

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7:25-18.3 Net identification tags

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

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

7:25-18.4 Spearfishing

It shall be lawful to take, catch, or kill all species of fish by means of spearfishing, during the respective open season, except for those species of fish specifically protected. For the purpose of this rule, spearfishing shall mean the taking of fish by means of a spear, harpoon, or other missile, or by hand, while completely submerged in the marine waters of the State.

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

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

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

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

7:25-18.5 General net regulations

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

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

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

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

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

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

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

(g) Individuals intending to take fish with a net in the marine waters of this State pursuant to N.J.S.A. 23:5-24.2 shall, as required, apply to the Commissioner for a license and/or permit. To be eligible for a gill net license, an applicant must provide a copy of a previously valid gill net license held by the applicant from the preceding year. Individuals must purchase the maximum number of gill net

licenses to which they are entitled annually. Any licenses not purchased will be forfeited. The holder of a valid gill net license not pending revocation or court action due to violation of provisions of this subchapter may transfer the right to purchase all of the gill net licenses he or she is entitled to purchase to another individual at any time, upon notification the Department. The new licensee shall have a license(s) issued in his or her name after payment of the fee specified in (g)5vi or (g)6ix below. Any licenses not purchased by the new entrant will be forfeited. Availability of Delaware Bay Gill Net Permits shall be determined pursuant to N.J.A.C. 7:25-18.6 through 18.11. Upon receipt of the application, and the prescribed license fee, the Commissioner may, in his or her discretion, issue single season licenses and/or permits as specified for each net type for the taking of fish with nets only as follows:

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

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

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

iii. American eel may be taken by haul seine during the season of January 1 through April 30. Any American eel taken by haul seine from November 1 through December 31 shall not be retained and must be immediately returned to the water.

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

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

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

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

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

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

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

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

vii. American eel may be taken by fyke net during the season of January 1 through April 30. Any American eel taken by fyke net from November 1 through December 31 shall not be retained and must be immediately returned to the water.

viii. The fyke resident fee shall be \$12.00 per net. Each licensee shall notify the Department in their license application of the specific estuary in which they intend to fish the fyke net(s). Licensees shall notify the Department as to any change in the specific estuary within which the fyke net is located no later than seven days following the change in estuary. Such notice shall be in writing to:

Division of Fish and Wildlife
Marine Fisheries Administration
PO Box 400
Trenton, New Jersey 08625-0400.

3. Miniature fyke or pots shall only be used for the taking of catfish, suckers, killifish (Cyprinodontidae), and eels. The mesh of this net type shall be no smaller than one-half inch by one-half inch bar, inside measurement. The net type shall not have leaders or wings and shall not exceed 16 inches in diameter if cylindrical or 201 square inches in cross section if any other configuration in any of the marine waters of this State.

i. The miniature fyke or pot season shall begin on January 1 and end on December 31;

ii. The miniature fyke or pot resident fee shall be \$100.00 regardless of the number of miniature fykes or pots employed;

iii. One or two miniature fykes or pots may be used for the taking of killifish or eels only for bait without application for or granting of a license, provided, however, that killifish or eels taken without having a valid license in possession may not be sold or used for barter.

iv. No miniature fyke or pot shall be placed in any man-made lagoon or in any marked or charted channel except noncommercial pots or miniature fykes fastened

to a pier or other shore connected structure by a line no longer than twice the depth of the water at that point.

v. No license holder shall use more than 300 miniature fykes or pots for the taking of catfish, suckers, killifish, and eels.

vi. All persons holding a miniature fyke net license shall keep, on forms provided by the Division, accurate records of their catch and effort using that gear, including name, amount of gear used, fishing time, area fished, species caught, total amount of each species taken, and any other data required by the Division that is relevant to the management of the fishery. These forms shall be completed for all fishing activity with miniature fyke nets for the months of January through December, inclusive; signed by the licensee attesting to the validity of the information; and filed within 10 days following the end of the reported month with the Division at the address shown on the reporting form. Said filing must be current before a license for miniature fyke nets is issued for the subsequent year. If there was no harvest for a given month, a report to that effect shall be submitted to the Division. Failure to file on or before the 10th of the month following the month of record may lead to suspension or permanent revocation of said license by the Department according to the following schedule:

- (1) First offense: no suspension;
- (2) Second offense: 120 days suspension; and
- (3) Third offense: permanent revocation;

vii. Prior to suspension or revocation of the license, the licensee shall have the opportunity to request a hearing in accordance with the procedures at N.J.A.C. 7:25-18.17.

viii. The Department shall automatically remove and reduce to zero the number of previous reporting offense(s) on a licensee's record if the licensee does not commit any other reporting offenses under (g)3v above for 18 months from the date of the first reporting offense on record or from the date of completion of the suspension imposed as a result of a second reporting offense on record.

ix. A licensee cited for violation of (g)3v above may submit a nullification request to nullify the reporting offense and any resulting penalty be nullified due to extraordinary hardship or exceptional circumstance in accordance with this subsection and (g)3x through xi below. The licensee shall submit the nullification request as part of the request for an adjudicatory hearing on the reporting offense filed in accordance with N.J.A.C. 7:25-18.17. The nullification request shall:

- (1) Identify the specific reporting offense for which the nullification is requested;

(2) Explain in detail why the licensee was not able to comply with the reporting requirements outlined at (g)3v above, including a statement of the type and degree of hardship that prevented compliance with the reporting requirements and the hardship that will result to the licensee if the reporting offense is not nullified; and

(3) Provide appropriate documentation as necessary to support the request for nullification.

x. The Department shall nullify an offense and any resultant penalty under (g)3v above, if it determines that:

(1) By reason of extraordinary hardship or exceptional situation or condition, the licensee was precluded from complying with the reporting requirements;

(2) By reason of extraordinary or exceptional situation or condition, strict compliance with the reporting requirements at (g)3v above would result in exceptional and undue hardship upon the licensee;

(3) The circumstances supporting (g)3x(1) and (2) above were not created by the licensee or persons under his or her control; and

(4) The approval to nullify will not unreasonably interfere with the orderly administration of these reporting requirements.

xi. The Department shall provide written notice to the licensee of its decision to approve or deny the nullification request. If the Department denies the nullification request, the request for an adjudicatory hearing on the reporting offense shall be deemed to include a request for an adjudicatory hearing on the denial of the nullification request. If the Department approves the nullification request, the request for an adjudicatory hearing on the reporting violation shall be deemed withdrawn as moot.

4. The bait net season shall begin on January 1 and shall end on December 31. Except as provided in N.J.S.A. 23:5-24.2, bait net resident fees shall be \$10.00 per license.

i. Bait nets shall be limited to one or more of the following types:

(1) Hand held dip nets 24 inches in diameter or less;

(2) Bait seines not exceeding 150 feet and mesh not less than three eighths inches stretched, inside measurements, and not more than 2.5 inches stretched;

(3) Cast nets not exceeding 30 feet in diameter;

(4) Lift or umbrella nets not exceeding four feet square; and

(5) Killipots with mesh not less than three sixteenth inches bar, inside measurements, and not

exceeding 10 inches in diameter or 25 inches in length if cylindrical or 2,000 cubic inches for any other conformation for the taking of killifish (*Cyprinodontidae* spp.) only; and

ii. No person shall harvest or attempt to harvest fish by any means from the Deal Lake flume, the Lake Takanassee spillway or Wreck Pond spillway on Monday, Wednesday, and Friday, during the months of April and May in any year.

5. Drifting gill nets shall be used only in the Atlantic Ocean, Delaware Bay, and the tributaries of Delaware Bay. The smallest mesh of any drifting gill net shall be not less than five inches stretched from February 12 through February 29. Except as provided in (g)5iii below for drifting gill nets in the Atlantic Ocean, from March 1 through December 15, the smallest mesh of any drifting gill net in the Delaware Bay, the tributaries of Delaware Bay and in the Atlantic Ocean within two nautical miles of the mean high water line shall not be less than 2.75 inches stretched; for areas of the Atlantic Ocean not within two nautical miles of the mean high water line, the smallest mesh of any drifting gill net shall not be less than 3.25 inches stretched mesh during this period. Drifting gill nets are subject to the permitting and reporting requirements specified in (g)5vii below and in N.J.A.C. 7:25-18.12. These nets shall not individually exceed 200 fathoms in length. Individual drifting gill nets shall not be fastened together to form a series of nets exceeding 400 fathoms in length beginning February 12 through May 15 or exceeding 200 fathoms in length beginning May 16 through December 15. Drifting gill nets may be used for all species except those specifically protected.

i. Separate drifting gill nets or a series of joined drifting gill nets shall not be set or fished closer than 100 fathoms from any other net or series of nets;

ii. Separate drifting gill nets or a series of joined drifting gill nets shall be marked at each end with a fluorescent orange float at least 12 inches in diameter or a fluorescent orange flag at least 12 inches by 12 inches and suspended at least three feet above the water, measured from the surface of the water to the bottom of the flag. No less than 24 square inches of any reflective material shall be attached and maintained on each end marker. A white float measuring at least eight inches in diameter shall be located approximately 20 feet inside of each end marker;

iii. Drifting gill nets shall be used in the Atlantic Ocean only from February 12 through December 15. Drifting gill nets shall not be used in the Atlantic Ocean within 100 fathoms of the marked channel of any inlet. Drifting gill nets between 2.75 inches stretched mesh and 3.25 inches stretched mesh shall be subject to the permitting and reporting requirements specified in (g)5vii below, and:

(1) Shall only be fished within two miles of the MHWL;

(2) Shall only be fished between the hours of sunrise and sunset;

(3) Shall be no higher than eight feet (off the bottom) while fishing; and

(4) A maximum of 200 fathoms per licensed fisherman shall be in the water at any one time;

iv. Drifting gill nets shall be used in the tributaries of Delaware Bay only for the season extending from February 12 through May 15 and July 15 through December 15;

v. Drifting gill nets shall be used in Delaware Bay only from February 12 through December 15, subject to the additional conditions specified in N.J.A.C. 7:25-18.12. For the purpose of this section, that portion of Delaware Bay defined by the New Jersey-Delaware boundary on the west, Loran C27180 on the east, and Loran C42830 on the north, during the period from May 15 through June 15, shall be known as the Brandywine Shoal Restricted Area.

(1) No more than two drifting gill nets shall be permitted to be set or operated within the Brandywine Shoal Restricted Area by any vessel.

(2) No more than one drifting gill net shall be permitted to be set or operated, nor shall any net be left unattended, within the Brandywine Shoal Restricted Area by any vessel at night (from sunset to sunrise) or on any public holiday as specified at N.J.S.A. 36:1-1 or weekend. For the purpose of this section, "unattended" means that set of circumstances where the operator is more than 100 feet from the nearest portion of his net.

vi. The drifting gill net resident fee shall be \$20.00 per net.

vii. Individuals utilizing drifting, staked or anchored gill nets less than 3.25 inches stretched mesh in the Atlantic Ocean or in the Delaware Bay after February 29 in any calendar year shall possess a Gill Net Mesh Exemption Permit.

(1) An individual shall apply annually for the permit.

(2) All permittees shall submit monthly reports of their catch and effort and other information as may be determined by the Department on forms provided by the Department. These reports shall be filed with the Division no later than 10 calendar days after each monthly reporting period. If no fishing activity was conducted under this permit during the month, a report to that effect shall be provided. Gill Net Mesh Exemption permittees shall be personally responsible

for guaranteeing the timely delivery of reports to the Division as well as the accuracy of all information contained therein. The Department may demand that a permittee provide proof of the truth of any data contained in any report submitted to the Division under this program. If the permittee fails to file a true, complete monthly report with the Division by the 15th day of any month, the Division, in its discretion, may contact the permittee by the most expeditious method available in order to secure a complete report.

(3) If the Division is unable to secure a true, complete monthly report from the permittee by such informal means or the Division has credible evidence that the data on any report is false, the Division shall notify the permittee in writing of the Division's intention to revoke the permittee's Mesh Exemption privilege for the reasons stipulated in the notice, effective 20 business days after the date on the written notice (excluding the date on the notice) and of the Division's suspension of the permittee's Mesh Exemption privileges in the interim, effective on a date stipulated in the notice but no sooner than 10 business days after the date of the notice (excluding the date on the notice).

(4) The permittee may request a hearing to contest a proposed revocation of Mesh Exemption privileges in accordance with 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. The request for an administrative hearing must be received in writing by the Department within 20 business days from the date on the Division's notice of suspension and intention to revoke, excluding the date on the notice. However, if a timely request for a hearing is not received by the Department, any allegation contained in the notice shall be deemed admitted by the permittee and Mesh Exemption privileges shall be revoked as of the date stipulated in the notice, without any further action by the Division.

(5) The Division Director may, in his or her sole discretion, stay the suspension of Mesh Exemption privileges pending a hearing on the notice of proposed revocation of Mesh Exemption privileges for any good cause set forth in a written petition from the permittee, including sworn statements from the permittee or other persons with knowledge relevant to the allegations on which the Division action is based. The petition and its supporting statements and documentation shall be made available to the court and all parties in advance of any hearing.

(6) The Division shall reinstate Mesh Exemption privileges suspended for late or incomplete reports, but no more than three times per permittee in any single permit year, if that permittee personally delivers any missing reports, completed, along with a

credible written explanation for the delay and/or omissions to the Division within 20 business days from the date on the notice of suspension.

(7) Any permittee who has had a Mesh Exemption privilege revoked shall be disqualified from exercising any privilege associated with a Mesh Exemption permit for 24 months following:

(A) The effective date of an uncontested notice of proposed revocation of privileges;

(B) The date of the Commissioner's Final Decision affirming revocation of Mesh Exemption privileges; or

(C) The filing date of the court order affirming the Commissioner's Final Decision revoking Mesh Exemption privileges, whichever is applicable.

(8) The Division shall issue a Mesh Exemption permit to an applicant pending resolution of a contested Division proposal to revoke that applicant's Mesh Exemption privilege, but that permittee shall not exercise or enjoy any Mesh Exemption privilege if the Division has already suspended that permittee's Mesh Exemption privilege pending resolution of a proposed revocation until:

(A) The Division Director lifts the suspension of that permittee's Mesh Exemption privileges;

(B) The Commissioner issues a Final Decision reinstating that permittee's Mesh Exemption privileges; or

(C) A court of competent jurisdiction orders reinstatement of that permittee's Mesh Exemption privileges, as the case may be.

6. Staked and anchored gill nets shall be used only in the Atlantic Ocean, Raritan Bay, Sandy Hook Bay, and Delaware Bay and its tributaries. No unattended, overnight staked or anchored gill net shall be set in the Atlantic Ocean from June 15 through October 31. No unattended, overnight anchored gill net shall be set in Delaware Bay from June 15 through September 30. For the purpose of this section, "unattended" means that set of circumstances where the operator is more than $\frac{1}{2}$ nautical mile (3,040 feet) from the nearest portion of his or her net. Staked or anchored gill nets shall not be fastened together to form a series of net exceeding 400 fathoms in length from the beginning of the season through May 15 or exceeding 200 fathoms in length beginning May 16 through December 15, subject to the additional conditions specified in N.J.A.C. 7:25-18.12.

i. Separate staked or anchored gill nets or a series of joined staked or anchored gill nets shall not be set closer than 20 fathoms from any other net or series of nets;

ii. Separate staked or anchored gill nets or a series of joined staked or anchored gill nets shall be marked at each end with a fluorescent orange float at least 12 inches in diameter or a fluorescent orange flag at least 12 inches by 12 inches and suspended at least three feet above the water, measured from the surface of the water to the bottom of the flag. No less than 24 square inches of any reflective material shall be attached and maintained on each marker. A white float measuring at least eight inches in diameter shall be located approximately 20 feet inside of each end marker;

iii. Staked and anchored gill nets may be used in the Atlantic Ocean for any species except those specifically protected only beginning February 12 through December 15, where individual gill net length shall not exceed 50 fathoms. The smallest mesh of any such net used in the Atlantic Ocean shall not be less than five inches stretched beginning February 12 through February 29 and not less than 3.25 inches stretched beginning March 1 through December 15. Staked or anchored gill nets shall not be used in the Atlantic Ocean within 100 fathoms of the marked channel of any inlet;

iv. Subject to N.J.A.C. 7:25-18.12(e), staked and anchored gill nets shall be used only for shad in the

Raritan Bay or Sandy Hook Bay and only beginning February 1 through May 15, where individual gill net length shall not exceed 30 fathoms. The smallest mesh of any such net used in Raritan Bay or Sandy Hook Bay shall not be less than five inches stretched;

v. Staked gill nets may be used in the tributaries of Delaware Bay for any species except those specifically protected only beginning January 1 through May 15 and July 15 through December 15, where individual gill net length shall not exceed 30 fathoms. The mesh of any such net used in the tributaries of Delaware Bay shall not be less than 2.75 inches stretched nor greater than 3.25 inches stretched beginning January 1 through February 29 and no mechanical means shall be utilized to retrieve such net. The mesh of any net shall not be less than 2.75 inches from March 1 through May 15 and July 15 through December 15. No net shall be set across the middle one third of any tributary or the mouth of any tributary, nor shall any net be set in a manner that impedes navigation;

vi. Staked gill nets may be used in Delaware Bay only from February 1 through December 15, except as further defined by statute and/or rule. Individual staked

Amended by R.1994 d.202, effective April 18, 1994.
 See: 25 N.J.R. 5397(a), 26 N.J.R. 1633(a).
 Amended by R.1994 d.615, effective December 19, 1994.
 See: 26 N.J.R. 1931(a), 26 N.J.R. 5011(a).
 Amended by R.1995 d.82, effective February 6, 1995.
 See: 26 N.J.R. 4277(b), 27 N.J.R. 487(a).
 Administrative correction.
 See: 27 N.J.R. 1794(a).
 Administrative correction.
 See: 27 N.J.R. 2212(a).
 Administrative change.
 See: 27 N.J.R. 4916(c).
 Amended by R.1996 d.587, effective December 16, 1996 (operative January 1, 1997).
 See: 28 N.J.R. 3998(a), 28 N.J.R. 5231(a).
 Made changes to mesh sizes throughout; inserted (g)2iii, (g)4ii, and (g)11vi; and recodified from (g)2iii through (g)2viii as (g)2iv through (g)2ix, (g)4ii and (g)4iii as (g)4iii and (g)4iv, and (g)11vi through (g)11x as (g)11vii through (g)11xi.
 Amended by R.1997 d.246, effective June 2, 1997.
 See: 29 N.J.R. 285(a), 29 N.J.R. 2555(a).
 In (g), made nonsubstantive changes; and substantially amended (g)11.
 Amended by R.1999 d.52, effective February 16, 1999.
 See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).
 Rewrote (g)11; and added (i).
 Amended by R.2001 d.73, effective March 5, 2001.
 See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).
 Amended by R.2001 d.346, effective September 17, 2001.
 See: 33 N.J.R. 453(a), 33 N.J.R. 3352(a).
 In (g), rewrote the second sentence and deleted the fifth sentence in the introductory paragraph, inserted 3iv, rewrote the first sentence in 9 and substituted "exceeds 100 lobsters" for "occurs" in 11vi(1).
 Administrative change.
 See: 34 N.J.R. 921(a).
 Amended by R.2002 d.277, effective August 19, 2002.
 See: 34 N.J.R. 1375(a), 34 N.J.R. 2995(a).
 Rewrote (g).
 Emergency amendment, R.2003 d.223, effective May 1, 2003 (to expire June 30, 2003).
 See: 35 N.J.R. 2366(a).
 In (g)11ix(1), inserted a new third sentence.
 Adopted concurrent amendment, R.2003 d.305, effective June 30, 2003.
 See: 35 N.J.R. 2366(a), 35 N.J.R. 3611(b).
 Provisions of R.2003 d.223 adopted without change.
 Amended by R.2004 d.20, effective January 5, 2004.
 See: 35 N.J.R. 4224(b), 36 N.J.R. 174(b).
 In (g)2, deleted former vii and viii, and recodified former ix as new vii; in (g)11ix, inserted "and spider crabs" following "conchs or whelks".
 Administrative change.
 See: 37 N.J.R. 1177(b).
 Public Notice: Horseshoe crabs.
 See: 37 N.J.R. 4074(a), 5066(a).
 Amended by R.2005 d.413, effective November 21, 2005.
 See: 37 N.J.R. 742(a), 37 N.J.R. 4408(a).
 Added (j)-(m).
 Administrative change.
 See: 38 N.J.R. 5359(a).
 Petition for Rulemaking, Horseshoe crabs.
 See: 39 N.J.R. 700(b), 1528(a).
 Amended by R.2008 d.15, effective January 7, 2008.
 See: 39 N.J.R. 143(a), 40 N.J.R. 126(a).
 In the introductory paragraph of (g), inserted "or she"; added (g)3v and (g)3vi; in the introductory paragraph of (g)11, deleted "and" preceding "pursuant to"; in the introductory paragraph of (g)11i, substituted "March 31" for "h 31"; rewrote (g)11i(4) and (g)11i(5); and in (i), inserted "or to maintain consistency with any Mid-Atlantic Fishery Management Council plan adopted by the National Marine Fisheries Service".
 Administrative change.
 See: 42 N.J.R. 1374(a).
 Administrative change.
 See: 44 N.J.R. 493(a).

Administrative change.
 See: 45 N.J.R. 205(a).
 Administrative change and correction.
 See: 46 N.J.R. 212(b).
 Amended by R.2015 d.168, effective November 2, 2015.
 See: 47 N.J.R. 315(a), 47 N.J.R. 2669(c).
 In the introductory paragraph of (g), inserted a comma following "1997" twice, and inserted a comma following the third occurrence of "2000"; in the introductory paragraph of (g)11, inserted "N.J.A.C. 7:25-18.5A or"; and in the introductory paragraph of (g)11ix, inserted "and except as provided in N.J.A.C. 7:25-18.5A".
 Administrative change.
 See: 48 N.J.R. 131(a), 647(a).
 Amended by R.2016 d.057, effective June 6, 2016.
 See: 47 N.J.R. 1815(a), 48 N.J.R. 953(b).
 Rewrote the introductory paragraph of (g) and of (g)5; in (g)3vii, substituted "in accordance with the procedures at N.J.A.C. 7:25-18.17" for "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"; added (g)3viii through (g)3xi; and in the introductory paragraph of (g)6, inserted "or her".

7:25-18.5A Artificial reefs

(a) This section establishes the location of the artificial reefs located in State waters and the full access zones located within certain reefs. The artificial reefs are open to all recreational and commercial activities except no person shall use, leave, deploy, or tend any lobster, fish, or conch pot within an artificial reef located in State waters except in an area designated as a full access zone under this section. Persons who use, leave, deploy, or tend lobster, fish, or conch pots in a full access zone may do so only in compliance with (d) below.

(b) The locations and boundaries of the Sandy Hook Reef site and the Axel J. Carlson Jr. Reef site are as follows:

1. The Sandy Hook Reef site is located approximately 1.4 miles east of Sea Bright, Monmouth County. The site is located approximately 5.7 nautical miles at a compass bearing of 157 degrees from Sandy Hook Channel. The boundaries of the Sandy Hook Reef site are as follows (latitude and longitude expressed as dd mm.mmm, that is, degrees minutes and thousandths of minutes):

Boundaries	Latitude	Longitude
NE Corner	40 23.300'	73 55.880'
NW Corner	40 23.300'	73 56.600'
SE Corner	40 20.880'	73 55.880'
SW Corner	40 20.880'	74 56.600'

2. The Axel J. Carlson Jr. Reef site is located approximately 2.0 miles east of Mantoloking, Ocean County. The site is located approximately 4.4 nautical miles at a compass bearing of 166 degrees from Manasquan Inlet. The boundaries of the Axel J. Carlson Jr. Reef site are as follows (latitude and longitude expressed as dd mm.mmm, that is, degrees minutes and thousandths of minutes):

Boundaries	Latitude	Longitude
NE Corner	40 03.720'	73 58.570'
NW Corner	40 04.180'	73 59.750'
SE Corner	39 59.830'	73 59.400'
SW Corner	40 00.350'	74 00.650'

(c) The boundaries of the full access zones are as follows:

1. At the Sandy Hook Reef site, the full access zone is that portion of the Sandy Hook Reef site lying within a continuous line beginning at 40 22.800' 73 56.600' to 40 22.800' 73 55.880'; then south to 40 22.500' 73 55.880'; then west to 40 22.500' 73 56.300'; then south to 40 22.400' 73 56.300' and west to 40 22.400' 73 56.600' (latitude and longitude expressed as dd mm.mmm, that is, degrees minutes and thousandths of minutes).

2. At the Axel J. Carlson, Jr. Reef site, there are two full access zones, the North full access zone and the South full access zone.

i. The North full access zone is that portion of the Axel J. Carlson, Jr. Reef site lying within a continuous line beginning at 40 04.180' 73 59.750' to 40 04.110' 73 59.600'; then south to 40 03.500' 73 59.600'; then west to 40 03.500' 73 59.906' (latitude and longitude expressed as dd mm.mmm, that is, degrees minutes and thousandths of minutes); and

ii. The South full access zone is that portion of the Axel J. Carlson, Jr. Reef site lying within a continuous line beginning at 40 00.900' 74 00.499' to 40 00.900' 74 00.000'; then south to 40 00.060' 74 00.000'; then west to 40 00.350' 74 00.650' (latitude and longitude expressed as dd mm.mmm, that is, degrees minutes and thousandths of minutes).

(d) Any person intending to use, leave, deploy, or tend any lobster, fish, or conch pot within a full access zone shall hold the appropriate license as provided under N.J.A.C. 7:25-18.5(g)11 and shall comply with the following:

1. Lobster, fish, and conch pots shall be used, left, deployed, or tended only:

i. In an area designated as a full access zone under this section; and

ii. Between sunrise and sunset.

2. When deploying lobster, fish, and conch pots or setting strings of such pots, the following requirements shall be met:

i. All deployed lobster, fish, and conch pots shall be marked with buoys or flags, either individually or at the beginning and end of a string. All buoys, flags, and strings shall meet the requirements of the National Oceanic and Atmospheric Administration's (NOAA) Fisheries Greater Atlantic Region's Atlantic Large Whale Take Reduction Plan and Harbor Porpoise Take Reduction Plan, and the NOAA Office of Protected Resources' Bottlenose Dolphin Take Reduction Plan, 50 CFR Part 229, and any amendments thereto, incorporated herein by reference. The Atlantic Large Whale Take Reduction Plan is available from NOAA at <http://www.nero.noaa.gov/Protected/whaletrp/>, the Harbor Porpoise Take Reduction Plan is available at <http://www.nero.noaa.gov/protected/porptrp/>, and the

Bottlenose Dolphin Take Reduction Plan is available at <http://www.nmfs.noaa.gov/pr/interactions/trt/bdtrp.htm>.

ii. Strings of lobster, fish, and conch pots shall contain no more than 20 pots.

3. Two hours' notice shall be provided to the Marine Law Enforcement Unit by calling (609) 748-2050 prior to any lobster, fish, or conch pot being deployed. The notice shall include the operator's name; vessel name; license number for the lobster, fish, and conch pots or traps being tended; date, time, and port of landing; and on what reef and in what zone the pots will be deployed.

(e) Any person who violates any provision of this section shall be subject to the following penalties and/or suspension or revocation of the applicable license:

1. Deployment or tending of lobster, fish, or conch pots outside a designated full access zone or between sunset and sunrise:

i. First offense: \$100.00 penalty and 30-day suspension of lobster, fish, or conch pot license.

ii. Second offense: \$200.00 penalty and permanent revocation of lobster, fish, or conch pot license.

2. Deployment or tending of gear not marked or not properly marked with a buoy or flag, or setting strings with more than 20 pots or strings not meeting the requirements of (d)2 above:

i. First offense: \$100.00 penalty and 30-day suspension of lobster, fish, or conch pot license.

ii. Second offense: \$200.00 penalty and 45-day suspension of lobster, fish, or conch pot license.

iii. Third offense: \$200.00 penalty and permanent revocation of lobster, fish, or conch pot license.

3. Failure to provide notification in accordance with (d)3 above:

i. First offense: \$100.00 penalty.

ii. Second offense: \$200.00 penalty.

iii. Third or subsequent offenses: \$200.00 penalty and 30-day suspension of lobster, fish, or conch pot license.

(f) In calculating the period of suspension or revocation applicable pursuant to (e) above, the number of previous suspensions imposed pursuant to (e)1, 2, or 3 above, respectively, shall be reduced by one for each three-year period in which the license holder does not commit any other violation subject to penalty and/or suspension or revocation under the same paragraph in (e) above. If more than one suspension is imposed under the same paragraph (for example, two violations subject to (e)2 above) within a three-year period, only one of those suspensions may be forgiven under this subsection. Therefore, a license holder who incurs more than one

iv. In calculating the period of suspension or revocation applicable under (c)12iii above, the number of previous suspensions shall be reduced by one for each three-year period in which the permit holder does not commit any other violation subject to this subsection, provided, however, that if more than one suspension is imposed within a three-year period, only one of those suspensions may be forgiven under the subparagraph; therefore, a permit holder who incurs more than one suspension in a three-year period shall not be considered a first offender under this subsection regardless of the length of any subsequent period without violation. The reduction in suspensions provided in this subparagraph applies only to determination of suspension periods; all prior suspensions shall be taken into account in calculating monetary penalties in accordance with N.J.S.A. 23:2B-14.

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

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

1. A person shall not possess more sharks than the number specified in the possession limit at N.J.A.C. 7:25-18.1(c) without a valid annual vessel permit for sharks issued by the National Marine Fisheries Service or a New Jersey commercial fishing license issued for the gear allowed in the commercial shark fishery. With a valid annual vessel permit or a New Jersey commercial fishing license, the maximum possession limit is 36 sharks from the Aggregate Large Coastal shark species group and the Hammerhead shark species group combined, an unlimited number of sharks from the Non-Blacknose Small Coastal shark species group, an unlimited number of sharks from the Blacknose shark species group, and an unlimited number of sharks from the Pelagic shark species group. A person shall not sell or attempt to sell any sharks without a valid annual vessel permit for sharks issued by the National Marine Fisheries Service or a New

Jersey commercial fishing license issued for the gear allowed in the commercial shark fishery.

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

2. A dealer shall not purchase or receive a shark without a valid annual dealer permit for sharks issued by the National Marine Fisheries Service. Each shark dealer shall report weekly shark landings electronically through the Standard Atlantic Fisheries Information System (SAFIS).

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

4. The commercial fishing season for shark shall be from January 1 through December 31.

5. The following gear types may be used for commercial shark harvest in State marine waters: gillnets, trawl nets, and pound nets. Large-mesh gill nets are defined as having a stretch mesh greater than or equal to five inches.

6. All sharks harvested by commercial fishermen shall have tails and fins attached naturally through dockside landing. Commercial fishermen may completely remove the fins of any of the species of the Smoothhound Shark Group from January 1 through December 31 each year. If the fins are removed, the total wet weight of the fins shall not exceed 12 percent of the dressed weight of any species of the Smoothhound Shark Group carcasses landed or found on board a vessel.

7. The Smoothhound Shark Group annual quota is unlimited and the trip limit is unlimited.

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

of the permit, and the hardship that will result to the applicant if the permit is not granted; and

iii. Provide appropriate documentation as necessary to support the request for extension.

(s) The Department shall approve an extension request under (r) above only if it determines that the request and documentation demonstrate that:

1. By reason of extraordinary hardship or exceptional situation or condition, the applicant was precluded from applying for his or her Tautog, Non Directed Fishery Tautog, Shad Commercial Net, Shad Incidental Harvest, or New Jersey Black Sea Bass permit during the 12-month application period preceding the year for which the permit is requested;

2. By reason of extraordinary or exceptional situation or condition, strict compliance with the deadline in (c)2 and 5; (e)2 and 5; or (h)1 above would result in exceptional and undue hardship upon the applicant; and

3. The circumstances supporting (s)1 and 2 above were not created by the applicant or persons under his or her control, and the approval of the extension will not unreasonably interfere with the orderly administration of the permitting program.

(t) The Department shall provide written notice to the applicant of its decision to approve or deny the request for extension.

(u) The denial of an extension request may be appealed pursuant to the procedures outlined in N.J.A.C. 7:25-18.17, Request for adjudicatory hearing.

(v) All persons shall comply with all commercial provisions of the approved Atlantic States Marine Fisheries Commission fisheries management plan for Spanish mackerel, spot, and spotted seatrout implemented by the National Marine Fisheries Service. The Federal provisions shall apply in both Federal and New Jersey territorial waters.

(w) For the purposes of this section, a "fish dealer" or "dealer" shall mean any person who receives fish managed under this subchapter for any commercial purpose. Commercial purposes shall include sale and offering for sale, as well as the actual or attempted barter, trade, or exchange of fish for money or for any other thing of value.

(x) Any Federally permitted vessel or person shall complete the required Federal Trip Reports prior to landing any species of marine fish.

New Rule, R.1992 d.143, effective March 16, 1992.
See: 24 N.J.R. 4(c), 24 N.J.R. 1113(a).
Amended by R.1993 d.56, effective January 19, 1993.
See: 24 N.J.R. 4249(a), 25 N.J.R. 303(a).

Former (a) and (i) recodified to new rule at 7:25-8.14; remaining subsections recodified as (a)-(g).
Administrative Correction to N.J.A.C. 7:25-18.12(b) through (g).
See: 25 N.J.R. 2001(d).

Administrative Correction to (c).
See: 25 N.J.R. 2281(a).
Amended by R.1994 d.201, effective April 18, 1994.
See: 26 N.J.R. 789(a), 26 N.J.R. 1632(a).
Repeal and New Rule, R.1995 d.82, effective February 6, 1995.
See: 26 N.J.R. 4277(b), 27 N.J.R. 487(a).
Formerly "Weakfish management."
Administrative Correction.
See: 27 N.J.R. 1794(a).
Administrative Correction.
See: 27 N.J.R. 3420(a).
Administrative Correction.
See: 27 N.J.R. 3420(b).
Administrative Change.
See: 28 N.J.R. 3786(a).
Amended by R.1996 d.587, effective December 16, 1996 (operative January 1, 1997).
See: 28 N.J.R. 3998(a), 28 N.J.R. 5231(a). Inserted (b)1, (c), and (d); recodified former (b)1 through (b)6 as (b)2 through (b)7 and former (c) and (d) as (e) and (f); and made conforming changes throughout.
Amended by R.1998 d.40, effective January 5, 1998.
See: 29 N.J.R. 4595(a), 30 N.J.R. 226(a).
Inserted (a)2 and recodified (a)2 as 3; deleted (c)2iii through v, added (c)3 through 10 and recodified (c)3 and 4 as 11 and 12; deleted (d), and recodified (e) and (f) as (d) and (e).
Administrative change.
See: 30 N.J.R. 1402(b).
Amended by R.1999 d.52, effective February 16, 1999.
See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).
In (a)3, substituted "more than 150 pounds of" for "any" following "accept"; inserted a new (d); and recodified former (d) and (e) as (e) and (f).
Administrative change.
See: 31 N.J.R. 1612(a).
Amended by R.2000 d.10, effective January 3, 2000.
See: 31 N.J.R. 2555(a), 32 N.J.R. 48(a).
Rewrote (a); inserted a new (e); and recodified former (e) and (f) as (f) and (g).
Amended by R.2000 d.395, effective October 2, 2000.
See: 31 N.J.R. 2555(a), 32 N.J.R. 3592(b).
Rewrote the section.
Amended by R.2001 d.73, effective March 5, 2001.
See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).
Amended by R.2001 d.346, effective September 17, 2001.
See: 33 N.J.R. 453(a), 33 N.J.R. 3352(a).
Rewrote the section.
Amended by R.2002 d.277, effective August 19, 2002.
See: 34 N.J.R. 1375(a), 34 N.J.R. 2995(a).
In (c)2i and (c)5i, inserted "and submit their application no later than December 31, 2002" after "Department"; in (c)7i, substituted "has no greater than 10 percent increase in length overall and 20 percent increase in shaft horsepower" for "is of equal or less gross registered tonnage and vessel registered length"; in (d)1, added i; added a new (h), recodify existing (h), (i) as (i), (j).
Administrative change.
See: 34 N.J.R. 3264(a).
Administrative change.
See: 35 N.J.R. 709(a).
Administrative change.
See: 35 N.J.R. 1927(a).
Administrative correction.
See: 35 N.J.R. 4285(a).
Amended by R.2004 d.20, effective January 5, 2004.
See: 35 N.J.R. 4224(b), 36 N.J.R. 174(b).
Rewrote the section.
Administrative change.
See: 36 N.J.R. 1191(c).
Administrative correction and change.
See: 36 N.J.R. 2420(c).
Administrative correction.
See: 36 N.J.R. 3276(a).
Administrative change.
See: 37 N.J.R. 589(c).
Amended by R.2005 d.413, effective November 21, 2005.

See: 37 N.J.R. 742(a), 37 N.J.R. 4408(a).

Rewrote the section.

Administrative change.

See: 38 N.J.R. 1318(d), 5359(a).

Amended by R.2008 d.15, effective January 7, 2008.

See: 39 N.J.R. 143(a), 40 N.J.R. 126(a).

Rewrote (e)9 and (o).

Administrative change.

See: 40 N.J.R. 150(c), 879(b), 2109(c), 6204(a).

Administrative change.

See: 41 N.J.R. 220(a), 4114(a).

Administrative change.

See: 42 N.J.R. 68(b), 789(a).

Amended by R.2010 d.155, effective July 19, 2010.

See: 42 N.J.R. 700(a), 42 N.J.R. 1527(a).

Rewrote (d)1 and (d)2; added (d)4 through (d)7; and in (o), inserted “, as well as gear types and gear restrictions,” twice, inserted a comma following “season quota and”, and substituted the first occurrence of “this section” for “the section.”

Administrative change.

See: 42 N.J.R. 3059(a).

Administrative change.

See: 43 N.J.R. 3334(a).

Administrative change.

See: 44 N.J.R. 493(a), 1973(a).

Administrative change.

See: 44 N.J.R. 2129(a), 2650(a).

Administrative change.

See: 45 N.J.R. 205(a), 1129(a), 1399(a), 1915(a), 2040(a), 2330(b).

Administrative change and correction.

See: 46 N.J.R. 212(b).

Administrative change.

See: 46 N.J.R. 293(a), 789(a).

Administrative change.

See: 47 N.J.R. 106(a), 1320(a), 2292(c).

Administrative change.

See: 48 N.J.R. 131(a), 647(a).

Amended by R.2016 d.057, effective June 6, 2016.

See: 47 N.J.R. 1815(a), 48 N.J.R. 953(b).

Rewrote the section.

7:25-18.13 Striped bass bonus program

(a) The possession of one “bonus sized” striped bass, measuring greater than or equal to 24 inches but less than 28 inches in length, will be allowed in addition to the possession limit allowed under N.J.A.C. 7:25-18.1(h)1, pursuant to (b) through (o) below.

(b) Any person intending to take one “bonus sized” striped bass, as defined in (a) above, in addition to his or her striped bass possession limit as specified at N.J.A.C. 7:25-18.1(h)1 shall apply to the Division to participate in the striped bass bonus program. Applications may be obtained from the following:

1. Division of Fish and Wildlife

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

2. On the Division of Fish and Wildlife’s website at www.njfishandwildlife.com.

(c) The application form shall be completed to include the name, address and telephone number of the applicant.

(d) Applications to participate in the striped bass bonus program shall be processed in order of receipt by the Division.

(e) Successful applicants will receive a non-transferable fish possession permit, the number to be determined by the Commissioner or his or her designee based on the available quota and the number of applicants. Each permit shall be filled out completely upon retention of a bonus striped bass. A finite number of permits shall be available to participating party and charter boat captains in the name of the vessel and owner. Fish possession permits issued to party and charter boats are for the use of patrons on that vessel and shall not be sold, offered for sale or used for barter.

(f) Fish possession permits shall be valid from September 1 through December 31 in the calendar year for which they were issued except during those periods in which the Department has closed the State’s waters to harvesting as provided at (l) below.

(g) Successful applicants may keep and submit annual records of their striped bass fishing activity as requested on forms furnished by the Division. Such records shall include the name, address, and permit number(s) of the fishermen, the days and hours fished, the lengths of striped bass caught, the location of fishing activity and the type of fishing. Party and charter boat captains shall be required to maintain and submit logbooks developed by the Division.

(h) A person shall not have in his or her possession at any time more than the number of striped bass provided for in N.J.A.C. 7:25-18.1(h)1, nor shall such striped bass be less than the size provided for in N.J.A.C. 7:25-18.1(h)1. One additional striped bass may be possessed and shall not be less than the size defined in (a) above. Said person shall have a properly completed and legal fish possession permit, as provided for at (e) above.

(i) A person shall not present for registration or permit to be registered in his or her name a striped bass which he or she did not catch. Any person who legally takes a striped bass under this section may report the catch electronically at <http://www.njfishandwildlife.com/bonusbas.htm> or shall immediately mail his or her fish possession permit to the address presented at (b) above.

(j) A person shall not possess any striped bass taken or tagged under the provisions of this section which is damaged or mutilated to the extent that its length cannot be determined, other than immediately prior to preparation or being served as food.

(k) An additional fish possession permit may be provided to the angler as determined by the Commissioner or his or her designee based upon the available remaining quota and the number of applicants upon recording of his or her prior legally harvested bonus striped bass electronically or via mail as presented at (i) above, provided the season has not been closed pursuant to (l) below.