

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Subchapter 18, Marine Fisheries, was repealed and Subchapter 18, Marine Fisheries, was adopted as new rules by Emergency Rule R.1985 d.674, effective December 17, 1985.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).

Subchapter 6, 2010-2011 Fish Code, was renamed 2012-2013 Fish Code by R.2011 d.301, effective December 19, 2011 (operative January 1, 2012). See: 43 N.J.R. 1632(a), 43 N.J.R. 3332(a).

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

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

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

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

7:25-2.25 Severability

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

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

7:25-2.26 Restrictions on use

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

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

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

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

Public Notice: Prohibits all public access and use of the south-end beach area, except upon prior approval from the Department of Environmental Protection and all dune areas of the Higbee Wildlife Management Area in Lower Township, Cape May County.
 See: 20 N.J.R. 815(d).
 Recodified from 7:25-2.22 by R.1995 d.578, effective November 6, 1995.
 See: 27 N.J.R. 1890(a), 27 N.J.R. 4283(a).
 Amended by R.2001 d.73, effective March 5, 2001.
 See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

Case Notes

The Division of Fish, Game, and Wildlife was not required to provide published notice, hold hearings, or conduct extensive fact-finding process before closing section of beach licensed from federal government to attempt to reintroduce birds to area. State of New Jersey v. Vogt, 776 A.2d 884 (2001).

SUBCHAPTER 3. USE OF MECHANICAL NOISEMAKING DEVICES

7:25-3.1 Procedure for securing permit

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

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

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

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

Amended by R.1991 d.132, effective March 18, 1991.
 See: 23 N.J.R. 37(a), 23 N.J.R. 848(b).
 Removed permit issuance, fee assessment. Added Division wildlife control representative as contact agent in permit process in (a) and (b). Deleted (d). Recodified (e) to (d).
 Amended by R.2001 d.73, effective March 5, 2001.
 See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

7:25-3.2 Devices

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

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

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

7:25-3.3 Standards on distance

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

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

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

7:25-3.4 Hours of operation

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

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

7:25-3.5 Revocation

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

SUBCHAPTER 4. ENDANGERED, NONGAME AND EXOTIC WILDLIFE

Subchapter Historical Note

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

7:25-4.1 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Seamless leg band" means a solid ring leg band from a source approved by the Department, inscribed with a code approved by the Department, in sizes stipulated by the Department for each species of bird, which is slipped onto the leg of a newly hatched captive-bred bird and which is incapable of being removed or reopened when the bird has reached adult size without either destroying the band or injuring the bird.

"Special case" means a species not known to nest regularly in New Jersey (marine reptiles) but that does occur off our shores, some occurring with regularity close to our shore or in our bays (marine reptiles and mammals).

"Stable" (S) means a species whose population is not undergoing any long term increase/decrease within its natural cycle.

"Threatened" (T) means a species that may become endangered if conditions surrounding it begin to or continue to deteriorate.

"Undetermined" (U) means a species about which there is not enough information available to determine the status.

"Wild bird" means any bird other than a native, introduced, or feral game bird as defined in N.J.S.A. 23:4-49 and other than a domesticated bird such as a chicken, turkey, guinea fowl, goose, duck, pigeon, or peafowl. "Wild bird" also means the egg of a wild bird.

Amended by R.1984 d.132, effective April 16, 1984.
See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).

"Special case" and definitions with a letter code recodified from 7:25-20.1.

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

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

7:25-4.2 Permit required

(a) Except as hereinafter provided, no person shall possess any nongame species or exotic species of any mammal, bird, reptile or amphibian unless such person has first received both the appropriate permit from the Department as listed in N.J.A.C. 7:25-4.6(a) as well as any other state, municipal, or Federal permits or licenses which may be required to possess such species. Any permit issued to an applicant by the Department for the possession of any animal shall not exempt that applicant from compliance with any other law of the State of New Jersey or any municipal or Federal law. An application to the Department for a permit shall be made using the form prescribed by the Department. Any false representation by the applicant or a permittee who knows or reasonably should know that the representation is false, and who has submitted the representation to induce the Department to issue a permit or take any other action, shall subject the applicant or permittee to all penalties available under State law, including revocation of any permit obtained based upon false information. All

permits issued by the Department under this chapter are valid only when used by the permittee in accordance with the terms and conditions of the permit and the regulations governing that permit. The Department shall, upon written notice to the permittee, revoke any permit listed in N.J.A.C. 7:25-4.6(a) issued to any person who ceases to consistently meet the eligibility criteria for that particular permit and may, in its discretion, seek an order from the Director or a court of competent jurisdiction allowing immediate removal of any animal possessed under that permit. Written notices of violation against a permittee shall set forth the terms of the permit or the regulation which the Department alleges the permittee has violated and the penalty sought. Notices of violation shall be brought and if not settled, contested, pursuant to the Administrative Procedure Act, N.J.S.A. 52:14-1 et seq., or the rules of the court with jurisdiction over the claim of violation. The Department may settle all claims for penalties pursuant to N.J.S.A. 23:2A-10. Revocation of all Department-issued permits for repeated violations shall occur as set forth in (c) below.

(b) No person shall liberate within this State any nongame species or exotic mammal, bird, reptile or amphibian unless such person has first received a permit from the Department which explicitly allows the release of nongame species or exotic mammals, birds, reptiles or amphibians.

(c) Upon written notice to the permittee, the Department may suspend any type of exotic or nongame species permit described in (a) above as listed in N.J.A.C. 7:25-4.6 for six months based upon final agency action establishing that a violation of a permit condition has occurred or that a violation of any regulation appearing in this subchapter has occurred as a result of a plea of guilt, court conviction or final agency action establishing guilt. A notice of suspension may be mailed to the permittee together with any administrative notice of violation on which it is based, but the suspension shall not take effect until the deadline to request a hearing concerning the notice of violation has elapsed. In the event of a timely request to the Department for a hearing on an administrative notice of violation, no proposed suspension shall take effect until final agency action on the notice of violation and, if appealed, until all appeals of the final agency action have been concluded and the violation has been affirmed. In the event of municipal or Superior Court conviction of a violation of any regulation in this subchapter, no proposed suspension mailed to the permittee shall take effect until all appeals from the conviction have been concluded and conviction of the violation has been affirmed. If the permit expires during the period of its suspension, no application for any other permit to reacquire possession of any animal possessed pursuant to the suspended permit may be made until the six month suspension period has elapsed. During the suspension period, all animals possessed pursuant to any suspended permit must be removed from the custody and control of the permittee and placed in the custody of an individual licensed by the Division or, as permitted by Federal law, with a person

residing outside of New Jersey in accordance with that state's laws, at the sole expense of the permittee.

(d) Upon written notice to the permittee, the Department may revoke all Division-issued permits described in (a) above as listed in N.J.A.C. 7:25-4.6 upon a finding that in any five year period, two or more violations of any permit condition or any regulations appearing in this subchapter have occurred. Except by order of the Division Director as provided below, no permit whatsoever shall be issued by the Division to the violator of permit conditions or regulations within two years from the date of the final agency action affirming a violation or within two years of a conviction or guilty plea in municipal or Superior Court, whichever constitutes the second violation or within three years from the date of the final agency action affirming a violation or within three years of a conviction or guilty plea in municipal or superior court, whichever constitutes the third or subsequent violation. The two and three year period of disqualification above shall be computed beginning from the date of any court order or final agency action affirming the violation which is not appealed, or, if appealed, from the filing date of the order as entered by the last court of competent jurisdiction to which any party has appealed which affirms the conviction or final agency action. In the event of the imposition of a two or three year period of disqualification, a permittee whose violations do not arise from possession of animals authorized pursuant to a hobby permit previously issued to the now-disqualified permittee may petition the Division Director to retain the hobby permit and the animal specifically authorized for possession pursuant to that permit which was in the physical possession of the permittee prior to the date of the Notice of Revocation if the Director determines, in his or her sole discretion and based upon the evidence submitted by the permittee, that there is a high probability that the animal's well-being will be jeopardized or its life endangered if the animal is separated from daily contact with the permittee during the course of the disqualification period. In the event the Director denies this petition, the former permittee may petition the Director for permission to reapply for a hobby permit to regain possession of the animal if the Division Director determines that there is physical evidence verified by an affidavit from a licensed veterinarian submitted by the former permittee that the animal's life is plainly in danger or its well-being is jeopardized solely as a result of its separation from the former permittee. The permittee may not possess any animals under a hobby permit issued or extended at the discretion of the Director other than those animals authorized by the Director and originally possessed by the permittee and the offspring from interbreeding between those individual animals. No animal may be possessed pursuant to a hobby permit extended by discretion of the Director if possession of the animal violates any Federal, state or local law.

1. The violator may request a hearing to contest an administrative notice of violation, proposed suspension or revocation, as the case may be, in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules of Practice, N.J.A.C. 1:1. No administrative hearing shall be afforded a violator in order to contest a notice of proposed suspension or revocation based upon repeated violations as set forth in (c) above when the objection to the proposed suspension or revocation constitutes a challenge to the facts underlying a violation for which an opportunity for a hearing and appeal has already been afforded the permittee.

2. The request for an administrative hearing must be received in writing by the Department within 20 days from the date of mailing of the Division's notice of violation or intent to suspend or revoke the permit. If a timely request for a hearing concerning any notice of proposed agency action is not received by the Department, any alleged violation contained in the notice shall be deemed admitted by the permittee and any suspension or revocation proposed in that notice, or in any separately-mailed notice, shall become effective without further action by the agency on the date stipulated in the notice of suspension or revocation.

Amended by R.1985 d.251, effective May 20, 1985.

See: 17 N.J.R. 516(a), 17 N.J.R. 1289(a).

(c) added.

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

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

Clarification of types of animals to which permits apply in (b).

Amended by R.1995 d.48, effective January 17, 1995.

See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

7:25-4.3 Exotic species and nongame species requiring a permit for possession

(a) Exotic species and nongame species requiring a permit for possession include, but are not limited to the following:

1. Birds:
 - i. Red-fronted parrot—*Amazona viridigenalis*;
 - ii. Turquoise-fronted parrot—*Amazona aestiva*;
 - iii. Yellow-cheeked parrot—*Amazona a. autumnalis*;
 - iv. Half-moon conure—*Aratinga canicularis eburnirostrum*;
 - v. Jenday parrot—*Aratinga jendays*;
 - vi. African gray parrot—*Psittacus erithacus*;
 - vii. Macaws—*Ara* spp. & *Anodorhynchus* spp. (Except endangered forms).
2. Mammals:
 - i. Ferrets—*Mustela pertorius furo*;

2. To use as food, or to utilize the hide, skin, or other body parts;
3. Euthanasia by an agent of the Division or as ordered by the Commissioner;
4. When an animal creates a danger or serious threat to persons or other animals as determined by the Commissioner; or
5. Euthanasia of research animals held under the scientific holding permits or scientific collecting permit.

Amended by R.1984 d.132, effective April 16, 1984.
 See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).
 Amended by R.1991 d.132, effective March 18, 1991.
 See: 23 N.J.R. 37(a), 23 N.J.R. 848(b).
 Added (c).
 Amended by R.1995 d.48, effective January 17, 1995.
 See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).
 Amended by R.2001 d.73, effective March 5, 2001.
 See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

7:25-4.12 Notice of a denial of permit, procedure, review, time limitations, hearing

(a) In the event of a denial of an application for any permit required by this subchapter or the revocation of any permit, the Division shall issue to the applicant or prior permittee a written statement setting forth the reasons for the denial or revocation.

(b) Any such person may request a hearing for a review of such determination within 30 days from the date of issuance of the denial, pursuant to the applicable provisions of the Administrative Procedure Act. The request for a hearing shall be sent to the Office of Legal Affairs, ATTENTION: Adjudicatory Hearing Requests, Department of Environmental Protection, PO Box 402, Trenton, New Jersey 08625-0402.

(c) Any permittee shall permit division personnel, at any reasonable time to inspect the housing facilities of the animal or animals to determine compliance with the permit requirements and criteria.

Administrative change in (b).
 See: 23 N.J.R. 3325(b).
 Amended by R.1995 d.48, effective January 17, 1995.
 See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

7:25-4.13 List of endangered species

(a) Section 23:2A-4 of the revised statutes provides that the Department shall conduct investigations concerning wildlife in order to develop information relating to populations, distributions, habitat needs, limiting factors and other biological and ecological factors. On the basis of such investigations of wildlife and other available scientific and commercial data, the Department may by regulation promulgate a list of those species and subspecies of wildlife indigenous to the State which are determined to be endangered, giving their common and scientific names by species and subspecies.

(b) In accordance therewith, the following species are determined to be endangered:

1. Shortnose Sturgeon, *Acipenser brevirostrum*
2. Blue-spotted Salamander, *Ambystoma laterale*
3. Eastern Tiger Salamander, *Ambystoma tigrinum tigrinum*
4. Southern Gray Treefrog, *Hyla chrysocelis*
5. Bog Turtle, *Clemmys muhlenbergi*
6. Timber Rattlesnake, *Crotalus horridus horridus*
7. Corn Snake, *Elaphe guttata guttata*
8. Bald Eagle, *Haliaeetus leucocephalus*
9. Peregrine Falcon, *Falco peregrinus*
10. Northern Goshawk, *Accipiter gentilis*
11. Northern Harrier, *Circus cyaneus*
12. Red-shouldered Hawk, *Buteo lineatus* (Breeding population)
13. Short-eared Owl, *Asio flammeus*
14. Pied-billed Grebe, *Podilymbus podiceps*
15. Upland Sandpiper, *Bartramia longicauda*
16. Sedge Wren, *Cistothorus platensis*
17. Loggerhead Shrike, *Lanius ludovicianus*
18. Henslow's Sparrow, *Ammodrammus henslowii*
19. Vesper Sparrow, *Poocetes gramineus*
20. Piping Plover, *Charadrius melodus*
21. Roseate Tern, *Sterna dougallii*
22. Least Tern, *Sterna abifrons*
23. Black Skimmer, *Rynchops niger*
24. Atlantic Hawksbill, *Eretmochelys imbricata imbricata*
25. Atlantic Loggerhead, *Caretta caretta*
26. Atlantic Ridley, *Lepidochelys kempfi*
27. Atlantic Leatherback, *Dermochelys coriacea coriacea*
28. Sperm Whale, *Physeter catodon*
29. Blue Whale, *Balaenoptera musculus*
30. Finback Whale, *Balaenoptera physalus*
31. Sei Whale, *Balaenoptera borealis*
32. Humpback Whale, *Megaptera novaeangliae*

33. Right Whale, *Eubalaena glacialis*
34. Bobcat, *Lynx rufus*
35. Eastern Woodrat, *Neotoma floridana*
36. Mitchell's Satyr, *Neonympha mitchellii mitchellii*
37. Northeastern Beach Tiger Beetle, *Cicindela dorsalis dorsalis*
38. American Burying Beetle, *Nicrophorus americanus*
39. Dwarf Wedgemussel, *Alasmidonta heterodon*;
40. American Bittern, *Botaurus lentiginosus* (Breeding population)
41. Appalachian Grizzled Skipper (butterfly), *Pyrgus wyandot*;
42. Arogos Skipper (butterfly), *Atrytone arogos arogos*;
43. Bronze Copper (butterfly), *Lycaena hyllus*;
44. Queen Snake (*Regina septemvittata*).
45. Brook Floater (mussel), *Alasmidonta varicosa*;
46. Green Floater (mussel), *Lasmigona subviridis*.

R.1974 d.348, effective December 19, 1974.

See: 7 N.J.R. 6(c).

Amended by R.1975 d.164, effective June 13, 1975.

See: 7 N.J.R. 146(b), 7 N.J.R. 311(a).

Amended by R.1979 d.128, effective March 29, 1979.

See: 11 N.J.R. 10(a), 11 N.J.R. 229(a).

Amended by R.1983 d.638, effective January 17, 1984.

See: 15 N.J.R. 1623(a), 16 N.J.R. 131(b).

(b): Indiana bat delisted; (b)9 and 14 through 23 added.

Amended by R.1984 d.132, effective April 16, 1984.

See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).

Section recodified from 7:25-11-1.

Amended by R.1985 d.215, effective May 6, 1985.

See: 17 N.J.R. 350(a), 17 N.J.R. 1091(a).

Deleted (b)12; renumbered 13.-35. as 12.-34.

Amended by R.1987 d.308, effective July 20, 1987.

See: 19 N.J.R. 491(a), 19 N.J.R. 1293(a).

New (b)19; old 19.-34. renumbered 20.-35.

Amended by R.1991 d.277, effective June 3, 1991.

See: 22 N.J.R. 1308(a), 23 N.J.R. 1788(a).

Added new 14 in (b); redesignated existing 14 through 16 as 15 through 17. Deleted existing 17—"Cliff Swallow." Added 36 through 41.

Amended by R.1999 d.235, effective July 19, 1999.

See: 31 N.J.R. 580(a), 31 N.J.R. 1923(b).

In (b), rewrote 12 and added 42.

Amended by R.2002 d.92, effective March 18, 2002.

See: 33 N.J.R. 2380(a), 34 N.J.R. 1265(b).

In (b), rewrote "Wedgemussel" in 41, and added 43 through 47.

Amended by R.2003 d.156, effective April 21, 2003.

See: 34 N.J.R. 2405(a), 35 N.J.R. 1669(a).

In (b), deleted former 2 and recodified former 3 and 4 as 2 and 3, deleted former 5 and recodified former 6 through 45 as 4 through 43, added a new 44, and recodified former 46 and 47 as 45 and 46.

7:25-4.14 Requirements for possession of endangered wildlife species

(a) Individuals wishing to apply for a permit to possess endangered wildlife must meet all criteria for a Federal endangered species permit (issued by the United States Fish and Wildlife Service), when applicable, and for the New Jersey nongame and exotic species permit pursuant to N.J.A.C. 7:25-4.7 (issued by the Division). The Department will require and review the Federal permit before issuing a State permit.

(b) The Division shall issue a permit for possession of specific individual animals classified as endangered wildlife to an applicant who fulfills the criteria in (a) above, and who:

1. Has obtained a sponsoring organization and designated professional who have submitted to the Division all information required in (a)2 and 3 below;

2. Has submitted to the Division a detailed written proposal for scientific research to be completed by the applicant within the time stated by the applicant which, in the judgment of the Division, requires use of the species in question, will not jeopardize the animal's health and has a reasonable probability of yielding, when performed by the applicant under the supervision of the Division and the sponsor pursuant to scientific protocol approved in writing by the Division, scientifically-reliable, new information of use to researchers or zoologists specializing in the study or conservation of the species in question;

- i. All proposals shall stipulate the intervals at which the applicant shall submit periodic reports to the Division stating the applicant's progress with the research and improvements in the applicant's expertise in handling and caring for the animals; and

3. Has submitted to the Division written records of the applicant's relevant education, past and current research, publications, funding, equipment and any other information (including personal demonstration as may be required by the Division) which demonstrates to the satisfaction of the Division that the applicant has working knowledge and expertise in handling and caring for the species in question, and that it is reasonably probable that the applicant will accept guidance from both the sponsor and the Division to improve that expertise and that the applicant will accomplish the research within the time stated to the Division in accordance with the scientific protocol approved by the Division.

(c) Amateur attempts or intent to propagate an endangered species will not be considered as sufficient purpose for an individual to be issued a permit to keep an endangered species.

(d) Applicants for a permit to possess endangered wild-life species in New Jersey must be sponsored by a scientific institution, zoological society or similar organization accredited by its professional peers. The goal of sponsorship is to improve the applicant's expertise in the handling, care and breeding of the animal in question, to ensure that the applicant's research requires use of the species in question and has a reasonable probability of producing scientifically-reliable, new data useful to other researchers or zoologists specializing in the study and conservation of the species in question. All research proposals, scientific protocols (including the frequency of reports to the Division by the applicant), and supervisory procedures must be described in writing to the Division by the applicant and receive written approval from both the Division, the sponsor, and the monitoring professional for a permit to be issued. Any permit issued pursuant to this section is conditioned upon the applicant's consistent compliance with instruction from the Division and the professional monitoring the applicant's research as well as the diligent pursuit and timely completion of the Division-approved research project by the applicant pursuant to the scientific protocols approved by the Division. Applicants shall produce their research and exhibit their animals to Division personnel on 24 hours notice. Should the Division determine that the applicant has failed to meet these conditions, the Division shall suspend or revoke the applicant's permit and place the animals possessed pursuant to that permit under immediate constructive seizure, pending permanent removal of the animals by the Division from the possession of the applicant at the applicant's own expense. All research by the applicant shall cease immediately upon receipt of a notice of suspension or revocation, except as approved in writing by the Division.

(e) An offer of sponsorship must contain the following:

1. An agreement to commit the organization to the responsibilities of sponsorship as defined in this section, executed by the president, director or other employee of the organization with authority to so bind the organization;

2. Confirmation that the organization is acquainted with the relevant training and experience of the applicant, has reviewed the applicant's proposed research and has determined that it is reasonably probable that the proposed research, as performed by the applicant pursuant to the supervision and scientific protocol described by the sponsor shall yield scientifically-reliable, new information which will be useful to other researchers or zoologists specializing in the study or conservation of the species in question. All scientific protocol and supervisory practices proposed are subject to approval by the Division. Any Division modification of the proposed protocol or practices shall be resubmitted to the sponsoring organization for its comment;

3. The name and address of a professional with well-established, recently-practiced expertise in the handling, care and breeding of the species at issue (or a species

closely related) who has agreed to monitor all aspects of the applicant's research on behalf of the organization in accordance with the procedures approved in advance of commencement of the work by the Division and fulfill all the obligations set forth in (e)4 below. The sponsoring organization shall acknowledge its responsibility to locate another professional with credentials acceptable to the Division who shall monitor the applicant's work, report to the Division, and fulfill all the obligations set forth in (e)4 below in the event the professional initially chosen and approved by the Division is unable, for reasons unrelated to the performance of the applicant, to continue in assisting the Division in monitoring the applicant's work;

4. A letter from the professional identified in (e)3 above which lists his or her professional qualifications, verifies that he or she has personally met the applicant, reviewed the applicant's relevant training and experience as well as the proposed research, finds the research meritorious and believes, based upon his or her experience, that it is reasonably probable that the proposed research, as performed by the applicant within the time stated by the applicant pursuant to the supervision and scientific protocol described by the professional, shall yield scientifically-reliable, new information which will be useful to the other researchers or zoologists specializing in the study or conservation of the species in question. All scientific protocol and supervisory practices proposed are subject to approval by the Division. Any Division modification of the proposed protocol or practices shall be resubmitted for the professional's comment. The professional shall agree in writing to guide the applicant in the proper handling, care and breeding of the animals in question and review the applicant's research protocol and data as frequently as needed to ensure the applicant's research meets the criteria for the issuance of this permit. The professional shall agree to personally meet with the applicant and review the applicant's work no less than once every three months and to submit a written report to the Division on the applicant's progress every three months. The applicant may prepare and submit this report as long as the report is approved in writing by the professional in advance of its submission to the Division. Reports must be submitted to the Division no later than the 15th day following the end of each three month reporting period;

5. A written statement that the professional agrees to notify the Division and the sponsoring organization in writing if the applicant fails to follow the professional's or the Division's guidance or the scientific protocol approved by the Division and the professional believes that such failure is jeopardizing the probability that scientifically-reliable, useful, new information shall be produced as a result of the applicant's research or that the research cannot be accomplished within the time stated by the applicant; and

6. The applicant shall execute a written acknowledgment releasing the Department, the sponsoring organiza-

tion and any professionals monitoring the applicant's work from liability for any damages of whatsoever nature arising from the suspension or revocation of any permit issued by the Division. The applicant shall be solely responsible for all costs of maintaining and relocating at the direction of the Division all the animals possessed under this permit when a permit is suspended, revoked or expires.

R.1977 d.39, effective February 22, 1977.

See: 8 N.J.R. 175(a), 9 N.J.R. 118(c).

Amended by R.1984 d.132, effective April 16, 1984.

See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).

Section recodified from 7:25-11.2.

Amended by R.1985 d.251, effective May 20, 1985.

See: 17 N.J.R. 516(a), 17 N.J.R. 1289(a).

(f) added.

Administrative correction and change in (f) and (f)1.

See: 23 N.J.R. 3325(b).

Amended by R.1995 d.48, effective January 17, 1995.

See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

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

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

7:25-4.15 Protection of animal and welfare of public

(a) Individuals applying for a permit to possess endangered wildlife species must supply a written description of the housing and caging facilities for the species requested. A summary must be submitted of a continuous feed source available for the specific diet of the animals. Department personnel will inspect the completed facilities and determine if the facilities are suitable for the animal. Facilities must be constructed to prevent the possible escape of the animal.

(b) The housing facilities must be constructed to prevent public access to and contact with the animal, including all animals used for exhibition purposes. The animal may not be kept as a pet, for hobby purposes or in situations which, in the judgment of the Department, could adversely affect or provide no net benefit to the health of the animal or the welfare of the species. The individual must demonstrate to the satisfaction of Division personnel that the security of the housing and caging facilities protects the animal and the public.

(c) Qualified veterinarian service must be readily available to the animal at all times.

R.1977 d.39, effective February 22, 1977.

See: 8 N.J.R. 175(a), 9 N.J.R. 118(c).

Amended by R.1984 d.132, effective April 16, 1984.

See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).

Section recodified from 7:25-11.3.

Amended by R.1995 d.48, effective January 17, 1995.

See: 26 N.J.R. 1040(a), 27 N.J.R. 329(a).

7:25-4.16 Violations

Any person violating any provision of these rules and regulations will be subject to the penalties imposed by N.J.S.A. 23:2A-1 et seq.

R.1977 d.39, effective February 22, 1977.

See: 8 N.J.R. 175(a), 9 N.J.R. 118(c).

Amended by R.1984 d.132, effective April 16, 1984.

See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).

Section recodified from 7:25-11.4.

7:25-4.17 Defining status of indigenous wildlife species of New Jersey

The following table defines the status of indigenous non-game wildlife species of New Jersey:

Species	Scientific Name	Species Status ¹
REPTILES		
Common Musk Turtle	<i>Kinosternon odoratum</i>	S
Eastern Mud Turtle	<i>Kinosternon s. subrubrum</i>	U
Spotted Turtle	<i>Clemmys guttata</i>	U
Wood Turtle	<i>Clemmys insculpta</i>	T
Eastern Box Turtle	<i>Terrapene c. carolina</i>	S
Map Turtle	<i>Graptemys geographica</i>	U
Red-bellied Turtle	<i>Pseudemys rubriventris</i>	U
Eastern Painted Turtle	<i>Chrysemys p. picta</i>	S
Midland Painted Turtle	<i>Chrysemys picta marginata</i>	U
Atlantic Green Turtle	<i>Chelonia mydas</i>	T
Northern Fence Lizard	<i>Sceloporus undulatus hyacinthinus</i>	S
Five-lined Skink	<i>Eumeces fasciatus</i>	U
Ground Skink	<i>Scincella lateralis</i>	U
Northern Water Snake	<i>Nerodia s. sipedon</i>	S
Northern Brown Snake	<i>Storeria d. deckayi</i>	S
Northern Red-bellied Snake	<i>Storeria o. occipitamaculata</i>	S
Eastern Garter Snake	<i>Thamnophis s. sirtalis</i>	S
Eastern Ribbon Snake	<i>Thamnophis s. sauritus</i>	S
Eastern Smooth Earth Snake	<i>Virginia v. valerieae</i>	U
Eastern Hognose Snake	<i>Heterodon platyrhinus</i>	D
Northern Ringneck Snake	<i>Diadophis punctatus edwardsi</i>	S
Southern Ringneck Snake	<i>Diadophis p. punctatus</i>	S
Eastern Worm Snake	<i>Carphophis a. amoenus</i>	U
Northern Black Racer	<i>Coluber c. constrictor</i>	U
Rough Green Snake	<i>Ophedrys aestivus</i>	S
Eastern Smooth Green Snake	<i>Ophedrys v. vernalis</i>	U
Black Rat Snake	<i>Elaphe o. obsoleta</i>	U
Northern Pine Snake	<i>Pituophis m. melanoleucus</i>	T
Eastern King Snake	<i>Lampropeltis g. getulus</i>	U
Eastern Milk Snake	<i>Lampropeltis t. triangulum</i>	S
Northern Scarlet Snake	<i>Cemophora coccinea copci</i>	U
Northern Copperhead	<i>Agkistrodon contortrix mokasen</i>	U
AMPHIBIANS		
Pine Barrens Tree Frog	<i>Hyla andersonii</i>	T
Marbled Salamander	<i>Ambystoma opacum</i>	D
Jefferson Salamander	<i>Ambystoma jeffersonianum</i>	D
Silvery Salamander	<i>Ambystoma platineum</i>	D
Spotted Salamander	<i>Ambystoma maculatum</i>	D
Red-spotted Newt	<i>Notophthalmus v. viridescens</i>	S
Northern Dusky Salamander	<i>Desmognathus f. fuscus</i>	S
Mountain Dusky Salamander	<i>Desmognathus ochrophacus</i>	U
Red-backed Salamander	<i>Plethodon c. cinereus</i>	S
Slimy Salamander	<i>Plethodon g. glutinosus</i>	S
Four-toed Salamander	<i>Hemidactylium scutatum</i>	D
Northern Spring Salamander	<i>Gyrinophilus p. porphyriticus</i>	D
Northern Red Salamander	<i>Pseudotriton r. ruber</i>	D
Eastern Mud Salamander	<i>Pseudotriton m. montanus</i>	T
Northern Two-lined Salamander	<i>Eurycea b. bislineata</i>	S
Long-tailed Salamander	<i>Eurycea l. longicauda</i>	T
Eastern Spadefoot Toad	<i>Scaphiopus h. holbrookii</i>	D
American Toad	<i>Bufo americanus</i>	S
Fowler's Toad	<i>Bufo woodhouscii fowleri</i>	S
Northern Cricket Frog	<i>Acris c. crepitans</i>	U
Northern Spring Peeper	<i>Hyla c. crucifer</i>	S
Barking Treefrog	<i>Hyla gratiosa</i>	U
Northern Gray Treefrog	<i>Hyla versicolor</i>	S
New Jersey Chorus Frog	<i>Pseudacris triseriata kalmi</i>	S
Upland Chorus Frog	<i>Pseudacris triseriata feriarum</i>	U
Carpenter Frog	<i>Rana variegatipes</i>	U
Wood Frog	<i>Rana sylvatica</i>	S
Southern Leopard Frog	<i>Rana sphenoccephala</i>	S
Pickerel Frog	<i>Rana palustris</i>	S
MAMMALS		
Masked Shrew	<i>Sorex cinereus</i>	S
Tuckahoe Masked Shrew	<i>Sorex cinereus nigriculus</i>	U

Species	Scientific Name	Species	Scientific Name	Breeding Status ¹	Non-Breed ¹ Status
Water Shrew	<i>Sorex palustris</i>	Red-necked Grebe	<i>Podiceps grisegena</i>		D
Smokey Shrew	<i>Sorex fumeus</i>	Cory's Shearwater	<i>Calonectris diomedea</i>		S
Long-tailed Shrew	<i>Sorex dispar</i>	Greater Shearwater	<i>Puffinus gravis</i>		INC
Short-tailed Shrew	<i>Blarina brevicauda</i>	Sooty Shearwater	<i>Puffinus griseus</i>		S
Least Shrew	<i>Cryptotis parva</i>	Wilson's Storm-petrel	<i>Oceanites oceanicus</i>		S
Hairy-tailed Mole	<i>Parascalops breweri</i>	Leach's Storm-petrel	<i>Oceanodroma leucorhoa</i>		S
Eastern Mole	<i>Scalopus aquaticus</i>	Northern Gannet	<i>Sula bassanus</i>		S
Star-nosed Mole	<i>Condylura cristata</i>	Brown Pelican	<i>Pelecanus occidentalis</i>		INC
Little Brown Bat	<i>Myotis lucifugus</i>	Great Cormorant	<i>Phalacrocorax carbo</i>		S
Keen Myotis	<i>Myotis keenii</i>	Double-crested Cormorant	<i>Phalacrocorax auritus</i>		INC
Small-footed Myotis	<i>Myotis subulatus</i>	American Bittern	<i>Botaurus lentiginosus</i>	E	S
Silver-haired Bat	<i>Lasiorycteris noctivagans</i>	Least Bittern	<i>Ixobrychus exilis</i>	D	S
Eastern Pipitrel	<i>Pipistrellus subflavus</i>	Great Blue Heron	<i>Ardea herodias</i>	S	S
Big Brown Bat	<i>Eptesicus fuscus</i>	Great Egret	<i>Casmerodius albus</i>	S	S
Red Bat	<i>Lasiurus borealis</i>	Snowy Egret	<i>Egretta thula</i>	S	S
Northern Yellow Bat	<i>Lasiurus intermedius</i>	Little Blue Heron	<i>Egretta caerulea</i>	S	S
Hoary Bat	<i>Lasiurus cinereus</i>	Tricolored Heron	<i>Egretta tricolor</i>	INC	S
New England Cottontail	<i>Sylvilagus transitionalis</i>	Cattle Egret	<i>Bubulcus ibis</i>	INC	INC
Eastern Chipmunk	<i>Tamias striatus</i>	Green-backed Heron	<i>Butorides striatus</i>	S	S
Red Squirrel	<i>Tamiasciurus hudsonicus</i>	Black-crowned Night Heron	<i>Nycticorax nycticorax</i>	T	S
Southern Flying Squirrel	<i>Glaucomys volans</i>	Yellow-crowned Night Heron	<i>Nyctanassa violaceus</i>	T	T
Northern Flying Squirrel	<i>Glaucomys sabrinus</i>	Glossy Ibis	<i>Plegadis falcinellus</i>	D	S
Marsh Rice Rat	<i>Oryzomys palustris</i>	Fulvous Whistling Duck	<i>Dendrocygna bicolor</i>		P
White-footed Mouse	<i>Peromyscus leucopus</i>	Tundra Swan	<i>Cygnus columbianus</i>		INC
Red-backed Mouse	<i>Clethrionomys gapperi</i>	Eurasian Wigeon	<i>Anas penelope</i>		S
Meadow Vole	<i>Microtis pennsylvanicus</i>	King Eider	<i>Somateria spectabilis</i>		S
Pine Vole	<i>Pitymys pinctorum</i>	Harlequin Duck	<i>Histrionicus histrionicus</i>		S
Southern Bog Lemming	<i>Synaptomys cooperi</i>	Black Vulture	<i>Coragyps atratus</i>	INC	S
Woodland Jumping Mouse	<i>Napaeozapus isignis</i>	Turkey Vulture	<i>Cathartes aura</i>	S	S
Meadow Jumping Mouse	<i>Zapus hudsonius</i>	Osprey	<i>Pandion haliaetus</i>	T	T
Porcupine	<i>Erethizon dorsatum</i>	American Swallowtail Kite	<i>Elanoides forficodius</i>		INC
Harbor Seal	<i>Phoca vitulina</i>	Mississippi Kite	<i>Ictinia mississippiensis</i>		INC
Harp Seal	<i>Pagophilus groenlandica</i>	Northern Harrier	<i>Circus cyaneus</i>	E	U
Gray Seal	<i>Halichoerus grypus</i>	Sharp-shinned Hawk	<i>Accipiter striatus</i>	U	U
Hooded Seal	<i>Cystophora cristata</i>	Cooper's Hawk	<i>Accipiter cooperii</i>	T	T
Goose-beaked Whale	<i>Ziphius cavirostris</i>	Red-shouldered Hawk	<i>Buteo lineatus</i>	E	T
Dense Beaked Whale	<i>Mesoplodon densirostris</i>	Broad-winged Hawk	<i>Buteo platypterus</i>	S	S
Gervais Beaked Whale	<i>Mesoplodon europaeus</i>	Red-tailed Hawk	<i>Buteo jamaicensis</i>	INC	INC
True's Beaked Whale	<i>Mesoplodon mirus</i>	Rough-legged Hawk	<i>Buteo lagopus</i>		S
Pygmy Sperm Whale	<i>Kogia breviceps</i>	Golden Eagle	<i>Aquila chrysaetos</i>		S
Dwarf Sperm Whale	<i>Kogia simus</i>	American Kestrel	<i>Falco sparverius</i>	INC	S
Beluga Whale	<i>Delphinapterus leucas</i>	Merlin	<i>Falco columbarius</i>		S
Bridled Spotted Dolphin	<i>Stenella frontalis</i>	Yellow Rail	<i>Coturnicops noveboracensis</i>		U
Spotted Dolphin	<i>Stenella plagiodon</i>	Black Rail	<i>Laterallus jamaicensis</i>	T	T
Striped Dolphin	<i>Stenella coeruleoalba</i>	King Rail	<i>Rallus elegans</i>	U	U
Saddle-backed Dolphin	<i>Delphinus delphis</i>	Black-bellied Plover	<i>Pluvialis squatarola</i>		S
Bottle-nosed Dolphin	<i>Tursiops truncatus</i>	Lesser Golden Plover	<i>Pluvialis dominica</i>		S
Atlantic Killer Whale	<i>Orcinus orca</i>	Semipalmated Plover	<i>Charadrius semipalmatus</i>		S
Risso's Dolphin	<i>Grampus griseus</i>	Killdeer	<i>Charadrius vociferus</i>	S	S
Long-finned Pilot Whale	<i>Globicephala macracna</i>	American Oystercatcher	<i>Haematopus palliatus</i>	INC	S
Short-finned Pilot Whale	<i>Globicephala macrothyncus</i>	Black-necked Stilt	<i>Himantopus mexicanus</i>		INC
Harbor Porpoise	<i>Phocoena phocoena</i>	American Avocet	<i>Recurvirostra americana</i>		INC
Minke Whale	<i>Balaenoptera acutorostrata</i>	Greater Yellowlegs	<i>Tringa melanoleuca</i>		S
		Lesser Yellowlegs	<i>Tringa flavipes</i>		S
		Solitary Sandpiper	<i>Tringa solitaria</i>		S
		Willet	<i>Catoptrophorus semipalmatus</i>	INC	S
		Spotted Sandpiper	<i>Actitis macularia</i>	S	S
		Whimbrel	<i>Numenius phaeopus</i>		S
		Hudsonian Godwit	<i>Limosa haemastica</i>		D
		Marbled Godwit	<i>Limosa fedoa</i>		D
		Ruddy Turnstone	<i>Arenaria interpres</i>		S
		Red Knot	<i>Calidris canutus</i>		T
		Sanderling	<i>Calidris alba</i>		D
		Semipalmated Sandpiper	<i>Calidris pusillus</i>		S
		Western Sandpiper	<i>Calidris mauri</i>		S
		Least Sandpiper	<i>Calidris minutilla</i>		S
		White-rumped Sandpiper	<i>Calidris fuscicollis</i>		S
		Baird's Sandpiper	<i>Calidris bairdii</i>		D
		Pectoral Sandpiper	<i>Calidris melanotos</i>		S
		Purple Sandpiper	<i>Calidris maritima</i>		INC
		Dunlin	<i>Calidris alpina</i>		INC
		Curlew Sandpiper	<i>Calidris ferruginea</i>		S
		Stilt Sandpiper	<i>Calidris himantopus</i>		INC
		Buff-breasted Sandpiper	<i>Tryngites subruficollis</i>		S
		Ruff	<i>Philomachus pugnax</i>		INC
		Short-billed Dowitcher	<i>Limnodromus griseus</i>		S
Species	Scientific Name	Breeding Status ¹	Non-Breed ¹ Status		
BIRDS					
Red-throated Loon	<i>Gavia stellata</i>		S		
Common Loon	<i>Gavia immer</i>		S		
Pied-billed Grebe	<i>Podilymbus podiceps</i>	E	S		
Horned Grebe	<i>Podiceps auritus</i>		S		

Species	Scientific Name	Breeding Status ¹	Non-Breed ¹ Status	Species	Scientific Name	Breeding Status ¹	Non-Breed ¹ Status
Long-billed Dowitcher	Limnodromus scolopaceus		S	White-breasted Nuthatch	Sitta carolinensis	S	S
Wilson's Phalarope	Phalaropus tricolor		INC	Brown Creeper	Certhia americana	S	S
Red-necked Phalarope	Phalaropus lobatus		S	Carolina Wren	Thryothorus ludovicianus	S	S
Red Phalarope	Phalaropus fulicarius		S	House Wren	Troglodytes aedon	S	S
Pomarine Jaeger	Stercorarius pomarinus		S	Winter Wren	Troglodytes troglodytes		S
Parasitic Jaeger	Stercorarius parasiticus		S	Marsh Wren	Cistothorus pulustris	D	S
Long-tailed Jaeger	Stercorarius longicaudus		S	Golden-crowned Kinglet	Regulus satrapa	S	S
Laughing Gull	Larus atricilla	S	S	Ruby-crowned Kinglet	Regulus calendula		S
Little Gull	Larus minutus		S	Blue-gray Gnatcatcher	Polioptila caerulea	INC	S
Common Black-headed Gull	Larus ridibundus		S	Eastern Bluebird	Sialia sialis	S	S
Bonaparte's Gull	Larus philadelphia		S	Veery	Catharus fuscescens	S	S
Ring-billed Gull	Larus delawarensis		INC	Gray-checked Thrush	Catharus minimus		S
Herring Gull	Larus argentatus	S	S	Swainson's Thrush	Catharus ustulatus		S
Iceland Gull	Larus glaucoides		S	Hermit Thrush	Catharus guttatus	S	S
Lesser Black-backed Gull	Larus fuscus		INC	Wood Thrush	Hylocichla mustelina	S	S
Glaucous Gull	Larus hyperboreus		S	American Robin	Turdus migratorius	S	S
Great Black-backed Gull	Larus marinus	INC	S	Catbird	Dumetella carolinensis	S	S
Black-legged Kittiwake	Rissa tridactyla		S	Northern Mockingbird	Mimus polyglottos	INC	S
Gull-billed Tern	Sterna nilotica		S	Brown Thrasher	Toxostoma rufum	D	S
Caspian Tern	Sterna caspia		S	Water Pipit	Anthus spinoletta		S
Royal Tern	Sterna maxumus		S	Cedar Waxwing	Bombycilla cedrorum	S	S
Common Tern	Sterna hirundo	D	S	Northern Shrike	Lanius excubitor		S
Forster's Tern	Sterna forsteri	INC	S	White-eyed Vireo	Virco griseus	D	S
Black Tern	Chlidonias niger		S	Solitary Vireo	Virco solitarius	S	S
Dovekie	Alle alle		D	Yellow-throated Vireo	Virco flavifrons	S	S
Thick-billed Murre	Uria lomvia		D	Warbling Vireo	Virco gilvus	S	S
Razorbill	Alca torda		D	Philadelphia Vireo	Virco philadelphicus		S
Mourning Dove	Zenaidura macroura	INC	S	Red-eyed Vireo	Virco olivaceus	INC	INC
Black-billed Cuckoo	Coccyzus erythrophthalmus	S	S	Blue-winged Warbler	Vermivora pinus	INC	S
Yellow-billed Cuckoo	Coccyzus americanus	S	S	Golden-winged Warbler	Vermivora chrysoptera	D	S
Common Barn Owl	Tyto alba	S	S	Tennessee Warbler	Vermivora peregrina		S
Eastern Screech Owl	Otus asio	S	S	Orange-crowned Warbler	Vermivora celata		S
Great Horned Owl	Bubo virginianus	INC	S	Nashville Warbler	Vermivora ruficapilla	S	S
Snowy Owl	Nyctea scandiaca		S	Northern Parula	Parula americana	P	S
Barred Owl	Strix varia	T	T	Yellow Warbler	Dendroica petechia	S	S
Long-eared Owl	Asio otus	T	T	Chestnut-sided Warbler	Dendroica pensylvanica	S	S
Short-eared Owl	Asio flammeus	E	U	Magnolia Warbler	Dendroica magnolia	S	S
Northern Saw-whet Owl	Aegolius acadicus	S	S	Cape May Warbler	Dendroica tigrina		S
Common Nighthawk	Chordeiles minor	S	S	Black-throated Blue Warbler	Dendroica caerulescens	S	S
Chuck-will's-widow	Caprimulgus carolinensis	INC	S	Yellow-rumped Warbler	Dendroica coronata		S
Whip-poor-will	Caprimulgus vociferus	D	S	Black-throated Green Warbler	Dendroica virens	S	S
Chimney Swift	Chactura pelagica	S	S	Blackburnian Warbler	Dendroica fusca	S	S
Ruby-throated Hummingbird	Archilochus colubris	D	S	Yellow-throated Warbler	Dendroica dominica	S	S
Belted Kingfisher	Ceryle alcyon	S	S	Pine Warbler	Dendroica pinus	S	S
Red-headed Woodpecker	Melanerpes erythrocephalus	T	T	Prairie Warbler	Dendroica discolor	S	S
Red-bellied Woodpecker	Melanerpes carolinus	INC	S	Palm Warbler	Dendroica palmarum		S
Yellow-bellied Sapsucker	Sphyrapicus varius		S	Bay-breasted Warbler	Dendroica castanea		S
Downy Woodpecker	Picoides pubescens	S	S	Blackpoll Warbler	Dendroica striata		S
Hairy Woodpecker	Picoides villosus	S	S	Cerulean Warbler	Dendroica cerulea	S	S
Northern Common Flicker	Colaptes auratus	S	S	Black and White Warbler	Miniotilta varia	S	S
Pileated Woodpecker	Dryocopus pileatus	S	S	American Redstart	Setophaga ruticilla	S	S
Olive-sided Flycatcher	Contopus borealis		S	Prothonotary Warbler	Protonotara citrea	INC	S
Eastern Wood Pewee	Contopus virens	S	S	Worm-eating Warbler	Helmithorus vermivorus	S	S
Yellow-bellied Flycatcher	Empidonax flaviventris		S	Ovenbird	Sciurus aurocapillus	S	S
Acadian Flycatcher	Empidonax virescens	INC	S	Northern Waterthrush	Sciurus noveboracensis	S	S
Alder Flycatcher	Empidonax alnorum	S	S	Louisiana Waterthrush	Sciurus motacilla	S	S
Willow Flycatcher	Empidonax traillii	INC	S	Kentucky Warbler	Oporornis formosus	S	S
Least Flycatcher	Empidonax minimus	S	S	Connecticut Warbler	Oporornis agilis		S
Eastern Phoebe	Sayornis phoebe	S	S	Mourning Warbler	Oporornis philadelphia		S
Great Crested Flycatcher	Myiarchus crinitus	S	S	Common Yellowthroat	Geothlypis trichas	S	S
Western Kingbird	Tyrannus verticalis		S	Hooded Warbler	Wilsonia citrina	D	S
Eastern Kingbird	Tyrannus tyrannus	D	D	Wilson's Warbler	Wilsonia pusilla		S
Horned Lark	Eremophila alpestris	D	S	Canada Warbler	Wilsonia canadensis	S	S
Purple Martin	Tachycineta thalassina	D	S	Yellow-breasted Chat	Icteria virens	D	S
Tree Swallow	Tachycineta bicolor	S	S	Summer Tanager	Piranga rubra		S
Northern Rough-winged Swallow	Stelgidopteryx serripennis	S	S	Scarlet Tanager	Piranga olivacea	S	S
Bank Swallow	Riparia riparia	S	S	Northern Cardinal	Cardinalis cardinalis	INC	INC
Cliff Swallow	Hirundo pyrrhonota	S	S	Rose-breasted Grosbeak	Phœucticus ludovicianus	S	S
Barn Swallow	Hirundo rustica	S	S	Blue Grosbeak	Guiraca caerulea	INC	S
Blue Jay	Cyanocitta cristata	INC	S	Indigo Bunting	Passerina cyanea	S	S
Fish Crow	Corvus ossifragus	INC	S	Dickcissel	Spiza americana	EX	U
Black-capped Chickadee	Parus atricapillus	INC	S	Rufous-sided Towhee	Pipilo erythrophthalmus	S	S
Carolina Chickadee	Parus carolinensis	S	S	American Tree Sparrow	Spizella arborea		S
Boreal Chickadee	Parus hudsonicus	S	S	Chipping Sparrow	Spizella passerina	S	S
Tufted Titmouse	Parus bicolor	INC	S	Field Sparrow	Spizella pusilla	S	S
Red-breasted Nuthatch	Sitta canadensis	S	S	Lark Sparrow	Chondestes grammacus		S
				Savannah Sparrow	Passerculus sandwichensis	T	T

Species	Scientific Name	Breeding Status ¹	Non-Breed Status
Ipswich Sparrow	Passerculus sandwichensis princeps		S
Grasshopper Sparrow	Ammodramus savannarum	T	S
Sharp-tailed Sparrow	Ammodramus caudacuta	S	S
Seaside Sparrow	Ammodramus maritima	S	S
Fox Sparrow	Passerella iliaca		S
Song Sparrow	Melospiza melodia	S	S
Lincoln's Sparrow	Melospiza lincolni		S
Swamp Sparrow	Melospiza georgiana	S	S
White-throated Sparrow	Zonotrichia albicollis	S	S
White-crowned Sparrow	Zonotrichia leucophrys		INC
Dark-eyed Junco	Junco hyemalis	S	S
Lapland Longspur	Calcarius lapponicus		S
Snow Bunting	Plectrophenax nivalis		S
Bobolink	Dolichonyx oryzivorus	T	T
Red-winged Blackbird	Agelaius phoeniceus	S	S
Eastern Meadowlark	Sturnella magna	D	S
Rusty Blackbird	Euphagus carolinus		S
Boat-tailed Grackle	Quiscalus major	INC	S
Common Grackle	Quiscalus quiscula	INC	S
Brown-headed Cowbird	Molothrus ater	INC	S
Orchard Oriole	Icterus spurius	S	S
Northern Oriole	Icterus galbula	S	S
Pine Grosbeak	Pinicola enucleator		S
Purple Finch	Carpodacus purpureus	S	S
House Finch	Carpodacus mexicanus	INC	S
Red Crossbill	Loxia curvirostra		S
White-winged Crossbill	Loxia leucoptera		S
White-winged Crossbill	Loxia leucoptera		S
Common Redpoll	Carduelis flammea		S
Pine Siskin	Carduelis pinus		S
American Goldfinch	Carduelis tristis	S	S
Evening Grosbeak	Hesperiphona vespertina		INC

¹D signifies "Declining," E signifies "Endangered," EX signifies "Extirpated," INC signifies "Increasing," I signifies "Introduced," P signifies "Peripheral," S signifies "Stable," T signifies "Threatened" and U signifies "Undetermined." These terms are defined in N.J.A.C. 7:25-4.1.

As amended, R.1983 d.638, effective January 17, 1984.

See: 15 N.J.R. 1623(a), 16 N.J.R. 131(b).

As amended, R.1984 d.132, eff. April 16, 1984.

See: 16 N.J.R. 97(b), 16 N.J.R. 889(a).

Section recodified from 7:25-20.2.

Amended by R.1985 d.215, effective May 6, 1985.

See: 17 N.J.R. 350(a), 17 N.J.R. 1091(a).

Amended by R.1985 d.251, effective May 20, 1985.

See: 17 N.J.R. 516(a), 17 N.J.R. 1289(a).

(a) Added text "and endangered".

Amended by R.1986 d.230, effective June 16, 1986.

See: 18 N.J.R. 601(a), 18 N.J.R. 1280(b).

"S" substituted for "T".

Amended by R.1987 d.308, effective July 20, 1987.

See: 19 N.J.R. 491(a), 19 N.J.R. 1293(a).

Substantially amended.

Repeal and New Rule, R.1991 d.277, effective June 3, 1991.

See: 22 N.J.R. 1308(a), 23 N.J.R. 1788(a).

Repealed section—"Defining status of indigenous nongame and endangered wildlife species of New Jersey."

Amended by R.1999 d.235, effective July 19, 1999.

See: 31 N.J.R. 580(a), 31 N.J.R. 1923(b).

In REPTILES, deleted references to Common Snapping Turtles, Red-eared Turtles and Eastern Spiny Softshells; in AMPHIBIANS, deleted references to Bullfrogs and Green Frogs; in MAMMALS, deleted references to European Hares, Black-tailed Jackrabbits, Black Rats, Brown Rats, and House Mice; and in BIRDS, changed Breeding Status for American Bitterns, Great Blue Herons, Little Blue Herons, Black-crowned Night Herons, Cliff Swallows, and Ipswich Sparrows, changed Non-Breeding Status for Red Knots, Ipswich Sparrows and Grasshopper Sparrows, deleted references to Mute Swans, Northern Goshawks, Rock Doves, European Starlings and House Sparrows, and inserted a reference to Copper's Hawks.

Amended by R.2002 d.92, effective March 18, 2002.

See: 33 N.J.R. 2380(a), 34 N.J.R. 1265(b).

Inserted list of INVERTEBRATES, and added footnote 1 to Species Status column head.

Amended by R.2003 d.156, effective April 21, 2003.

See: 34 N.J.R. 2405(a), 35 N.J.R. 1669(a).

Deleted "Queen Snake" and added "Pine Barrens Tree Frog".

Petition for Rulemaking.

See: 41 N.J.R. 3320(a), 3965(a).

Petition for Rulemaking.

See: 42 N.J.R. 524(a).

Case Notes

Endangered species list under the New Jersey Endangered and Nongame Species Conservation Act includes the rattlesnake (citing former N.J.A.C. 7:25-11.1 as N.J.A.C. 7:251101); discussion of compliance with federal environmental procedural requirements in construction of interstate highway. County of Bergen v. Dole, 620 F.Supp. 1009 (D.N.J.1985), affirmed 800 F.2d 1130 (1986).

7:25-4.18 Endangered and Nongame Species Advisory Committee

(a) The Endangered and Nongame Species Advisory Committee (committee) shall consist of 11 members appointed by the Commissioner. Prior to the making of any said appointments, the Commissioner shall consult with the committee as to their recommendations.

1. Members shall be reflective of various public groups concerned with, and supportive of, the endangered and nongame species program established by P.L. 1973, c.309, codified at N.J.S.A. 23:2A-1 to -13, and shall possess special knowledge, expertise, and/or interest relating to endangered and nongame species of New Jersey. Member affiliation shall be as follows:

Affiliation	Number of Members
i. Academic/research communities	4
ii. Public health/veterinary medicine	1
iii. Qualified non-profit organization (as defined by the Internal Revenue Code at § 501(c)(3)) with strong interest in promoting the nonconsumptive use of wildlife	3
iv. Public at large (that is, not in the capacity of an organizational representative)	3

2. Of the 11 members to be appointed by the Commissioner, initially, two shall be appointed for a term of one year, three for a term of two years, three for a term of three years, and three for a term of four years. Thereafter, all appointments shall be made for terms of four years. All appointed members shall serve, after the expiration of their terms, until their respective successors are appointed. Any vacancy occurring in the appointed membership of the committee, by expiration of term or otherwise, shall be filled by the Commissioner in the identical manner as the original appointment, for the unexpired term only, notwithstanding that the previous incumbent may have held over and continued in office as aforesaid.

3. The Commissioner may remove any member of the committee for cause upon notice and opportunity to be heard.

4. The committee shall select its chairperson from its membership, subject to the approval of the Commissioner, for a term of four years, and consecutive terms shall be permitted.

(b) The committee shall advise and assist the Commissioner in matters related to the intent of "The Endangered and Nongame Species Act," P.L. 1973, c.309, codified at N.J.S.A. 23:2A-1 to -13. Notwithstanding subsequent departmental action, the Commissioner shall respond in writing to all reasonable written comments on policy received from the committee.

(c) The committee shall transmit its business during regular meetings, held once each month, at a time and place designated by the committee. Adequate notice, as defined under the "Open Public Meetings Law," P.L. 1975, c.231, codified at N.J.S.A. 10:4-6 to -21, shall be given to the Secretary of State. Six members present shall constitute a quorum.

(d) Members of the committee shall serve without compensation, but shall be reimbursed for expenses actually incurred in attending committee meetings and in the performance of their duties as members thereof.

R.1984 d.509, effective November 5, 1984.

See: 16 N.J.R. 2033(a), 16 N.J.R. 3010(a).

Amended by R.1995 d.357, effective July 3, 1995.

See: 27 N.J.R. 797(a), 27 N.J.R. 2614(a).

Deleted former (a)3 and recodified existing (a)4 and (a)5 as new (a)3 and (a)4.

7:25-4.19 Criteria for possession of wild-caught bird species for breeding, zoological, scientific or educational purposes

(a) No permit shall be issued for the purpose of selling any wild-caught bird. Except as provided in this subchapter, a person issued a permit to possess wild bird species shall possess only birds bred from captive parent birds and eggs produced from captive parent birds. To preserve the genetic integrity of species of regulated birds, distinct species of birds shall not be cross-bred with other different species of birds to produce hybrid birds.

(b) In addition to meeting the general criteria in N.J.A.C. 7:25-4.7, every person applying for a permit to possess individuals of a species of wild-caught bird shall meet each and every of the following criteria:

1. Education and background, as follows:

i. A person applying for a permit to possess individuals of species of birds which have been wild-caught, or their eggs, primarily for breeding purpose, including those persons designated by institutions or businesses as those responsible for breeding birds, shall affirmatively demonstrate that he or she possesses extensive and thorough experience in breeding the species which is the subject of the application, or of a closely related species.

ii. A person applying for a permit to possess individuals of species of birds which have been wild-caught or their eggs primarily for zoological, scientific or educational purposes which include breeding only as a secondary purpose, including those persons designated by institutions or businesses as those responsible for breeding and handling birds, shall demonstrate that he or she possesses a thorough knowledge of the handling, care and breeding of the species which is the subject of the application, or of a related bird species. As a condition for the issuance of the permit the Division may require that the applicant be supervised by an aviculturist approved by the Department. In the case of scientific or educational projects of limited duration, the applicant shall identify the final disposition of the bird(s);

2. Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall obtain, in addition to a New Jersey Exotic Species or Nongame Species Permit, all other permits applicable to the possession of such species. Any permit issued for the possession of birds by the Department shall not exempt an applicant from compliance with any other relevant Federal, state, county or municipal law;

3. Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall state in writing the purpose and intent of keeping the birds, the species of birds, and the number of individuals of each species the applicant intends to possess under the permit. In the case of multiple purposes and intents, the applicant shall rank his or her intentions in order of decreasing importance to the applicant;

4. Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall describe in written detail the caging facilities for each bird species, including those aspects of the facilities designed to prevent escape. For each building in which birds are to be housed, its street address and on which floors the birds are to be housed shall be stated. For each room in which birds are to be housed, that room's dimensions, the nearest source of natural and artificial light available for each bird, the type of heating, cooling and ventilation in each room and its source in each room relative to each bird's caging facilities and the location of each room within the building shall be described. Acceptance of any permit authorized under this subchapter shall entitle and authorize Department personnel to inspect the housing and caging of the licensed birds from 8:00 A.M. to 9:00 P.M., Monday through Saturday, in order to determine if the housing and caging is suitable for the species and will ensure accomplishment of the applicant's stated purposes;

5. Any person applying to possess individuals of species of birds which have been wild-caught, or their eggs, shall describe in written detail a reliable, continuous source

(c) A deer that has been so severely injured by a collision with a motor vehicle that it must be killed shall be considered as accidentally killed for the purposes of this subchapter.

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

7:25-17.7 Information required

(a) Any State or municipal officer disposing of or authorizing the disposal or possession of accidentally killed deer shall notify the Division on a quarterly basis of the following information on forms provided by the Division:

1. The location where the deer was killed;
2. The sex of the deer;
3. The date of the accidental deer kill; and
4. The name and address of the permittee.

Amended by R.2001 d.74, effective March 5, 2001.
See: 32 N.J.R. 4435(a), 33 N.J.R. 874(a).

SUBCHAPTER 18. MARINE FISHERIES

7:25-18.1 Size, season and possession limits

(a) For the purpose of this subchapter, the following common names shall mean the following scientific name(s) for a species or group of species, except as otherwise specified elsewhere in this subchapter.

<u>Common Name</u>	<u>Scientific Name</u>
American Eel	Anquilla rostrata
Atlantic Cod	Gadus morhua
Atlantic Croaker	Micropogon undulatus
Atlantic Mackerel	Scomber scombrus
Black Drum	Pogonias cromis
Black Sea Bass	Centropristis striata
Bluefish	Pomatomus saltatrix
Cobia	Rachycentron canadum
Conch	Busycon carica
	Busycotypus canaliculatum
	Busycon contrarium
Dolphin	Coryphaena hippurus
Goosefish (Monkfish)	Lophius americanus
Haddock	Melanogrammus aeglefinus
Hybrid striped bass	Morone saxatilis x Morone spp.
Kingfish	Menticirrhus saxatilis
	Menticirrhus americanus
King Mackerel	Scomberomorus cavalla
Pollock	Pollachius virens
Red Drum	Sciaenops ocellatus
River herring	Alosa aestivalis (alewife)
	Alosa pseudoharengus (blueback herring)
Scup (Porgy)	Stenotomus chrysops
Shad	Alosa sapidissima
	Alosa mediocris
Shark	Large Coastal Group
	Sphyrna mokarran (Great Hammerhead)
	Sphyrna lewini (Scalloped Hammerhead)

<u>Common Name</u>	<u>Scientific Name</u>
	Sphyrna zygaena (Smooth Hammerhead)
	Ginglymostoma cirratum (Nurse Shark)
	Carcharhinus limbatus (Blacktip Shark)
	Carcharhinus leucas (Bull Shark)
	Negaprion brevirostris (Lemon Shark)
	Carcharhinus falciformis (Silky Shark)
	Carcharhinus brevipinna (Spinner Shark)
	Galeocerdo cuvieri (Tiger Shark)
	Small Coastal Group
	Sphyrna tiburo (Bonnethead)
	Carcharhinus acronotus (Blacknose Shark)
	Carcharhinus isodon (Finetooth Shark)
	Pelagic Group
	Lamna nasus (Porbeagle Shark)
	Isurus oxyrinchus (Shortfin Mako)
	Prionace glauca (Blue Shark)
	Carcharhinus longimanus (Oceanic Whitetip Shark)
	Alopias vulpinus (Thresher Shark)
	Research Only Group
	Carcharhinus plumbeus (Sandbar Shark)
	Mustelus canis
	Scomberomorus maculatus
	Libinia dubia
	Libinia emarginata
	Squalus acanthias
	Morone saxatilis
Smooth Dogfish	
Spanish Mackerel	
Spider crab	
Spiny Dogfish	
Striped Bass	
Summer Flounder (Fluke)	
Tautog (Blackfish)	
Weakfish	
Winter Flounder	
	Paralichthys dentatus
	Tautoga onitis
	Cynoscion regalis
	Cynoscion nebulosus
	Pleuronectes americanus

(b) A person shall not purchase, sell, offer for sale, or expose for sale any species listed below less than the minimum length, measured in inches, except as may be provided elsewhere in this subchapter, and subject to the specific provisions of any such section. Any commercially licensed vessel or person shall be presumed to possess the following species for sale purposes and shall comply with the minimum sizes below. Fish length shall be measured from the tip of the snout to the tip of the tail (total length), except as noted below.

<u>Species</u>	<u>Minimum Size (inches)</u>
American Eel	6
Atlantic Cod	21
Atlantic Croaker	No Limit
Atlantic Mackerel	7
Black Drum	16
Black Sea Bass	11
Bluefish	9
Cobia	37
Conch	5
Dolphin	No Limit
Goosefish (Monkfish)	17
Haddock	21
Kingfish	8
King Mackerel	23
Pollock	19
Red Drum	18
River herring (Alewife, blueback herring)	No Limit

<u>Species</u>	<u>Minimum Size (inches)</u>
Scup (Porgy)	9
Shad	No Limit
Shark	
Large Coastal Group	No Limit
Small Coastal Group	No Limit
Pelagic Group	No Limit
Smooth Dogfish	No Limit
Spanish Mackerel	14
Summer Flounder	14
Tautog (Blackfish)	14
Weakfish	13
Winter Flounder	12

<u>Species</u>	<u>Minimum Size In Inches</u>	<u>Open Season</u>	<u>Possession Limit</u>
Kingfish	No Limit	Jan. 1—Dec. 31	No Limit
King Mackerel	23	Jan. 1—Dec. 31	3
Pollock	19	Jan. 1—Dec. 31	No Limit
Red Drum	18	Jan. 1—Dec. 31	1, not greater than 27 inches
River herring (Alewife, blueback herring)	No Limit	Jan. 1—Dec. 31	35
Scup (Porgy)	9	Jan. 1—Feb. 28 and July 1—Dec. 31	50
Shad	No Limit	Jan. 1—Dec. 31	6
Shark			1 per vessel, as specified in (c)2 below
Large Coastal Group	54	Jan. 1—May 14, and July 16—Dec. 31	
Small Coastal Group	No Limit	Jan. 1—Dec. 31	
Pelagic Group	54	Jan. 1—Dec. 31	
Smooth Dogfish	No Limit	Jan. 1—Dec. 31	No Limit
Spanish Mackerel	14	Jan. 1—Dec. 31	10
Summer Flounder (Fluke)	18	May 7 – Sept. 25	8
Striped Bass		refer to N.J.S.A. 23:5-45.1	
Tautog	14	Jan. 1—Apr. 30 July 16—Nov. 15 Nov. 16—Dec. 31	4 1 6
Weakfish	13	Jan. 1—Dec. 31	1
Winter Flounder	12	March 23—May 21	2

1. Total length for black sea bass shall be measured along the midline from the tip of the snout to the end of the central portion of the tail, not to include tail filaments.

2. In addition to the total minimum goosfish size, all goosfish tails possessed must be at least 11 inches in length from the anterior portion of the fourth cephalic dorsal spine to the end of the caudal fin. The total weight of all goosfish livers landed shall not be more than 30 percent of the total weight of all goosfish tails landed or 12 percent of the total weight of all goosfish landed.

3. A person shall not take in any one day or possess more than the possession limit specified below for each species listed, except as may be provided elsewhere in this subchapter, and subject to the specific provisions of any such section.

1. Total length for black sea bass shall be measured along the midline from the tip of the snout to the end of the central portion of the tail, not to include tail filaments.

2. Shark length shall be measured from the tip of the snout to the V shaped indentation between the two separate tail segments (fork length) forming the caudal fin. Sharks may be harvested in the recreational fishery only by angling with a hand line, or rod and reel. The possession limit for shark, as listed at (a) above, shall be a maximum harvest of one shark from the Large Coastal, Small Coastal, or Pelagic species group on a per vessel basis regardless of the number of individuals on board said vessel. In addition, each recreational angler fishing from a boat may harvest one bonnethead and one Atlantic sharpnose per trip. If a person is fishing from shore or a land based structure, the possession limit shall be a maximum harvest of one shark from the Large Coastal, Small Coastal, or Pelagic species group per calendar day on a per person basis. In addition, each recreational angler fishing from the shore or a land-based structure may harvest one bonnethead and one Atlantic sharpnose per calendar day.

3. Anglers may take no more than 50 eels per day; however, anglers may keep more than 50 eels in storage for personal use, provided they possess no more than 50 eels per person for bait purposes while fishing.

(d) A person shall not take, possess, land, purchase, sell or offer for sale any of the following species:

<u>Species</u>	<u>Possession Limit</u>
Cobia	2
Red Drum	1, no more than 27 inches

(c) A person angling with a hand line or with a rod and line or using a bait net or spearfishing shall not have in his or her possession any species listed below less than the minimum length, nor shall such person take in any one day or possess more than the possession limits as provided below, nor shall such person possess any species listed below during the closed season for that species. Exceptions to this section as may be provided elsewhere in this subchapter shall be subject to the specific provisions of any such section. Fish length shall be measured from the tip of the snout to the tip of the tail (total length), except as noted below:

<u>Species</u>	<u>Minimum Size In Inches</u>	<u>Open Season</u>	<u>Possession Limit</u>
American Eel	6	Jan. 1—Dec. 31	50
Atlantic Cod	21	Jan. 1—Dec. 31	No Limit
Atlantic Croaker	No Limit	Jan. 1—Dec. 31	No Limit
Black Drum	16	Jan. 1—Dec. 31	3
Black Sea Bass	12.5	May 28 – Sept. 11 Nov. 1—Dec. 31	25
Bluefish	No Limit	Jan. 1—Dec. 31	15
Cobia	37	Jan. 1—Dec. 31	2
Dolphin	No Limit	Jan. 1—Dec. 31	No Limit
Haddock	21	Jan. 1—Dec. 31	No Limit
Hybrid striped bass	Refer to N.J.S.A. 23:5-45.1		

<u>Species</u>	<u>Scientific Name</u>
Atlantic Angel Shark	Squatina dumerili
Atlantic Sturgeon	Acipenser oxyrinchus
Basking Shark	Cetorhinidae maximus
Bigeye Sand Tiger Shark	Odontaspis noronhai
Bigeye Sixgill Shark	Hexanchus vitulus
Bigeye Thresher Shark	Alopias superciliosus
Bignose Shark	Carcharhinus altimus
Caribbean Reef Shark	Carcharhinus perez
Caribbean Sharpnose Shark	Rhizoprionodon porosus
Dusky Shark	Carcharhinus obscurus
Galapagos Shark	Carcharhinus galapagensis
Longfin Mako Shark	Isurus paucus
Narrowtooth Shark	Carcharhinus brachyurus
Night Shark	Carcharhinus signatus
Sand Tiger Shark	Odontaspis taurus
Sharpnose Sevengill Shark	Heptranchias perlo
Shortnose Sturgeon	Acipenser brevirostrum
Sixgill Shark	Hexanchus griseus
Silky Shark (recreational fishery only)	Carcharhinus falciformis
Smalltail Shark	Carcharhinus porosus
Whale Shark	Rhincodon typus
White Shark	Carcharodon carcharias

(e) Except as provided in (e)2 and (f) below, a person shall not remove the head, tail or skin, or otherwise mutilate to the extent that its length or species cannot be determined, any species with a minimum size limit specified at (b) or (c) above or any other species of flatfish, or possess such mutilated fish, except after fishing has ceased and such species have been landed to any ramp, pier, wharf or dock or other shore feature where it may be inspected for compliance with the appropriate size limit.

1. A shark or dogfish may be eviscerated prior to landing. The fins may not be removed from a shark or dogfish, except after fishing has ceased and such shark or dogfish has been landed as specified in (e) above.

2. A person may use parts of one legal sized summer flounder as bait. The carcass of the fish minus the fillets, commonly known as the rack, of the summer flounder used must be retained by the person and counted as part of the person's daily bag limit for that day. The rack shall be kept fully intact so it can be measured for minimum size limit. One summer flounder caught on the person's current fishing trip can be used for this purpose. No parts of fish caught on previous fishing trips shall be in possession. No other species of flat fish or fish listed under (b) or (c) above shall be used for this purpose.

(f) Special provisions applicable to a Special Fillet Permit are as follows:

1. A party boat owner may apply to the Commissioner for a permit for a specific vessel, known as a Special Fillet Permit to fillet species specified at (c) above at sea;

2. For purposes of this section, party boats are defined as vessels that can accommodate 15 or more passengers as indicated on the Certificate of Inspection issued by the United States Coast Guard for daily hire for the purpose of recreational fishing;

3. The Special Fillet Permit shall be subject to the following conditions:

i. Once fishing commences, no parts or carcasses of any species specified in (c) above and no flatfish parts or carcasses shall be discarded overboard; of the species specified at (c) above, only whole live fish may be returned to the water;

ii. No carcasses of any flatfish or species listed at (c) above shall be mutilated to the extent that its length or species cannot be determined;

iii. All fish carcasses of species specified at (c) above shall be retained until such time as the vessel has docked and been secured at the end of the fishing trip adequate to provide a law enforcement officer access to inspect the vessel and catch;

iv. No fillet of any flounder or other flatfish shall be less than eight inches in length during the period of May 1 through October 31 or less than five inches in length during the period of November 1 through April 30;

v. No fish of any species less than the minimum size limit specified in (c) above shall be filleted and no fillet of any species listed below shall have the skin removed and no fillet shall be less than the minimum length in inches specified below.

<u>Species</u>	<u>Minimum Fillet or Part Length</u>
Atlantic Cod	14 inches
Atlantic Croaker	No Limit
Black Drum	9 inches
Black Sea Bass	5 inches
Bluefish	No Limit
Cobia	26 inches
Haddock	14 inches
Hybrid striped bass	24 inches
Kingfish	No Limit
King Mackerel	16 inches
Pollock	13 inches
Red Drum	13 inches
Scup	4 inches
Spanish Mackerel	10 inches
Striped bass	24 inches
Tautog	7 inches
Weakfish	9 inches

vi. Fish carcasses from the previous trip shall be disposed of prior to commencing fishing on a subsequent trip;

vii. Violation of any of the provisions of the Special Fillet Permit shall subject the captain and permit holder to the penalties established pursuant to N.J.S.A. 23:2B-14 and shall result in a suspension or revocation, applicable to both the vessel and the owner of the Special Fillet Permit according to the following schedule:

- (1) First offense: 60 days suspension;
- (2) Second offense: 120 days suspension; and

(3) Third offense: Revocation of permit, rendering the vessel and the owner not eligible for permit renewal regardless of vessel ownership.

viii. In calculating the period of suspension or revocation applicable under (f)3vii 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.

ix. Upon receipt of the notice of suspension but prior to the suspension or revocation of the Special Fillet Permit, the permittee has 20 days to request a hearing from the Department. The hearing shall be conducted 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. If a request for a hearing is not received by the Department within 20 days of the permittee's receipt of the notice of suspension, the permit suspension or revocation will be effective on the date indicated in such notice.

(g) Any person violating the provisions of (b), (c), (d) or (e) above shall be liable to a penalty of \$30.00 for each fish taken or possessed. Each fish taken or possessed shall constitute an additional separate and distinct offense.

(h) A person shall not take, attempt to take or have in his or her possession any striped bass or striped bass hybrids, as defined in (i) below, while on or angling in the Delaware River or its tributaries from the upstream side of the U.S. Route 1 Bridge to and including the Salem River and its tributaries from April 1 through May 31 of each year, or from any waters of the State, except the Atlantic Ocean, from January 1 through February 28 of each year as set forth in N.J.S.A. 23:5-45.2.

1. Hook and line fishermen are hereby restricted to the use of non-offset circle hooks while fishing with any natural bait within the Delaware River or its tributaries from April 1 through May 31 of each year. This restriction shall apply only to hooks of size two and larger and shall not apply to hooks of smaller sizes (such as those normally used for white perch fishing).

(i) Except for the products of commercial aquaculture, no person shall take from the marine waters in this State or have in his or her possession while on or angling in the marine

waters of this State any striped bass hybrids, being hybrids of the Morone genus, less than the striped bass minimum size limits established pursuant to N.J.S.A. 23:5-45.1.

1. For the purposes of this section, commercial aquaculture shall mean the culture or husbandry of striped bass hybrids in non-wild systems for the purpose of egg and larval production and/or increasing size.

2. For the purposes of this section, parents of striped bass hybrids shall include *Morone saxatilis* (striped bass), *M. chrysops* (white bass), *M. americana* (white perch), and *M. mississippiensis* (yellow bass).

(j) Except for striped bass hybrids that are the products of commercial aquaculture, a person shall not possess more than the possession limit or less than the minimum size limits established pursuant to N.J.S.A. 23:5-45.1, whether striped bass or striped bass hybrid, while on or angling in the marine waters of this State.

(k) A person shall not remove the head, tail or skin from any striped bass hybrid except immediately prior to preparation or serving as food.

(l) All hybrid striped bass which are the products of commercial aquaculture shall be accompanied by accurate and dated documentation of quantity, original description and destination.

(m) Wanton waste of fish is prohibited.

1. Fish of any species, taken by any means, which are purposely killed shall become part of the fisherman's daily possession limit and shall be removed from the waters from which they were taken and from adjacent lands. This subsection shall not apply to those fish which are released while still alive and subsequently die or to those fish taken inadvertently by net (bycatch) and subsequently die.

(n) Any person violating the provisions of (h) through (l) above shall be liable for a penalty of \$100.00 for each fish taken or possessed. Each fish taken or possessed shall constitute a separate and distinct offense.

(o) The following provision is applicable to the recreational harvest of bluefish.

1. Any party/charter vessel carrying recreational fishermen for hire to fish for bluefish shall have a valid Federal party/charter vessel permit.

(p) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify the fishing seasons, minimum size limits and possession limits, and the list of shark species contained within any of the shark groups 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 Department shall publish notice of any such modification in the New Jersey Fish and Wildlife Digest and the New Jersey Register, and shall submit a news release to individuals on the Division outdoor writers' mailing list.

(q) All persons aboard any fishing vessel subject to this rule shall immediately comply with instructions and signals issued by a conservation officer, a marine police officer or other law enforcement officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, and catch for the purpose of enforcement of this rule. After any instructions, signals or other communication from an authorized law enforcement officer indicating the officer's intent to perform an inspection, it shall be unlawful for any person to dispose of fish, fish parts or any other matter in any manner until such time as the inspection is complete. Violation of this provision shall subject the violator to the penalties established pursuant to N.J.S.A. 23:2B-14.

(r) Pursuant to N.J.S.A. 23:10-21 and 21.1, any gear used in the violating of the provisions of this subchapter may be seized and forfeited to the Division.

Amended by R.1990 d.607, effective December 3, 1990.
See: 22 N.J.R. 3078(a), 22 N.J.R. 3628(b).

Added new (e) through (h), redesignated existing (e) as (i).
Amended by R.1991 d.132, effective March 18, 1991.
See: 23 N.J.R. 37(a), 23 N.J.R. 848(b).

Size limit for marine fish changed in (a). Added (f), (g), (h), (i) and (j).
Amended by R.1991 d.348, effective July 1, 1991.
See: 23 N.J.R. 43(a), 23 N.J.R. 2011(a).

Deleted ", winter flounder measuring less than six inches in length, or measuring less than 13 inches in length" with stylistic changes in (a). Added ", winter flounder under 10 inches in length, or red drum under 14 inches in length" with stylistic changes in (b). Added (d). Redesignated (d) as (e); added reference to "(d)". Redesignated (e)-(n) as (f)-(o).
Amended by R.1992 d.143, effective March 16, 1992.
See: 24 N.J.R. 4(c), 24 N.J.R. 1113(a).

Added requirements for weakfish management.
Petition for Rulemaking: Request for reduction of size limit; denied.
See: 24 N.J.R. 2957(a).
Public Notice: Announcement of fish checking stations for the Striped Bass Trophy Program.
See: 24 N.J.R. 3767(c).

Amended by R.1992 d.476, effective December 7, 1992.
See: 24 N.J.R. 1456(a), 24 N.J.R. 4368(b).

New (e) and (f) added prohibiting the filleting of any flatfish at sea in order to prevent circumvention of size limits on fluke and winter flounder; recodification of existing (e)-(o) as (g)-(q).
Amended by R.1993 d.56, effective January 19, 1993.
See: 24 N.J.R. 4249(a), 25 N.J.R. 303(a).

(c) repealed and replaced in accordance with the Summer Flounder Fishery Management Plan developed by the Mid-Atlantic Fishery Management Council and Atlantic States Marine Fisheries Commission.
Amended by R.1993 d.77, effective February 16, 1993.
See: 24 N.J.R. 205(a), 25 N.J.R. 689(a).

Added Atlantic Sturgeon under 60 inches in height.
Administrative Correction.
See: 25 N.J.R. 4495(a).

Amended by R.1994 d.44, effective January 18, 1994.
See: 25 N.J.R. 2167(a), 26 N.J.R. 353(a).

Emergency Amendment, R.1994 d.230, effective April 13, 1994 (to expire June 12, 1994).

See: 26 N.J.R. 1885(a).
Amended by R.1994 d.248, effective May 16, 1994.
See: 26 N.J.R. 291(a), 26 N.J.R. 2021(b).

Adopted Concurrent Proposal, R.1994 d.339, effective June 10, 1994.

See: 26 N.J.R. 1885(a), 26 N.J.R. 2792(a).

Provisions of emergency amendment R.1994 d.230 readopted, with a change effective July 5, 1994.

Amended by R.1994 d.615, effective December 19, 1994.

See: 26 N.J.R. 1931(a), 26 N.J.R. 5011(a).

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

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

Administrative Change.

See: 27 N.J.R. 1793(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).

Changed section name from "Size and possession limits"; added species and changed size and possession limits throughout; in (a) and (b), inserted provisions relating to presumed possession; and in (c), inserted reference to bait nets.

Administrative change.

See: 29 N.J.R. 2278(a).

In (b), increased minimum size of Summer Flounder and Tautog; and in (c), increased possession limit of Summer Flounder.

Amended by R.1997 d.246, effective June 2, 1997.

See: 29 N.J.R. 285(a), 29 N.J.R. 2555(a).

In (a) and (b), added "(total length), except as noted below"; in (a), in table, changed minimum size for "Black sea bass" from 8 to 9 inches and added "Tautog (blackfish)"; inserted new (a)1, and recodified former (a)1 and (a)2 as (a)2 and (a)3; in (b), added "Black sea bass" to table; added (b)1; in (c), added "Black sea bass" to table; in (e), inserted "or possess such mutilated fish,"; and in (f)3v, added "Black sea bass" and "Scup" to table.

Amended by R.1998 d.40, effective January 5, 1998.

See: 29 N.J.R. 4595(a), 30 N.J.R. 226(a).

Added Bluefish to size limits; in (b) changed minimum size for Atlantic Cod and Haddock from 19 inches to 21 inches; in (f)3v, changed minimum length of Atlantic Cod and Haddock from 13 inches to 14 inches.

Administrative change.

See: 30 N.J.R. 1319(b).

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).

Rewrote (a) through (f).

Administrative change.

See: 31 N.J.R. 1084(a).

Amended by R.2000 d.10, effective January 3, 2000.

See: 31 N.J.R. 2555(a), 32 N.J.R. 48(a).

In (c), changed minimum size for Winter Flounder; in (h), substituted "upstream side of the U.S. Route 1 Bridge" for "Trenton Falls" following "from the".

Administrative change.

See: 32 N.J.R. 1387(a).

Amended by R.2000 d.395, effective October 2, 2000.

See: 31 N.J.R. 2555(a), 32 N.J.R. 3592(b).

In (c), increased minimum size for Winter Flounder; in (h), substituted "upstream side of the U.S. Route 1 Bridge" for "Trenton Falls"; inserted a new (n); and recodified former (n) through (p) as (o) through (q).

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

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

Administrative change.

See: 33 N.J.R. 1589(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.

Administrative change.

See: 34 N.J.R. 921(a).

Administrative change.

See: 34 N.J.R. 1023(b).

Administrative change.

See: 34 N.J.R. 1669(a).

Amended by R.2002 d.277, effective August 19, 2002.

See: 34 N.J.R. 1375(a), 34 N.J.R. 2995(a).

In (a) to (c), added "River herring"; in (g), deleted "(a)", "or" preceding (e), inserted "or (f)" after (e); rewrote (h).

Administrative change.

See: 35 N.J.R. 708(a).

Administrative correction.

See: 35 N.J.R. 1561(a).

Administrative change.

See: 35 N.J.R. 1927(a).

Administrative correction.

See: 35 N.J.R. 5619(a).

Amended by R.2004 d.20, effective January 5, 2004.

See: 35 N.J.R. 4224(b), 36 N.J.R. 174(b).

In (a), amended the table of Common Name and Scientific Name; in (g), substituted "\$30.00" for "\$20.00".

Administrative change.

See: 36 N.J.R. 1191(c).

Administrative change.

See: 36 N.J.R. 2420(c).

Administrative change.

See: 37 N.J.R. 1177(b).

Administrative change.

See: 37 N.J.R. 3696(a).

Amended by R.2005 d.413, effective November 21, 2005.

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

In (a), added common name "Striped Bass" and scientific name "Morone saxatilis"; in (c), added species "Striped Bass" and open season information "refer to N.J.S.A. 23:5-45.1"; in (f)3vii, increased number of days suspension to 60 for first offense and 120 for second offense; added (f)3viii; recodified former (f)3viii as (f)3ix.

Administrative change.

See: 38 N.J.R. 1731(a).

Administrative correction.

See: 38 N.J.R. 2797(b).

Administrative change.

See: 39 N.J.R. 1473(b).

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

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

In the tables in (a) and (c), inserted the entries for "Dolphin" and "Hybrid striped bass"; in the table in (b), inserted the entry for "Dolphin"; in the introductory paragraph of (e), inserted "(e)2 and"; added (e)2; in the introductory paragraph of (f)3v, inserted "fish of any species less than the minimum size limit specified in (c) above shall be filleted and no", and in the table in (f)3v, inserted the entries for "Hybrid striped bass" and "Striped bass"; in (g), substituted "(d) or (e)" for "(d), (e) or (f)"; in (p), inserted "or to maintain consistency with any Mid-Atlantic Fishery Management Council plan adopted by the National Marine Fisheries Service"; and in (q), inserted the second and third sentences.

Administrative change.

See: 40 N.J.R. 150(c), 2109(c).

Administrative change.

See: 41 N.J.R. 2012(a), 4114(a).

Administrative change.

See: 42 N.J.R. 789(a), 1374(a).

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

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

In (a), rewrote the table; in the introductory paragraph of (b), inserted a comma following the second occurrence of "sale"; in the tables following the introductory paragraphs of (b) and of (c), inserted the entries for "Large Coastal Group", "Small Coastal Group" and "Pelagic Group" under entry "Shark", and inserted the entry for "Smooth Dogfish"; in the introductory paragraph of (c), substituted "be measured" for "measure"; in the table following the introductory paragraph of (c), in the entry for "Shark", deleted "48" from the Minimum Size in inches" column and "Jan. 1-Dec. 31" from the "Open Season" column and substituted "1 per vessel, as specified in (c)2 below" for "2 per vessel" in the "Possession Limit" column; rewrote (c)2, the table in (d) and (e)1; and in (p), inserted " and the list of shark species contained within any of the shark groups".

Administrative change.

See: 43 N.J.R. 1332(b), 1424(a).

7:25-18.2 Pound nets

(a) The following words and terms shall have the following meanings unless the context clearly indicates otherwise.

"Department" means the New Jersey Department of Environmental Protection.

"Heart" means an upright fence of netting forming a heart-shaped (round or square) compartment located between the leader and the pocket. It is designed to cause fish to circle in front of and eventually enter the pocket of a pound net.

"Leader" means an upright fence of netting that acts as a barrier to fish and guides them toward a trap; the netting is made of heavy twine, not designed to catch fish by the gills.

"Navigable channel" means a channel marked with navigational markers including poles, piling or buoys, by the Coast Guard or the State.

"Pocket" means an upright fence of netting forming the final compartment of a pound net in which trapped fish accumulate.

"Pound net" means a large fish trap, consisting of a leader, pocket and one or more hearts, held in place with poles, the netting of which reaches from the bottom to above the surface of the water.

"Staked or anchored gill net" means an upright fence of monofilament or nylon netting, held in place at each end by stakes or anchors, that catches fish by snagging their gill covers as they try to pass through the mesh of the net.

"Submarine pound net" means a pound net that is totally submerged beneath the water and held in place by anchors.

(b) General requirements for all pound net users are as follows:

1. No person may install, operate or maintain a pound net in the marine waters of the State without having first obtained a license from the Department.

2. The Department may establish limits on the number of licenses to be issued for pound nets in Raritan Bay and Sandy Hook Bay and in the Atlantic Ocean within three nautical miles of the coastline.

3. Licenses must be renewed annually.

4. Holders of pound net licenses from the previous year shall have first priority in obtaining a new license, provided they apply before March 1 of the current year.

5. Any person operating any fish pound net in the marine waters of New Jersey, must, at the time of emptying the net, return to the waters wherein the net is located all species less than the minimum size limits specified pursuant to N.J.A.C. 7:25-18.1.

6. No person may, by boat, anchor, dredge or otherwise, willfully and without reasonable cause, interfere with, break, damage or destroy any fish net or associated equipment being lawfully used by a license holder.

7. The Department may require any licensee to submit a money surety bond to insure removal of pound net poles and apparatus as required by these rules.

8. Violation of the rules in this section will subject the violator to money penalties, loss of license and/or injunctive relief under N.J.S.A. 23:2B-14.

(c) Specific requirements for pound net users in Raritan, Sandy Hook and Delaware Bays are as follows:

1. Any person applying for a pound net license must indicate the specific proposed site for the net, as designated by a chart developed by the Department. Sites which have not previously been located on the approved chart must be approved by the Department prior to issuance of a license.

2. New pound net sites must be at least 3,000 feet from a previously located pound net site, when measured parallel to the shoreline, and must be at least 1,000 feet from any navigable channel.

3. Any pound net license holder has priority in retaining a pound net site previously licensed by him or her, provided that he or she has actively and lawfully fished that site during the previous year and has submitted a license application prior to March 1 of the current year. After March 1, any citizen may apply for any available site on a first-come basis.

4. No staked or anchored shad net may be placed within 3,000 feet of an operating pound net. However, shad nets may be set on licensed pound net sites by the license holder or on unoccupied, approved pound net sites, pro-

vided the shad nets are set end-to-end with and in line with any existing pound nets.

5. Pound nets must be placed end-to-end so as to form a straight line, perpendicular to the shoreline.

6. The maximum allowable length of a pound net, including leader and hearts, is 750 feet.

7. A minimum distance of 50 feet must be maintained between any two pound nets, shad nets or combination thereof, when measured perpendicular to the shoreline.

8. A pound net license holder must maintain a nameplate, on the offshore pole of the net not less than six inches square, on which shall be legibly marked the identification number of the pound, as assigned by the Department.

9. A flashing, amber light must be displayed between sunset and sunrise on each of the two end poles of a pound net or a continuous row of pound nets. These lights must be placed at least 10 feet above the mean high water level and must be of sufficient brightness to be visible for at least three miles in all directions (360 degrees) at such times and under such weather conditions as would allow visibility of 10 miles.

10. Within 30 days of the termination of fishing activities for that year, all poles and stakes must be removed by the pound net license holder.

11. The pound net license holder will be responsible for the cost of pole and/or stake removal where the Department accepts responsibility for such removal, due to the licensee's failure to comply with 10 above.

(d) Specific requirements for pound net users in the Atlantic Ocean are as follows:

1. When submitting a request for an ocean or submarine pound net license, the applicant must specify the specific proposed site-location for placement of each net. Upon site approval, the Department may issue the license. (Note: Permission for location of ocean pound nets is also required from the United States Army Corps of Engineers.)

2. No portion of a pound net may be set within 1,500 feet or greater than 7,000 feet from the mean low water line on the ocean shoreline.

3. No row of pound nets may be erected or operated within one and one-half miles of any other row of pound nets, when measured parallel with the coastline.

4. No more than two pound nets may be joined together.

5. A minimum distance of 1,000 feet, when measured perpendicular to the coastline, must be maintained between individual or paired pound nets set in a row.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7:25-18.3 Net identification tags

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

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

7:25-18.4 Spearfishing

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

Amended by R.1985 d.609, effective January 7, 1985.
See: 16 N.J.R. 2478(a), 17 N.J.R. 79(a).
Amended by R.1995 d.82, effective February 6, 1995.
See: 26 N.J.R. 4277(b), 27 N.J.R. 487(a).

7:25-18.5 General net regulations

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

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

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

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

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

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

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

(g) Individuals intending to take fish with a net in the marine waters of this State pursuant to N.J.S.A. 23:5-24.2 shall, as required, apply to the Commissioner for a license and/or permit. To be eligible for a gill net license in 2003, an applicant must provide a copy of a previously valid New Jersey gill net license held by the applicant between January 1, 1997 and July 13, 2000. Individuals may purchase the

greatest number of each type of gill net license they held in any one calendar year between January 1, 1997 and July 13, 2000. To be eligible for a gill net license in all subsequent years, an applicant must provide a copy of a previously valid gill net license held by the applicant from the preceding year. Individuals must purchase the maximum number of gill net licenses to which they are entitled annually. Any licenses not purchased will be forfeited. The holder of a valid gill net license not pending revocation or court action due to violation of provisions of this subchapter may transfer the right to purchase all of the gill net licenses he or she is entitled to purchase to another individual at any time, upon notification to the Department. The new licensee shall have a license(s) issued in his or her name after payment of the fee specified in (g)5vi or (g)6ix below. Any licenses not purchased by the new entrant will be forfeited. Individuals who applied to the gill net delayed entry program prior to July 13, 2000 and who obtained gill net licenses after the July 13th control date in 2000 or in 2001 or who obtained gill net licenses or are eligible to obtain gill net licenses in 2002, will be restricted to purchase a maximum of two drifting and/or six staked or anchored gill net licenses. Any licenses not purchased in any year will be forfeited. Availability of Delaware Bay Gill Net Permits shall be determined pursuant to N.J.A.C. 7:25-18.6 through 18.11. Upon receipt of the application, and the prescribed license fee, the Commissioner may, in his or her discretion, issue single season licenses and/or permits as specified for each net type for the taking of fish with nets only as follows:

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

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

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

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

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

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

- ii. A person shall not use or attempt to use a fyke net for any species in Lake Takanassee, Spring Lake, Wreck Pond and Deal Lake, or in the area commonly known as Collins Cove off the Mullica River between a line starting at aid to navigation channel marker flashing red number 8 (latitude 39°33.36'N, longitude

74°28.39'W), bearing approximately 229°T to a point on the western shore of Collins Cove at latitude 39°33.09'N, longitude 74° 28.72'W and the Garden State Parkway where it crosses the Mullica River;

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

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

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

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

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

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

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

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

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

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

iv. No miniature fyke or pot shall be placed in any man-made lagoon or in any marked or charted channel except noncommercial pots or miniature fykes fastened to a pier or other shore connected structure by a line no longer than twice the depth of the water at that point.

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

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

vi. Prior to suspension or revocation of the license, the licensee shall have the opportunity to request a 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.

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

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

- (1) Hand held dip nets 24 inches in diameter or less;
- (2) Bait seines not exceeding 150 feet and mesh not less than three eighths inches stretched, inside measurements, and not more than 2.5 inches stretched;
- (3) Cast nets not exceeding 30 feet in diameter;
- (4) Lift or umbrella nets not exceeding four feet square; and
- (5) Killipots with mesh not less than three sixteenth inches bar, inside measurements, and not exceeding 10 inches in diameter or 25 inches in length if cylindrical or 2,000 cubic inches for any other

conformation for the taking of killifish (Cyprinodontidae spp.) only;

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

iii. No person shall take more than 35 river herring (alewife and blueback herring in the aggregate) per day with any dip net, cast net, lift or umbrella net or bait seine; and

iv. The simultaneous possession of greater than 35 alewife or blueback herring in the aggregate and any dip net, cast net, lift or umbrella net or bait seine shall constitute prima facie evidence of the violation of this rule.

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

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

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

iii. Drifting gill nets shall be used in the Atlantic Ocean only from February 12 through December 15. Drifting gill nets shall not be used in the Atlantic Ocean within 100 fathoms of the marked channel of any inlet. Drifting gill nets between 2.75 inches stretched mesh

and 3.25 inches stretched mesh shall be subject to the permitting and reporting requirements specified in (g)5vii below, and

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

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

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

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

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

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

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

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

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

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

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

(2) All permittees shall submit monthly reports of their catch and effort and other information as may be determined by the Department on forms provided by the Department. These reports shall be filed with the Division no later than 10 calendar days after each monthly reporting period. If no fishing activity was

metal not greater than 3/32 inch (2.4 mm) in diameter; or magnesium alloy, timed float release (pop-up device), or similar magnesium alloy fasteners;

(3) The door of the pot may serve as the ghost panel if the door is fastened to the pot with a material specified in (g)11viii(2) above;

(4) The escape vent specified in (g)11vii above may serve as a ghost panel if the escape vent is incorporated into a panel constructed of, or attached to the pot with, a material specified in (g)11viii(2) above, and, upon breakdown of the degradable materials, will create an opening of at least the dimensions specified in (g)11viii(1)(A) and (B) above for the exit of lobster and fish; and

(5) Pots constructed entirely or partially of wood shall be considered to be in compliance with this subparagraph if constructed of wood lath to the extent that deterioration of wooden component(s) will result in an unobstructed opening as specified in (g)11viii(1)(A) and (B) above.

ix. A modified lobster or fish pot may be used for the taking of conchs or whelks and spider crabs in all marine waters of the State including the Atlantic Ocean with the exception of the Newark Bay Complex.

(1) Any such conch pot is defined as a rectangular shaped device no larger than 30 inches on any side; or a cylindrical shaped device not greater than 34 inches in diameter and 30 inches in height. Conch pots must allow for an unobstructed opening on their top surface measuring not less than eight by eight inches square or nine inches in diameter. Conch pots using horseshoe crabs as bait must contain a bait-saving device containing a horseshoe crab or parts of a horseshoe crab as bait which, by design, extends the effective fishing time of the horseshoe crab bait in the water. Conch pots cannot contain a parlor, funnel, or other entrapping mechanism in the interior of the pot. Any similar configuration may be approved for use upon application to the Division and receipt of written approval. Such applications must contain a diagram detailing the shape and dimensions of the requested conch pot configuration.

(2) Conch pots may be tended only from 0400 hours (4:00 A.M.) to 2100 hours (9:00 P.M.).

(3) No conch pot shall be placed in a creek, ditch or tributary less than 50 feet wide at mean low water, in any marked or charted channel or in any man-made lagoon;

x. The lobster or fish pot season shall begin on January 1 and end on December 31;

xi. The resident fee for lobster or fish pots shall be \$100.00 regardless of the number of pots employed.

12. Shad nets for the Hudson River shall be held in place by either stakes or anchors and shall not exceed 200 fathoms in length. The smallest mesh of any shad net shall not be less than five inches stretched.

i. Shad nets shall be marked at each end with a fluorescent orange float at least 12 inches in diameter or a fluorescent orange flag at least 12 inches square and suspended at least two feet above the mean high waterline.

ii. Shad nets shall be used in the Hudson River for the taking of shad only.

(h) Nonresident license fees shall be the same as resident fees established in this section if a resident of this State may obtain a license to fish for similar species of fish with similar gear in the nonresident applicant's state for the same fee as a resident of that state. Otherwise, the license fee for a nonresident is 10 times the license fee charged to a resident.

(i) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify seasons, mesh sizes, maximum net lengths, species allowed to be harvested by specific gear types, escape vent sizes, ghost panel sizes and acceptable materials for fastening ghost panels to pot and traps 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.

(j) An applicant who is otherwise eligible for a Gill Net or Lobster or Fish Pot license under (g)11 above, but who fails to provide a copy of his or her license before the December 31 expiration of that license, may request an extension of time to renew in accordance with this subsection and (k) through (m) 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 license for which the extension of time to renew is requested;

ii. Explain in detail why the extension of time to renew is needed, including a statement of the type and degree of hardship that prevented the timely renewal of the license, and the hardship that will result to the applicant if the license is not renewed; and

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

(k) The Department shall approve an extension request under (j) 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 renewing his or her Gill Net License or Lobster or Fish Pot License during the 12-month application period preceding the year for which the license/permit is requested;

2. By reason of extraordinary or exceptional situation or condition, strict compliance with the deadline in (g)11 above would result in exceptional and undue hardship upon the applicant; and

3. The circumstances supporting (k)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 licensing program.

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

(m) 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.

Amended by R.1988 d.285, effective June 20, 1988.

See: 19 N.J.R. 1610(a), 20 N.J.R. 1344(b).

Substantially amended.

Amended by R.1988 d.286, effective June 20, 1988.

See: 20 N.J.R. 866(a), 20 N.J.R. 1345(a).

Amended (g)4.

Administrative Correction to (g)6vi: Added text.

See: 22 N.J.R. 2301(a).

Amended by R.1991 d.278, effective June 3, 1991.

See: 22 N.J.R. 1311(a), 23 N.J.R. 1792(a).

Changed "persons" to "individuals"; added reference to "permits" in (g).

Amended by R.1992 d.143, effective March 16, 1992.

See: 24 N.J.R. 4(c), 24 N.J.R. 1113(a).

Further eligibility qualifications for certain fishing with nets added at (g); specifications regarding the tributaries of the Delaware Bay.

Amended by R.1992 d.449, effective November 16, 1992.

See: 24 N.J.R. 207(a), 24 N.J.R. 4256(a).

Requirements to eliminate fyke netting and haul seining from certain small bodies of water.

Amended by R.1994 d.202, effective April 18, 1994.

See: 25 N.J.R. 5397(a), 26 N.J.R. 1633(a).

Amended by R.1994 d.615, effective December 19, 1994.

See: 26 N.J.R. 1931(a), 26 N.J.R. 5011(a).

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

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

Administrative correction.

See: 27 N.J.R. 1794(a).

Administrative correction.

See: 27 N.J.R. 2212(a).

Administrative change.

See: 27 N.J.R. 4916(c).

Amended by R.1996 d.587, effective December 16, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3998(a), 28 N.J.R. 5231(a).

Made changes to mesh sizes throughout; inserted (g)2iii, (g)4ii, and (g)11vi; and recodified from (g)2iii through (g)2viii as (g)2iv through (g)2ix, (g)4ii and (g)4iii as (g)4iii and (g)4iv, and (g)11vi through (g)11x as (g)11vii through (g)11xi.

Amended by R.1997 d.246, effective June 2, 1997.

See: 29 N.J.R. 285(a), 29 N.J.R. 2555(a).

In (g), made nonsubstantive changes; and substantially amended (g)11.

Amended by R.1999 d.52, effective February 16, 1999.

See: 30 N.J.R. 3881(a), 31 N.J.R. 538(a).

Rewrote (g)11; and added (i).

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

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

Amended by R.2001 d.346, effective September 17, 2001.

See: 33 N.J.R. 453(a), 33 N.J.R. 3352(a).

In (g), rewrote the second sentence and deleted the fifth sentence in the introductory paragraph, inserted 3iv, rewrote the first sentence in 9 and substituted "exceeds 100 lobsters" for "occurs" in 11vi(1).

Administrative change.

See: 34 N.J.R. 921(a).

Amended by R.2002 d.277, effective August 19, 2002.

See: 34 N.J.R. 1375(a), 34 N.J.R. 2995(a).

Rewrote (g).

Emergency amendment, R.2003 d.223, effective May 1, 2003 (to expire June 30, 2003).

See: 35 N.J.R. 2366(a).

In (g)11ix(1), inserted a new third sentence.

Adopted concurrent amendment, R.2003 d.305, effective June 30, 2003.

See: 35 N.J.R. 2366(a), 35 N.J.R. 3611(b).

Provisions of R.2003 d.223 adopted without change.

Amended by R.2004 d.20, effective January 5, 2004.

See: 35 N.J.R. 4224(b), 36 N.J.R. 174(b).

In (g)2, deleted former vii and viii, and recodified former ix as new vii; in (g)11ix, inserted "and spider crabs" following "conchs or whelks".

Administrative change.

See: 37 N.J.R. 1177(b).

Public Notice: Horseshoe crabs.

See: 37 N.J.R. 4074(a), 5066(a).

Amended by R.2005 d.413, effective November 21, 2005.

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

Added (j)-(m).

Administrative change.

See: 38 N.J.R. 5359(a).

Petition for Rulemaking. Horseshoe crabs.

See: 39 N.J.R. 700(b), 1528(a).

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

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

In the introductory paragraph of (g), inserted "or she"; added (g)3v and (g)3vi; in the introductory paragraph of (g)11, deleted "and" preceding "pursuant to"; in the introductory paragraph of (g)11i, substituted "March 31" for "h 31"; rewrote (g)11i(4) and (g)11i(5); and in (i), inserted "or to maintain consistency with any Mid-Atlantic Fishery Management Council plan adopted by the National Marine Fisheries Service".

Administrative change.

See: 42 N.J.R. 1374(a).

7:25-18.6 Delaware Bay commercial and non-commercial gill net permit.

(a) An individual utilizing a drifting, staked or anchored gill net in that portion of Delaware Bay or its tributaries defined as the area east of the New Jersey-Delaware boundary enclosed by a line from Cape Henlopen, Delaware to Cape May Point Light, New Jersey and the "southwest line" as defined in N.J.S.A. 50:3-11 shall have a commercial or non-commercial gill net permit for each gill net license in their possession. The person shall have the permit on his or her person at all times while fishing in that portion of Delaware Bay or its tributaries defined in this subsection.

(b) For a period of 60 days following June 3, 1991, Delaware Bay commercial and non-commercial gill net permits shall be issued in accordance with N.J.A.C. 7:25-18.5.

ii. Along with the sale of his or her vessel to a new owner. The owner selling the vessel shall no longer be eligible for a tautog permit based on the harvesting history of the vessel being sold.

8. Transfer of a permit to a new vessel shall be limited to the same gear type(s) of the originally permitted vessel.

9. No permit shall be transferred without the prior approval of the Department.

10. A vessel possessing a permit to commercially harvest tautog by angling or hook and line or spearfishing and when operating under the permit shall be subject to the following:

i. Crew size shall be limited to no more than five persons, including the captain; and

ii. The vessel shall not carry any passengers for hire. When carrying passengers for hire, the tautog permit is not valid and the possession limits and seasonal restrictions as specified in N.J.A.C. 7:25-18.1 apply.

11. The annual tautog harvest quota for New Jersey shall be 103,000 pounds or as modified by the Commissioner pursuant to (i) below. All landings of tautog in New Jersey shall be applied to the New Jersey annual quota.

i. The commercial season for tautog shall be from June 5 through June 30 and November 1 through January 15.

ii. The Commissioner, or his or her designee, shall close the season for the commercial tautog fishery upon four days public notice of the projected date the annual quota shall be caught. Public notice shall include letters by first class mail to all New Jersey Tautog Permit and New Jersey Non-Directed Fishery Tautog Permit holders.

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

iv. If the Commissioner, or his or her designee, closes the season prematurely because of unanticipated environmental events resulting in the quota not being landed by the projected date and at least one month remains in the current season, then the Commissioner, or his or her designee, may reopen the season for a specified period of time upon four days public notice. Public notice shall be made as specified in (c)11ii above.

v. If the quota for any year is exceeded, the amount over harvested will be deducted from the following year's annual quota.

vi. Beginning in 1997, the Department shall notify the holders of New Jersey Tautog Permits and New Jersey Non-Directed Fishery Tautog Permits of the season allocations no later than January 31 of the year to

which the allocation applies. Notification shall be by first class mail to permit holders.

vii. All New Jersey Tautog Permit and New Jersey Non-Directed Fishery Tautog Permit holders 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 five working days following the end of the reported month at the following address:

Tautog Program
Nacote Creek Research Station
PO Box 418
Port Republic, NJ 08241-0418

(1) The monthly report shall include, but not be limited to, the following information: name, permit number, total amount (in pounds) of tautog taken, dates caught, time at sea, duration of fishing time, area fished, crew size, landing port, date sold, buyer. This information shall be provided for any trip in which tautog are landed.

(2) If no trips for tautog were taken and no tautog were landed during the month, a report to that effect shall be required.

12. 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 submit the required documentation to the application shall result in the denial of the permit.

ii. Falsification or misrepresentation of any information on the application including documentation provided to verify the amount of tautog landed as specified in (c)2ii(2) and (c)5ii(1) above shall result in the denial or revocation of the permit in addition to any civil or criminal penalties prescribed by law.

iii. Failure to comply with the provisions of (c)11iii above, landing tautog after the season has been closed, or (c)11vii above, failure to submit accurate and timely monthly reports, shall result in the suspension during open seasons for tautog or revocation of the vessel's tautog permit according to the following schedule:

- (1) First Offense: 60 days suspension
- (2) Second Offense: 120 days suspension
- (3) Third Offense: permanent revocation

iv. In calculating the period of suspension or revocation applicable under (c)12iii above, the number of previous suspensions shall be reduced by one for each three-year period in which the permit holder does not commit any other violation subject to this subsection, provided, however, that if more than one suspension is imposed within a three-year period, only one of those

suspensions may be forgiven under the subparagraph; therefore, a permit holder who incurs more than one suspension in a three-year period shall not be considered a first offender under this subsection regardless of the length of any subsequent period without violation. The reduction in suspensions provided in this subparagraph applies only to determination of suspension periods; all prior suspensions shall be taken into account in calculating monetary penalties in accordance with N.J.S.A. 23:2B-14.

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

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

1. A person shall not possess more sharks than the number specified in the possession limit at N.J.A.C. 7:25-18.1(c) without a valid annual vessel permit for sharks issued by the National Marine Fisheries Service or a New Jersey commercial fishing license issued for the gear allowed in the commercial shark fishery. With a valid annual vessel permit or a New Jersey commercial fishing license, the maximum possession limit is 33 sharks from the Large Coastal shark species group, an unlimited number of sharks from the Small Coastal shark species group, and an unlimited number of sharks from the Pelagic shark species group. A person shall not sell or attempt to sell any sharks without a valid annual vessel permit for sharks issued by the National Marine Fisheries Service or a New Jersey commercial fishing license issued for the gear allowed in the commercial shark fishery.

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

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

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

4. The commercial fishing season for shark and smooth dogfish shall be from January 1 through December 31, except the harvest of Large Coastal sharks shall be

prohibited from May 15 through July 15. A fisherman legally harvesting any of the Large Coastal sharks in Federal waters from three to 200 nautical miles offshore during the May 15 through July 15 time period may transport his or her catch through the State marine waters of New Jersey provided that the fisherman notifies the Department by calling 609-748-2050 prior to entering the State's marine waters and provided:

i. That the vessel does not engage in fishing within the closed area while possessing the above species;

ii. The sharks possessed were not caught in the closed area; and

iii. All fishing gear is stowed and not available for immediate use as defined below:

(1) "On-reel" stowage for vessels transiting a closed area shall be as follows:

(A) The net shall be on a reel, its entire surface is covered with canvas or other similar opaque material, and the canvas or other material is securely bound;

(B) The towing wires shall be detached from the doors; and

(C) No containment rope, codend tripping device, or other mechanism to close off the codend shall be attached to the codend; and

(2) Gillnet gear stowage for vessels transiting a closed area shall be as follows:

(A) All nets shall be covered with canvas or other similar material and lashed or otherwise securely fastened to the deck or rail; and

(B) All buoys larger than six inches (15.24 centimeters) in diameter, high flyers, and anchors shall be disconnected.

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

6. All sharks harvested by commercial fishermen shall have tails and fins attached naturally through dockside landing. Commercial fishermen may completely remove the fins of smooth dogfish from March through June each year. If the fins are removed, the total wet weight of the fins shall not exceed five percent of the total dressed weight of smooth dogfish carcasses landed or found on board a vessel. From July through February, for the smooth dogfish fishery only, commercial fishermen may completely remove the head, tail, pectoral fins, pelvic (ventral) fins, anal fin, and second dorsal fin, but shall keep the first dorsal fin attached naturally to the carcass through landing. If fins are removed, the total wet weight of the smooth dogfish fins shall not exceed five percent of the total

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).

Administrative change.

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

(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