount of permitted take per permit per season.

2. "Leftover permits" means those permits within the amount presented as the permit quota remaining after closure of the initial permit-granting process.

3. "Permit quota" means the maximum amount of permits allocated for a given locality, season, or species category.

4. "Possession tag" means the tag or metal seal affixed to the animal by Division personnel or designated agent.

5. "Transportation tag" means the tag portion of the hunting license or special permit which is removed and affixed to the animal immediately upon kill or removal from the trap. It is also a tag supplied by the Division with the beaver and otter trapping license.

6. "New Jersey Supplemental Deer Permit and Transportation Tag" means the paper deer permit and transportation tag issued by mandatory deer check stations after registration of a deer taken on a regular license or special season permit. The "New Jersey Supplemental Deer Permit and Transportation Tag" will allow the hunter to continue hunting and take one additional deer subject to applicable sections of this Code. The transportation tag portion is completed and affixed to a deer immediately upon killing by the hunter.

7. "New Jersey Bonus Deer Permit and Transportation Tag" means the paper deer permit and transportation tag issued by mandatory deer check stations after registration of an antlerless deer taken pursuant to N.J.A.C. 7:25-5.25(b)1. The "New Jersey Bonus Deer Permit and Transportation Tag" will allow the hunter to continue hunting and take one additional deer subject to applicable provisions of N.J.A.C. 7:25-5.25(b)1. It is not valid on the day of issuance. The transportation tag portion is completed and affixed to a deer immediately upon killing by the hunter.

8. "Traditional muzzleloader rifle" means a single shot, single barrel, side lock percussion or flintlock firearm with iron or peep sights and a wooden stock. In-line ignition, center hammer and under hammer muzzleloaders are not included in this definition. Scopes, Sabot slugs and jacketed projectiles are prohibited for the purposes of this definition.

9. An "antler point" is defined as at least one inch long from its tip to its base line, and the length must exceed the width at some location at least one inch down from the tip.

(e) For the purpose of this subchapter, "Trenton Office" shall mean the Bureau of Wildlife Management, Division of Fish, Game and Wildlife, New Jersey Department of Environmental Protection, 501 East State Street, 5 Station Plaza, PO Box 400, Trenton, New Jersey 08625.

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

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

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

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

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

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

In (b), inserted second sentence; and in (c), substituted "1996-97 Game Code" for "1995-96 Game Code"

Case Notes

Shell fisherman did not have right to adjudicatory hearing on proposed coastal development by reason of his occupation. *Spalt v. New Jersey Dept. of Environmental Protection*, 237 N.J. Super. 206, 567 A.2d 264 (A.D.1989), certification denied 122 N.J. 140, 584 A.2d 213.

7:25-5.2 Pheasant—Chinese ringneck (*Phasianus colchicus torquatus*), English or blackneck (*P. colchicus*), Mongolian (*P. mongolicus*), Japanese green (*Phasianus versicolor*); including mutants and crosses of above

(a) The duration for the male pheasant season is November 8 to December 6, 1997 inclusive, and December 15, 1997 through January 3, 1998 except closed during the December portion of the permit shotgun deer season in those management zones on the prescribed dates that the season is open and also excluding any extra permit deer season day(s) in December if declared open.

(b) The duration for the male pheasant season for properly licensed persons engaged in falconry is September 1 to December 6, 1997 and December 15, 1997 through March 31, 1998 except closed on November 7, 1997 and during the December portion of the permit shotgun deer season in those management zones on the prescribed dates that the season is open and also excluding any extra permit deer season day(s) in December if declared open.

(c) The daily bag limit is two male pheasants, except as hereinafter in this section provided.