

7:25-17.1 Scope

This subchapter shall constitute the rules governing the disposal and possession of dead deer found on or along any New Jersey public highway or on private property.

7:25-17.2 Purpose

The purpose of this subchapter is to provide for efficient, effective and utilitarian removal of dead deer found on or along any New Jersey public highway or on private property.

7:25-17.3 Construction

These rules shall be liberally construed to permit the department to effectuate the purposes of N.J.S.A. 23:4-43.

7:25-17.4 Authorized persons and disposal or possession

Deer found dead on or along any New Jersey public highway shall be disposed of by New Jersey State or municipal police officers or persons authorized by them at a sanitary landfill or other site approved by the Division of Waste Management of the Department of Environmental Protection or the police agency may authorize possession, as conditioned in N.J.A.C. 7:25-17.6.

7:25-17.5 Dead deer on private property

Deer found dead on any private property shall be disposed of by State or municipal police officers, or personnel authorized by them, upon request of the property owner, in the manner prescribed in N.J.A.C. 7:25-17.4. The owner or lessee of cultivated lands who kills deer under permit of the Division of Fish, Game and Wildlife on such property shall dispose of the dead deer as directed by the Division of Fish, Game and Wildlife.

7:25-17.6 Possession of dead deer

(a) New Jersey State or municipal police officers shall issue a written permit to possess the accidentally killed deer for consumption, or to transfer the deer carcass to another person for consumption, on forms provided by the Division of Fish, Game and Wildlife upon satisfaction of both of the following conditions:

1. The deer was killed by an accidental collision with a motor vehicle; and
2. The accidental collision was reported to the New Jersey State or municipal police as soon as possible.

(b) The permit described in (a) above shall be valid for 90 days from date of issue.

(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.

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 New Jersey Division of Fish, Game and Wildlife on a quarterly basis of the following information on forms provided by the Division of Fish, Game and Wildlife:

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.

SUBCHAPTER 18. MARINE FISHERIES

Subchapter Historical Note

Pursuant to the authority of N.J.S.A. 23:2B-6, Subchapter 18, Marine Fisheries, was filed and became effective September 17, 1980 as R.1980 d.394. See: 12 N.J.R. 312(a), 12 N.J.R. 576(c). Subchapter 18 was readopted 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 a new subchapter on the same subject matter was adopted 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). See, also, section annotations.

7:25-18.1 Size, season and possession limits

(a) 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.

Species	Scientific Name	Minimum Size (inches)
Atlantic Mackerel	Scomber scombrus	7
Atlantic Sturgeon	Acipenser oxyrinchus	60
Black Sea Bass	Centropristis striata	8
Bluefish	Pomatomus saltatrix	9
Conch	Busycyon carica	5
	Busycotypus canaliculatum	
	Busycyon contrarium	
Kingfish	Menticirrhus saxatilis	8
	Menticirrhus americanus	
Porgy (Scup)	Stenotomus chrysops	9
Goosefish (Monkfish)	Lophius americanus	17
Winter Flounder	Pleuronectes americanus	12

1. In addition to the total minimum goosefish size, all goosefish 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 goosefish livers landed shall not be more than 30 percent of the total weight of all goosefish tails

landed or 12 percent of the total weight of all goosefish landed.

2. A person may not possess a dressed Atlantic sturgeon for sale less than 36 inches in length, subject to the additional provisions in N.J.A.C. 7:25-18.15. Dressed length is the length of an Atlantic sturgeon after the entire head, collar, tail and viscera have been removed.

(b) A person shall not take from the marine waters in the State or have in his or her possession 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 sales purposes. Fish length shall be measured from the tip of the snout to the tip of the tail.

Species	Scientific Name	Minimum Size inches
American eel	Anquilla rostrata	6
Atlantic Cod	Gadus morhua	19
Atlantic Sturgeon	Acipenser oxyrhynchus	60
Cobia	Rachycentron canadum	37
Haddock	Melanogrammus aeglefinus	19
King Mackerel	Scomberomorus cavalla	23
Pollock	Pollachius virens	19
Porgy (Scup)	Stenotomus chrysops	7
Red Drum	Sciaenops ocellatus	18
Spanish Mackerel	Scomberomorus maculatus	14
Summer Flounder (Fluke)	Paralichthys dentatus	14
Tautog (Blackfish)	Tautoga onitis	12
Weakfish	Cynoscion regalis	14
Winter Flounder	Pleuronectes americanus	10

(c) A person angling with a hand line or with rod and line or using a bait net or spearfishing shall not take in any one day or possess more than the possession limit specified below for each species listed during the open season except as may be provided elsewhere in this subchapter, and subject to the provisions of any such section. A person angling or bait netting or spearfishing shall not possess any species listed below during the closed season for that species.

Species	Open Season	Possession Limit
Bluefish	Jan. 1-Dec. 31	10
King Mackerel	Jan. 1-Dec. 31	3
Scup	Jan. 1-Dec. 31	No limit
Spanish Mackerel	Jan. 1-Dec. 31	10
Summer Flounder	Jan. 1-Dec. 31	8
Tautog	Jan. 1-Dec. 31	No limit
Weakfish	Jan. 1-Dec. 31	14
Winter Flounder	March 1-May 31 and Sept. 15-Dec. 31	No limit

(d) 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.

Species	Possession Limit
Atlantic Sturgeon	0
Cobia	2
Red Drum	5, only 1 of which may be greater than 27 inches

(e) Except as provided in (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) above or any other species of flatfish, 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.

(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 (b) 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 (b) above and no flatfish parts or carcasses shall be discarded overboard; of the species specified at (b) above, only whole live fish may be returned to the water;

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

iii. All fish carcasses of species specified at (b) 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 shall be less than seven 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 fillet or part of any species listed below shall have the skin removed and no fillet shall be less than the minimum length in inches specified below.

Species	Minimum fillet or part length
Atlantic Cod	13 inches
Cobia	26 inches
Haddock	13 inches
King Mackerel	16 inches
Pollock	13 inches
Red Drum	13 inches
Spanish Mackerel	10 inches

Species	Minimum fillet or part length
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 violator 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: 30 days suspension;
- (2) Second offense: 90 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. 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 (a), (b), (c), (d) or (e) above shall be liable to a penalty of \$20.00 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 waters of the State of New Jersey within the Delaware River or its tributaries from the Trenton Falls 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.

(i) Except for 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 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 of increasing size.

2. For 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 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) 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.

(n) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify the fishing seasons, minimum size limits and possession limits 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). 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 of Fish, Game and Wildlife outdoor writers' mailing list.

(o) 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.

(p) 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 of Fish, Game and Wildlife.

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.

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: