

CHAPTER 25

DIVISION OF FISH 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.2001 d.73, effective January 30, 2001.
See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

Executive Order No. 66(1978) Expiration Date

Chapter 25, Division of Fish, Game and Wildlife Rules, expires on January 30, 2006.

Chapter Historical Note

Chapter 25, Division of Fish, Game and Wildlife Rules, was adopted 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).

Pursuant to Executive Order No. 66(1978), Chapter 25, Division of Fish, Game and Wildlife Rules, 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, Division of Fish, Game and Wildlife Rules, was readopted as R.1996 d.119, effective February 2, 1996. See: 27 N.J.R. 4514(a), 28 N.J.R. 1378(b).

Pursuant to Executive Order No. 66(1978), Chapter 25, Division of Fish and Wildlife Rules, was readopted as R.2001 d.73, effective January 30, 2001. See: Source and Effective Date. See, also, section annotations.

Petition for Rulemaking: Division of Fish and Wildlife Rules. See: 36 N.J.R. 221(a), 4849(b), 5459(a).

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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 Naturists 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 and Wildlife and its various agencies to discharge its statutory functions.

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

7:25-1.3 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.

"Division" means the Division of Fish and Wildlife 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.

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

7:25-1.5 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 are as follows. The listed fees include, where applicable, a nonrefundable \$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).

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

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

Petition for Rulemaking.

See: 35 N.J.R. 5308(b).

Petition for Rulemaking.

See: 36 N.J.R. 222(a), 4329(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.

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

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

In (d), rewrote 3iii and inserted "approved by the Council and" following "Reproduction" and substituted "Council" for "Division" preceding "and the Department of Animal Science" in 5.

Case Notes

Challenge to adoption of state management plan for suburban deer population by way of a policy statement was rendered moot in view of the subsequent adoption and revisions of regulation and later adoption of statute. *Mercer County Deer Alliance v. DEP*, 349 N.J.Super. 440, 793 A.2d 847.

State's Community Based Plan for the Management of Suburban Deer Population-Policy and Program did not exceed statutory authority by permitting the killing of deer overpopulations in accordance with the strict conditions of issued permits. *Mercer County Deer Alliance v. DEP*, 349 N.J.Super. 440, 793 A.2d 847.

7:25-5.33 Pheasants and quail stamp designated areas

(a) Designated wildlife management areas where the special "pheasant and quail" stamp is required.

1. No person shall at any time hunt for, pursue, kill, take or attempt to take with a firearm or bow and arrow, or have in possession any pheasant or quail in the following designated wildlife management areas unless such person has first procured and has in possession a valid special "pheasant and quail" stamp.

2. Designated wildlife management areas:

Assunpink	Bevan-Cedarville (Millville)
Berkshire Valley	Nantuxent
Black River	Peaslee
Clinton	Pt. Republic
Colliers Mills	Stafford Forge
Dix	MacNamara
Flatbrook-Roy	(Tuckahoe-Corbin City)
Glassboro	Walpack
Greenwood (including	Winslow
Pasadena-Howardsville)	Whittingham
Heislerville	Pequest
Mad Horse	Fort Dix
Manahawkin	Manasquan River
Medford	
Delaware River Gap National Recreation Area.	

3. Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:3-61.1, 23:3-61.2, 23:3-61.3, 23:3-61.4, and other applicable statutes.

7:25-5.34 Controlled hunting—hunting restrictions on wildlife management areas

(a) No wildlife management areas have been selected for limited hunter density for the 2003-2004, 2004-2005 or 2005-2006 seasons. However, hunting with firearms shall be prohibited on the day prior to the opening of the regular small game seasons for established in N.J.A.C. 7:25-5.2 and quail established in N.J.A.C. 7:25-3 including November 7, 2003, November 12, 2004 and November 11, 2005 on those

wildlife management areas designated as pheasant and quail stamp areas in N.J.A.C. 7:25-5.33.

(b) Authority: 13:1B-30, 23:4-1, 23:4-12, 23:7-9 and other applicable statutes.

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

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

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

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

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

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

Amended dates referenced.

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

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

In (a), changed season dates.

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

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

In (a), changed dates throughout.

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

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

In (a), changed dates.

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

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

Rewrote (a).

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

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

In (a), deleted "2002-2003," following "density for the" and deleted "November 8, 2002," preceding "November 7, 2003".

7:25-5.35 Special wildlife salvage permit

(a) Special permits known as scientific salvage permits may be issued by the Director for the salvage and possession of accidentally killed or naturally dead wildlife other than migratory birds and nongame birds and endangered wildlife species that are named on the State of New Jersey and the federal lists of each endangered species.

(b) The special permits may be issued to properly accredited persons associated with educational or scientific institutions for strictly educational or scientific purposes only.

(c) The scientific salvage permit issuance fee shall be \$7.00 to defray expenses attending granting the permit and the permit shall be valid for one year only, from the date of its issuance and shall not be transferrable.

(d) Upon proof that a holder of the special salvage permit has killed, injured, destroyed or attempted to kill, injure or destroy with any weapon, trap, snare or other device of any kind any wild animal, except as provided by N.J.S.A. Title 23 or the proper Game Code, or has in possession any species of wildlife other than those named in this permit or other wildlife possession permit, the special permit shall become void and the permit holder shall be subject to the penalties provided by law.

(e) Authority: N.J.S.A. 13:1B-30, 23:4-50, 23:4-1, 23:4-12, 23:2A-1 et seq., and other applicable statutes.

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

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

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

7:25-5.37 Special permit to inhibit wildlife reproduction

(a) No person shall administer or otherwise employ the use of fertility control materials and/or methodologies including, but not limited to, those which result in contraception, contragestation and/or sterilization to any species of free ranging wildlife without first procuring a permit approved by the Council and issued by the Division under this section. No person shall employ any physical alteration or device that would alter the reproduction potential of any free-ranging wildlife species without first procuring a permit as required. The possession of such unauthorized materials or devices in the field shall be considered the attempt to take wildlife contrary to the provisions of the code. Prior to submission of an application, applicants must first obtain any necessary Federal permits. Each permit applicant must provide a written proposal describing the fertility control procedure, the credentials of the person(s) who will administer the contraceptive procedure, the purpose or intent of the procedure and an assessment of environmental impacts. The Division in cooperation with the Department of Animal Science, Cook College-Rutgers University and other scientists who may be selected by the Division will review each application and determine whether or not a permit is granted based on the overall justification and need for conducting such procedures, the qualifications of the person(s) administering the procedure and the anticipated environmental impacts affecting both wildlife and humans and the probability of success in controlling free-ranging wildlife populations. The permit shall identify the time, place and methodology to be utilized and any special conditions established by the Council.

(b) The authority for the adoption of the foregoing subsection is found in N.J.S.A. 13:1B-30, 23:4-1, 23:4-11, 23:4-42, 24:4-488, and other applicable statutes.

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

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

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

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

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

In (a), rewrote the first and fifth sentences; and in (b), deleted a reference to N.J.S.A. 23:4-60.3.

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

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

Rewrote (a).

Petition for Rulemaking.

See: 36 N.J.R. 1128(a).

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

(a) Northern Region Office—Clinton WMA Region Office, 26 Rt. 173 West, Hampton, N.J. 08827, (908) 735-8240.

(b) Central Region Office—Assunpink WMA, 1 Eldridge Road, Robbinsville, NJ 08691 (609) 259-2120.

(c) Southern Region Office—Winslow WMA, 220 Blue Anchor Road, Sicklerville, NJ 08081, (856) 629-0555.

(d) DEP Action Line, 1-877-WARN DEP (927-6337).

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

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

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

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

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

In (c) and (d), changed telephone numbers.

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

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

Rewrote section.

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

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

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. 2004-2005 FISH CODE

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).
 R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).
 See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).
 R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).
 See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).
 R.2002 d.379, effective November 18, 2002 (operative January 1, 2003).
 See: 34 N.J.R. 1789(a), 34 N.J.R. 3963(a).
 R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).
 See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(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 landlocked forms) | <i>Alosa pseudoharengus</i> ;
i. Except in the Delaware River, where alewife is a foodfish in accordance with N.J.S.A. 23:9-5; |
| 2. Blueback herring | <i>Alosa aestivalis</i> ;
i. Except in the Delaware River, where blueback herring is a foodfish in accordance with N.J.S.A. 23:9-5; |
| 3. Golden shiner | <i>Notemigonus crysoleucas</i> ; |
| 4. Banded killifish | <i>Fundulus diaphanus</i> ; |
| 5. Mummichog | <i>Fundulus heteroclitus</i> ; |
| 6. Spotfin killifish | <i>Fundulus luciae</i> ; |
| 7. Rainwater killifish | <i>Lucania parva</i> ; |
| 8. American brook lamprey | <i>Lampetra lamottei</i> ; |
| 9. Fathead minnow | <i>Pimephales promelas</i> ; |
| 10. Bluntnose minnow | <i>Pimephales notatus</i> ; |
| 11. Stonecat | <i>Noturus flavus</i> ; |
| 12. Tadpole madtom | <i>Noturus gyrinus</i> ; |
| 13. Margined madtom | <i>Noturus insignis</i> ; |
| 14. All shiner, dace, and minnows of the following genera: | <i>Luxilus</i> , <i>Cyprinella</i> , and <i>Semotilus</i> ; |
| 15. American eel | <i>Anguilla Rostrata</i> , greater than six inches in length; |
| 16. Gizzard shad | <i>Dorosoma cepedianum</i> . |

"Closed season" shall mean a period of time during which the taking of one or more species of fish is not permitted.

"Closed waters" means those waters in which angling is not permitted, particularly in reference to time.

"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.

"Division" means the Division of Fish 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 | <i>Acipenser oxyrhynchus</i> ; |
| 2. White sucker | <i>Catostomus commersoni</i> ; |

- | | |
|--|----------------------|
| 3. Carp | Cyprinus carpio; |
| 4. American eel | Anguilla rostrata; |
| 5. Blueback herring | Alosa aestivalis; |
| 6. American shad | Alosa sapidissima; |
| 7. Gizzard shad | Dorosoma cepedianum; |
| 8. Yellow perch | Perca flavescens; |
| 9. White perch | Morone americana; |
| 10. White catfish | Ameiurus catus; |
| 11. Black bullhead | Ameiurus melas; |
| 12. Brown bullhead | Ameiurus nebulosus; |
| 13. Yellow bullhead | Ameiurus natalis; |
| 14. Channel catfish | Ictalurus punctatus; |
| 15. Bowfin | Amia calva; and |
| 16. Any other marine fish species that is legal for taking with net in marine waters, except striped bass and alewife herring. | |

"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 oxyrinchus |
| 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 auritus |
| 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 |
| 26. Striped bass | Morone saxatilis |

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.

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

In "Baitfish", added "greater than six inches in length" following "Anguilla rostrata" in 15; rewrote "Closures" as "Closed Waters"; inserted "Closed season"; and in "Warmwater fish", added 26.

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

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

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

In "Baitfish", rewrote 1 and 2, and added 16; in "Foodfish", deleted former 6, recodified former 7 and 8 as 6 and 7, deleted former 9, recodified former 10 to 17 as 8 to 15, recodified former 18 as 16 and inserted ", except striped bass and alewife herring".

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 2004 shall commence 12:01 A.M. January 1, 2004 and extend to midnight March 22, 2004. The trout season shall reopen at 8:00 A.M. Saturday, April 10, 2004 and extend to include midnight March 21, 2005.

(b) Except as provided in N.J.A.C. 7:25-6.4, 6.6 through 6.9 and (i) below, it shall be unlawful to fish for any species of fish from midnight March 22, 2004 to 8:00 A.M. on April 10, 2004 in ponds, lakes or those portions of streams that are listed herein for stocking during 2004.

(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 through 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. for stocking on the dates and at the locations indicated below, provided that in the event of emergent conditions, the Division may suspend stocking of any or all of the waters listed below:

1. Monday, April 12, 19, 26; May 3, 10, 17, 24:

i. Manasquan River—Route 9 bridge downstream to Bennetts Bridge, Manasquan Wildlife Management Area.

ii. Metedeconk River, N. Br. Aldrich Road Bridge to Ridge Avenue.

iii. Metedeconk River, S. Br. Bennetts Mills dam to twin wooden foot bridge, opposite Lake Park Boulevard, on South Lake Drive, Lakewood.

iv. Rockaway River—Longwood Lake dam to Jersey City Reservoir in Boonton.

v. Toms River—Ocean County Route 528, Holmansville, to confluence with Maple Root Branch and Route 70 to County Route 571.

vi. Wallkill River—Lake Mohawk Dam to Route 23, Hamburg.

2. Tuesday, April 13, 20, 27; May 4, 11, 18, 25:

i. Pohatcong Creek—Route 31 to Delaware River.

ii. Raritan River, S. Br. Budd Lake dam through Hunterdon and Somerset Counties to Jct. with N. Br. Raritan River.

3. Wednesday, April 14, 21, 28; May 5, 12, 19, 26:

i. Raritan River, N. Br.—Peapack Road Bridge in Far Hills to Jct. with S. Br. Raritan River.

4. Thursday, April 15, 22, 29; May 6, 13, 20, 27:

i. Black River—Route 206 Chester, to the posted Black River Fish and Game club property at the lower end of Hacklebarney State Park.

ii. 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.

iii. Ramapo River—State line to Pompton Lake.

5. Friday, April 16, 23, 30; May 7, 14, 21, 28:

i. Big Flat Brook—100 ft. above Steam Mill Bridge on Crigger Road in Stokes State Forest to Delaware River.

ii. Musconetcong River—Lake Hopatcong Dam to Delaware River, including all main stem impoundments, but excluding Lake Musconetcong, Netcong.

iii. Pequest River—Source to Delaware River.

iv. Wanaque River—Greenwood Lake Dam to Jct. with Pequannock River, excluding Wanaque Reservoir, Monksville Reservoir and Lake Inez.

(e) Except as provided in N.J.A.C. 7:25-6.5 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 19 through May 28, 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)

Scarlet Oak Pond—Mahway—(0)

Tenakill Creek—Closter, entire length—(3)

Whites Pond—Waldwick—(4)

3. Burlington County

Crystal Lake—Willingboro—(4)

Laurel Pond—Mt. Laurel—(3)

Rancocas Creek, South 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 Avenue, Vineland—(4)

Shaw's Mill Pond—Newport—(3)

7. Essex County

Branch Brook Park Lake—Newark—(4)

Clarks Pond—Bloomfield—(0)

Diamond Mill Pond—Millburn—(3)

Verona Park Lake—Verona—(4)

8. Gloucester County

Greenwich Lake—Gibbstown—(3)

Grenloch Lake—Turnersville—(3)

Harrisonville Lake—Harrisonville—(3)

Iona Lake—Iona—(3)

Mullica Hill Pond—Mullica Hill—(3)

Swedesboro Lake—Swedesboro—(3)

Westville Lake—Westville—(0)

9. Hudson County

West Hudson County Park Pond—Harrison—(0)

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

10. Hunterdon County

Amwell Lake—East Amwell—(3)

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

Capoolong Creek—Pittstown, entire length—(5)

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

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

Lockatong Creek—Opdyke Road Bridge, Kingwood Township 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)

Nishisakawick Creek—Frenchtown/Everittstown, entire length—(2)

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

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

Round Valley Reservoir—Clinton Township—(3)

Sidney Brook—Grandin, entire length—(1)

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

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

Spruce Run Reservoir—Clinton—(3)

Wickecheoke Creek—Covered Bridge County Rt. 604, Sergeantsville to Delaware River—(2)

11. Mercer County

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

Colonia Lake—Lawrence Township—(3)

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

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

Rosedale Lake—Rosedale—(3)

Stony Brook—Woodsville to Port Mercer—(4)

12. Middlesex County

Farrington Lake—North Brunswick—(3)

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

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

Lake Papaiani—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)

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 Rd. to Rt. 24, Chatham Boro—(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)

Pohatcong Lake, Tuckerton (4)

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—Ringwood State Park—(3)

17. Salem County

Harrisonville Lake—Harrisonville—(3)
 Maurice River—Willow Grove Lake Dam to Sherman Avenue, Vineland—(4)

Riverview Beach Pond—Pennsville Township—(4)
 Schadler's Sand Wash Pond—Penns Grove—(3)

18. Somerset County

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—Gladstone, 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—(3)
 Andover Junction Brook—Andover, entire length—(2)
 Bier's Kill—Shaytown, entire length—(2)
 Big Flat Brook, Upper—Saw Mill Pond, 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 Creek—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 Pond—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 Creek—(0)
 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—Buttville—(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 10, 2004 until midnight May 31, 2004 or more than four of these species during the periods of January 1, 2004 to midnight March 22, 2004 and June 1, 2004 through midnight March 21, 2005, 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; Pompton Lake, Passaic County; and the Manasquan Reservoir, Monmouth County, will remain open to angling year-round. Trout, if taken during period commencing at midnight, March 22, 2004 and extending to 8:00 A.M. April 10, 2004 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 in f(21) added a reference to White Lake—Hardwick; and in (i), inserted a reference to Prospertown Lake, Ocean County.

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

Changed dates throughout; in (f), changed stocked water references throughout; and in (i), inserted a reference to Pompton Lake.

Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

Changed dates throughout; in (f)17, deleted a reference to Harrison Brook—Liberty Corner.

Amended by R.2002 d.379, effective November 18, 2002 (operative January 1, 2003).

See: 34 N.J.R. 1789(a), 34 N.J.R. 3963(a).

Rewrote the section.

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

Rewrote the section.

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

(a) Beginning January 1, 2004 to midnight March 22, 2004 and from 5:00 A.M. on Monday, April 19, 2004 to midnight March 21, 2005, the following stretch is 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.

(b) Beginning January 1, 2004 to midnight March 22, 2004 and from 8:00 A.M. on April 10, 2004 to midnight March 21, 2005, 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 rules shall apply to the above designated fly-fishing waters:

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

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

3. No bait or lures of any kind shall 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.

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.

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

In (a), (b) and (d)2, changed dates throughout.

Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

Changed dates throughout; deleted (a)2; deleted former (c) and recodified former (d) as new (c); in (c)3, deleted last sentence referencing Musconetcong "no kill" area.

Amended by R.2002 d.379, effective November 18, 2002 (operative January 1, 2003).

See: 34 N.J.R. 1789(a), 34 N.J.R. 3963(a).

Amended dates throughout.

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

Amended 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, 2004 through April 9, 2004 and May 24, 2004 through April 8, 2005.

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.

3. Musconetcong River—An approximate 1.2 mile stretch of the Musconetcong River near Point Mountain extending from the Penwell Road bridge downstream to the Point Mountain Road bridge.

(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.

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

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

Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

In (a), changed dates and added 3.

Amended by R.2002 d.379, effective November 18, 2002 (operative January 1, 2003).

See: 34 N.J.R. 1789(a), 34 N.J.R. 3963(a).

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

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

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

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

(a) The following streams, or portions thereof, are designated as "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. Jackson Brook (Source to Hedden Park Lake, Mine Hill Twp.);

14. Ledgewood Brook (Ledgewood);

15. Little York Brook (Little York);

16. Lomerson Brook, also known as Herzog Brook (Pottersville);

17. Merrill Creek (Stewartville)

18. Mill Brook (Montague);

19. North Branch of Rockaway Creek (Mountainville);

20. Parker Brook (Montague);

21. Passaic River (Source to Rt. 202, Bernardsville);

22. Pequannock River (Newark Watershed, Oak Ridge; Road bridge downstream to railroad bridge; immediately upstream of Charlottesburg Reservoir);

23. Rhineharts Brook (Hacklebarney State Park);

24. Rocky Run (Clinton Twp.);

25. Saddle River (State Line to Lake Street, Upper Saddle River);

26. Stephensburg Creek (Stephensburg);

27. Stony Brook (Stokes State Forest);

28. Stony Brook (Washington Twp., Morris County);

29. Tetertown Brook (Tetertown);

30. Trout Brook (Hacklebarney State Park);

31. Turkey Brook (Mount Olive);

32. Van Campens Brook (Delaware Water Gap National Recreation Area);

33. West Brook (Source downstream to Windbeam Club Property); and

34. Whippany River (Source to Tingley Road, Mendham Twp.);

35. 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 10, 2004 to September 15, 2004, 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.

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

In (b)5, changed dates.

Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

In (b)5, changed dates.

Amended by R.2002 d.379, effective November 18, 2002 (operative January 1, 2003).

See: 34 N.J.R. 1789(a), 34 N.J.R. 3963(a).

In (b)5, changed dates.

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

In (a), added new 13, recodified former 13 to 23 as 14 to 24, added new 25, recodified former 24 to 31 as 26 to 33, added new 34, recodified former 32 as 35; 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;

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; and

4. 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) 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.

Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

In (a), added 4.

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 in (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 20 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 January 1, 2004 to midnight September 15, 2004 and from December 1, 2004 to midnight September 15, 2005.

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.

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

In (b), substituted "20" for "24" preceding "inches in 3, and changed dates in 4.

Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

In (b)4, changed dates throughout.

Amended by R.2002 d.379, effective November 18, 2002 (operative January 1, 2003).

See: 34 N.J.R. 1789(a), 34 N.J.R. 3963(a).

In (b)4, changed dates.

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

In (b)4, changed dates.

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. Swartswood 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 Holdover Trout Lakes designated at (a) above:

1. Fishing is permitted year-round.

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 10, 2004 until May 31, 2004 or more than two of these species during the periods of January 1, 2004 to midnight March 22, 2004 and June 1, 2004 to midnight March 21, 2005. Trout, if taken during the period commencing at midnight March 22, 2004 and extending to 8:00 A.M. April 10, 2004 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.

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

In (b)3, changed dates throughout.

Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

In (b)3, changed dates throughout.

Amended by R.2002 d.379, effective November 18, 2002 (operative January 1, 2003).

See: 34 N.J.R. 1789(a), 34 N.J.R. 3963(a).

In (b)3, changed dates.

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

In (b)3, changed dates.

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 through 6.9 and (c) and (d) below, up to 35 baitfish per person per day may be taken from the freshwater streams 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. In lakes and ponds under 100 acres, a seine not over 30 feet in length may be used, and in lakes over 100 acres, a seine not over 50 feet in length may be used. 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. A cast net no greater than eight feet in diameter may be used in freshwater streams provided it is not classified as a special regulation trout fishing area.

(c) In trout stocked waters and special regulation areas, listed in N.J.A.C. 7:25-6.3 to 6.9, it is prohibited to net, trap or attempt to net or trap baitfish from March 22 through 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. The use of cast nets is not permitted in these waters at any time.

(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, a cast net no greater than eight feet in diameter, 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 other than alewife (anadromous and landlocked) and blueback herring may be taken from the freshwaters of the State, in numbers greater than 35 per day for the purpose of sale under special permit issued by the Division in its discretion. Alewife may be taken from lakes, 250 acres or greater, in numbers greater than 35 per day for the purposes of sale, under special permit issued by the Division in its discretion.

1. To obtain a special permit, an application may be obtained from:

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

2. Applications shall be directed to:

New Jersey Division of Fish and Wildlife
Bureau of Freshwater Fisheries
PO Box 394
Lebanon, NJ 08833-0394

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.

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

In (c), substituted a reference to March 18 for a reference to March 19.

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

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

Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

Rewrote (b) and (c); in (d), inserted ", a cast net no greater than eight feet in diameter," following "hook and line"; in (e), substituted "lakes, 250 acres or greater" for "the freshwaters of the State".

Amended by R.2002 d.379, effective November 18, 2002 (operative January 1, 2003).

See: 34 N.J.R. 1789(a), 34 N.J.R. 3963(a).

In (c), substituted "March 23" for "March 24".

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

In (c), substituted "March 22 through" for "March 23 to"; in (e), rewrote the introductory paragraph, and 1.

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 and sell 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 may be used from November 1 to April 30. Permits for haul seines exceeding 70 fathoms in length will be issued for the Delaware River, upstream of the wing dam at Lambertville, only for permittees which have obtained approval from the Division prior to January 1, 2004. All permits issued by the Division after January 1, 2004 will restrict seines to a length not to exceed 70 fathoms in this section of the Delaware River.

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 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 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 may be used from March 1 to June 15.

v. Gill nets with a mesh not smaller than two and three quarters stretched measure, while being fished and not exceeding 200 feet in length may be used from May 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.

4. To obtain a special permit, an application may be obtained from:

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

5. Applications shall be directed to:

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

6. The permittees shall agree to:

- i. Comply with all reporting requirements;
- ii. Return species, other than foodfish, to the water immediately and unharmed;
- iii. Legibly display name and address on any and all 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. Notify and obtain permission from the owner of the water body or access to the water body named in the permit; and
- viii. Comply with any local ordinances and other State laws or regulations.

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.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

In (a)2, inserted "and sell" in the introductory paragraph, added the last two sentences in i, substituted "May 1" for "March 1" in v, and deleted "except striped bass" following "for all species" throughout; added (a)4 to (a)6.

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, rainbow trout, alewife herring (landlocked and anadromous) and blueback herring 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.

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

Inserted "alewife herring (landlocked and anadromous) and blue-back herring" following "rainbow trout".

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 Hamonton 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 and largemouth bass shall be 12 inches, except for Parvin Lake, Ryker Lake, Delaware Lake, Assunpink Lake and Splitrock Reservoir where it shall be 15 inches and for Boonton Reservoir where it shall be 15 inches for smallmouth bass only.

(e) The daily creel and possession limit for largemouth bass and smallmouth bass shall be five in total, except for Parvin Lake, Boonton Reservoir, Split Rock 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.

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

(g) 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, for purposes of sale, in accordance with N.J.S.A. 23:3-55.

(h) 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 Lake Hopatcong, Mercer Lake (Mercer County) and Monksville Reservoir (Passaic County) where the minimum length for muskellunge and tiger muskie shall be 36 inches and the daily creel and possession limit shall be one and Mountain Lake (Warren County) and Echo Lake Reservoir (Passaic

County) where the minimum length shall be 40 inches and the daily creel and possession limit shall be one.

(i) 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.

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

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

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

(m) 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 daily creel and possession limit shall be two, one fish between 24 and less than 28 inches in length and one fish of 28 inches or larger.

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

(o) 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.

(p) The daily creel and possession limit for striped bass shall be two, one fish between 24 and less than 28 inches in length and one fish of 28 inches or larger.

(q) Striped bass may not be taken or possessed during the period of January 1 through February 29.

(r) Hybrid striped bass may not be taken in the Raritan River downstream of the Duke Island Park dam during the period of January 1 through February 29.

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

(t) 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. For Rainbow Lake the daily creel limit for sunfish shall be 10 and the minimum size 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). Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

In (f), inserted a reference to Split Rock Reservoir; rewrote (i) and (q).

Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

Deleted former (d) and (e), inserted new (d), and recodified existing (f) through (u) as (e) through (t).

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

In (g), inserted "for purposes of sale" following "Division"; in (h), substituted "Mercer Lake (Mercer County)" for "Morris and Sussex Counties"; in (l), substituted "March 1 through April 30" for "March 1 to April 30"; in (m), substituted "daily creel and possession limit shall be two, one fish between 24 and less than 28 inches in length and one fish of 28 inches or larger" for "minimum length shall be 28 inches and the daily creel and possession limit shall be two"; in (p), inserted "less than" following "24 and"; in (q) and (r), substituted January 1 to February 29" for "January through February 28"; in (t), added the last sentence.

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 flumes located at Deal Lake, Wreck Pond and Lake Takanasee 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. Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

In (a), inserted "or flumes located at Deal Lake, Wreck Pond and Lake Takanasee" following "any fish ladder".

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, 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 wellbeing of the fishery resource and/or its users, and may include any exceptions to the total ban on fishing that the Director deems practical.

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

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

7:25-6.18 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 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 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 and Wildlife
Bureau of Freshwater Fisheries
PO Box 394
Lebanon, NJ 08833-0394
3. The permittee shall agree to:
 - i. Submit a report of the results of the tagging study to the Division;
 - 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).

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

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

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

7:25-6.19 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.

1.

Species	Season	Size	Daily Bag Limit
Trout	No closed season	No minimum	3
Largemouth bass and smallmouth bass	Jan. 1-April 14, and June 16-Dec. 31 April 15-June 15	12 inch minimum	5 singly or in aggregate
Chain pickerel	No closed season	15 inch minimum	Catch and Release Only
Muskellunge and any hybrid thereof	No closed season	36 inch minimum	5
Walleye	Jan. 1-Feb. 29 and May 1, 2004-Feb. 28, 2005	18 inches	1
Channel catfish	No closed season	12 inches	3
Black crappie and white crappie	No closed season	8 inches	5
All other species	No closed season	No minimum	10 singly or in total 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.

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

In (a)1, changed dates for walleye season.

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

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

Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

In (a)1, changed dates for walleye season.

Amended by R.2002 d.379, effective November 18, 2002 (operative January 1, 2003).

See: 34 N.J.R. 1789(a), 34 N.J.R. 3963(a).

In (a)1, amended the dates for the walleye season.

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

In (a)1, amended the dates for the walleye season.

Administrative correction.

See: 36 N.J.R. 3582(a).

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

(a) In cooperation with the Pennsylvania Fish and Boat 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.

Species	Season	Size	Daily Bag Limit
Trout	April 17-Sept. 30	No minimum	5
American Shad	No closed season	No minimum	6 singly or in aggregate
Hickory shad	Closed season	Closed season	Closed season
Largemouth bass and smallmouth bass	No closed season	12 inch minimum	5 in total
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
Alewife and blueback (anadromous forms)	No closed season	No minimum	35 in aggregate
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	24 inches to less than 28 inches	2 in total 1
	Upstream of Route 1 Bridge March 1-Dec. 31	28 inches or greater	1
All other freshwater species	No closed season	No minimum	No limit

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 may be taken and possessed for personal uses only but not to exceed 35 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 and Wildlife, for the purposes of sale, at any time of the year and at any time of day.

7. Hook and line fishermen are hereby restricted to the use of non-offset circle hooks while fishing with any natural bait during the months of April and May downstream of the Route 1 Bridge to the Commodore Barry Bridge. This restriction shall apply only to hooks of size two and larger and shall not apply to hooks of smaller sizes (such as those normally used for white perch fishing).

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.

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

In (a)1, changed daily bag limit by size in reference to striped bass and striped bass x white bass hybrids.

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

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

Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

In (a), added 7.

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

In (a)1, amended the tables; in (a)5, deleted “; including alewife and blueback herring,” and substituted “35” for “50”; in 6, inserted “for the purpose of sale,” following “Division of Fish and Wildlife”.

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, 2004 through April 30, 2004 and from June 16, 2004 through April 30, 2005. The open season for the taking of bull frogs and green frogs shall be from January 1, 2004 through March 31, 2004 and from July 1, 2004 through March 31, 2005.

(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, for the purposes of sale, at its discretion.

1. To obtain a special permit, an application may be obtained from the Division at:

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

2. Applications shall be directed to:

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

3. 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. Notify and obtain permission from the owner of the waterbody where the trap is set;
- iv. Tend all traps at least once every 24 hours;
- v. Not transfer the permit to other operators;
- vi. Use only those traps that provide a means of escape, or survival, of species of turtles other than snapping turtles; and

- vii. Comply with any local ordinances and other State laws or regulations.

(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 not regulated in this Code 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.

Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).

See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).

In (c), changed dates throughout.

Amended by R.2001 d.478, effective December 17, 2001 (operative January 1, 2002).

See: 33 N.J.R. 2748(a), 33 N.J.R. 4337(a).

In (c), changed dates throughout.

Amended by R.2002 d.379, effective November 18, 2002 (operative January 1, 2003).

See: 34 N.J.R. 1789(a), 34 N.J.R. 3963(a).

In (c), substituted "2003" for "2002" and "2004" for "2003" throughout.

Amended by R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).

See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

In (c), changed dates; rewrote (d); in (e), substituted "turtles not regulated in this Code is regulated under" for "turtles is regulated under" preceding "N.J.S.A. 23:2A-6".

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

(a) The Director of the Division 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 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.

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).
Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).
See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).
Amended by R.2001 d.73, effective March 5, 2001.
See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

7:25-6.24 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 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).
Amended by R.2000 d.462, effective November 20, 2000 (operative January 1, 2001).
See: 32 N.J.R. 2532(a), 32 N.J.R. 4103(b).
Amended by R.2001 d.73, effective March 5, 2001.
See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

7:25-6.25 Revocation of permits; penalties

(a) Violation of any condition of a permit issued under this subchapter may result in revocation of the permit.

(b) A permittee who violates any condition of a permit issued under this subchapter may be subject to penalties under N.J.S.A. 23:4-1 and 5-11, or any other applicable statute.

New Rule, R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).
See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

7:25-6.26 Requests for adjudicatory hearings

(a) Any person, subject to the limitation on third party appeal rights set forth in P.L. 1993, c.359 (N.J.S.A. 52:14B-3.1 through 3.3), who believes himself or herself to be aggrieved with respect to a permit decision made by the Division may request an adjudicatory hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) A request for an adjudicatory hearing must be received by the Department within 30 calendar days after the person requesting the hearing receives notice of the Division's decision. If the Department does not receive a hearing request within the allotted time, it shall deny the hearing request.

(c) A person requesting a hearing shall provide the following information in writing to the Department at the address in (f) below:

1. The name, address, and telephone number of the person requesting the hearing;
2. A copy of the decision document;
3. A description of any facts or issues which the petitioner believes constitute a defense to the decision made by the Division;
4. Information supporting the request and specific reference to or copies of other written documents relied upon to support the request;
5. An estimate of the time required for the hearing (in days and/or hours); and
6. A request, if necessary, for a barrier-free hearing location for physically disabled persons.

(d) If the person fails to include all of the information required by (c)1 through 6 above, the Department may deny the hearing request.

(e) A request for an adjudicatory hearing shall be submitted to the Department at the address listed below, with a copy to the Division of Fish and Wildlife at the address given at N.J.A.C. 7:25-6.11:

Office of Legal Affairs
New Jersey Department of Environmental Protection
PO Box 402
Trenton, New Jersey 08625-0402
Attention: Adjudicatory Hearing Requests

New Rule, R.2003 d.472, effective December 1, 2003 (operative January 1, 2004).
See: 35 N.J.R. 2977(a), 35 N.J.R. 5372(a).

SUBCHAPTER 7. MISCELLANEOUS SHELLFISH RULES

Subchapter Historical Note

Subchapter 7, Miscellaneous Shellfish Rules, was adopted and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Subchapter 7, Miscellaneous Shellfish Rules, expired on March 13, 1984.