

**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 50:1-5 et seq.

**Source and Effective Date**

R.2007 d.239, effective July 13, 2007.  
See: 39 N.J.R. 587(a), 39 N.J.R. 3324(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 25, Division of Fish and Wildlife Rules, expires on July 13, 2014. See: 43 N.J.R. 1203(a).

**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).

Subchapter 18, Marine Fisheries, was adopted as R.1980 d.394, effective September 17, 1980. See: 12 N.J.R. 312(a), 12 N.J.R. 576(c).

Pursuant to Executive Order No. 66(1978), Subchapter 18 was re-adopted as R.1985 d.386, effective July 8, 1985. See: 17 N.J.R. 1188(a), 17 N.J.R. 1883(b).

Subchapter 18, Marine Fisheries, was repealed and Subchapter 18, Marine Fisheries, was adopted as new rules by Emergency Rule R.1985 d.674, effective December 17, 1985. This emergency new rule expired on February 15, 1986. See: 18 N.J.R. 102(a). The provisions of the concurrent proposal were adopted with changes by R.1986 d.121, effective April 7, 1986. See: 18 N.J.R. 102(a), 18 N.J.R. 657(b).

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, Game and Wildlife Rules, was readopted as R.2001 d.73, effective January 30, 2001. As a part of R.2001 d.73, Chapter 25, Division of Fish, Game and Wildlife Rules, was renamed Division of Fish and Wildlife Rules; and Subchapter 2, Use of All Land and Water Areas Under the Control of the Division of Fish, Game and Wildlife, was renamed Use of All Land and Water Areas Under the Control of the Division, effective March 5, 2001. See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

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

Subchapter 6, 2005-2006 Fish Code, was renamed 2006-2007 Fish Code by R.2006 d.64, effective February 6, 2006. See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 25, Division of Fish and Wildlife Rules, was extended by gubernatorial directive from January 30, 2006 to July 30, 2006. See: 38 N.J.R. 1318(c).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 25, Division of Fish and Wildlife Rules, was extended by gubernatorial directive from July 30, 2006 to September 30, 2006. See: 38 N.J.R. 3577(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 25, Division of Fish and Wildlife Rules, was extended by gubernatorial directive from September 30, 2006 to October 30, 2006. See: 38 N.J.R. 4693(c).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 25, Division of Fish and Wildlife Rules, was extended by gubernatorial directive from October 30, 2006 to November 30, 2006. See: 38 N.J.R. 5155(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 25, Division of Fish and Wildlife Rules, was extended by gubernatorial directive from November 30, 2006 to January 14, 2007. See: 39 N.J.R. 62(a).

Chapter 25, Division of Fish and Wildlife Rules, was readopted as R.2007 d.239, effective July 13, 2007. As a part of R.2007 d.239, Subchapter 5, 2005-2006 Game Code, was renamed Subchapter 5, 2006-2011 Game Code, effective August 6, 2007. See: Source and Effective Date. See, also, section annotations.

Subchapter 6, 2006-2007 Fish Code, was renamed 2008-2009 Fish Code by R.2008 d.65, effective March 17, 2008. See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Subchapter 5, 2006-2011 Game Code, was renamed 2009-2012 Game Code by R.2009 d.276, effective September 8, 2009 (operative September 13, 2009). See: 41 N.J.R. 1320(a), 41 N.J.R. 3217(b).

Subchapter 6, 2008-2009 Fish Code, was renamed 2010-2011 Fish Code by R.2010 d.013, effective January 4, 2010. See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

Subchapter 5, 2009-2012 Game Code, was renamed 2011-2012 Game Code by R.2011 d.237, effective September 6, 2011 (operative September 11, 2011). See: 43 N.J.R. 1112(a), 43 N.J.R. 2307(a).

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. GENERAL PROVISIONS**

- 7:25-1.1 Scope
- 7:25-1.2 Construction
- 7:25-1.3 Practice where rules do not govern
- 7:25-1.4 Definitions
- 7:25-1.5 License, permit and stamp fees
- 7:25-1.6 (Reserved)
- 7:25-1.7 Penalties

**SUBCHAPTER 2. USE OF ALL LAND AND WATER AREAS UNDER THE CONTROL OF THE DIVISION**

- 7:25-2.1 Cutting or damaging vegetation
- 7:25-2.2 All motor vehicles and other forms of conveyances
- 7:25-2.3 Vehicle traffic controls in Wildlife Management Areas
- 7:25-2.4 Alcoholic beverages
- 7:25-2.5 Restricted areas and hours
- 7:25-2.6 Division Fish Hatcheries
- 7:25-2.7 Outboard motors
- 7:25-2.8 Horseback riding
- 7:25-2.9 Swimming
- 7:25-2.10 Camping, picnicking and vending
- 7:25-2.11 Fires
- 7:25-2.12 Target practice
- 7:25-2.13 Daily use permit
- 7:25-2.14 Field trial activities
- 7:25-2.15 Rental of clubhouses
- 7:25-2.16 Revocation
- 7:25-2.17 Securing permits
- 7:25-2.18 Wildlife Management Areas
- 7:25-2.19 Higbee Beach
- 7:25-2.20 Dog training
- 7:25-2.21 Waterfowl blinds
- 7:25-2.22 Special Events Permits

- 7:25-2.23 Boat Ramp Maintenance Permit
- 7:25-2.24 Fishing tournaments
- 7:25-2.25 Severability
- 7:25-2.26 Restrictions on use

**SUBCHAPTER 3. USE OF MECHANICAL NOISEMAKING DEVICES**

- 7:25-3.1 Procedure for securing permit
- 7:25-3.2 Devices
- 7:25-3.3 Standards on distance
- 7:25-3.4 Hours of operation
- 7:25-3.5 Revocation

**SUBCHAPTER 4. ENDANGERED, NONGAME AND EXOTIC WILDLIFE**

- 7:25-4.1 Definitions
- 7:25-4.2 Permit required
- 7:25-4.3 Exotic species and nongame species requiring a permit for possession
- 7:25-4.4 Exempted species
- 7:25-4.5 Additional species
- 7:25-4.6 Categories of permits, expiration, fees, sales receipts required, records and reports required
- 7:25-4.7 General possession criteria
- 7:25-4.8 Potentially dangerous species
- 7:25-4.9 Criteria for the possession of potentially dangerous species
- 7:25-4.10 Endangered species prohibited
- 7:25-4.11 Miscellaneous provisions
- 7:25-4.12 Notice of a denial of permit, procedure, review, time limitations, hearing
- 7:25-4.13 List of endangered species
- 7:25-4.14 Requirements for possession of endangered wildlife species
- 7:25-4.15 Protection of animal and welfare of public
- 7:25-4.16 Violations
- 7:25-4.17 Defining status of indigenous wildlife species of New Jersey
- 7:25-4.18 Endangered and Nongame Species Advisory Committee
- 7:25-4.19 Criteria for possession of wild-caught bird species for breeding, zoological, scientific or educational purposes
- 7:25-4.20 Birds which must be banded; criteria for identifying and marking birds; permitted alterations of appearance; miscellaneous

**SUBCHAPTER 5. 2011-2012 GAME CODE**

- 7:25-5.1 General provisions
- 7:25-5.2 Pheasant-Chinese ringneck (*Phasianus colchicus torquatus*), English or blackneck (*P. c. colchicus*), Mongolian (*P. mongolicus*), Japanese green (*Phasianus versicolor*); including mutants and crosses of above
- 7:25-5.3 Cottontail rabbit (*Sylvilagus floridanus*), blacktail jackrabbit (*Lepus californicus*), whitetailed jackrabbit (*Lepus townsendii*), European hare (*Lepus europeus*), chukar partridge (*Alectoris graeca*), and bobwhite quail (*Colinus virginianus*)
- 7:25-5.4 Ruffed grouse (*Bonasa umbellus*)
- 7:25-5.5 Eastern gray squirrel (*Sciurus carolinensis*)
- 7:25-5.6 Black bear (*Ursus americanus*), bobcat (*Felis rufus*)
- 7:25-5.7 Wild turkey (*Meleagris gallapavo*)
- 7:25-5.8 Mink (*Mustela vison*), muskrat (*Ondatra zibethicus*) and nutria (*Myocaster coypus*) trapping only
- 7:25-5.9 Beaver (*Castor canadensis*) trapping
- 7:25-5.10 River otter (*Lontra canadensis*) trapping
- 7:25-5.11 Raccoon (*Procyon lotor*), red fox (*Vulpes vulpes*), gray fox (*Urocyon cinereoargenteus*), Virginia opossum (*Didelphis virginiana*), striped skunk (*Mephitis mephitis*), long-tailed weasel (*Mustela frenata*), short-tailed weasel (*Mustela erminea*), fisher (*Martes pennanti*) and coyote (*Canis latrans*) trapping only
- 7:25-5.12 General trapping
- 7:25-5.13 Migratory birds

- 7:25-5.14 Special regulation limiting use of shotguns and shotgun shells containing lead pellets
- 7:25-5.15 Crow (*Corvus spp.*)
- 7:25-5.16 General falconry rules
- 7:25-5.17 Raccoon (*Procyon lotor*) and Virginia opossum (*Didelphis virginiana*) hunting
- 7:25-5.18 Woodchuck (*Marmota monax*) hunting
- 7:25-5.19 Red fox (*Vulpes vulpes*), gray fox (*Urocyon cinereoargenteus*) and coyote (*Canis latrans*) hunting
- 7:25-5.20 Dogs
- 7:25-5.21 Squirrel (*Sciurus spp.*), raccoon (*Procyon lotor*), opossum (*Didelphis virginianus*), skunk (*Mephitis mephitis*), weasel (*Mustela spp.*), woodchuck (*Marmota monax*), coyote (*Canis latrans*), gray fox (*Urocyon cinereoargenteus*) and red fox (*Vulpes vulpes*) damage
- 7:25-5.22 Wild animals; possession, killing
- 7:25-5.23 Firearms and missiles, etc.
- 7:25-5.24 Bow and arrow, general provisions
- 7:25-5.25 White-tailed deer (*Odocoileus virginianus*) fall bow season
- 7:25-5.26 White-tailed deer winter bow season
- 7:25-5.27 White-tailed deer six-day firearm season
- 7:25-5.28 White-tailed deer muzzleloader rifle permit season
- 7:25-5.29 White-tailed deer shotgun permit season
- 7:25-5.30 White-tailed deer bow permit season
- 7:25-5.31 White-tailed deer permit shotgun season and permit muzzleloader season, Great Swamp National Wildlife Refuge (Zone 38)
- 7:25-5.32 Special Wildlife Management Permits
- 7:25-5.33 Pheasants and quail stamp designated areas
- 7:25-5.34 Controlled hunting—hunting restrictions on wildlife management areas
- 7:25-5.35 Special wildlife salvage permit
- 7:25-5.36 White-tailed deer (*Odocoileus virginianus*) special biological permit
- 7:25-5.37 Special permit to inhibit wildlife reproduction
- 7:25-5.38 Fish and Game Law Enforcement Region Headquarters
- 7:25-5.39 Severability

**SUBCHAPTER 6. 2010-2011 FISH CODE**

- 7:25-6.1 General provisions
- 7:25-6.2 Definitions
- 7:25-6.3 Trout season and angling in trout stocked waters
- 7:25-6.4 Special regulation trout fishing areas—fly fishing waters
- 7:25-6.5 Special regulation trout fishing areas—Seasonal Trout Conservation Areas
- 7:25-6.6 Special regulation trout fishing areas—Wild Trout Streams
- 7:25-6.7 Special regulation trout fishing areas—Year-Round Trout Conservation Areas
- 7:25-6.8 Special regulation trout fishing areas—Trophy Trout Lake
- 7:25-6.9 Special regulation trout fishing areas—Holdover Trout Lakes
- 7:25-6.10 Baitfish
- 7:25-6.11 Nets and alternative gear
- 7:25-6.12 Snagging prohibited
- 7:25-6.13 Warmwater fish
- 7:25-6.14 Ice fishing
- 7:25-6.15 Bow and arrow fishing
- 7:25-6.16 Closed waters
- 7:25-6.17 Emergency closure notice
- 7:25-6.18 Wanton waste of fish prohibited; tagging and marking of fish
- 7:25-6.19 Greenwood Lake
- 7:25-6.20 Delaware River between New Jersey and Pennsylvania
- 7:25-6.21 Fresh Tidal Tributaries of the Delaware River and Bay
- 7:25-6.22 Snapping turtles, bull frogs and green frogs
- 7:25-6.23 Special limited fishing licenses
- 7:25-6.24 Permits issued to educational or scientific organizations
- 7:25-6.25 Water lowering
- 7:25-6.26 Fish stocking; fish culture facilities
- 7:25-6.27 Revocation of permits; penalties
- 7:25-6.28 Requests for adjudicatory hearings

## **DIVISION OF FISH AND WILDLIFE RULES**

---

### **SUBCHAPTER 7. MISCELLANEOUS SHELLFISH RULES**

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

7:25-7.10 Taking of oysters

7:25-7.11 Mussels

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

### **SUBCHAPTER 8. CLAM LICENSES**

7:25-8.1 Scope and authority

7:25-8.2 Purpose

7:25-8.3 Construction

7:25-8.4 Applicability

7:25-8.5 Licenses

7:25-8.6 License fees

### **SUBCHAPTER 9. HARD CLAM SIZE LIMITS**

7:25-9.1 Scope

7:25-9.2 Purpose

7:25-9.3 Construction

7:25-9.4 Definitions

7:25-9.5 Taking of hard clams

7:25-9.6 Penalties

### **SUBCHAPTER 10. POSSESSION, PROPAGATION, LIBERATION, SALE AND IMPORTATION OF GAME ANIMALS AND GAME BIRDS**

7:25-10.1 Scope

7:25-10.2 Construction

7:25-10.3 Purpose

7:25-10.4 Definitions

7:25-10.5 Permit required

7:25-10.6 Game animals and game birds for which a permit is required for possession

7:25-10.7 Categories of permits, expiration, fees, sales receipt required, records and reports required

7:25-10.8 General possession criteria

7:25-10.9 Emergency possession

7:25-10.10 Potentially dangerous species

7:25-10.11 Criteria for the possession of potentially dangerous species

7:25-10.12 Denial, suspension, revocation, and hearings

7:25-10.13 Miscellaneous provisions

### **SUBCHAPTER 11. (RESERVED)**

### **SUBCHAPTER 12. SURF CLAMS**

7:25-12.1 Scope and authority

7:25-12.2 Purpose

7:25-12.3 Construction

7:25-12.4 Severability

7:25-12.5 Definitions

7:25-12.6 Applicability

7:25-12.7 General control methods

7:25-12.8 Season

(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. 2010-2011 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 17, 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).

R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(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.

(d) 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, pursuant to N.J.A.C. 7:25-6.3 and 6.4.

(e) Freshwater fish in excess of the daily limit may be caught, when permitted, provided they are immediately returned to the water unharmed.

(f) Except as provided in N.J.A.C. 7:25-6.20, or when fishing from a boat, canoe, kayak or similar vessel, the num-

ber of rods, and lines or hand lines shall not exceed three per person.

(g) The possession and/or release of live potentially dangerous fish species, identified in N.J.A.C. 7:25-6.2, is strictly prohibited. Potentially dangerous fish species encountered while angling shall be destroyed. There are no season, minimum size or creel limits on these species.

Amended by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Added (d), (e), and (f).

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

Added (g).

## 7:25-6.2 Definitions

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

“Baitfish” means the following species:

- |                                                           |                                                                                                                                |
|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| 1. Alewife (anadromous and landlocked forms)              | Alosa pseudoharengus;<br>i. Except in the Delaware River, where alewife is a foodfish in accordance with N.J.S.A. 23:9-5;      |
| 2. American brook lamprey                                 | Lampetra appendix;                                                                                                             |
| 3. American eel                                           | Anguilla rostrata, greater than six inches in length;                                                                          |
| 4. Banded killifish                                       | Fundulus diaphanus;                                                                                                            |
| 5. Blueback Herring                                       | Alosa aestivalis,<br>i. Except in the Delaware River, where blueback herring is a foodfish in accordance with N.J.S.A. 23:9-5; |
| 6. Bluntnose minnow                                       | Pimephales notatus;                                                                                                            |
| 7. Fathead minnow                                         | Pimephales promelas;                                                                                                           |
| 8. Gizzard shad                                           | Dorosoma cepedianum;                                                                                                           |
| 9. Golden shiner                                          | Notemigonus crysoleucas;                                                                                                       |
| 10. Margined madtom                                       | Noturus insignis;                                                                                                              |
| 11. Mummichog                                             | Fundulus heteroclitus;                                                                                                         |
| 12. Rainwater killifish                                   | Lucania parva;                                                                                                                 |
| 13. Spotfin killifish                                     | Fundulus luciae;                                                                                                               |
| 14. Tadpole madtom                                        | Noturus gyrinus; and                                                                                                           |
| 15. All shiner, dace, and minnow of the following genera: | Cyprinella, Exoglossum, Hybognathus, Luxilus, Notropis, Rhinichthys and Semotilus.                                             |

“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. American eel                                                                                                                | Anguilla rostrata;     |
| 2. American shad                                                                                                               | Alosa sapidissima;     |
| 3. Black bullhead                                                                                                              | Ameiurus melas;        |
| 4. Blueback herring                                                                                                            | Alosa aestivalis;      |
| 5. Bowfin                                                                                                                      | Amia calva;            |
| 6. Brown bullhead                                                                                                              | Ameiurus nebulosus;    |
| 7. Carp                                                                                                                        | Cyprinus carpio;       |
| 8. Channel catfish                                                                                                             | Ictalurus punctatus;   |
| 9. Gizzard shad                                                                                                                | Dorosoma cepedianum;   |
| 10. White catfish                                                                                                              | Ameiurus catus;        |
| 11. White perch                                                                                                                | Morone americana;      |
| 12. White sucker                                                                                                               | Catostomus commersoni; |
| 13. Yellow bullhead                                                                                                            | Ameiurus natalis;      |
| 14. Yellow perch                                                                                                               | Perca flavescens; and  |
| 15. Any other marine fish species that is legal for taking with net in marine waters, except striped bass and alewife herring. |                        |

“In-season stocking period” shall mean April 7, 2008 through May 23, 2008 for the 2008 trout season, April 13, 2009 through May 29, 2009 for the 2009 trout season, April 12, 2010 through May 28 for the 2010 trout season, April 11, 2011 through May 27, 2011 for the 2011 trout season, and April 9, 2012 through May 25, 2012 for the 2012 trout season.

“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.

“Opening day” shall mean 8:00 A.M. on April 5, 2008 for the 2008 trout season, 8:00 A.M. on April 11, 2009 for the 2009 trout season, 8:00 A.M. on April 10, 2010 for the 2010 trout season, 8:00 A.M. on April 9, 2011 for the 2011 trout season, and 8:00 A.M. on April 7, 2012 for the 2012 trout season.

“Oswego bass” or “black bass” shall mean largemouth and smallmouth bass.

“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. Alewife (anadromous form) | <i>Alosa pseudoharengus</i>                                                               |
| 2. American eel              | <i>Anguilla rostrata</i>                                                                  |
| 3. American shad             | <i>Alosa sapidissima</i>                                                                  |
| 4. Atlantic sturgeon         | <i>Acipenser oxyrhynchus</i>                                                              |
| 5. Blueback herring          | <i>Alosa aestivalis</i>                                                                   |
| 6. Creek chubsucker          | <i>Erimyzon oblongus</i>                                                                  |
| 7. Gizzard shad              | <i>Dorosoma cepedianum</i>                                                                |
| 8. Goldfish                  | <i>Carassius auratus</i>                                                                  |
| 9. Grass carp                | <i>Ctenopharyngodon idella</i>                                                            |
| 10. Hickory shad             | <i>Alosa mediocris</i>                                                                    |
| 11. Sea lamprey              | <i>Petromyzon marinus</i>                                                                 |
| 12. Shortnose sturgeon       | <i>Acipenser brevirostrum</i>                                                             |
| 13. Striped bass hybrid      | <i>Morone saxatilis</i> x<br><i>Morone chrysops</i> ; and<br><i>Catostomus commersoni</i> |
| 14. White sucker             |                                                                                           |

“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.

“Potentially dangerous fish” means the following species:

- |                         |                                    |
|-------------------------|------------------------------------|
| 1. Asian swamp eel      | <i>Monopterus albus</i>            |
| 2. Bighead carp         | <i>Hypophthalmichthys nobolis</i>  |
| 3. Brook stickleback    | <i>Culaea inconstans</i>           |
| 4. Flathead catfish     | <i>Pylodictis olivaris</i>         |
| 5. Grass carp (diploid) | <i>Ctenopharyngodon idella</i>     |
| 6. Green sunfish        | <i>Lepomis cyanellus</i>           |
| 7. Snakeheads           | <i>Channa</i> spp.                 |
| 8. Oriental weatherfish | <i>Misgurnus anguillicaudatus</i>  |
| 9. Silver carp          | <i>Hypophthalmichthys molitrix</i> |
| 10. Warmouth            | <i>Lepomis gulosus</i>             |

“Pre-season closure” shall be the period from midnight March 16, 2008 to 8:00 A.M. April 5, 2008 for the 2008 trout season, the period from midnight March 22, 2009 to 8:00 A.M. April 11, 2009 for the 2009 trout season, the period from midnight March 21, 2010 to 8:00 A.M. April 10, 2010 for the 2010 trout season, the period from midnight March 20, 2011 to 8:00 A.M. April 9, 2011 for the 2011 trout season, and the period from midnight March 18, 2012 to 8:00 A.M. April 7, 2012 for the 2012 trout season. Unless otherwise specified, this closure applies to all waters, both public and private, stocked with trout.

“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. Atlantic (landlocked) salmon | <i>Salmo salar</i>           |
| 2. Brook trout                  | <i>Salvelinus fontinalis</i> |
| 3. Brown trout                  | <i>Salmo trutta</i>          |
| 4. Lake trout                   | <i>Salvelinus namaycush</i>  |
| 5. Rainbow trout                | <i>Oncorhynchus mykiss</i>   |

“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. Banded sunfish      | <i>Enneacanthus obesus</i>        |
| 2. Blackbanded sunfish | <i>Enneacanthus chaetodon</i>     |
| 3. Black bullhead      | <i>Ameiurus melas</i>             |
| 4. Black crappie       | <i>Pomoxis nigromaculatus</i>     |
| 5. Bluegill            | <i>Lepomis macrochirus</i>        |
| 6. Bluespotted sunfish | <i>Enneacanthus gloriosus</i>     |
| 7. Bowfin              | <i>Amia calva</i>                 |
| 8. Brown bullhead      | <i>Ameiurus nebulosus</i>         |
| 9. Carp                | <i>Cyprinus carpio</i>            |
| 10. Chain pickerel     | <i>Esox niger</i>                 |
| 11. Channel catfish    | <i>Ictalurus punctatus</i>        |
| 12. Green sunfish      | <i>Lepomis cyanellus</i>          |
| 13. Largemouth bass    | <i>Micropterus salmoides</i>      |
| 14. Longear sunfish    | <i>Lepomis megalotis</i>          |
| 15. Mud sunfish        | <i>Acantharchus pomotis</i>       |
| 16. Muskellunge        | <i>Esox masquinongy</i>           |
| 17. Northern pike      | <i>Esox lucius</i>                |
| 18. Pumpkinseed        | <i>Lepomis gibbosus</i>           |
| 19. Redbreast sunfish  | <i>Lepomis auritus</i>            |
| 20. Redear sunfish     | <i>Lepomis microlophus</i>        |
| 21. Redfin pickerel    | <i>Esox americanus americanus</i> |
| 22. Rock bass          | <i>Ambloplites rupestris</i>      |
| 23. Smallmouth bass    | <i>Micropterus dolomieu</i>       |
| 24. Striped bass       | <i>Morone saxatilis</i>           |
| 25. Walleye            | <i>Sander vitreus</i>             |
| 26. White catfish      | <i>Ameiurus catus</i>             |
| 27. White crappie      | <i>Pomoxis annularis</i>          |
| 28. White perch        | <i>Morone americana</i>           |
| 29. Yellow bullhead    | <i>Ameiurus natalis</i> ; and     |
| 30. Yellow perch       | <i>Perca flavescens</i>           |

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". Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

In "Foodfish", deleted 1, recodified 2 through 16 as 1 through 15; in "Warmwater fish", substituted "Sander vitreus" for "Stizostedion vitreum vitreum" in 13.

Amended by R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

In definition "Trout", added species Atlantic (landlocked) salmon.

Amended by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Rewrote definitions "Baitfish", "Foodfish", "Other fish species", "Trout", and "Warmwater fish"; and added definitions "In-season stocking period", "Opening day", "Oswego bass" and "Pre-season closure".

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

Rewrote definition "Baitfish"; in the second column of entry 2 of definition "Other fish species", substituted "Anguilla" for "Anguilla"; and added definition "Potentially dangerous fish".

### 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 (b)1 below, trout season shall commence 12:01 A.M. January 1 and extend to the pre-season closure. The trout season shall re-open on opening day and extend to include midnight December 31.

(b) Except as provided in N.J.A.C. 7:26-6.4, 6.6 to 6.9 and (b)1 below, it shall be unlawful to fish for any species of fish during the pre-season closure in ponds, lakes or those portions of streams that are listed herein for stocking.

1. Farrington Lake, Middlesex County; Lake Hopatcong, Morris/Sussex County; Swartswood Lake, Sussex County; Shenandoah Lake, and Prospertown Lake, Ocean County, will remain open to angling year-round. Trout taken during the pre-season closure must be returned to the water immediately and unharmed.

(c) There shall be a nine-inch minimum size for brook trout, brown trout, rainbow trout or hybrids and strains thereof except as designated in N.J.A.C. 7:25-6.5 to 6.9. Purchased brown and rainbow trout less than the nine-inch minimum size limit may be possessed, strictly for use as bait, provided a receipt of purchase, dated within 14 days, and indicating the place of purchase is in possession and provided upon request.

(d) Except as designated in N.J.A.C. 7:25-6.8, the minimum size limit for lake trout shall be 15 inches with a daily bag and possession limit of two.

(e) Except as provided in N.J.A.C. 7:25-6.4 through 6.9, the daily possession limit for brook trout, brown trout, and rainbow trout or their hybrids and strains thereof is as follows:

1. A person shall not take, kill or have in possession, in one day, more than four in total during the period extending from January 1 to the pre-season closure.

2. A person shall not take, kill or have in possession, in one day, more than six in total from opening day until May 31.

3. A person shall not take, kill or have in possession, in one day, more than four in total from June 1 until December 31.

(f) 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.

(g) 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.

(h) Except as provided in N.J.A.C. 7:25-6.6 to 6.9, in trout-stocked waters for which in-season closures will be in force, waters will be closed from 5:00 A.M. to 5:00 P.M. 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. Each Monday during the in-season stocking period.
  - 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. Walkkill River—Lake Mohawk Dam to Route 23, Hamburg.

2. Each Tuesday during the in-season stocking period.

- 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. Each Wednesday during the in-season stocking period.

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

4. Each Thursday during the in-season stocking period.

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. Each Friday during the in-season stocking period.

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 Wanaque Reservoir Dam and section from Wanaque Avenue Bridge, Pompton Lakes to Jct. with Pequannock River, excluding Wanaque Reservoir and Monksville Reservoir.

(i) This subsection sets forth trout stocked waters for which no in-season closures will be in force.

1. Atlantic County  
 Birch Grove Park Pond—Northfield  
 Hammonton Lake—Hammonton  
 Heritage Pond—Absecon
2. Bergen County  
 Dahnert's Lake—Garfield  
 Hackensack River—Lake Tappan to Harriot Avenue, Harrington Park  
 Hohokus Brook—Forest Road to Saddle River  
 Indian Lake—Little Ferry  
 Mill Pond—Park Ridge  
 Pascack Creek—Orchard Street, Hillsdale, to Lake Street, Westwood  
 Potash Lake—Oakland  
 Saddle River—Lake Street to Dunkerhook Road, Fair Lawn  
 Tenakill Creek—Closter, entire length  
 Whites Pond—Waldwick
3. Burlington County  
 Crystal Lake—Willingboro  
 Laurel Pond—Mt. Laurel  
 Pemberton Lake—Pemberton  
 Rancocas Creek, South/West Branch—Medford, Mill Street Park to Branch St. Bridge  
 Sylvan Lake—Burlington
4. Camden County  
 Gloucester City Pond—Gloucester  
 Haddon Lake—Audubon  
 Oak Pond—Sicklerville

5. Rowands Pond—Clementon  
 Cape May County  
 Ponderlodge Pond—Villas  
 Tuckahoe Lake—Tuckahoe
6. Cumberland County  
 Cohansey River—Dam at Seeley's Pond to Powerline above Sunset Lake, Bridgeton  
 Giampietro Park Lake—Vineland  
 Mary Elmer Lake—Bridgeton  
 Maurice River—Willow Grove Lake dam to Sherman Avenue, Vineland  
 Shaw's Mill Pond—Newport
7. Essex County  
 Branch Brook Park Lake—Newark  
 Clarks Pond—Bloomfield  
 Diamond Mill Pond—Millburn  
 Rahway River W/Br—Campbells Pond to Glen Ave.  
 Verona Park Lake—Verona
8. Gloucester County  
 Greenwich Lake—Gibbstown  
 Grenloch Lake—Turnersville  
 Harrisonville Lake—Harrisonville  
 Iona Lake—Iona  
 Mullica Hill Pond—Mullica Hill  
 Swedesboro Lake—Swedesboro  
 Westville Lake—Westville
9. Hudson County  
 West Hudson County Park Pond—Harrison  
 Woodcliff Lake—North Bergen, James J. Braddock Park
10. Hunterdon County  
 Alexauken Creek—West Amwell Township, entire length  
 Amwell Lake—East Amwell  
 Beaver Brook—Clinton Township, entire length  
 Capoolong Creek—Pittstown, entire length  
 Delaware—Raritan Feeder Canal—Bulls Island to Hunterdon - Mercer County line  
 Hakhokake Creek—Holland Township, entire length  
 Lockatong Creek—Opdyke Road Bridge, Kingwood Township to Delaware Raritan Feeder Canal  
 Mannys Pond—Union Township  
 Mountain Farm Pond—Lebanon Township  
 Mulhockaway Creek—Pattensburg, source to Spruce Run Reservoir  
 Neshanic River—Kuhl Road to Hunterdon County Route 514  
 Nishisakawick Creek—Frenchtown/Everittstown, entire length  
 Rockaway Creek—Readington Township, entire length  
 Rockaway Creek, S/Br.—Lebanon to Whitehouse, entire length  
 Round Valley Reservoir—Clinton Township  
 Sidney Brook—Grandin, entire length  
 Spruce Run—Glen Gardner and Lebanon Township, entire length  
 Wickecheoke Creek—Covered Bridge County Rt. 604, Sergeantsville to Delaware River
11. Mercer County  
 Assunpink Creek—Assunpink Site 5 dam upstream of Rt. 130 Bridge to Carnegie Road, Hamilton Township  
 Colonial Lake—Lawrence Township

- Delaware—Raritan Canal—Mulberry Street, Trenton, to Alexander St., Princeton  
 Delaware—Raritan Feeder Canal—Hunterdon-Mercer County line to Upper Ferry Road Bridge  
 Rosedale Lake—Rosedale  
 Stony Brook—Woodsville to Port Mercer
12. Middlesex County  
 Farrington Lake—North Brunswick  
 Hook's Creek Lake—Cheesequake State Park  
 Ireland Brook—Farrington Lake to point 500 ft. upstream of Riva Avenue  
 Lake Papaiani—Edison  
 Lawrence Brook—Dam at Farrington Lake to 2nd RR Bridge (Raritan Railroad) below Main St., Milltown  
 Roosevelt Park Pond—Edison Township
13. Monmouth County  
 Echo Lake—Southard  
 Englishtown Mill Pond—Englishtown  
 Garvey's Pond—Navesink  
 Hamilton Fire Pond—Neptune  
 Hockhocksens Brook—Hockhocksens Road to Garden State Parkway Bridge (northbound)  
 Holmdel Park Pond—Holmdel  
 Mac's Pond—Manasquan  
 Mingamahone Brook—Farmingdale, Hurley Pond Road to Manasquan River  
 Mohawk Pond—Red Bank  
 Shadow Lake—Red Bank  
 Shark River—Hamilton, Route 33 to Remsen Mill Road  
 Spring Lake—Spring Lake  
 Takanassee Lake—Long Branch  
 Topenemus Lake—Freehold  
 Yellow Brook—Heyers Mill Road to Muhlenbrink Rd., Colts Neck Township
14. Morris County  
 Beaver Brook—Rockaway, entire length  
 Burnham Park Pond—Morristown  
 Drakes Brook—Flanders, entire length  
 Hibernia Brook—Hibernia, entire length  
 India Brook—Mountainside Ave. to Rt. 24, Ralston  
 Lake Hopatcong—Lake Hopatcong  
 Lake Musconetcong—Netcong  
 Mt. Hope Pond—Mt. Hope  
 Pequannock River—(See Passaic Co.)  
 Passaic River—White Bridge Rd. to Rt. 24, Chatham Boro  
 Pompton River—Pequannock Township (see Passaic Co.)  
 Russia Brook—Jefferson Township, Ridge Road to Lake Swannanoa  
 Speedwell Lake—Morristown  
 Whippany River—Tingley Road, Morris Township, to Ridgedale Ave., Morristown
15. Ocean County  
 Lake Shenandoah—Lakewood, Ocean County Park  
 Pohatcong Lake—Tuckerton  
 Prospertown Lake—Prospertown
16. Passaic County  
 Barbour's Pond—West Paterson  
 Clinton Reservoir—Newark Watershed  
 Green Turtle Pond—Hewitt  
 Oldham Pond—North Haledon  
 Pequannock River—Route 23, Smith Mills to Paterson-Hamburg Turnpike, Pompton Lakes  
 Pompton River—Pompton Lake to Newark-Pompton Turnpike  
 Ringwood Brook—State line to Sally's Pond, Ringwood Park  
 Sheppard Lake—Ringwood State Park
17. Salem County  
 Harrisonville Lake—Harrisonville  
 Maurice River—Willow Grove Lake Dam to Sherman Avenue, Vineland  
 Riverview Beach Pond—Pennsville Township  
 Schadler's Sand Wash Pond—Penns Grove
18. Somerset County  
 Lamington River—Rt. 523 (Lamington Road) at Burnt Mills to Jct. with North Branch of Raritan River  
 Middle Brook, E/Br.—Martinsville, entire length  
 Passaic River—See Morris Co.  
 Peapack Brook—Peapack-Gladstone, entire length  
 Raritan River—Jct. of Raritan River N/Br. and S/Br. to Rt. 206 Bridge  
 Rock Brook—Zion, entire length  
 Spooky Brook Park Pond—Franklin
19. Sussex County  
 Alm's House Pond—Myrtle Grove, Hampton Township  
 Andover Junction Brook—Andover, entire length  
 Big Flat Brook, Upper—Saw Mill Pond, High Point State Park, to 100 ft. above Steam Mill Bridge on Crigger Road  
 Blue Mountain Lake—Delaware Water Gap National Recreation Area  
 Clove River—Junction of Route 23 and Mt. Salem Road to Route 565 Bridge  
 Culver's Creek—Frankford Township, entire length  
 Dry Brook—Branchville, entire length  
 Franklin Pond Creek—Hamburg Mountain Wildlife Management Area, entire length  
 Glenwood Brook—Lake Glenwood to State line  
 Lake Aeroflex—Andover  
 Lake Hopatcong—Lake Hopatcong  
 Lake Musconetcong—Netcong  
 Lake Ocquittunk—Stokes State Forest  
 Little Flat Brook—Sandyston Township, entire length  
 Little Swartswood Lake—Swartswood  
 Lubbers Run—Byram Township, entire length  
 Neldon Brook—Swartswood, entire length  
 Papakating Creek—Plains Road bridge to Route 565, Lewisburg  
 Papakating Creek, W. Br.—Libertyville, entire length  
 Pond Brook—Middleville, entire length  
 Saw Mill Pond—High Point State Park  
 Silver Lake—Hamburg Mountain Wildlife Management Area  
 Stony Lake—Stokes State Forest  
 Swartswood Lake—Swartswood  
 Trout Brook—Middleville, entire length  
 Wawayanda Creek  
 Wawayanda Lake—Vernon
20. Union County  
 Green Brook—Route 527, Berkeley Heights, to Route 22, Scotch Plains  
 Lower Echo Park Pond—Mountainside  
 Milton Lake—Rahway

- Rahway River—I-78 Bridge, Springfield, to St. George Ave. (Route 27), Rahway  
 Seeleys Pond—Berkeley Heights  
 Warinanco Park Pond—Roselle
21. Warren County  
 Beaver Brook—Silver Lake Dam to Pequest River  
 Blair Creek—Hardwick Center to Blair Lake  
 Blair Lake—Blairstown  
 Buckhorn Creek—Roxburg, entire length  
 Columbia Lake and Gatehole—Knowlton Township  
 Furnace Brook—Oxford, entire length  
 Furnace Lake—Oxford  
 Honey Run—Swayze's Mill Road to Route 519, Hope Township  
 Jacksonburg Creek—Jacksonburg, entire length  
 Lopatcong Creek—Route 519 to South Main Street, Phillipsburg  
 Merrill Creek Reservoir—Stewartsville  
 Pohatcong Creek—Mt. Bethel to Route 31  
 Pophandusing Creek—Oxford Road, Hazen, to Delaware River  
 Trout Brook—Hackettstown, entire length  
 Trout Brook—Hope, entire length  
 White Lake—Hardwick Township

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.2002 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.

Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

Rewrote the section.

Amended by R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

Rewrote the section (restructured the rules pertaining to seasons, size limits and stocking of trout).

Amended by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Rewrote (a) and (b); in (c), substituted "nine-inch" for "seven-inch", and inserted the last sentence; in (e)1, substituted "to the pre-season closure" for "2006 until midnight March 19, 2006 and from January 1, 2007 until midnight March 18, 2007"; in (e)2, deleted "during the period extending" following "thereof," and "2006 and from 8:00 A.M. April 7, 2007 until May 31, 2007," preceding "except", and substituted "opening day" for "8:00 A.M. April 8, 2006"; in the introductory paragraphs of (h)1 through (h)5, inserted "during the in-season stocking period"; in (h)1, deleted "from April 10, 2006 to May 22, 2006 and from April 9, 2007 to May 21, 2007, inclusive" following "Monday"; in (h)2, deleted "from April 11, 2006 to May 23, 2006 and from April 10, 2007 to May 22, 2007, inclusive" following "Tuesday"; in (h)3, deleted "from April 12, 2006 to May 24, 2006 and from April 11, 2007 to May 23, 2007, inclusive" following "Wednesday"; in (h)4, deleted "from April 13, 2006 to May 25, 2006 and from April 12, 2007 to May 24, 2007, inclusive" following "Thursday"; in (h)5, deleted "from April 14, 2006 to May 26, 2006 and from April 13, 2007 to May 25, 2007, inclusive" following "Friday"; rewrote (h)5iv; in (i)2, substituted "Saddle River" for "Whites Pond", and inserted "Potash Lake—Oakland"; in (i)6, deleted "Bostwick Lake—Friesburg" preceding reference to "Cohansey River"; in (i)7, added "Rahway River W/Br—Campbells Pond to Glen Ave."; in (i)10, added "Mannys Pond—Union Township" and "Mountain Farm Pond—Lebanon Township"; in (i)16, deleted "Potash Lake—Oakland" preceding reference to "Ringwood Brook"; and in (i)21, deleted "Barker's Mill Brook—Vienna, entire length" preceding reference to "Beaver Brook".

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

In (c), inserted "and strains"; and rewrote (e), (i)2, (i)5, (i)10, (i)16, (i)18, (i)20 and (i)21.

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

(a) Beginning January 1 to pre-season closure and from 5:00 A.M. on the second Monday after opening day to December 31, 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 during the in-season stocking period:

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 to the pre-season closure and from 8:00 A.M. on opening day to December 31, 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 during the in-season stocking period:

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. A person shall not take, kill, or have in possession more than six trout daily from opening day through May 31; at other times the limit is four.
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.  
 Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).  
 See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).  
 Amended the dates throughout.

Amended by R.2006 d.64, effective February 6, 2006.  
 See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

Changed dates throughout the section to reflect upcoming calendar adjustments to the season; in (c)2, substituted "A person shall not kill" for "Not," deleted "may be killed" and "portion of the season" and substituted "from" for "during the".

Amended by R.2008 d.65, effective March 17, 2008.  
 See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

In the introductory paragraph of (a), substituted "to pre-season closure" for "; 2006 to midnight March 19, 2006", "the second Monday after opening day to December 31" for "Monday, April 17, 2006 to midnight March 18, 2007, and from 5:00 A.M. on Monday April 16, 2007 to midnight March 17, 2008", and inserted "during the in-season stocking period"; in the introductory paragraph of (b), substituted "the pre-season closure" for "; 2006 to midnight March 19, 2006", "opening day" for "April 8, 2006", "December 31" for "midnight March 18, 2007, and from 8:00 A.M. on April 7, 2007 to midnight March 17, 2008", and inserted "during the in-season stocking period"; and in (c)2, inserted "take," and "; or have in possession", substituted "opening day" for "April 8, 2006", deleted "; 2006, and from April 7, 2007 through May 31, 2007" following "May 31", and deleted the last sentence.

### 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 up to, but not including, opening day and from the seventh Monday following opening day, through December 31.

1. Pequest River, Warren County—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, Morris and Passaic Counties—An approximate 1.3 mile stretch of river extending from the railroad trestle located immediately downstream of Appelt Park, Bloomingdale to Hamburg Turnpike bridge, Pompton Lakes.

(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; and
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.

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.  
 Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).  
 See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).  
 In (a), amended the dates in the introductory paragraph.  
 Amended by R.2006 d.64, effective February 6, 2006.  
 See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).  
 In introductory paragraph (a), changed dates to reflect upcoming calendar adjustments to the season.  
 Amended by R.2008 d.65, effective March 17, 2008.  
 See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).  
 Rewrote the introductory paragraph of (a); and in (b)5, inserted a comma following "closures", and deleted ". Additional trout may be caught providing they are returned to the water immediately and unharmed" following "exist".  
 Amended by R.2010 d.013, effective January 4, 2010.  
 See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).  
 In (a)1, inserted ", Warren County"; rewrote (a)2; deleted (a)3 and (b)6; in (b)4, substituted "; and" for "in total length;" at the end; and in (b)5, substituted a period for "; and" at the end.

**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 (Stewartsville)
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 Charlottesville Reservoir; and from Rt. 23 bridge at Smoke Rise downstream to the Rt. 23 bridge at Smith Mills);
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. Wanaque River (Wanaque Reservoir dam to Wanaque Avenue bridge);

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

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

36. 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 take, kill or have in possession, while fishing the portions of the Pequannock River, Van Campens Brook and the Wanaque River, designated as Wild Trout Streams, any brown trout less than 12 inches. For all other designated Wild Trout Streams, and for brook and rainbow trout in the Wild Trout Stream designated portions of the Pequannock River, Van Campens Brook, and the Wanaque River, the minimum length for trout shall be nine inches.

5. During the period extending from opening day to September 15 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.

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.

Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

In (b)5, amended the dates.

Amended by R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

In (b)5, changed dates to reflect upcoming calendar adjustments to the season.

Amended by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Added new (a)33; recodified former (a)33 through (a)35 as (a)34 through (a)36; in (b)4, inserted "take," substituted "River," for "River and" two times, inserted "and the Wanaque River," two times, and substituted "nine" for "seven"; in (b)5, substituted "period" for "periods" and "opening day" for "8:00 A.M. April 8, 2006 to September 15, 2006, and from 8:00 A.M. April 7, 2007," deleted "2007," following "September 15," and deleted the last sentence.

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

In (a)22, inserted "and from Rt. 23 bridge at Smoke Rise downstream to the Rt. 23 bridge at Smith Mills"; in (b)4, deleted "in total length" following "12 inches" and following "nine inches"; and deleted (b)6.

#### 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. Musconetcong River, Hunterdon and Warren Counties—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;

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 2 1/2 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;

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; and

5. A person shall not have in possession, while fishing, any more than one dead, creel 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.

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.

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

Rewrote (a)2; in (b)3, deleted "in total length" following "15 inches"; in (b)4, inserted "and" at the end; in (b)5, substituted a period for "; and" at the end; and deleted (b)6.

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

(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 brook trout, brown trout, rainbow trout and all hybrids and strains thereof 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 brook trout, brown trout, rainbow trout and all hybrids and strains thereof.

3. The minimum size for lake trout shall be 15 inches at Merrill Creek Reservoir with a daily creel and possession limit of two. The daily creel and possession limit shall be three fish, 15 inches to less than or equal to 20 inches in length, and one additional fish, 24 inches or greater, for a total of four lake trout at Round Valley Reservoir.

4. During the period from midnight September 15 to December 1, the possession of lake trout is prohibited and all lake trout caught shall be immediately returned to the water unharmed.

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.

Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

In (b)4, amended the dates.

Amended by R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

Rewrote (b)4 to reflect upcoming calendar adjustments to the season.

Amended by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Rewrote (b)3.

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

In (b)1 and (b)2, inserted "brook trout," and "and all hybrids and strains thereof," and substituted a comma for "and" following "brown trout".

#### 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. Wawayanda Lake;
3. Sheppard Lake;
4. Aeroflex Lake; and
5. 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 nine-inch minimum size limit for any species of brook trout, brown trout, rainbow trout, or hybrids and strains thereof.
3. The daily possession limit for brook trout, brown trout, rainbow trout or hybrids and strains thereof is as follows:
  - i. A person shall not take, kill or have in possession, in one day, more than two in total during the period extending from January 1 to the pre-season closure.
  - ii. Trout taken during the pre-season closure must be returned to the water immediately and unharmed.
  - iii. A person shall not take, kill or have in possession, in one day, more than four in total during the period extending from opening day to May 31.
  - iv. A person shall not take, kill or have in possession, in one day, more than two in total from June 1 until December 31.
4. The minimum length for Atlantic (landlocked) salmon shall be 12 inches with a daily bag and possession limit of two.

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.

Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

In (b)3, amended the dates.

Amended by R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

Deleted (a)3; recodified former (a)4-7 as (a)3-6; rewrote (b)3.

Amended by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Deleted (a)2; recodified (a)3 through (a)6 as (a)2 through (a)5; in (b)2, substituted "nine-inch" for "seven-inch"; in (b)3i, substituted "to the pre-season closure" for "2006 until midnight March 19, 2006 and the period from January 1, 2007 until midnight March 18, 2007"; in (b)3ii, deleted "if" following "Trout", and substituted "pre-season closure" for "period commencing at midnight, March 19, 2006 and extending to 8:00 A.M., April 8, 2006 and the period from midnight March 18, 2007 and extending to 8:00 A.M., April 7, 2007"; in (b)3iii, substituted "opening day to" for "8:00 A.M. April 8, 2006 until May 31, 2006 and the period from 8:00 A.M. April 7, 2007 until", and deleted "2007" from the end.

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

In (a)3, substituted "Sheppard" for "Sheppard's"; rewrote (b)2 and the introductory paragraph of (b)3; and in (b)3i, (b)3iii and (b)3iv, deleted "of brook trout, brown trout, rainbow trout, or hybrids thereof," following "total".

### 7:25-6.10 Baitfish

(a) Any person, who has a fishing license or is under the age of 16 or over 70 years of age, may take up to 35 baitfish, per person per day, of which no more than 10, in the aggregate, may be alewife and/or blueback herring, from the freshwaters of the State. Except as provided in (d) below, no person shall possess, in any location, more than one day's limit, regardless of when the fish were taken and whether the fish are intended to be used as bait or food.

(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 baitfish up to the daily limit may be taken from freshwaters of the State by the following means: hook and line; dip net not more than 24 inches in diameter; minnow traps not larger than 24 inches in length with a funnel mouth no greater than two inches in diameter; a cast net no greater than eight feet in diameter, and an umbrella net no greater than 3.5 feet square.

1. Seines may also be used subject to the following limitations:

i. In lakes and ponds under 100 acres, the seine shall not be over 30 feet in length.

ii. In lakes at or over 100 acres, the seine shall not be over 50 feet in length.

iii. In streams, the seine shall not exceed 30 feet in length, or one-half the width of the stream at the point of use, whichever is less.

(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 the pre-season closure through June 15 except where the taking is otherwise provided for in this subchapter. For the remainder of the year, baitfish, up to the daily limit, 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) Purchased herring may be possessed in excess of the daily limit, for up to seven days from date of purchase, when accompanied by a receipt. The receipt must list the name, address and telephone number of the place of purchase, date of purchase, and quantity purchased. This receipt must be without erasures or alterations of any kind and must have a control number.

(e) Baitfish other than alewife (anadromous and landlocked) and blueback herring may be taken from the freshwaters of the State, in numbers greater than the daily limit 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 the daily limit for the purpose of sale, under special permit issued by the Division in its discretion.

1. 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.

2. 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

3. Applications shall be directed to:

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

4. The permittee shall agree to:

- i. Submit harvest reports by the 15th day of the following month;
- 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.

Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

In (a), substituted “under the age of 16 or over 70 years of age” for “entitled to fish without a license” preceding “may take up to 35 baitfish per day”; in (b), substituted “a trout stocked water or” for “classified as” following “provided it is not”; added N.J.A.C. reference at the end; in (e), added a new 1, recodified former 1 through 3 as 2 through 4.

Amended by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Rewrote (e)4i.

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

Rewrote (a) through (d); and in the introductory paragraph of (e), substituted “the daily limit” for “35 per day” twice.

#### 7:25-6.11 Nets and alternative gear

(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 and white perch.

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 394  
Lebanon, New Jersey 08833

5. Applications shall be directed to:

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

6. The permittees shall agree to:

i. Submit annual harvest reports, including species, and number of fish harvested, by date, by December 31;

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.

Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

In (a)2v, substituted "and white perch" for "only" at the end.

Amended by R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

Section was "Nets"; in (a)4 and 5, rewrote address.

Amended by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Rewrote (a)6i.

### 7:25-6.12 Snagging prohibited

The foul hooking of any fish species, other than yellow perch and white perch, is prohibited. Any fish, other than yellow perch and white perch, 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 Swartswood Lake and its tributaries, including Neldon Brook, and 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 blueback herring" following "rainbow trout".

Amended by R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

Rewrote the section.

**7:25-6.13 Warmwater fish**

(a) (Reserved)

(b) (Reserved)

(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) During the period of April 15 through June 15, the possession of largemouth and smallmouth bass is prohibited and all bass caught shall be immediately returned to the water unharmed, except for Lake Audrey (Cumberland County) where largemouth and smallmouth bass caught shall be immediately returned to the water unharmed at all times.

(e) The minimum length for smallmouth bass and largemouth bass shall be 12 inches with a daily creel and possession limit of five in total, except for Parvin Lake, Delaware Lake, Assunpink Lake, Boonton Reservoir and Splitrock Reservoir where the minimum length for largemouth and smallmouth bass shall be 15 inches with a daily creel and possession limit of three in total and Ryker Lake where the minimum length shall be 15 inches with a daily creel and possession limit of two in total.

(f) There is no closed season for northern pike, muskellunge and tiger muskie except, during the period of March 20 through May 20, the possession of muskellunge and tiger muskie taken from Echo Lake Reservoir (Passaic County), Mercer Lake (Mercer County), Mountain Lake (Warren County), and Monksville Reservoir (Passaic County) is prohibited and all muskellunge and tiger muskie caught from these waters shall be immediately returned to the water unharmed.

(g) The minimum length for northern pike shall be 24 inches, with a daily creel and possession limit of two. The minimum length for muskellunge and tiger muskie, shall be 36 inches, except for Mountain Lake (Warren County) and Echo Lake Reservoir (Passaic County) where the minimum length shall be 40 inches. The daily creel and possession limit for muskellunge and tiger muskie shall be one in total.

(h) During the period of March 1 through April 30, the possession of walleye is prohibited and all walleye caught shall be immediately returned to the water unharmed.

(i) The minimum length for walleye shall be 18 inches with a daily creel and possession limit of three.

(j) Except as provided in N.J.A.C. 7:25-6.19 and 6.20, the minimum length for chain pickerel and redbfin pickerel shall be 15 inches.

(k) The daily creel and possession limit for chain pickerel and redbfin pickerel shall be five in total. There is no closed season.

(l) The minimum length for channel catfish shall be 12 inches with a daily creel and possession limit of five. There is no closed season.

(m) The minimum length for black crappie and white crappie shall be eight inches. The daily creel and possession limit for these species shall be ten in aggregate. There is no closed season.

(n) 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.

(o) The daily creel and possession limit for American shad shall be three. There is no closed season.

(p) Striped bass may be taken or possessed during the period of March 1 to December 31.

(q) The daily creel and possession limit for striped bass is two, with each fish at least 28 inches in length.

(r) Hybrid striped bass may be taken in the Raritan River downstream of the Duke Island Park dam during the period of March 1 to December 31.

(s) 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, with each fish at least 28 inches in length.

(t) 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.

(u) Mud sunfish, blackbanded sunfish, bluespotted sunfish, and banded sunfish may not be taken or possessed at any time.

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.

Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

In (d), inserted "Boonton Reservoir" following "Assunpink Lake", deleted "and for Boonton Reservoir where it shall be 15 inches for smallmouth bass only" at the end; in (q) and (r), substituted "February 28" for "February 29".

Amended by R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

Rewrote the section.

Amended by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Reserved (a) and (b); rewrote (g) and (j); in (k), inserted "and redbfin pickerel" and "in total"; in (p) and (r), deleted "not" following "may", and substituted "March 1 to December 31" for "January 1 through February 28"; and added (u).

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

In (d), inserted ", except for Lake Audrey (Cumberland County) where largemouth and smallmouth bass caught shall be immediately returned to the water unharmed at all times"; and in (o), substituted "three" for "six".

#### 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 1/2 inch from point to point;
3. An artificial jigging lure with not more than three single hooks measuring not more than 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) 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).

Amended by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

In(c), deleted the first sentence.

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

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

#### 7:25-6.16 Closed waters

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

(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".

Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

In (a), deleted "or flumes located at Deal Lake, Wreck Pond and Lake Takanasee" following "by any manner or means in any fish ladder", added "or 100 feet upstream from the crest of the spillway at Deal Lake" at the end of the paragraph.

#### 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; tagging and marking of fish**

(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

<u>Species</u>	<u>Season</u>	<u>Size Limit</u>	<u>Daily Bag Limit</u>
Trout	No closed season	No minimum	3
Largemouth bass and smallmouth bass	third Saturday in June until Dec. 1	12 inch minimum	5 in total
	Dec. 1 until third Saturday in June		Catch and release only
Chain pickerel	No closed season	15 inch minimum	5
Muskellunge and any hybrid thereof	No closed season	36 inch minimum	1
Walleye	Jan. 1–last day of February and May 1–December 31	18 inches	3
Channel catfish	No closed season	12 inches	5
Black crappie and white crappie	No closed season	8 inches	10 in total
Yellow perch	No closed season	No minimum	50
Sunfish	No closed season	No minimum	50
All other species	No closed season	No minimum	No limit

- 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).  
Amended by R.2010 d.013, effective January 4, 2010.  
See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).  
Section was "Wanton waste of fish prohibited".

**7:25-6.19 Greenwood Lake**

(a) In cooperation with the New York State Department of Environmental Conservation, Division of Fish 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.

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).  
 Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).  
 See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).  
 In (a), amended the table in 1.  
 Amended by R.2006 d.64, effective February 6, 2006.  
 See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).  
 In (a)1, changed dates of Walleye season to reflect the upcoming calendar season.  
 Amended by R.2008 d.65, effective March 17, 2008.  
 See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).  
 In (a)1, substituted "June 15" for "June15" and "last day of February" for "Feb. 28", and deleted the comma following "May 1".  
 Amended by R.2010 d.013, effective January 4, 2010.  
 See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).  
 In the introductory paragraph of (a), substituted "states" for "States"; and in the table in (a)1, substituted "third Saturday in June until Dec. 1" for "Jan. 1-April 14, and June 16-Dec. 31" and "Dec. 1 until third Saturday in June" for "April 15-June 15" under the "Season" column, and "5 in total" for "5 single or in total" and "10 in total" for "10 singly or in total" under the "Daily Bag Limit" column.

**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.

<u>1. Species</u>	<u>Season</u>	<u>Size Limit</u>	<u>Daily Bag Limit</u>
Trout	8:00 A.M. on the first Saturday after April 11 to Oct. 15	No minimum	5
American Shad	No closed season	No minimum	3
Hickory shad	Closed season	Closed season	Closed season
Largemouth bass and smallmouth bass	Jan. 1 to the first Friday after April 10, and the first Saturday after June 11 to Dec. 31	12 inch minimum	5 in total
Walleye	First Saturday, after April 11, to the first Friday after June 10	Catch and release only	
Chain Pickerel	No closed season	18 inch minimum	3
Muskellunge and any hybrid thereof	No closed season	12 inch minimum	5
Northern Pike	No closed season	40 inch minimum	1
Baitfish, fish bait	No closed season	24 inch minimum	2
Alewife and blueback (anadromous forms)	No closed season	No minimum	50
Shortnose sturgeon	No closed season	No minimum	10 in total
Atlantic sturgeon	Closed-endangered species		
Striped bass and striped bass X white bass hybrid	Closed Downstream of Calhoun Street Bridge season open March 1-30 and June 1-Dec. 31	28 inch minimum	2

<u>1. Species</u>	<u>Season</u>	<u>Size Limit</u>	<u>Daily Bag Limit</u>
	Upstream of Calhoun Street Bridge season open March 1–Dec. 31	28 inch minimum	2
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 50 per day.

6. Eel weirs for the catching of carp, catfish, eels, and suckers only, may be operated under permit from the Division of Fish 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 Calhoun Street Bridge to the Commodore Barry Bridge. This restriction shall apply only to hooks of size 2 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”.  
 Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).  
 See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).  
 In (a), amended table in 1, substituted “Calhoun Street Bridge” for “Route 1 Bridge” preceding “to the Commodore Barry Bridge” in 7.  
 Amended by R.2006 d.64, effective February 6, 2006.  
 See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).  
 In (a)1, rewrote the rules pertaining to seasons, size limits and stocking of Largemouth bass and smallmouth bass; rewrote the size limits and stocking of Striped bass and striped bass X white bass hybrid.  
 Amended by R.2008 d.65, effective March 17, 2008.  
 See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).  
 In (a)1, rewrote entries for “Trout”, “Largemouth bass and smallmouth bass”, and “Muskellunge and any hybrid thereof”.  
 Amended by R.2010 d.013, effective January 4, 2010.  
 See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).  
 In the table in (a)1, rewrote the entries for “American Shad”, “Largemouth bass and smallmouth bass”, “Alewife and blueback (anadromous forms)”, and “Striped bass and striped bass X white bass hybrid”; and in (a)5, substituted “50” for “35”.

**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 under the age of 16 or over 70 years of age, 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 may 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) A person shall not take, kill or have in possession snapping turtles from May 1 to June 15, or bull frogs and green frogs from April 1 to June 30.

(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. In addition to any other Federal, State or local requirements that may be applicable to any sale authorized under this section, any sale must comply with Department of Health and Senior Services rule N.J.A.C. 8:23-2.1.

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 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, New Jersey 08833

3. The permittee shall agree to:

i. Submit annual harvest reports, including the date, waterbody, species, number, and approximate total weights of snapping turtles, bull frogs or green frogs harvested, and the name, address and telephone number of purchaser(s), by December 31 of the current permit year;

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".  
Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).  
See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).  
In (c), amended the dates.  
Amended by R.2006 d.64, effective February 6, 2006.  
See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).  
In (a), substituted "under the age of 16 or over 70 years of age" for "entitled to fish without a license"; rewrote (c); in (d)1 and 2, rewrote address.  
Amended by R.2008 d.65, effective March 17, 2008.  
See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).  
Rewrote (d)3i.  
Amended by R.2010 d.013, effective January 4, 2010.  
See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).  
In the introductory paragraph of (d), inserted the second sentence; and rewrote (d)3i.

### 7:25-6.23 Special limited fishing licenses

(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, in the form of a letter of request, 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).

Amended by R.2004 d.451, effective December 6, 2004 (operative January 1, 2005).

See: 36 N.J.R. 3463(b), 36 N.J.R. 5400(a).

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

In (b), substituted "08625-0400" for "08625 0400" and inserted ", in the form of a letter of request,".

**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) An application for a scientific collecting permit shall be made on an application form obtained from and filed with the Division in accordance with (c) below. Applications shall include:

1. The applicant name;
2. The applicant address;
3. The applicant telephone number;
4. The dates of proposed sampling;
5. The body or bodies of water involved;
6. The purpose of the activity;
7. A listing of any equipment that is expected to be used;

8. The species to be collected;
9. The disposition of species collected;
10. The names of persons who will be authorized by the permit; and
11. If the activity is related to research or environmental study or assessment, a copy of the project proposal must be attached to the application.

(c) Application forms may be obtained from and, when complete, shall be submitted to the Division at:

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

(d) The Director shall grant the permit, subject to the requirements of this section, 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.

(e) The permittee shall agree to:

1. Abide by all permit conditions;
2. With the exception of sampling for educational purposes, notify the nearest regional law enforcement office 48 hours prior to sampling;
3. Notify and obtain permission from the owner of the waterbody prior to sampling;
4. Use standardized sampling protocols, as applicable;
5. Not transfer the permit to other persons;
6. Submit a report of field data by December 31;
7. Submit a copy of the final report, as soon as it becomes available, to New Jersey Division of Fish and Wildlife, Bureau of Freshwater Fisheries, PO Box 394, Lebanon, New Jersey 08833; and
8. Comply with any local ordinances and other State laws or regulations.

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).

Amended by R.2006 d.64, effective February 6, 2006.

See: 37 N.J.R. 2974(a), 38 N.J.R. 957(a).

In introductory paragraph (b), deleted address for application submitted and added ", subject to the requirements of this section,"; added (b)1 and 2 and (c).

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

Rewrote (b); added new (c) and (d); recodified former (c) as (e); in (e)5, substituted "persons" for "researchers"; and in (e)7, substituted "PO Box 394, Lebanon, New Jersey 08833" for "PO Box 400, Trenton, New Jersey 08625-0400".

### 7:25-6.25 Water lowering

(a) Except as otherwise permitted in this section, no person shall shut off water to, or draw off waters from any pond, stream or lake, public or private within the State.

(b) Water withdrawals authorized for water supply purposes pursuant to N.J.A.C. 7:19 or for agricultural, aquacultural or horticultural uses pursuant to N.J.A.C. 7:20A shall not require a water lowering permit pursuant to this section.

(c) Water lowering permits are issued for the sole purpose of protecting the State's aquatic biological resources.

(d) An application for a water lowering, including all information required by this section, shall be submitted at least 60 days prior to the requested lowering date. In the event the lowering is required due to unsafe or hazardous dam conditions, as determined by the Department's Division of Dam Safety, the dam owner or the owner or operator of the outlet structure shall submit a completed application form within 15 days of notification from the Division of Dam Safety. The application shall include a copy of the written documentation received from the Department's Division of Dam Safety.

(e) Application forms may be obtained from and, when complete, shall be submitted to the Division at:

New Jersey Division of Fish and Wildlife  
Bureau of Freshwater Fisheries  
P.O. Box 394  
Lebanon, New Jersey 08833

(f) An application for a water lowering permit shall include the following information, as well as any supplemental information required by this section:

1. Applicant name;
2. Applicant address;
3. Applicant phone number;
4. Waterbody location;
5. Reason the lowering is requested;
6. Date requested to begin;
7. Refill date;
8. Water body size;
9. Maximum depth;
10. Extent of drawdown requested;
11. Method of water release;
12. Department of Environmental Protection permits applied for relative to the project;

13. Applicant signature;

14. Property owner's certification; and

15. Contact information for agent acting on behalf of the applicant, if applicable.

(g) For applications submitted for flood control purposes, the application shall additionally include a written justification identifying the need for the water lowering, flood storage capacities gained and their beneficial impacts to the community, as well as the adverse impacts of repeated lowerings on the associated waterway.

(h) If information submitted to the Division is incomplete, the Division may either deny the application or request that the applicant provide additional information within a specified timeframe. Failure to provide the additional information within the time frame specified shall result in denial of the application.

(i) Except as provided in (s) below, the following time restrictions shall apply:

1. Lowering may not occur from February 1 to March 15, when reproducing populations of rainbow trout may be adversely impacted;

2. Lowering may not occur from March 1 to June 30, when anadromous fish populations may be adversely impacted;

3. Lowering may not occur from March 15 to June 15, when trout maintenance waters and/or the stocking of trout may be adversely impacted by the lowering;

4. Except when the extent of the lowering requires the collection and relocation of aquatic biota, lowering may not occur from April 1 to June 15, when warmwater fish populations, which include pickerel are present, otherwise lowering may not occur from May 1 to June 15;

5. Except in the event the Division determines that the lowering will have no adverse impacts to aquatic biota present, lowerings may not occur from July 1 to September 15;

6. Lowering may not occur from September 15 to March 15, when reproducing populations of brook and brown trout may be adversely impacted;

7. Lowering may not occur from September 15 to December 1, when reproducing populations of lake trout may be adversely impacted;

8. For waterways located north of Route 195, water levels must be lowered to the full approved extent by November 1; or

9. For waterways located south of Route 195, water levels must be lowered to the full approved extent by November 15.

(j) Additional timing restrictions may be imposed pursuant to (i) above to minimize impacts to growth, spawning, breeding, and or hibernation, of threatened or endangered species, in accordance with N.J.A.C. 7:25-4.13 and 4.17, which may also be adversely affected by the lowering.

(k) In the event multiple timing restrictions would apply, the Director will assess the impacts to the spawning, breeding, growth and hibernation of biota present and determine the most appropriate timing for the lowering.

(l) Except as otherwise provided in this section, an application for a water lowering permit shall be approved if the Director determines that the lowering is necessary, timing restrictions, pursuant to (i) above, are satisfied and the applicant demonstrates, to the satisfaction of the Director, that impacts to aquatic biota, as a result of the lowering, have been minimized to the maximum extent possible. In determining whether to approve a water lowering permit application, the Director shall consider potential impacts to growth, spawning, stocking, breeding and hibernation of biota, as well as impacts to endangered species dependent upon the waterbody, or otherwise affected by the lowering.

(m) A water lowering permit shall be authorized by the Division when a draw down is required due to unsafe or hazardous dam conditions, as determined by the Department's Division of Dam Safety. Emergency water lowering permits issued pursuant to this subsection will be exempt from timing restrictions, as specified in (i) through (k) above. The permittee, however, must abide by all other permit conditions, including the collection and relocation of biota if determined necessary by the Division.

(n) In no event shall a water lowering permit be approved if maximum minimization of impacts continues to result in the potential for significant mortality to the aquatic biota present.

(o) In the event the Division determines the lowering is necessary, and the extent and duration necessary poses an unavoidable threat to aquatic biota present, permittees may be required to collect and relocate aquatic biota to waters designated by the Division, or hold biota for reintroduction purposes. Appropriate timing restrictions shall still apply. A scientific collecting permit, scientific holding permit and/or stocking permit may also be required for the collection, relocation or retention of biota.

(p) For the duration of the lowering, permittees are responsible for the welfare of aquatic biota and are required to alleviate harmful conditions that may result from either the water level manipulation or from unforeseen changes in environmental conditions, including, but not limited to, unseasonably warm temperatures or periods of low water.

(q) The following general conditions shall apply to any permit for water lowering:

1. The permittee shall notify the Division 24 hours prior to lowering, and again 24 hours prior to refilling;

2. Initial water lowering shall not begin prior to the effective date of the water lowering permit, and refilling must commence no later than the expiration date;

3. At no point shall the water lowering exceed the amount specified on the permit;

4. For water lowering to be accomplished by a release of water from the waterbody, the rate of release at the time of lowering must be controlled to prevent any over-bank flow of the primary downstream channel, or increased turbidity; and

5. During the period that the waterbody is lowered downstream flow must be maintained at a flow equivalent, including amount and rate of flow, to conditions present immediately upstream of the waterbody for which the permit is issued.

(r) Requests to modify the expiration date of an existing water lowering permit must be submitted by the permittee in writing. Requests to extend the permit's expiration date must be submitted at least 21 days prior to the original expiration date. Requests shall include the permit number, waterbody name, location, owner, the change requested and the reason the modification is necessary. Requests shall be submitted to the Division at:

New Jersey Division of Fish and Wildlife  
Bureau of Freshwater Fisheries  
P.O. Box 394  
Lebanon, New Jersey 08833

1. In determining whether to approve a modification to an existing water lowering permit, the Director shall consider the impacts to the growth, spawning, stocking, breeding and hibernation of biota present, as well as impacts to endangered species dependent upon the waterbody, that may result from the change.

(s) For water lowering permits issued for flood control purposes, lowering may begin within 24 hours prior to a forecasted storm event of one inch of rain or more in the area. Permits are valid from January 1 to December 31.

New Rule, R.2008 d.65, effective March 17, 2008.  
See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Former N.J.A.C. 7:25-6.25, "Revocation of permits; penalties", recodified to N.J.A.C. 7:25-6.27.

#### **7:25-6.26 Fish stocking; fish culture facilities**

(a) No person may release any live indigenous or exotic fish, or their eggs, into the aquatic environment without a permit. For the purposes of this subchapter, indigenous and exotic fish shall include all fish species, their subspecies and hybrids.

(b) An application for a fish stocking permit must be submitted at least four weeks prior to the requested stocking date. Applications may be obtained from and, when complete, shall be submitted to the Division at:

New Jersey Division of Fish and Wildlife  
Bureau of Freshwater Fisheries  
P.O. Box 394  
Lebanon, New Jersey 08833

(c) An application for a fish stocking permit shall include the following information, as well as any supplemental information required by this section:

1. Applicant name;
2. Applicant address;
3. Applicant phone number;
4. If different, pond owner's name and address;
5. Pond owner's signature;
6. Waterbody location;
7. Water body size;
8. Fish species present in the waterbody;
9. Waterbody access, public or private;
10. Species of fish requesting to stock;
11. Number of fish requesting to stock;
12. Size range of fish requesting to stock;
13. Source of fish;
14. If stocking is relative to an event or tournament, date of event;
15. If the fish are marked or tagged, the type of tag to be used;
16. Anticipated stocking date;
17. Applicant signature; and
18. If requesting to stock grass carp, the following additional information is required:
  - i. Percent of weed cover;
  - ii. Description of weed problem, including species; and
  - iii. Photographs of inlet and outlet structures.

(d) If information submitted to the Division is incomplete, the Division may either deny the application or request that the applicant provide additional information within a specified timeframe. Failure to provide the additional information within the time frame specified shall result in denial of the application.

(e) An application for a fish stocking permit shall be approved if the Director determines that the introduction of the fish species, the number of fish proposed to be introduced, and the source of the fish proposed to be introduced will not create a potential risk to the freshwater resources of the State, and the proposed fish stocking is consistent with Division management plans and established stocking programs.

(f) The permit must be in the possession of the individual(s) performing the stocking on the day of the stocking event.

(g) Except for triploid grass carp for weed control purposes, the stocking of carp, including koi or goldfish, is prohibited. Any carp, including koi and goldfish and potentially dangerous fish collected as a result of a permitted lowering must be destroyed.

(h) Only sterile triploid grass carp may be approved for stocking, strictly for the purposes of biological weed control, provided:

1. The waterbody is less than 10 surface acres in size;
2. Inlet or outlet structures in the impoundment are situated and constructed in a way that prevents escape of fish from the impoundment; and
3. No more than a total of 100 grass carp may be stocked into any single impoundment.

(i) Permits will not be approved to stock any species of fish in the Pequest Wildlife Management Area, or within Trout Brook (Hackettstown). The Pequest State Fish Hatchery, or Hackettstown State Hatchery will be the only sources approved for stocking within these areas.

(j) Permits will not be approved to stock escocids in Budd Lake, Echo Lake Reservoir, Farrington Lake, Mercer Lake, Monksville Reservoir, Mountain Lake, or Spruce Run Reservoir. The Hackettstown State Fish Hatchery will be the only source approved for stocking within these areas.

(k) Except for fish taken from one waterbody and reintroduced to another waterbody pursuant to N.J.A.C. 7:25-6.25, the source of all fish to be introduced to the waters of the State must be from an approved fish culture facility. A list of approved fish culture facilities shall be provided by the Division with the application for a fish stocking permit.

(l) To be approved, fish culture facilities must:

1. Submit a completed "Fish Health History Request" form to the Division on an annual basis. The Fish Health History Request form shall include the following information, as well as any supplemental information required by this section:

- i. Name of the fish culture facility;
- ii. Address of the facility;

- iii. Identification of the owner of the facility;
  - iv. Contact information for facility;
  - v. Fish species offered for sale;
  - vi. Origin of all fish stocks;
  - vii. Occurrence of disease outbreaks within the facility;
  - viii. Confirm that fish health inspections were performed at the facility over the last year;
  - ix. Origin of any eggs brought into the facility; and
  - x. For facilities offering triploid grass carp, contact information for the agency that performed triploid certification;
2. Obtain a Fish Health History Request form from, and when complete, submit to, the Division at:

New Jersey Division of Fish and Wildlife  
 Bureau of Freshwater Fisheries  
 P.O. Box 400  
 Trenton, NJ 08625;

3. Provide documentation (health inspection or certification reports) that all fish (including eggs or gametes) received from sources within the enzootic area of the Infectious Hematopoietic Necrosis (IHN) or Viral Hemorrhagic Septicemia (VHS) viruses, have been inspected and found free of those viruses;
4. Provide documentation that a complete health inspection, including parasitological examination, has been performed on all fish stocks that have been obtained from the wild;
5. Provide documentation that all production lots of fish have been inspected and found free of Infectious Pancreatic Necrosis virus (IPN), Infectious Hematopoietic Necrosis (IHN), Viral Hemorrhagic Septicemia (VHS), Bacterial kidney disease (BKD), Bacterial Furunculosis (BF), and Bacterial redmouth (BRM) and whirling disease, *Myxobolus cerebralis*, when providing salmonids for stocking in waters with reproducing trout populations, designated as Holdover and Trophy Trout lakes, and the Pequest River or Musconetcong River drainages;
6. Perform any inspections required by this subsection using sample sizes and methods recommended by the American Fisheries Society Fish Health Section, located in Juneau, Alaska, or The World Organization for Animal Health (also known as Office International des Epizooties), located in Paris, France, or generally accepted methods published in peer-reviewed journals. Additional information is provided at the American Fisheries Society website at <http://www.fisheries.org/units/fhs/>, or the website of the World Organization for Animal Health at [http://www.oie.int/eng/en\\_index.htm](http://www.oie.int/eng/en_index.htm).

7. Accept the responsibility for, and cost of any fish health inspections required for approval;

8. Keep accurate records of fish health inspections and transfers of fish into and out of the facility. These records shall be open for inspection by Division employees or representatives, at reasonable hours; and

9. If located west of the continental divide or outside of North America, or identifies its source of fish, or eggs, from a facility located within this area:

i. Provide documentation that all stocks of fish reared in the hatchery have been inspected and found free of Infectious Hematopoietic Necrosis (IHN) or Viral Hemorrhagic Septicemia (VHS) viruses, the PKX organism, and *Ceratomyxa shasta*; and

ii. Supply only fertilized eggs that have been subjected to iodine disinfection. No salmonid fish (fry, fingerling, or adult) other than certified, disinfected eggs may be brought into New Jersey from areas where Infectious Hematopoietic Necrosis (IHN) or Viral Hemorrhagic Septicemia (VHS) viruses are enzootic in salmonid stocks.

New Rule, R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

Former N.J.A.C. 7:25-6.26, "Requests for adjudicatory hearings", recodified to N.J.A.C. 7:25-6.28.

Amended by R.2010 d.013, effective January 4, 2010.

See: 41 N.J.R. 3004(a), 42 N.J.R. 63(a).

In (g), inserted "and potentially dangerous fish".

#### 7:25-6.27 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).

Recodified from N.J.A.C. 7:25-6.25 by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

#### 7:25-6.28 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).

Recodified from N.J.A.C. 7:25-6.26 by R.2008 d.65, effective March 17, 2008.

See: 39 N.J.R. 4988(a), 40 N.J.R. 1635(b).

---

SUBCHAPTER 7. MISCELLANEOUS SHELLFISH  
RULES

v. Any person who has had his or her New Jersey Summer Flounder Dealers Permit suspended or revoked shall not land or permit the landing of any summer flounder at his or her facility during the suspension or revocation under the provisions of another permittee's New Jersey Summer Flounder Dealers Permit.

vi. 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.

(j) The following provisions are applicable to the commercial harvest of winter flounder:

1. No person shall fish for or land any winter flounder taken by any net, trap, dredge or commercial gear in New Jersey waters, except during the open season of December 1 through May 31. No dealer shall accept any winter flounder taken in New Jersey waters except during such open season. No person shall have in possession, and no dealer shall accept from any person, more than the daily possession limit of 38 winter flounder. The harvest of winter flounder by the use of fyke net is subject to the provisions of N.J.A.C. 7:25-18.5(g)2 in addition to the daily possession limit specified in this paragraph.

(k) The following provisions are applicable to the commercial harvest of scup:

1. Annual coastwide scup quotas and daily trip limits for the periods of January 1 through April 28 and November 1 through December 31, and an annual New Jersey scup quota for the period from May 1 through October 31 shall be determined by the Mid-Atlantic Fishery Management Council as implemented by the National Marine Fisheries Service or determined by the Atlantic States Marine Fisheries Commission. All landings of scup in New Jersey during the period from May 1 through October 31 shall be applied to the New Jersey scup quota.

i. Any closure of the scup fishery by the National Marine Fisheries Service in adjacent Federal waters or any closure which includes New Jersey marine waters during the periods January 1 through April 28 and November 1 through December 31 would automatically close New Jersey to commercial landings of scup.

ii. The Commissioner, or his or her designee, shall implement annual and seasonal scup quotas and daily trip limits as determined by the Atlantic States Marine Fisheries Commission upon two days public notice. The implemented quotas and limits shall also be reflected in this subsection through a notice of administrative change in the New Jersey Register, in accordance with N.J.A.C. 1:30-2.7.

iii. The Commissioner, or his or her designee, shall close the season for the commercial scup fishery upon two days public notice of the projected date the New Jer-

sey seasonal quota shall be caught. Public notice shall include letters by first class mail to all New Jersey Scup Dealer Permit holders and Federal scup moratorium permit holders that are New Jersey residents.

iv. Once any season has been closed for the commercial scup fishery, no vessel shall land any scup and no dealer shall accept any scup landed in New Jersey.

v. If the Commissioner, or his or her designee, closes the New Jersey season prematurely because of unanticipated events resulting in the quota not being landed by the project date, then the Commissioner, or his or her designee, may reopen the season for a specified period of time upon two days public notice. Public notice shall be made as specified in (k)1iii above.

vi. If the quota for any season is exceeded, the amount overharvested shall be deducted from the following year's quota for that season.

2. No vessel shall have in possession or land and no dealer shall accept from any vessel more than the lesser of the daily trip limits set by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission for the season of January 1 through April 28 and November 1 through December 31 and no vessel shall have in possession or land and no dealers shall accept from any one vessel more than the daily trip limit of 5,000 pounds of scup during the season of May 1 through October 31 or as provided for in (k)2i below.

i. If a minimum of 25 percent of the New Jersey scup quota is projected to remain unlanded as of October 1 in any calendar year, then there shall be a 10,000 pound trip limit for the remainder of the season or until the season is closed as provided in (k)1i above.

ii. The trip limit for scup shall be two trips per week (Sunday through Saturday) with landings not to exceed 30,000 pounds during any one-week period from January 1 through April 28 and a daily limit as established by the National Marine Fisheries Service from November 1 through December 31. During the period of January 1 through April 28, the daily trip limit will be reduced to 1,000 pounds when it is projected that 80 percent of the period quota will be harvested. No person or vessel shall land or possess and no dealer shall accept any scup on April 29 and 30.

3. No fish dealer shall accept any scup from any vessel or harvester unless such dealer is in possession of a valid New Jersey Scup Dealer Permit. A New Jersey Scup Dealer Permit may be obtained by completing an application supplied by the Department and submitting it to:

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

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

5. Any harvester or vessel landing scup in New Jersey for the purpose of sale shall sell all scup to a permitted New Jersey Scup Dealer.

6. All permitted New Jersey Scup Dealers shall provide weekly reports to the Division listing the amount of scup landed on a daily basis and any other information that may be required by the Commissioner or as a result of an agreement with other states pursuant to (k)9 below. Such report shall be faxed to the Division at the number specified on the reporting forms supplied by the Division no later than two days following the week's end or sent by any other method approved by the Department. For the purpose of this provision, the week shall begin on Sunday and end on Saturday.

7. All scup moratorium permit holders landing scup in New Jersey shall be required to complete monthly reports supplied by the Department. The monthly report shall be signed by the permittee attesting to the validity of the information and be submitted so it is received by the Department no later than 15 working days following the end of the reported month at the following address:

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

i. The monthly report shall include, but not be limited to, the following information: name, scup moratorium permit number, total amount (in pounds) of each species taken, dates caught, time at sea, duration of fishing time, gear type used to harvest, number of tows, area fished, crew size, landing port, date sold and buyer. This information shall be provided for any trip in which scup are landed. Scup moratorium permit holders may submit the "STATE" copy of the Federal log book in satisfaction of the New Jersey reporting requirements.

8. Any person violating the provisions of this section shall be subject to the penalties prescribed in N.J.S.A. 23:2B-14 in addition to the following:

i. Failure to comply with the provisions of (k)1iv above, landing or accepting scup after the season has been closed; (k)2 above, landing or accepting more than the daily trip limit; (k)3 above, accepting scup from a vessel without first having obtained a valid New Jersey Scup Dealer Permit; (k)4 above, landing for the purpose of sale or selling scup without first having obtained a valid scup moratorium permit; (k)5 above, selling scup to a non-permitted fish dealer; or (k)6 and 7 above, failure to submit accurate and timely reports, shall result in the suspension during the open seasons or revocation of the dealer's New Jersey Scup Dealer Permit according to the following schedule:

- (1) First offense: 60 days suspension.
- (2) Second offense: 120 days suspension.
- (3) Third offense: Permanent revocation.

ii. In calculating the period of suspension or revocation applicable under (k)8i 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 this 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.

9. Pursuant to Amendment 8 of the Mid-Atlantic Fishery Management Council's Fishery Management Plan for the Summer Flounder and Scup Fishery, the Commissioner may enter into agreements with other states to transfer or combine scup commercial quotas. Such agreements shall specify the terms and conditions under which vessels may land scup in New Jersey, as well as how the landings will be applied to the quota. Any agreement developed by the Commissioner and any other state is not valid until such time as it has been reviewed and approved by the Northeast Regional Director of the National Marine Fisheries Service.

(l) Special provisions applicable to an Atlantic herring fishery are as follows:

1. The possession of more than 5,000 pounds of Atlantic herring on board a vessel or landed from a vessel shall constitute a directed fishery for Atlantic herring.

2. A person shall not fish for or land any Atlantic herring in excess of 5,000 pounds using any vessel in excess of 165 feet in length and in excess of 3,000 horsepower in a directed fishery for Atlantic herring.

3. Atlantic herring taken in a directed fishery for Atlantic herring shall not be processed for use as fish meal or oil.

4. Any closure of the Atlantic herring fishery by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission in adjacent Federal waters or in any area which includes New Jersey marine waters would automatically close New Jersey waters to the commercial harvest of Atlantic herring.

5. If any of the management areas identified in the joint New England Fishery Management Council Atlantic States Marine Fisheries Commission Fishery Management Plan

for Atlantic Herring are closed by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission, the landing of Atlantic herring harvested from any management area that is closed shall be prohibited in New Jersey.

(m) Dealer business records may be used as admissible evidence in any proceeding to document violations of trip limits, weekly landing limits or closed seasons specified in this section.

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

(o) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify quotas, trip limits and/or seasons, as well as gear types and gear restrictions, specified in this section by notice in order to maintain and/or to come into compliance with any fishery management plan approved by the Atlantic States Marine Fisheries Commission pursuant to 16 U.S.C. §5104(b) or to maintain consistency with any Mid-Atlantic Fishery Management Council plan adopted by the National Marine Fisheries Service. The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify trip limits and/or seasons, as well as gear types and gear restrictions, specified in this section by notice in order to provide for the optimal utilization of any quotas specified in this section. The Commissioner will review the catch rate for a particular species in relation to the season quota and, if harvest data indicate that upward adjustments in harvest control measures are warranted to maximize utilization of the available quota within a specific season for a specific fishery, the Commissioner may adjust the above specified control measures to achieve optimal utilization of the total allowable catch. The Department shall publish notice of any such modification in the New Jersey Register.

(p) An applicant who is otherwise eligible for a license or permit under (c)2 and 5; (e)2 and 5; or (h)1 above, but who fails to apply prior to the application deadline, may request an extension of time to apply in accordance with this subsection and (q) through (s) below.

1. The written request, along with any supporting documentation, shall be submitted to:

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

2. The request shall:

i. Identify the specific permit for which the extension of time to apply is requested;

ii. Explain in detail why the extension of time to apply is needed, including a statement of the type and degree of hardship that prevented the timely application 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.

(q) The Department shall approve an extension request under (p) 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 (q)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.

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

(s) 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.

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).

### 7:25-18.13 Striped bass bonus program

(a) Pursuant to N.J.S.A. 23:5-45.1(c), the possession of one "bonus sized" striped bass, measuring not less than 28 inches in length, will be allowed in addition to the possession limit allowed under N.J.S.A. 23:5-45.1(a), 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.S.A. 23:5-45.1 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. Fish checking stations, as authorized by the Division and identified pursuant to (i) below.

3. On the Division of Fish and Wildlife's website at [www.njfishandwildlife.com](http://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 non-transferable fish possession cards, the number to be determined by the Commissioner or his or her designee based on the available quota and the number of applicants. One card shall be filled out completely and the month and day numbers perforated immediately upon retention of a bonus striped bass. A finite number of cards shall be available to participating party and charter boat captains in the name of the vessel and owner. Fish possession cards 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 cards shall be valid 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 card 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