

N.J.A.C. 7:25-5.27(a) and on the Wednesday immediately following the six-day firearm deer season.

(b) The annual season for hunting eastern gray squirrel by properly licensed persons engaged in falconry shall begin on September 1 and conclude the following March 31, inclusive; except the season shall be closed during the six-day firearm deer season as specified in N.J.A.C. 7:25-5.27(a) and on the Wednesday immediately following the six-day firearm deer season.

(c) Daily bag limit: Five squirrels. No season limit.

(d) Hunting hours for squirrels are sunrise to ½ hour after sunset, except on the Saturday following the first Monday in November when legal hunting hours are 8:00 A.M. to ½ hour after sunset.

(e) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4-1 and 23:4-2 and other applicable statutes.

Amended by R.1995 d.427, effective August 7, 1995.

See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

Amended by R.1996 d.404, effective August 19, 1996 (operative August 24, 1996).

See: 28 N.J.R. 2434(b), 28 N.J.R. 3934(a).

Amended by R.1997 d.327, effective August 4, 1997 (operative August 9, 1997).

See: 29 N.J.R. 2213(a), 29 N.J.R. 3462(a).

Amended dates of hunting season throughout.

Amended by R.1998 d.408, effective August 3, 1998 (operative August 8, 1998).

See: 30 N.J.R. 1681(a), 30 N.J.R. 2886(a).

In (a), (b), and (d), changed season dates throughout.

Amended by R.1999 d.287, effective August 16, 1999 (operative August 21, 1999).

See: 31 N.J.R. 1231(a), 31 N.J.R. 2338(a).

Changed dates throughout; and in (d), inserted "1/2 hour before" following "squirrels are".

Amended by R.2000 d.365, effective September 5, 2000 (operative September 10, 2000).

See: 32 N.J.R. 1673(a), 32 N.J.R. 3294(a).

Changed dates throughout.

Amended by R.2001 d.300, effective August 20, 2001 (operative August 25, 2001).

See: 33 N.J.R. 1527(a), 33 N.J.R. 2829(a).

Rewrote section.

Amended by R.2002 d.272, effective August 19, 2002, (operative August 24, 2002).

See: 34 N.J.R. 1504(a), 34 N.J.R. 2973(a).

Changed dates throughout (a), (b) and (d).

Amended by R.2003 d.359, effective September 2, 2003 (operative September 7, 2003).

See: 35 N.J.R. 1804(a), 35 N.J.R. 4053(a).

Changed dates throughout (a), (b) and (d).

Amended by R.2005 d.321, effective September 19, 2005 (operative September 24, 2005).

See: 37 N.J.R. 1959(a), 37 N.J.R. 3657(a).

Rewrote (a), (b) and (d).

Amended 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).

Rewrote (a) and (b); and in (d), substituted "the Saturday following the first Monday in November" for "November 12, 2005; November 11, 2006; November 10, 2007; November 10, 2008; November 7, 2009; and November 13, 2010".

## 7:25-5.6 Black bear (*Ursus americanus*), bobcat (*Felis rufus*)

(a) There is a closed season for bobcat. It shall be illegal to possess, take, kill or attempt to take or kill a bobcat at any time. It shall be illegal to use dogs to pursue or run black bear. There is a closed season for black bear until the Commissioner approves a comprehensive policy for the protection and propagation of black bear. Subsequent to approval of such comprehensive policy, there shall be an open season for black bear. Notice of the Commissioner's approval of the comprehensive policy and the Division's schedule for acceptance of applications for permits for the black bear hunt shall be published on the Division's website at [www.njfishandwildlife.com](http://www.njfishandwildlife.com). The season duration for black bear shall be concurrent with the six-day firearm deer season as enumerated in N.J.A.C. 7:25-5.27(a). Legal hunting hours for black bear shall be ½ hour before sunrise to ½ hour after sunset. Following the commencement of the season, the Director may, after consultation with the Chairman, close the season. To the extent possible, the Chairman will consult with available Council members prior to consultation with the Director. The Director will announce such closure, which will become effective 24 hours from the daily legal closing time of the day on which the decision is made, based upon data obtained and reviewed by the Division. Season closure will be announced by news release, radio, the Division's website ([www.njfishandwildlife.com](http://www.njfishandwildlife.com)) and other media.

1. Special black bear hunting permit requirement: All black bear hunters must have a current and valid firearm hunting license and a current and valid special "black bear hunting permit" which will be issued by the Division. A total of 10,000 special black bear hunting permits, allocated by bear management zone (BMZ), will be available to properly licensed firearm hunters who have successfully completed a mandatory black bear hunting seminar. A random lottery will be conducted, if demand exceeds supply in any BMZ. The Division will notify successful applicants of dates, times, locations and other requirements of the black bear hunting seminars. Successful applicants, who previously completed a black bear hunting seminar, may be waived from attending a current year seminar. Black bear hunting permits are not transferable and must be in the possession of the hunter while hunting black bear. Hunters are limited to one black bear hunting permit per year. Juvenile hunters aged 10 through 13 years of age must have a black bear hunting permit and be under the direct supervision of a properly licensed adult (21 years of age or older) while bear hunting. The adult must also possess a black bear hunting permit. Direct supervision means the juvenile hunter and the supervising adult are together at the same location. The juvenile hunter may not hunt independently of the adult.

i. Black bear hunting permits will be issued on an individual basis to holders of valid and current firearm hunting licenses. Black bear hunting permits are valid

only in the BMZ and year designated on the permit, and are not transferable.

ii. Black bear hunting permits consist of a back display and include a "Black Bear Transportation Tag." The back display shall be conspicuously worn in the middle of the back in addition to the valid firearm license.

iii. Black bear hunting permits shall be applied for as follows: Holders of valid and current firearm hunting licenses, including juvenile licenses, shall apply by submitting an application via the Division's ELS which has been properly completed in accordance with instructions or, in the event of ELS operating difficulties, by providing the same information at ELS locations through such alternate system as may be designated by the Division. First time permit applicants who do not possess a valid hunting license may apply for a black bear hunting permit provided they have applied for a hunter education course prior to the application period and have provided such related information as may be required on the application. Only two applications may be submitted per individual—one application for an initial permit lottery and one application for a left-over permit for a different BMZ. Submission of more than one application for the initial permit lottery or for a left-over permit by an individual will cause all applications to be void. All persons, while their hunting licenses are void under authority of law or as imposed by a court, are prohibited from making application for, or otherwise procuring, a black bear hunting permit. The application shall be completed to include the applicant's Conservation ID Number or name, address, BMZ applied for, and any other information required by law or requested. Applications must be received no later than October 30, annually, to be included in the initial permit drawing. If the number of applications exceeds the BMZ permit quota, permit selection will be by random drawing. After the regular permit application period and initial permit selection process, nothing contained herein shall preclude the Division from issuing unfilled or unclaimed permits on a first come-first served basis to any properly licensed hunter. Any permit obtained by fraud shall be void.

2. Bag limit: Only one bear of either-sex and any age may be taken per properly licensed hunter annually. It is unlawful to take or attempt to take or continue to hunt for more than the number of black bear permitted. Properly licensed hunters who harvest a black bear shall immediately complete and affix to the bear the "Black Bear Transportation Tag" from their Black Bear Hunting Permit. Information included on the black bear transportation tag shall include: the hunters name, address and current firearm license number; date and time of kill; BMZ, county and municipality of kill; and the sex of the black bear. Successful hunters must take the black bear to a designated check station by 7:00 P.M. on the day of the kill. Hunters

shall surrender the black bear transportation tag and will be issued a legal possession tag. Any legally killed black bear recovered too late to be brought to a designated black bear check station by 7:00 P.M. on the date of the kill must be reported immediately by telephone to the Northern Region Office of the Bureau of Law Enforcement. Hunters must provide their name, address and a telephone number where they can be reached on the telephone message recording device, if a Division representative is not available. Said black bear must be brought to a designated black bear check station on the next weekday to be registered and to receive a legal possession tag.

3. The black bear management zones are located as follows:

i. Zone 1. That portion of Warren and Sussex Counties lying within a continuous line beginning at the intersection of the Portland Bridge and the Delaware River at Columbia; then northward along the east bank of the Delaware River to the New York State Line; then east along the New York State Line to Rt. 519; then south along Rt. 519 to its intersection with Rt. 627; then south along Rt. 627 to its intersection with Rt. 626; then south along Rt. 626 to its intersection with Rt. 521; then southwest along Rt. 521 to its intersection with Rt. 94 in Blairstown; then southwest along Rt. 94 to the Portland Bridge, the point of beginning in Columbia. The islands of Labar, Tocks, Poxono, Depew, Namanock, Minisink and Mashipacong lying in the Delaware River are also included within this Hunting Area.

ii. Zone 2. That portion of Sussex, Warren and Morris Counties lying within a continuous line beginning at Portland Bridge in Columbia; then northward along Rt. 94 to its intersection with Rt. 521 in Blairstown; then north along Rt. 521 to its intersection with Rt. 626; then north along Rt. 626 to its intersection with Rt. 627; then north along Rt. 627 to its intersection with Rt. 519 in Branchville; then north along Rt. 519 to the New York State Line; then southeast along the New York State line to Rt. 517; then south along Rt. 517 to its intersection with Rt. 94; then south on Rt. 94 to its intersection with Rt. 23 in Hamburg Borough; then south along Rt. 23 to its intersection with Rt. 517 in Franklin; then south along Rt. 517 to its intersection with Rt. 15 in Sparta; then south along Rt. 15 to its intersection with Interstate 80 in Dover; then west along interstate 80 to its intersection with Rt. 94; then south along Rt. 94 to the intersection with the Portland Bridge and the Delaware River located in Columbia, the point of beginning.

iii. Zone 3. That portion of Sussex, Passaic, Morris and Bergen Counties lying within a continuous line beginning at the intersection of Rt. 80 and Rt. 15 in Dover; then north along Rt. 15 to its intersection with Rt. 517 in Sparta; then north along Rt. 517 to its intersection with Rt. 23 in Franklin; then north along Rt. 23/517 to

its intersection with 517 in Hamburg Borough; then north along Rt. 517 to the New York State Line; then east along the New York State Line to its intersection with Rt. 287; then south along Rt. 287 to its intersection with Rt. 80; then west along Rt. 80 to its intersection with Rt. 15 the point of beginning in Dover.

iv. Zone 4. That portion of Sussex, Warren, Morris, Somerset and Hunterdon Counties lying within a continuous line beginning at the intersection of Route 78 and the Delaware River; then north along the east bank of the Delaware River to the Portland Bridge at Columbia; then northeast along Rt. 94 to its intersection with Rt. 80; then east along Rt. 80 to its intersection with Rt. 287; then southwest along Rt. 287 to its intersection with Rt. 78; then west along Rt. 78 to the Delaware River the point of beginning.

v. Zone 5. That portion of Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties lying within a continuous line beginning at the intersection of Routes 78 and 287; then north along Route 287 to its intersection with the New York State line; then southeast along the New York state line to the Hudson River; then south along the west shore of the Hudson River to Upper New York Bay; then south along the shore of Upper New York Bay to the Kill Van Kull; then west along the north shore of the Kill Van Kull to Newark Bay; then west across Newark Bay to its confluence with the Arthur Kill; then south along the west shore of the Arthur Kill to its intersection with Route 440; then west along Route 440 to its intersection with Route 287; then northwest along Route 287 to its intersection with Rt. 78 the point of beginning.

vi. Zone 6. That portion of Warren, Hunterdon, Somerset, Middlesex, Mercer, Monmouth, Burlington, Ocean, Atlantic, Cape May, Cumberland, Salem, Gloucester and Camden Counties lying within a continuous line beginning at the intersection of Rt. 78 and the Delaware River; then east along Rt. 78 to its intersection with Rt. 287, then southeast along Rt. 287 to its intersection with Rt. 440; then south and east along Routes 287/440 to its intersection with the Arthur Kill at Perth Amboy; then south along the west shore of the Arthur Kill to Raritan Bay, then south and east along the shore of Raritan Bay to Sandy Hook; then north along the east shore of Sandy Hook Bay to the tip of Sandy Hook; then south along the Atlantic Ocean to the Delaware Bay shore; then north and west along the shore of Delaware Bay to its intersection with the Delaware River; then north along the east bank of the Delaware River to its intersection with Rt. 78, the point of beginning.

4. Only shotguns no smaller than 20 gauge or larger than 10 gauge with rifled slugs, and muzzleloader rifles of .44 or larger caliber shall be used. Persons hunting with muzzleloader rifle must also possess a current and valid rifle-hunting permit.

5. Hunting manner shall be by stand hunting, still-hunting or drive hunting with shotgun or muzzleloader rifle. Black bears may not be taken from dens. No person shall attempt to take or kill a black bear or have in their possession or control any firearm, or other weapon of any kind, while elevated in a standing tree or in a structure of any kind within 300 feet of a baited area (N.J.S.A. 23:4-24.2). Persons hunting black bear must wear a cap made of daylight fluorescent orange or an outer garment containing at least 200 square inches of fluorescent orange material visible from all sides at all times while hunting.

6. A Black Bear Management Zone Map is on file at the Office of Administrative Law and is available from the Division. The Black Bear Hunting Season Permit Quotas are as set forth by Zone as follows:

#### BLACK BEAR HUNTING SEASON PERMIT QUOTAS

<u>Bear Management Zone</u>	<u>Hunting Season Permit Quota</u>	<u>Portions of Counties Involved</u>
1	2,000	Sussex, Warren
2	3,000	Sussex, Warren, Morris
3	3,000	Sussex, Passaic, Morris, Bergen
4	2,000	Warren, Hunterdon, Morris, Somerset, Sussex
5	0	Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union
6	0	Warren, Hunterdon, Somerset, Middlesex, Mercer, Monmouth, Burlington, Ocean, Atlantic, Cape May, Cumberland, Salem, Camden, Gloucester

(b) Authority: The authority for the adoption of the foregoing section is found in N.J.S.A. 23:4.1 and other applicable statutes.

Amended by R.1995 d.427, effective August 7, 1995.

See: 27 N.J.R. 1897(a), 27 N.J.R. 2889(a).

Amended by R.2000 d.365, effective September 5, 2000 (operative September 10, 2000).

See: 32 N.J.R. 1673(a), 32 N.J.R. 3294(a).

Rewrote the section.

Notice of stay of black bear hunting season.

See: 32 N.J.R. 3592(a).

Amended by R.2001 d.300, effective August 20, 2001 (operative August 25, 2001).

See: 33 N.J.R. 1527(a), 33 N.J.R. 2829(a).

Rewrote (a); deleted (b) through (g); recodified (h) as (b).

Amended by R.2003 d.359, effective September 2, 2003 (operative September 7, 2003).

See: 35 N.J.R. 1804(a), 35 N.J.R. 4053(a).

Rewrote (a).

Amended by R.2004 d.385, effective October 4, 2004 (operative October 9, 2004).

See: 36 N.J.R. 2325(a), 36 N.J.R. 4513(b).

In (a), substituted "6-11, 2004 and shall be concurrent with the six-day firearm deer season" for "8-13, 2003" following "shall be December" in the introductory paragraph, and substituted "2004" for "2003" throughout 1.

Amended by R.2005 d.321, effective September 19, 2005 (operative September 24, 2005).

See: 37 N.J.R. 1959(a), 37 N.J.R. 3657(a).

Rewrote (a).

Amended by R.2007 d.239, effective August 6, 2007.

See: 39 N.J.R. 587(a), 39 N.J.R. 3324(a).

Rewrote (a)liii.

Amended 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).

In the introductory paragraph of (a)1 and in (a)1i, substituted "BMZ" for "black bear hunting area"; in the introductory paragraph of (a)1, substituted "bear management zone (BMZ)" for "black bear hunting area"; in (a)liii, substituted "two applications" for "one application" following "Only", the first occurrence of "BMZ" for "black bear hunting area" and the second occurrence of "BMZ" for "hunting area", and inserted "one application for an initial permit lottery and one application for a left-over permit for a different BMZ", "for the initial permit lottery or for a left-over permit" and "or unclaimed"; in (a)2, inserted "annually" and "BMZ" and substituted "7:00" for "8:00"; in the introductory paragraph of (a)3, substituted "management zones" for "hunting areas"; in (a)3i, (a)3iii, (a)3iv, (a)3v and (a)3vi, substituted "Zone" for "Black Bear Hunting Area No."; in (a)3i, substituted "then" for "the" preceding "southwest"; in (a)3ii, substituted "Zone" for "Black Bear Hunting No. Area"; and in header of the first column of the BLACK BEAR HUNTING SEASON PERMIT QUOTAS table in (a)6, substituted "Bear Management Zone" for "Black Bear Hunting Area".

#### Case Notes

Decision of the Commissioner of the Department of Environmental Protection not to implement the 2005 Comprehensive Black Bear Management Plan (CBBMP) was affirmed since the policy was not adopted pursuant to the rulemaking provisions of the Administrative Procedure Act (APA); because the 2005 CBBMP set guidelines as to when and if a hunt can occur, it implicated matters of general administrative policy, warranting rulemaking pursuant to the APA. *N.J. Animal Rights Alliance v. N.J. Dep't of Env'tl. Prot.*, 396 N.J. Super. 358, 934 A.2d 52, 2007 N.J. Super. LEXIS 324 (App.Div. 2007).

#### 7:25-5.7 Wild turkey (*Meleagris gallapavo*)

(a) The duration of the Fall Either Sex Wild Turkey Hunting Seasons for Turkey Hunting Areas 1, 2, 3, 4, 5, 8, 9, 11, 20, 21 and 22 shall include a hunting period "N" of six consecutive days beginning on the last Monday in October. There shall be no Fall Turkey Hunting in Turkey Hunting Areas 6, 7, 10, 12, 14, 15, and 16. The hunting periods for all Spring Wild Turkey Gobbler Seasons shall be as set forth in (a)1 through 6 below as follows:

1. Hunting Period A: A period of five consecutive days beginning the fifth Monday before Memorial Day;
2. Hunting Period B: A period of five consecutive days beginning the fourth Monday before Memorial Day;
3. Hunting Period C: A period of five consecutive days beginning the third Monday before Memorial Day;
4. Hunting Period D: Two periods of five consecutive days, one beginning the second Monday before Memorial

Day, and the other beginning the Monday before Memorial Day;

5. Hunting Period E: A period of four days including the fifth, fourth, third and second Saturdays before Memorial Day;

6. Hunting Period Y, exclusively applicable to youth hunters 10 to 16 years of age: The sixth Saturday before Memorial Day, as designated in (o) below. If no turkey is harvested on this special youth spring turkey hunting day, the Y permit may be used for the duration of the Spring Wild Turkey Gobbler season until a bird has been harvested, as defined in (d) below.

(b) Bag Limit: The bag limit for the spring turkey hunting season is one male wild turkey with each special wild turkey, general turkey hunting, private land turkey hunting permit and with each special farmer turkey permit. Only one turkey may be taken in a given day. The bag limit for the fall season is one wild turkey of either-sex per permit.

(c) The hunting hours for wild turkey gobblers in the spring season shall be 1/2 hour before sunrise to noon daily. Hunting hours for the fall either sex turkey season shall be 1/2 hour before sunrise to 1/2 hour after sunset daily.

(d) Special wild turkey hunting permits are valid only during the hunting period designated and only in the designated turkey hunting area. Permittees aged 10 to less than 14 years of age shall be accompanied by and under the direct supervision of a properly licensed adult who is at least 21 years of age. For the purposes of this section, direct supervision is defined as both the juvenile hunter and properly licensed adult set up together at the same location, hunting as a unit and not hunting independently of each other for different birds. Youth hunters, 10 to 16 years of age, may obtain only one permit for Hunting Period Y per season. Youth hunters may use their Hunting Period Y permit in the designated zone at any time the season is open, including the special youth spring turkey hunting day enumerated in (o) below. Youth hunters possessing permits for Hunting Periods A, B, C, D or E may only use these permits during the periods specified and on the special youth spring turkey hunting day. Youth hunters are not required to use their Hunting Period Y permit before using other permits. After taking their bird with a permit for Hunting Period Y, youth hunters are subject to the same area and hunting period that any additional regular period hunting permit designates. Permits are not transferable.

(e) Hunting methods shall be restricted to calling or stand hunting during the spring gobbler season. No person shall stalk or attempt to approach a wild turkey for the purpose of taking or attempting to take the bird. All persons must have a turkey calling device in their possession while turkey hunting. No person shall use an electronic calling device for calling turkeys at any time during the open season. Persons may not drive or chase wild turkeys for the purpose of putting them in range of hunters, except that fall hunters may rush turkeys for the purpose of causing the flock to scatter. No group of