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## **ENVIRONMENTAL PROTECTION**

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

#### **Fish and Game Council**

**Adopted Amendments: N.J.A.C. 7:25-6.1, 6.2, 6.3, 6.8, 6.12, 6.13, 6.15, 6.20, 6.22, 6.25 and 6.26**

#### **2012 - 2013 Fish Code**

Authorized By: Fish and Game Council, David Burke, Acting Chairperson

Proposed: August 1, 2011 at 43 N.J.R. 1632(a)

Adopted: November 1, 2011 by the Fish and Game Council, David Burke,  
Acting Chairperson

Filed: as R.2011 d., **without change**

Authority: N.J.S.A. 13:1B - 29 et seq. and 23:1-1 et seq.

DEP Docket Number: 10-11-06

Effective Date: January 1, 2012

Expiration Date: July 13, 2014

The Fish and Game Council (Council) is adopting amendments to N.J.A.C. 7:25-6.1 through 6.3, N.J.A.C. 7:25-6.8, N.J.A.C. 7:25-6.12 through 6.13, N.J.A.C. 7:25-6.15, N.J.A.C. 7:25-6.20, N.J.A.C. 7:25-6.22, and N.J.A.C. 7:25-6.25 through 6.26. The proposed amendments were published in the New Jersey Register on August 1, 2011 at

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43 N.J.R. 1632(a). The sixty-day comment period closed on September 30, 2011.

Additional notice was achieved by faxing notification to all State House press offices, postings on the Department of Environmental Protection's website and the Division of Fish and Wildlife's website, and e-mailing the Department's rule making list serve and the Division's 15,000 freshwater list serve members.

**Summary** of Hearing Officer's Recommendation and Agency Response:

A public hearing was conducted on September 13, 2011 at the Division of Fish and Wildlife's Central Region Office, Clarksville-Robbinsville Road in Robbinsville, New Jersey. No members of the public attended. After reviewing written comments received during the comment period, the Fish Committee recommended that the Council adopt the proposed amendments without change.

A public meeting of the New Jersey Fish and Game Council was held on October 11, 2011 at the Division of Fish and Wildlife's Central Region Office, Clarksville-Robbinsville Road in Robbinsville, New Jersey. The Council, after having considered written comment received relevant to the proposed amendments and the recommendation of the Fish Committee, adopted the amendments without change.

**Summary** of Public Comments and Agency Responses:

One written comment was received during the comment period.

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The following commenter submitted oral or written comments on the proposed amendments to N.J.A.C. 7:25-6.

1. Guerrero, Anthony, Round Valley Trout Association

A summary of the comments timely submitted and the Council's responses follows. The number(s) in parentheses after each comment identifies the respective commenter(s) listed above.

N.J.A.C. 7:25-6.8(b)

1. COMMENT: The Round Valley Trout Association supports increasing the daily creel limit of lake trout, measuring from 15 up to 24 inches, from two to five per day at Round Valley Reservoir, located in Hunterdon County. (1)

RESPONSE: The Council acknowledges the comment in support of the rule.

#### Federal Standards Analysis

Executive Order No. 27(1994) and N.J.S.A. 52:14B-1 et seq. require State agencies which adopt, readopt or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a Federal standards analysis.

The United States Fish and Wildlife Service regulates the harvesting of freshwater fish in National Wildlife Refuge Areas in New Jersey pursuant to the National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd (1966), and regulations (50 CFR 32 - 49).

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In all other areas of the State, where there are no Federal regulations pertaining to the harvest of freshwater fish, the State's Fish Code applies.

The adopted amendments to the Fish Code do not contain any standards or requirements that exceed Federal regulations involving the National Wildlife Refuge Areas.

Accordingly, Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. do not require further analysis.

**Full text** of the adoption follows:

(No change from proposal)