

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

## **ENVIRONMENTAL PROTECTION**

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

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

##### **2018-2019 Fish Code**

**Adopted Amendments: N.J.A.C. 7:25-6.1 to 6.9, 7:25-6.11, 7:25-6.13, and 7:25-6.18 to 6.20.**

Proposed: October 2, 2017 at 49 N.J.R. 3278(a)

Adopted: December 12, 2017, by the Fish and Game Council, David Burke, Chair.

Filed: January 11, 2018, as R.2018 d.080, **with a non-substantial change** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

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

DEP Docket Number: 15-17-08.

Effective Date: February 5, 2018.

Expiration Date: June 12, 2021.

The Fish and Game Council (Council) is adopting amendments to N.J.A.C. 7:25-6.1 through 6.3, 7:25-6.13, 7:25-6.15, 7:25-6.20, 7:25-6.22, and 7:25-6.26. The proposed amendments were published in the New Jersey Register on October 2, 2017 at 49 N.J.R. 3278(a). The 60-day comment period closed on December 1, 2017. Additional notice was achieved by emailing notification to all State House press offices and other newspapers and news media throughout the State. Notice was also posted on the Department of Environmental Protection's (Department) website and the Division of Fish and Wildlife's website, and e-mailed to those on the

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

Department's rulemaking LISTSERV and to the Division's 10,000 freshwater LISTSERV members.

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

A public hearing was conducted by the Council's Fish Committee on November 14, 2017 at the Division of Fish and Wildlife's Central Region Office 1 Eldridge Road in Robbinsville, New Jersey. One member of the public attended and provided comment. After reviewing the testimony given at the public hearing and written comments received during the comment period, the Fish Committee, a subcommittee of the Fish and Game Council that reviews regulatory changes governing freshwater fish species and provides recommendations to the Council, recommended that the Council adopt the proposed amendments with modifications in response to further information received from the Department as described in the Summary of Public Comments and Agency Responses below.

The Council held a public meeting on December 12, 2017 at the Division of Fish and Wildlife's Conservation Center at their Central Region Office, Clarksville-Robbinsville Road in Robbinsville, New Jersey. The Council, after having considered the testimony from the November 14, 2017 hearing, written comments received relevant to the proposed amendments, and the recommendation of the Fish Committee, adopted the amendments with modifications suggested by the Fish Committee. Based upon public comment during the 60-day public comment period and additional data provided by the Department, the Council is making one substantive change to proposed amendments not requiring additional public notice and comment

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

as outlined below. A copy of the hearing record may be obtained by contacting the New Jersey Division of Fish and Wildlife, P.O. Box 400, Trenton, New Jersey 08625-0400.

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

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

1. Alampi, Richard
2. Anonymous
3. Anzelone, Peter
4. Baglivo, Vincent
5. Barends, John
6. Bavaro, Anthony
7. Bateman, Michael
8. Behnamnia, Steve
9. Bergamo, Patrick
10. Blumetti, Dean, Trout Unlimited, Fred S. Burroughs North Jersey Chapter
11. Blumetti, Dean
12. Bove, Amedeo
13. Bright, David
14. Brown, Jonathan
15. Burns, William
16. Canizales, Joaquin

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

17. Capurso, Michael
18. Caravaglia, Adam
19. Carmen, Richard
20. Cassa, George
21. Cassera, Anthony
22. Chapman, Duane
23. Coolman, Todd
24. Corcoran, James
25. Cowden, Brian
26. Davidson, Eileen
27. Del Plato, Chris
28. Duca, Jeremy
29. Egge, Eleanor
30. Egge, Frederick S.
31. Egge, Richard
32. Eichler, Kurt
33. Ejk, Thomas
34. Ficacci, Anthony
35. Ficacci, Tony
36. Finkeldie, John
37. Fiore, Conrad
38. Frize, John

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

39. Gallo, Vinny
40. Garber, Donald
41. Gilmore, Bob
42. Giner, John
43. Gleason, James
44. Greenman, Robert
45. Grippo, Michael
46. Haley, Michael
47. Harding, James
48. Heinze, Wayne
49. Henrickson, Christopher, East Jersey Trout Unlimited
50. Holst, Carl
51. Holland, James, Shannon's Fly and Tackle
52. Hrenenko, Brian
53. Huber, Andrew
54. Huber, Willi
55. Hughes, Raymond, Pequest Anglers Club
56. Huk, Andrea
57. Hulit, Kevin
58. Johnston, Timothy, Trout Unlimited, Musconetcong Watershed Association
59. Kaminsky, Thomas
60. Karg, Steve

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

61. Kelley, William

62. Kinney, James

63. Koop, Alan

64. Kuhn, Christopher

65. Lazur, Patrick

66. LeDrappier, Luke

67. Lerner, Arthur

68. Lerner, Justin

69. MacDonall, James

70. Mantuano, Anthony

71. Marchant, Timothy

72. Marek, Kenneth

73. Marfieceicz, David

74. Martin, Andrew

75. McCarthy, Kenneth

76. McConachy, Dave

77. McCormick, Ryan

78. McIntosh, Robert

79. McLaughlin, Cody, NJ Outdoor Alliance, State Federation Sportsmen's Clubs

80. Michels, Mike

81. Milesnick, Scott

82. Montefusco, John

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

83. Montefusco, Nick

84. Munzing, Derek

85. Nann, Brian

86. Niles, Nick

87. Noonan, Andrew

88. Norris, Randolph

89. O'Brien, Bob

90. Olier, John

91. Opdyke, Christopher

92. Opdyke, Taylor

93. Padavano, Kurt

94. Palumbo, Lawrence, Jr.

95. Parise, John

96. Payne, Edward

97. Pell, Michael

98. Pereira, Chris

99. Potts, John

100. Prashil, Bill

101. Prokopis, Christou

102. Rathore, Dinesh

103. Rennalls, Jeanne

104. Riccardo, Michael

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

105. Richardson, Daniel
106. Roach, Justin
107. Rocca, Matthew
108. Rodgers, Susanna
109. Rossi, Dominick
110. Rush, Wayne
111. Ruskai, Ronald
112. Russo, Barry
113. Sachau, Barbara
114. Schauder, John
115. Schneider, Bruce
116. Simanski, Brandon
117. Sinning, Edward
118. Slizewski, Ron
119. Smith, Cindy
120. Smith, Dustin
121. Sovak, Michael
122. Sullivan, Jesse
123. Sullivan, Michael
124. Summerer, Owen
125. Szalontai, Ernie
126. Szuban, Richard



NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

127. Tarris, Gregory
128. Thomas, Richard, New Jersey Trout Unlimited
129. Tippy, Glenn
130. Truppi, Louis
131. Turci, Bryan
132. Turner, Debbie
133. Variano, Andrew
134. Vasta, Kevin
135. Venezia, Maribeth
136. Wagner, Linda
137. Warner, Jason
138. Weglinski, Warren
139. Wempa, Thomas
140. Werdann, Charles
141. Wright, John
142. Zeeck, Glen
143. Ziemba, Richard

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.

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

**N.J.A.C. 7:25-6**

1. COMMENT: The proposed changes to the Fish Code are supported in their entirety. (1, 4, 10-11, 17, 23, 25- 27, 29-30, 36, 41, 42, 50, 53, 54, 61, 64, 69, 70, 73, 80-81, 83, 86, 92, 94, 95, 100, 103, 108, 109-110, 117, 119, 121, 123, 126, 128-129, 138, 141, and 142)

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

2. COMMENT: The entire Code and proposed amendments are opposed. Catch and release fishing and the use of any hooks, including barbless, are inhumane. The commenter also objects to the trash and fishing line left behind and that the hobby should be shut down. (113)

RESPONSE: The Council acknowledges that persons philosophically opposed to hunting and fishing will oppose the Fish Code, while persons endorsing fishing for recreational and management reasons will support the Code. As with any sport, the poor behavior of some anglers no doubt overshadows the multitude of others who behave responsibly. The Division reminds anglers not to litter and to respect property on its Trout Regulation signs. Over 2,000 signs are posted throughout the 180 waters stocked by the Division each year.

3. COMMENT: Hatchery fish are diseased and inferior to wild fish and therefore hatchery operations should be shut down. (113)

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

RESPONSE: Maintaining a quality rearing environment is vital to fish health in a hatchery setting. At Pequest, water temperature of the groundwater fed raceways is a consistent 52° degrees. The location of the facility was selected for the aquifer and its ability to provide a consistent supply of cold, high quality groundwater. Trout are sorted by size and the number of trout per hatchery pool are reset twice during the 18-month growing cycle to assure proper growing densities and to reduce competition. The hatchery follows strict bio-security measures; no fish have been introduced into the facility since production began in 1982, access is restricted to only hatchery personnel, and no outside equipment (including boots, gloves, raingear, and even vehicles) is allowed into the hatchery facility. Certain natural stressors such as sexual maturity and spawning stress exist in both the wild and in hatchery settings; hatchery fish are no more likely to be affected by these stressors than fish in the wild.

In addition to implementing the above controls to reduce the risk of disease at the State's hatchery operations, the Division has a full-time fish pathologist on staff who conducts annual health inspections and performs an immediate investigation of mortalities. The close monitoring and investigation of fish mortalities is paramount to addressing disease issues. Any fish which fails to meet established fish health standards is not released into the environment and is destroyed.

To further protect fish stock, the Division is also working towards covering the raceways at the Pequest Hatchery in order to protect valuable hatchery stock from predation and diseases it may introduce. However, covering a mile and a half of raceways is a large-scale project and the exact timeline of the project and its completion is uncertain.

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

4. COMMENT: Fly fishing only areas should be established. (118)

RESPONSE: The State's last area restricted to fly fishing only was on a portion of the Big Flat Brook known as the Blewett Tract. This area was incorporated into the four mile catch and release area on the Flat Brook created in 2014, with the fly fishing only restrictions removed from the Blewett Tract at that time. The creation of this catch and release only area opened this popular trout stocked water to spin anglers and continues to be managed under conservative no harvest regulations restricted to artificial lures and flies only. In light of the popularity of such areas with both fly and spin anglers and the need for the Council to manage the State's limited aquatic resources in a manner that maximizes opportunities for the diverse array of angler interests present in the State, the Council does not anticipate limiting any areas to fly fishing only at this time."

5. COMMENT: Trout stocking should be discontinued in waters that have Muskellunge. (140)

RESPONSE: The Division manages the State's fisheries resources for diverse angling interests. Trout are stocked in most locations to provide a seasonal put and take fishery while species like Muskellunge are stocked as a put, grow, and take fishery to offer unique opportunities to target trophy sized fish. Of the 172 waterbodies stocked with trout by the Division, only four are also stocked with Muskellunge. While the exact concern of the commenter was not identified, the Council believes the comment is based on concerns of predation by muskies on stocked trout.

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

While there is no doubt the muskies do feed on some of the trout, all four lakes support successful fisheries for both species.

6. COMMENT: The number of trout stocked in designated Catch and Release Only Areas should be reduced. (140)

RESPONSE: The number of trout allocated to a specific waterbody is determined by an established allocation formula. The allocation methodology uses a combination of biological, physical and social factors to equitably allocate trout over a ten-week period to all trout stocked waters. The Division continues to closely monitor trout populations within the two regulated Catch and Release Areas, on the Flat Brook and Raritan River South Branch, since the regulation took effect in 2014. In addition to electrofishing surveys, in 2017 the Division conducted a telemetry study to document the movement of stocked trout within the Flat Brook to further assess biological and physical factors affecting the availability of trout to anglers. Information collected by the Division will be used to determine if any change to the current allocation method is necessary for these no harvest areas.

7. COMMENT: The Division is commended for inviting veterans to fish at the Pequest Trout Hatchery's education pond on the Opening Day of Trout Season. (70)

RESPONSE: The Council acknowledges the recognition of the Department's efforts towards our nation's veterans.

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

8. COMMENT: The harvest of frogs should not be allowed, they should be protected. (113)

RESPONSE: Only species commonly found throughout the State, such as green frogs and bull frogs, may be harvested. Most other frog species are non-game and may not be harvested. For the limited frog species that may be harvested, the rules include limits on the number of frogs that may be harvested established at a level designed to ensure all species remain viable. The rules additionally prohibit the harvest of bull frogs and green frogs from April 1 to June 30 , the period when these species breed. Finally, the rules specifically prohibit the pursuit, take, killing or possession of any species of frog listed as State endangered or threatened, including the endangered southern gray treefrog and the threatened pine barrens treefrog,

9. COMMENT: The public hearing should have been held at a location closer to Brook Trout habitat. (78)

RESPONSE: The State Fish Code encompasses rules and regulations for the State's freshwater fisheries resources for the entire State. The Fish and Game Council selected the Division's Central Region Office, centrally located in Mercer County, for the public hearing as it provides a greater opportunity for anglers from all across the State to participate.

**N.J.A.C. 7:25-6.1(h)**

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

10. COMMENT: Prohibiting the harvest of indigenous freshwater fish species that do not have a specified creel limit is supported. (57)

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

**N.J.A.C. 7:25-6.2**

11. COMMENT: The minimum size limit for American Eel should be increased to eighteen inches or the harvest eliminated entirely. (113)

RESPONSE: The Atlantic States Marine Fisheries Commission (ASMFC) has jurisdiction in the management of marine and anadromous fish species, such as the American Eel. States along the Atlantic coast must be in compliance with ASMFC approved fishery management plans. If a particular fishery is determined no longer sustainable, the plan will mandate the closure of the fishery. Although there is concern regarding the American Eel stock, Addendum III of the ASMFC Interstate Fishery Management Plan determined increasing the minimum size to 9 inches and reducing the creel limit to 25 per day is the appropriate management action at this time. The ASMFC updates management plan recommendations as additional information becomes available.

**N.J.A.C. 7:25-6.3(e)1**

12. COMMENT: A conservation zone for native Brook Trout, in which all Brook Trout caught, regardless of size, must be immediately released unharmed is supported. (5, 6, 9, 19, 22, 31, 46,

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

49, 50-51, 57, 74, 82, 85, 100, 102, 105, 123). One commenter also supports reducing the number of hook points within the zone. (6)

RESPONSE: The Council acknowledges the comments in support of the rule. Hook point restrictions have been incorporated into Catch and Release areas and Wild Trout Stream regulations, many of which are located within the Brook Trout Conservation Zone. However, numerous opportunities for stocked trout also exist within the zone. The Council is satisfied with applying conservative hook point restrictions to unique Catch and Release Areas and Wild Trout Streams, where wild fish are routinely caught and released, while continuing to allow more liberal gear types in the remaining waters within the zone, trout stocked or otherwise, to satisfy a variety of angler interests.

13. COMMENT: Catch and release regulations for Brook Trout within a designated conservation zone is opposed. (88, 139-140) One commenter finds the regulation confusing to the average angler and that it implies Brook Trout would never be stocked again. (139) One commenter states that Trout Unlimited should not be allowed to set the rules. (140) Another commenter sees catching and eating fish as the best introduction for children to the basic connection between man and nature and an appreciation for the outdoors. The commenter contends that decisions to harvest or release a fish comes after a period of successful harvesting and that his grandchildren are entitled to the introduction to that elemental reality and connection to the wild. (88)



NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

RESPONSE: The Council and the Division of Fish and Wildlife strive to make fishing regulations as clear and straightforward as possible. For this reason, major roadways, such as Interstate 287 and Route 202, the Delaware River, and the New York State Line were selected as boundaries for the Brook Trout Conservation Zone. Using more readily discernable boundaries makes it easier for anglers to determine if they are fishing within the zone. As many waters within the zone either contain or are connected to streams containing wild Brook Trout populations, the stocking of Brook Trout will no longer be permitted within the Conservation Zone. A zone-based approach to the catch-and-release area, as opposed to a Statewide regulation, still allows the stocking of Brook Trout outside of the zone where these stocked fish do not pose a threat to wild populations.

The concept of a protective conservation zone for the State's only native salmonid was developed by Division biologists who spent three years sampling streams within reproducing trout populations, analyzing population data, and reviewing scientific literature and regulations from other states. Public comment was incorporated over the last two years of the regulation development effort at two annual fisheries forums, and two trout meetings. These meetings are open to the general public and the dates are published in the Division's Fish & Wildlife Digest and email reminders are sent through the Division's Listserv. In a 2016 online wild trout angler survey conducted by the Division, 74 percent of respondents either moderately, or strongly, supported catch-and-release-only regulations on wild trout streams containing Brook Trout. Additionally, the Division has observed a growing trend in the practice of catch and release amongst all anglers. In the Division's 2012 trout angler survey, 64 percent of trout anglers

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

indicated they released most, or all, trout caught – an 11 percent increase over results from a similar survey conducted in 2003.

The Division agrees that angler ethics evolve over time and from years of personal field experiences. However, impacts from urbanization, sedimentation, dams, and other forms of land and water disturbances continue to take their toll on the State's coldwater resources. Wild Brook Trout are now present in less than half of the subwatersheds that composed their original range, their populations are fragmented, and their presence in many streams is relegated to headwater areas. It is important to afford this species every protection possible and to highlight the plight of this important indicator species.

**N.J.A.C. 7:25-6.3(h)**

14. COMMENT: Eliminating the in-season fishing closure from the trout stocked section of the Black River is opposed. (111 and 115) One commenter is opposed to removing the closure as it will result in the river no longer being stocked in the fall. (115)

RESPONSE: The Council acknowledges that many anglers prefer the sense of fairness that weekly in-season fishing closures provide as it prevents those with more flexible schedules from getting an early jump on fishing for freshly stocked trout. Anglers also support giving recently stocked fish an opportunity to spread out before anglers begin fishing. The Black River is less utilized than the other 16 streams which continue to be subject to in-season closures due to its more remote access which also complicates the proper enforcement of the closure. The Black River will continue to be stocked in the fall.

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

**N.J.A.C. 7:25-6.3(i)**

15. COMMENT: The Delaware and Raritan Canal should continue to be stocked with trout. (79)

RESPONSE: The Council has proposed no changes for the 2018–2019 Fish Code that result in any variation to the current stocking of the Delaware and Raritan Canal with trout.

**N.J.A.C. 7:25-6.3(j)**

16. COMMENT: Allowing private clubs to fish, catch and release only, during the pre-season closure on club property is supported. (6, 7, 12, 19, 32-33, 38-40, 45-46, 51, 55, 57, 59, 60, 75, 81, 93, 102, 107, 112, 114, 135-136, and 143) One commenter recommends that clubs be required to post property boundaries with a poster supplied by the Division instead of generic no trespassing signs. The Division could charge five dollars per poster. (6)

RESPONSE: The Council acknowledges the comments in support of the rule. The purpose of the requirement at N.J.A.C. 7:25-6.3(j) that club boundaries be clearly marked if the private fishing club chooses to fish for trout during the pre-season closure period is to allow Division enforcement personnel to easily determine if individuals fishing during this timeframe are members of the club and are within the section of the river that is either owned or leased on both sides by the club. While the rule does not specify language required to be included on the boundary sign, as long as the sign used makes clear that the sign reflects the boundary of the section owned or leased by the club, the exact verbiage used is not important to satisfy the intent

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

of the rule. Accordingly, the Council is not amending the signage requirement at this time. Should it be determined in the future that signage utilized by private clubs to satisfy this requirement is insufficient, the Council will propose further amendments to the rules to address any apparent issues.”

17. COMMENT: Allowing members of private clubs to fish, catch and release only, during the pre-season closure on club property is opposed as it is unfair to the trout fishing public and further rewards an already privileged class of angler. (22, 48, 58, 66, 71, 87, 97, 105, and 140) One commenter is concerned the rule will increase fishing pressure on public Trout Conservation Areas which are open to catch and release fishing during the three-week pre-season period. (105)

RESPONSE: The Division stocks 90 streams, encompassing over 300 miles, with trout each year. To allow all waters to be stocked prior to opening day, waters stocked with trout by the Division are closed for a three-week pre-season period. The upstream and downstream limits for sections of the streams stocked by the Division are identified at N.J.A.C. 7:25-6.3(h) through (i). While privately stocked waters on rivers that do not contain publicly stocked waters would not be subject to pre-season fishing closures, private fishing clubs located within the boundaries of these publicly stocked sections of rivers are subject to the same three-week pre-season fishing closure as the publicly stocked section. Allowing members of private clubs to fish during the pre-season period offsets the impact of the pre-season closure associated with adjacent water segments that are part of the public stocking program on these privately stocked waters. These sections of river are not open to the public, and therefore do not impact anglers fishing in public

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

waters. During the pre-season period anglers that do not belong to private clubs may fish Catch and Release Areas, designated Year Round and Seasonal Trout Conservation Areas, Trophy Trout Lakes, and any one of the State's 40 Wild Trout streams. Allowing club members to fish their private stretch during the pre-season closures may alleviate angling pressure on these special use areas.

**N.J.A.C. 7:25-6.4 and 6.7**

18. COMMENT: Requiring only barbless hooks for designated Catch and Release Areas and Wild Trout Streams is supported. (9, 21, 37, 52, 57, 63, 71, 76, 91, 105, 110, 118, 120, 125) Two commenters indicate that pinching barbs flat should meet the barbless requirement. (21 and 76)

RESPONSE: The Council acknowledges the comments in support of the rule. The pinching down of all barbs on a hook would satisfy the barbless requirement.

19. COMMENT: Requiring barbless hooks in designated Catch and Release Areas and Wild Trout Streams is opposed. (2, 3, 8, 13-16, 18, 22, 24, 28, 43-44, 49, 56, 65-67, 77, 83-84, 87, 89-90, 96-99, 104, 106, 116, 124, 127, 130-131, 133-134, and 139-140). Commenters offered differing reasons for opposing the barbless hook restriction. Reasons asserted included that there is no biological basis for such restrictions (3, 13-16, 22, 28, 44, 49, 56, 65-67, 77, 84, 87, 89-90, 97-99, 104, 106, 116, 124, 127, 131, 133-134, and 139), that they are contrary to a 2016 Fish & Wildlife Digest Article "*The Truth about Hooks & Lures.*" (3, 13-14, 22, 28, 49, 56, 66, 77, 89,

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

97- 98, 124, and 133-134), that the regulations favor fly anglers and reduce opportunities for spin anglers (16, 18, 28, 65, 77, 84, 87, 90, 96-99, 104, 116, 127, 131, 140), that the restrictions are unenforceable (2 and 127), and that the restrictions unnecessarily over complicate regulations (56 and 67). Other objections were raised based upon concerns about decreased landing efficiency using barbless hooks (13, 49 and 83), potential limitations on the availability of barbless spinners (84), and opposition to the rules forcing anglers to mangle their gear to comply with the restrictions. (2) Commenters also indicate that all pay for the privilege to fish and therefore anglers should be allowed to fish whatever way they prefer and the agenda of another group should not be forced upon others (16), that the regulations should be based on science and not on public opinion (14), and establishing regulations based upon concern over injuring fish is a bad precedent to set as it may be used by those opposed to fishing to have the sport banned. (83)

RESPONSE: The 2016 Fish & Wildlife Digest article "*The Truth about Hooks & Lures*" summarized studies comparing the impact of different hook types (barbed versus barbless, treble versus single hooks), as well as terminal tackle (bait versus artificial lures and flies) on trout populations. While anglers may feel that the hook restrictions are contrary to the information in the article, which indicated little difference between hook types, these studies assessed impacts in terms of mortality and the effect of that mortality to the overall population and not injury to individual fish. As indicated in the 2016 Fish & Wildlife Digest article, "Although research indicates little protection is afforded to trout populations through the use of barbless hooks from the mortality aspect, two studies do document a decreased rate of injury with their use. (DuBois

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

and Dubielzig 2004; DuBois and Pleski 2007)." Due to the development of more conservative harvest regulations for streams managed as Wild Trout Stream, and the establishment of Catch and Release Only areas in 2014, trout residing in these areas have a greater propensity to be continually caught and released. As such, the effect of repeated injury to individual fish became a concern. In the 2016 online angler survey, 69 percent wanted barbless hooks only when fishing wild trout streams. Open discussions on potential regulation options at the annual fisheries forums and public trout meetings continued to indicate strong interest in hook restrictions for Catch and Release Areas and Wild Trout Streams.

Requiring barbless hooks does not favor one type of angler over another, but affects both fly and spin anglers equally as both must pinch down barbs. Fly anglers will no longer be able to attach an additional hook as the additional hook is typically trailed from the barb on the main hook. Spin anglers can continue to use lures with a single treble hook allowing the use of common spinners with the barbs pinched. Barbs on most lures can be easily pinched with narrow tipped pliers without damaging the lure. Fishing with barbless hooks does require applying consistent tension to keep the line tight while landing a fish to offset the lack of barbs.

In regards to enforceability and complexity of the regulations, while Conservation Officers may not be conducting formal streamside hook inspections, during routine interactions with anglers inspection of proper terminal gear will be conducted and enforced. Hook restrictions only apply to the two designated Catch and Release Areas, and streams or stream segments regulated as Wild Trout Streams. Special regulation areas such as these are typically fished by more experienced anglers who understand and appreciate the more conservative,

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

though slightly more complex, regulations governing these areas. Signage along key access points will remind anglers of the regulations pertaining to these areas.

20. COMMENT: Restricting barbless hooks to a total of no more than three hook points is supported. (6, 37, 52, 71, 92, 105, 120, 125)

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

21. COMMENT: Limiting hook points to no more than three in total when fishing in designated Catch and Release Areas and Wild Trout Streams is opposed. (2, 3, 8, 13, 15, 16, 18, 28, 43, 44, 49, 56, 63, 65-68, 84, 89-90, 96-99, 104, 106, 116, 124, 130-131, 133-134, and 139-140).

Commenters stated there is no biological basis for such restrictions (3, 13, 15-16, 22, 28, 44, 56, 65- 67, 77, 84, 87, 89-90, 97- 99, 104, 106, 116, 124, 131,133-134, and 139), that the regulations favor fly anglers and reduce opportunities for spin anglers. (16, 18, 28, 65, 77, 84, 87, 90, 96-99, 104, 116, 127, 131, 140), and that fishing with small flies is more detrimental than fishing with small plugs (43 and 67). Commenters also assert that restrictions should be based upon science and not public opinion (14), that the restrictions unnecessarily over-complicate the regulations. (56 and 67), and that the restrictions are unenforceable (2 and 127). Finally, commenters opposed the prohibition of treble hooks without specifying a specific reason (8), the limitation on hook points specifically on designated Wild Trout Streams (67), and what they referred to as the single hook requirement (22, 77, and 87).



NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

RESPONSE: As indicated in the response to comment 19 above, the 2016 Fish & Wildlife Digest article "*The Truth about Hooks & Lures*" summarized studies comparing the impact of different hook types (barbed versus barbless, treble versus single hooks), as well as terminal tackle (bait versus artificial lures and flies) on trout populations. While the studies indicated little difference between hook types, these studies assessed impacts in terms of mortality and the effect of that mortality to the overall population and not injury to, or loss of, individual fish. As explained in response to comment 19, due to the repeated catch and release that occurs in Wild Trout Stream and Catch and Release Only areas, the effect of repeated injury to individual fish became a concern. With reference to the impact of treble hooks, the 2016 Fish & Wildlife Digest article indicated that "Research shows little justification to restrict treble hooks based on fish mortality although one study reviewed by Dubois and Dubeilzig (2004) documented a significantly greater rate of jaw injury in brown trout using treble hooks with spinners than with other hook types. No differences were evident with rainbow trout nor when assessing serious injuries to eyes or gullet." The article goes on to raise reservations about the evidence of non-fatal injury, asking "While treble hooks pose no greater impact to trout populations than single hooks and can even be beneficial, with larger fish there is evidence of increased jaw injury. Although the injury may not result in mortality because of the prevalence of catch-and-release, is it in the best interest of the resource for measures to be taken to reduce injury?" When surveyed as to the use of treble hooks and hook point limitations in the 2016 online angler survey, 78 percent of New Jersey wild trout anglers were not in support of the then existing hook point regulation that allowed up to three treble hooks (nine hook points), and 77 percent were strongly or moderately opposed to the use of treble hooks when fishing wild trout streams. Open

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

discussions on potential regulation options at the annual fisheries forums and public trout meetings continued to indicate strong interest in hook restrictions for Catch and Release Areas and Wild Trout Streams. The 2016 Fish & Wildlife Digest article however also indicates that under certain conditions a treble hook is more advantageous than a single hook. As a result, the Council opted for regulations that are more restrictive but will continue to allow the use of a single treble hook.

The Council manages fishery resources with a focus on maintaining a vital, viable fishery while seeking to provide the greatest opportunities for all angling interests. The hook point restrictions adopted at this time are not implemented with any intent to favor one angling community over another, but with the intent to address an identified concern. While a three hook point limit may not directly affect fly anglers, the limit allows spin anglers the continued use of common spinners, typically equipped with a single treble hook. Small plugs may still be utilized but one or more of the treble hooks must be removed. The use of multiple hooks is still allowed provided the hook points do not total more than three.

In regards to enforceability and complexity of the regulations, as indicated in response to comment 19 regarding the requirement for use of barbless hooks in these same fishing areas, while Conservation Officers may not be conducting formal streamside hook inspections, they will have routine interactions with anglers which will include inspection to ensure the use of proper terminal gear with enforcement action to be taken when warranted. However, as the hook restrictions only apply to the two designated Catch and Release Areas, and streams or stream segments regulated as Wild Trout Streams, areas which are typically fished by more experienced anglers who understand and appreciate the more conservative, though slightly more complex,

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

regulations governing these areas, it is not anticipated that compliance with the requirements will be a major issue. Signage along key access points will remind anglers of the regulations pertaining to these areas.

22. COMMENT: Hook restrictions should not be imposed. Creating a video on proper fish handling techniques would be more beneficial than imposing hook restrictions. (3 and 66)

RESPONSE: Knowledge of proper fish handling techniques will further efforts in reducing injury and delayed mortality upon release. The Council supports education efforts focused on proper fish handling techniques and will investigate creating or obtaining a video, as well as other methods to assist in educating less experienced anglers in proper handling. The Council notes that various resources are available online addressing appropriate fish handling techniques in general and encourages all anglers to become familiar with and practice good catch and release techniques. The Division also routinely includes proper fish handling techniques in its Freshwater issue of the Fish & Wildlife Digest.

**N.J.A.C. 7:25-6.5**

23. COMMENT: Appelt Park referenced in the upstream boundary of the Seasonal Trout Conservation Area on the Pequannock River is located in Riverdale and not Bloomingdale. (47)

RESPONSE: A 1.3 mile section of the Pequannock River, from the railroad trestle, located downstream of Appelt Park, to Hamburg Turnpike is regulated as a Seasonal Trout Conservation

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

Area. The Pequannock serves as the boundary between the Boroughs of Bloomingdale and Riverdale. The reference to Bloomingdale in the boundary delineation refers to the location of the railroad bridge that spans between Bloomingdale and Riverdale and not Appelt Park.

However, upon further consideration, as a greater percentage of the Trout Conservation Area is located in Riverdale, the Council has amended the municipal designation on adoption to reference Riverdale in the boundaries of this special regulation area.

**N.J.A.C. 7:25-6.6**

24. COMMENT: Regulating five stream segments under Trout Stocked Wild Brown Trout Managed Waters regulations, with an increased size limit, and reduced creel for wild Brown Trout is supported. (105) One commenter questions why five waters regulated under the new Trout Stocked Wild Brown Trout Regulations are identified as stocked when the Code indicates they are not stocked. (47)

RESPONSE: The Council acknowledges the comment in support of the rule. With reference to the five waters, or sections thereof, that will be regulated as Trout Stocked Wild Brown Trout Managed Waters in accordance with adopted N.J.A.C. 7:25-6.6, prior to adoption of these amendments, each of the five waters were identified in N.J.A.C. 7:25-6.3 as trout stocked waters, with the Raritan River, South Branch subject to in-season closures under N.J.A.C. 7:25-6.3(h), while Hakhokake Creek, Lopatcong Creek, Pophandusing Creek and Saddle River were not subject to in-season closures in accordance with N.J.A.C. 7:25-6.3(i). Each of these waters

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

continue to be identified as trout stocked waters in N.J.A.C. 7:25-6.3 and will continue to be stocked.

**N.J.A.C. 7:25-6.7**

25. COMMENT: Regulating eleven stream and/or stream segments as Native Brook Trout Streams; seventeen streams and/or stream segments as designated Wild Trout Streams to enhance their diverse wild trout populations; and thirteen streams as Wild Brown Trout Enhancement Streams is supported. (9, 19, 22, 31, 46, 49, 51, 62, 74, 82, 102, 105, 126, and 137)

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

26. COMMENT: Regulating the section of the Raritan River South Branch, upstream of the YMCA dam, as a Native Brook Trout Stream, and the section from the YMCA dam downstream to the dam immediately above Schooley's Mountain Road, as a designated Wild Trout Stream is supported. (5, 62, 111) One commenter recommends that the same regulations be applied to the Point Mountain section of the Musconetcong River, currently regulated as a Year-Round Trout Conservation Area. (5)

RESPONSE: The Council acknowledges the comments in support of the rule. The Council has proposed no changes to the Year-Round Trout Conservation Area regulations that pertain to the Point Mountain section of the Musconetcong River. The newly revised Wild Trout Stream Regulations were developed for streams that have reproducing trout populations. Although the

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

Musconetcong's Point Mountain Trout Conservation Area supports an excellent year round trout fishery, it does not support a reproducing trout population. The popular fishery is maintained through active stocking from the Pequest Trout Hatchery.

27. COMMENT: Regulating the Raritan River South Branch, from the YMCA dam downstream to the dam immediately above Schooley's Mountain Road, as a designated Wild Trout Stream is opposed as it will result in the discontinuation of trout stocking along Bartley-Flanders Road.

(34-35)

RESPONSE: The Council and the Division of Fish and Wildlife strive to meet the needs of the resource while supporting a variety of angler interests. This often includes balancing opportunities for both wild and cultured trout. The Raritan River South Branch (abbreviated in the rule text as Raritan River, S. Br.) is one of the State's most productive areas for wild trout. It supports not only a strictly native population of Brook Trout, in its most upstream section, but also abundant Brook and Brown Trout populations in the section from the old YMCA dam site downstream to Schooleys Mountain Rd., which is currently stocked at five locations. Due to the extensive wild trout populations that exist, it is more appropriate to regulate this section as a Wild Trout Stream then for cultured trout opportunities. Stocking was frequently canceled in the fall due to low flow conditions. As a result of the change, the stretch is now open year-round for trout fishing; however more conservative creel, gear and bait restrictions apply.

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

28. COMMENT: The downstream boundary of the Wild Trout Stream section of the Wanaque River, Wanaque Ave., should be relocated 500 feet upstream since trout are stocked at the bridge and will swim upstream of the bridge. (47)

RESPONSE: The Council has proposed no change to the boundaries of the Wild Trout Stream section of the Wanaque River for the 2018-2019 Fish Code. The Wanaque, like several other Wild Trout Streams, has a trout stocked section that abuts the boundary of the Wild Trout Stream section. The Council can appreciate the angler's interest in relocating the boundary 500 feet upstream of the Wanaque Avenue bridge to allow anglers to fish for stocked trout immediately upstream of the bridge. However, to the extent feasible the Council prefers to use readily identifiable boundaries, such as a road crossing, particularly in areas where there is a change in regulations applicable to the two adjacent areas.

**N.J.A.C. 7:25-6.13**

29. COMMENT: The proposed increase in the minimum size limit for Muskellunge is supported as it acknowledges that most anglers practice catch and release and that anglers today are interested in catching big fish and preserving fisheries for the future. (126)

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

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

### **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). 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 (additions to proposal indicated in boldface with asterisks **\*thus\***; deletions from proposal indicated in brackets with asterisks \*[thus]\*):

#### 7:25-6.5 Special regulation trout fishing areas—Trout Conservation Areas

(a) (No change from proposal.)

(b) The following stream segments are designated as Seasonal Trout Conservation Areas and are subject to the provisions at (c) below governing these areas during the periods of January 1



NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 5, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

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

1. (No change from proposal.)

2. Pequannock River, Morris and Passaic Counties--An approximate 1.3 mile stretch of river extending from the railroad trestle located immediately downstream of Appelt Park, \*[Bloomingdale]\* \***Riverdale**\* to Hamburg Turnpike bridge, Pompton Lakes.

(c) (No change from proposal.)