

(h) By issuing a permit, the Division does not assume any responsibility or liability for such fishing tournament. Judging and awarding of prizes is the sole responsibility of the permittee, organizer and/or sponsor.

(i) The permittee organizer and/or sponsor of the tournament shall be responsible for the proper disposal of all litter and trash generated by the event.

(j) All persons shall use every precaution to prevent damage, destruction, or fire to the Wildlife Management Area. The permittee shall be completely responsible for any damage as a result of the fishing tournament. No permit shall be issued to any organization or persons who have damaged or destroyed State lands or property and who have failed to reimburse the State for such damage and/or destruction.

New Rule, R.1995 d.578, effective November 6, 1995.
See: 27 N.J.R. 1890(a), 27 N.J.R. 4283(a).
Amended by R.2001 d.73, effective March 5, 2001.
See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

7:25-2.25 Severability

If any clause, sentence, paragraph, or part of this subchapter or the application thereof to any person or circumstances, shall for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this subchapter.

R.1983 d.336, effective August 15, 1983.
See: 15 N.J.R. 840(a), 15 N.J.R. 1374(c).
Recodified from 7:25-2.20.
Recodified from 7:25-2.21 by R.1995 d.578, effective November 6, 1995.
See: 27 N.J.R. 1890(a), 27 N.J.R. 4283(a).

7:25-2.26 Restrictions on use

(a) Nothing contained in N.J.A.C. 7:25-2 shall preclude the Division from limiting, or closing from, public use any specific land and water areas under its control, effective immediately upon making the finding that prevailing conditions warrant such restriction to protect the users, or to protect and preserve the land and water areas, or both, and continuing for so long as such conditions warrant.

(b) Notice of the restrictions shall be given by the posting of signs on or about the restricted area or other appropriate location and one of the following:

1. Distribution of a press release to the news media;
2. Public notice published in the New Jersey Register; or
3. Public notice published in a newspaper in the locale.

New Rule, R.1987 d.250 effective June 15, 1987.
See: 19 N.J.R. 398(a), 19 N.J.R. 1090(a).

Public Notice: Prohibits all public access and use of the south-end beach area, except upon prior approval from the Department of Environmental Protection and all dune areas of the Higbee Wildlife Management Area in Lower Township, Cape May County.

See: 20 N.J.R. 815(d).

Recodified from 7:25-2.22 by R.1995 d.578, effective November 6, 1995.

See: 27 N.J.R. 1890(a), 27 N.J.R. 4283(a).

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

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

SUBCHAPTER 3. USE OF MECHANICAL NOISEMAKING DEVICES

7:25-3.1 Procedure for securing permit

(a) A formal application form as prepared by the Division will be completed by the landowner, who will then arrange an onsite inspection with the Division to determine the facts and approve or disapprove a permit. Upon approval by the conservation officer or a wildlife control representative, the application shall be forwarded to the Trenton office of the Division. If disapproved, the property owner may apply to the Director of the Division for timely review of the application.

(b) In case of emergency, the conservation officer or wildlife control representative may give verbal approval for use of the device for a period of five days pending processing of the application.

(c) The need for protection of agricultural crops must be established prior to the issuance of any permit. The term of the permit will be the period for which protection of the crop specified will actually be necessary.

(d) The application shall state the type of device to be used, location of farm where device will be in operation, bird or animal threatening or causing damage, crop or crops to be protected, period for which protection is needed, and name and address of the owner of the agricultural land to be protected.

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

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

Removed permit issuance, fee assessment. Added Division wildlife control representative as contact agent in permit process in (a) and (b). Deleted (d). Recodified (e) to (d).

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

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

7:25-3.2 Devices

(a) Only LP exploders, acetylene exploders, carbide exploders and such other devices as are approved by the Division of Fish and Game shall be permitted. The permit shall not authorize use of firecrackers.

(b) No device shall be used which has a sound level in excess of 128 decibels at 100 feet from the device.

(c) Any mechanical repelling device to be used is to be provided by the landowner.

7:25-3.3 Standards on distance

(a) No device shall be set in any manner or in any location that will endanger the public.

(b) No device shall be set within 25 feet of any public road and the exhaust from any device shall be directed away from the road.

(c) No device shall be set, erected or maintained within 300 feet of any dwelling occupied by another person except with permission of that occupant.

7:25-3.4 Hours of operation

(a) Noise devices to repel or scare birds may be operated from ½ hour before sunrise to ½ hour after sunset only.

(b) Noise devices to repel or scare deer or other marauding wild animals may be operated 24 hours daily if necessary.

7:25-3.5 Revocation

The Division of Fish and Game shall have the right to revoke a permit issued pursuant to this regulation for violation of any provision set forth in this subchapter.

SUBCHAPTER 4. ENDANGERED, NONGAME AND EXOTIC WILDLIFE

Subchapter Historical Note

Subchapter 4, Endangered, Nongame and Exotic Wildlife, was adopted and became effective prior to September 1, 1969.

7:25-4.1 Definitions

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

“Butt-end band” means a band with an open seam locked around the leg of a bird of any age using pliers or a similar tool and which is obtained from a source approved by the Department, inscribed with a code approved by the Department in sizes stipulated by the Department for each species of bird.

“Captive-bred bird” means any bird that is hatched in captivity from eggs produced by captive parent birds.

“Color mutation” means a color which is different and distinctive from the normal, natural color for that species of animal, as defined in reference texts commonly recognized as authoritative in the field of zoology, ornithology or aviculture, which is produced by breeding together animals with aberrant (mutated) color-producing genes.

“Declining” (D) means a species which has exhibited a continued decline in population numbers over the years.

“Department” means the State’s Department of Environmental Protection.

“Director” means the Director of the Division or its successor within the Department of Environmental Protection.

“Division” means the Division of Fish and Wildlife or its successor within the Department of Environmental Protection.

“Endangered” (E) means a species whose prospects for survival within the State are in immediate danger due to one or many factors: A loss of or change in habitat, overexploitation, predation, competition, disease. An endangered species requires immediate assistance or extinction will probably follow. See N.J.A.C. 7:25-4.12(b) for listing.

“Exotic mammal, bird, reptile or amphibian”, means any nongame species or mammal, bird, reptile or amphibian not indigenous to New Jersey.

“Extirpated” (Ex) means a species that formerly occurred in New Jersey, but is not known to exist within the State.

“Increasing” (INC) means a species whose population has exhibited a significant increase beyond the normal range of its cycle, over a long term period.

“Introduced” (I) means a species not native to New Jersey, that could not have established itself here without the assistance of man.

“Nongame species” means any wildlife for which a legal hunting or trapping season has not been established in New Jersey or which has not been classified as an endangered species by statute or regulation of this State.

“Peripheral” (P) means a species whose occurrence in New Jersey is at the extreme edge of its present natural range.

“Person” shall be defined to include but not limited to corporations, companies, associations, societies including non-profit organizations, firms, partnerships, joint stock companies, individuals and governmental entities.