

ENVIRONMENTAL PROTECTION

DIVISION OF FISH AND WILDLIFE

FISH AND GAME COUNCIL

2020-2021 Game Code

Adopted Amendments: N.J.A.C. 7:25-5.1, 5.4, 5.6, 5.13, 5.22, 5.25, 5.26, 5.28, 5.29, 5.30, and 5.31

Adopted Repeal: N.J.A.C. 7:25-5.6 Appendix

Proposed: October 5, 2020, at 52 N.J.R. 1799(a).

Adopted: April 7, 2021, by the Fish and Game Council, Frank J. Virgilio, Chair.

Filed: April 9, 2021, as R.2021 d.044, **with non-substantial changes** 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: 04-20-08.

Effective Date: May 3, 2021.

Operative Date: May 8, 2021.

Expiration Date: June 12, 2021.

The Fish and Game Council (Council) is adopting amendments at N.J.A.C. 7:25-5. The periodic promulgation of amendments to the Game Code is necessary in order to adjust hunting and trapping seasons, bag limits, and method of take according to management goals and the best scientific information available.

The proposed amendments were published in the New Jersey Register at 52 N.J.R. 1799(a) on October 5, 2020. The comment period closed December 4, 2020. Additional notice

was sent by email to the news media maintaining a press office in the State House Complex as well as to a Statewide list of newspapers and news outlets. Notice of the proposal and the notice of proposal itself was posted on the Department of Environmental Protection (Department) and the Division of Fish and Wildlife (Division) websites and sent out through Department and Division listservs. Additional notice was also provided by posting copies of the notice of proposal, including summaries of the amendments and notice of the public hearing, in five Division field offices, mailing copies of the notice of proposal to interested organizations and persons upon request, and reviewing the proposed amendments at county and State meetings of the Federation of Sportsman's Clubs.

This notice of adoption can also be viewed or downloaded from the Department's website at <http://www.nj.gov/dep/rules>.

Summary of Hearing Officer's Recommendation and Agency Response:

The Council held a public hearing on November 4, 2020, virtually due to the COVID-19 pandemic. The Division's rule manager for the Game Code, Carole Stanko, was the hearing officer. One Council member was present to hear oral comments. Ten persons commented at the public hearing. All Council members had an opportunity to view all comments and the public hearing transcript. Another virtual public meeting was held on December 15, 2020, and, after having considered the testimony from the November 4 public hearing, and written comments received during the comment period and the hearing officer's recommendation, the Council voted to approve proceeding with adoption of all amendments. A copy of the record of the public hearing is available for inspection, in accordance with applicable law, by contacting:

Department of Environmental Protection

Office of Legal Affairs

ATTN: DEP Docket No. 04-20-08

401 East State Street

Mail Code 401-07

PO Box 402

Trenton, NJ 08625-0402

Summary of Public Comments and Agency Response:

The following commenters submitted oral and/or written comments on the proposed amendments at N.J.A.C. 7:25-5.

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

- 1 MK Adams
- 2 Jeaninne Adornetto
- 3 Susan Adriansen
- 4 Patty Agee
- 5 Tara Akins
- 6 Warren Alberain
- 7 Adam Alberti
- 8 Joyce Allington
- 9 Robert Alparone
- 10 Jose Alvarado

- 11 Lori Amaral
- 12 Michael Amico
- 13 Danielle Amodeo
- 14 Daniel Ancaro
- 15 Donna Ancaro
- 16 Beverly Anderson
- 17 John Anderson
- 18 Anonymous
- 19 Suzanne Aptman
- 20 Jane Armstrong
- 21 Elizabeth Arnold
- 22 Marianne Ashe
- 23 Rick Ashley
- 24 Chuck Augello
- 25 Gerry Aungst
- 26 Joan Avery
- 27 Amanda Ayala
- 28 Jenny B
- 29 Susan Bailie
- 30 Laura Baker
- 31 Gaspar Bakos
- 32 Michael Balogh
- 33 Eric Baratta

- 34 Justin Barbera
- 35 Mary Barbera
- 36 Emma Barker-Lasar
- 37 Keith Baskerville
- 38 Yosef Baskin
- 39 Russell Bassler
- 40 Mike Beal
- 41 Marc Beardslee
- 42 Tara Becker
- 43 Glenn Beckmeyer Jr
- 44 Margaret Bell
- 45 Barry Bendar
- 46 James Benko
- 47 Marybeth Bennett
- 48 Ronald Bennett
- 49 Caren Berei
- 50 Nicholas Berger
- 51 Kristen Bergeson
- 52 Rodney Bergman
- 53 Darcy Bergstein
- 54 Darren Bergstein
- 55 Patty Bertie
- 56 Blake Beyer

- 57 Brenda Bickford
- 58 Leann Bilodeau
- 59 Gloria Binkowski
- 60 Charles Bivona
- 61 Denise Bivona
- 62 Marshall Black
- 63 Mary Black
- 64 Nandia Black
- 65 Nicholas Black
- 66 Nick Black
- 67 Marianne Blackfeather
- 68 Mark Bockhorst
- 69 Robert Boeker
- 70 Camryn Bolkin
- 71 Linda Bond
- 72 Nicholas Botti
- 73 Terri Bouchard
- 74 Avyrl Brady
- 75 Michael Brady
- 76 Ashtin Brooks
- 77 Anne Brown
- 78 Linda Brown
- 79 Debra Buria

- 80 Mary Burke
- 81 William Burmeister
- 82 Melissa Busch
- 83 Mike Bush
- 84 William Bush
- 85 Betty Butler
- 86 KC Cabonilas
- 87 Matt Callahan
- 88 Caitlin Canger
- 89 Joseph Cappeletti
- 90 Robin Caputo
- 91 Alfred Carrier
- 92 James Carriero
- 93 Tim Castellini
- 94 Anthony Catalano
- 95 Edward Cavanagh
- 96 John Cecil
- 97 Rosemary Cenatiempo
- 98 April Chamberlain
- 99 Marilyn Charters
- 100 Michael Cheski
- 101 Dylan Chin
- 102 MaryEllen Chiolos

| | |
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| 103 | Scott Christensen |
| 104 | Kathleen Christy |
| 105 | Maggie Chua |
| 106 | Amanda Ciborski |
| 107 | Alex Cifelli |
| 108 | Patricia Cimino |
| 109 | Robert Cini |
| 110 | Thomas Circle |
| 111 | Alexandra Clark |
| 112 | Lisa Clark-Kahn |
| 113 | Phillip Clifford |
| 114 | Gabrielle Clissold |
| 115 | John Clissold |
| 116 | Ally Cohen |
| 117 | Dawn Cohen |
| 118 | Tracey Colino |
| 119 | John Collins |
| 120 | Karen Collins |
| 121 | Joseph Conrey |
| 122 | Kelly Cook |
| 123 | Ginny Coots |
| 124 | Natasha Correa |
| 125 | Christopher Cossentino |

| | |
|-----|---------------------|
| 126 | Brendan Costello |
| 127 | Glenn Crane |
| 128 | William Crane |
| 129 | Rosemarie Craw |
| 130 | Roxanne Croft |
| 131 | Anna Cruz |
| 132 | Nicole Cunningham |
| 133 | Susanna Cuyler |
| 134 | Frank D'Alio |
| 135 | Michael Damon |
| 136 | Hope Daniels |
| 137 | Jersey Danny |
| 138 | Carol Davis |
| 139 | Hope Davison |
| 140 | Ralph De Lia |
| 141 | Bryan Delatorre |
| 142 | Darrcel Delcastillo |
| 143 | Nicholas Delfico |
| 144 | Debbie DeLisa |
| 145 | Robert DeLuca |
| 146 | Paul DeLuca |
| 147 | Sherry DeMarchi |
| 148 | Thomas DeMott |

| | |
|-----|----------------------|
| 149 | Linda Derby |
| 150 | Barbara Desena |
| 151 | ValerieDevine |
| 152 | Rina Deych |
| 153 | Daniel Dillon |
| 154 | Linda Ditmars |
| 155 | Brian Dolch |
| 156 | Sharon Donovan |
| 157 | Patricia Doyle |
| 158 | Suzanne Dragan |
| 159 | Jeffrey Drew |
| 160 | Robert Durski |
| 161 | Alysha Edelman |
| 162 | Karen Edgar |
| 163 | Eileen Eiserle |
| 164 | Donna Ellis |
| 165 | RonaldElton |
| 166 | Steve Ember |
| 167 | Roseanne Emery |
| 168 | Marilynn English |
| 169 | Christopher Erickson |
| 170 | Robert Eriksen |
| 171 | Nancy Erlich |

172 Anthony Fantazzi
173 Suzanne Fenton
174 Peggy Fenton
175 Elena Marie Fetch
176 Jo Filosa
177 Jennifer Fishberg
178 Nancy Fitzsimmons
179 Anne Flannigan
180 Nancy Fleming
181 Madeline Florio
182 Sam Forlenza
183 Mary Forsberg
184 Ali Fragale
185 EugeneFrancis
186 Paul Franco
187 DoreenFrega
188 Frank Frega
189 Irene Friedland
190 Sara Galbraith
191 Barbara Galfand
192 TatianaGalfand
193 James Gallo
194 Lisa Garbarino

195 Julie Garber
196 Leo Garcia
197 Patty Garofano
198 Gary Gaulrapp
199 Andrew Gavrun
200 Jillian Gerber
201 John Gfrorer
202 Kim Giberson
203 Peter Githens
204 Bryan Glaze
205 Bethany Goins
206 Nestor Gomez
207 Dennis Gonoud
208 Vin Gopal
209 Michele Granberg
210 Louise Gray
211 Peter Graziano
212 Ken Green
213 Luiza Grunebaum
214 Gina Guarini
215 Aaron Guikema
216 Brian Hackett
217 John Haesloop

218 Anna Hallin
219 Dan Hamlin
220 Don Hamlin
221 Rachel Hanan
222 Barbara Hand
223 Megan Harder
224 Jen Harris
225 Ann Hart
226 Kathleen Hart
227 Laurie Hartmen
228 David Hartzell
229 Jan Hastings
230 Michael Havel
231 Lindsay Hawkins
232 Cynthai Heaney
233 Charles Hendrickson
234 Kimberly Hennelly
235 Christopher Herbert
236 Thomas Herms
237 Linda Hetcher
238 John Hickerson
239 Kenneth Hicks
240 Michael Higgins

241 AndreaHirschfeld
242 Kirk Hoehn
243 Madelyn Hoffman
244 Thomas Hoffman
245 Joy Holman
246 Eric Hoppe
247 Tim Horner
248 Peter Horzepa
249 Cathleen Hothersall
250 Eleanor Howard
251 Sharon Hradisky
252 Richard Huelbig
253 Tammy Huennerkopf
254 Carol Huestis
255 Dennis Huff
256 Nancy Hughs
257 Jane Hughs
258 Kenneth Hunt
259 Jacob Hupp
260 Ray Ippolito
261 Melissa Jacobs
262 Robin Jacobson
263 Carol Jagiello

264 Alison James
265 Carol Jochnowitz
266 Nina Jochnowitz
267 Rami Jochnowitz
268 Connie Johnson
269 Linda Johnson
270 Elizabeth Jonach
271 Kenneth Jonach
272 Debbie Jones
273 Candice Jones
274 Alyssa K
275 Rosemarie Kalinowski
276 Mary Kaplan
277 Bernard Kaplan
278 Edward Karecki
279 Linda Karecki
280 Sean Kean
281 Susanna Kearny
282 Vera Kesch-Muller
283 Jody Keelin
284 David Kelly
285 Lorraine Kelly
286 CarolAnn Keohane

287 Deborah Kettler
288 Eun Hee Kim
289 Diane Kioski
290 Marc Klein
291 Paul Kleinman
292 Carol Kloss
293 Lorraine Klutkowski
294 Cybele Knowles
295 David Kobrick
296 Maureen Koplrow
297 Ken Kozuhowski
298 Jerilyn Kratina
299 T Krause
300 Tamara K von Kremer
301 Jean Krousie
302 Justin Krowicki
303 Keith Kulp
304 Mike W Kurti
305 Eric Kus
306 Brandon LaBar
307 Kelly LaCatta
308 John Larcombe Jr
309 Michelle Largman

310 Doreen Laury
311 Daryl Laws
312 Cheryl Lechtanski
313 MiriamLefkowitz
314 Susan Leisentrirt
315 Peter LeMasson
316 Michelle Lerner
317 Adrienne Lerner
318 Chris Levitt
319 Cassandra Lewis
320 Susan Libby
321 Christopher Lido
322 Mishaella Lightman
323 Doris Lin
324 Judith Link
325 Randall Link
326 Rachael Lokshin
327 Jamie Lombardo
328 Amos London
329 Nancy Lord
330 Maria Ludwig
331 Diane Lynch
332 Marie Lyon

333 Corey Maccaro
334 Maria Machado
335 Marie Maciel
336 Marie Maciel
337 Dr. Harold MacMurren
338 Barbara Maddalena
339 Carolyn Mahoney
340 Anna Maksic
341 Kevin Malanga
342 Sally Malanga
343 Jerome Mandel
344 Phyllis Mandelbaum
345 Teresa Marcin
346 Dana Marie
347 Don Markese
348 Debbie Marks
349 Brian Marsh
350 Louis Martinez
351 Patricia Mathis
352 Sondra Matlow
353 Tim Matthews
354 Ellyn Mattison-Novak
355 Christine Maytidu

356 Carol McCallum
357 Michael McCarthy
358 Catherine McCartney
359 Jean McCartney
360 Patricia McCartney
361 Cristen McConville
362 Kerry McConway
363 Brian McDade
364 Patricia McDevitt
365 Christine McGannon
366 Kenneth McGee
367 Kate Mcgil
368 Erin McGowan
369 Molly McKaughan
370 Nellie McKay
371 Karen McKinley Smith
372 Kim McLaren
373 Laura McLean
374 John McLoughlin
375 Michael McMickle
376 Debra McQueen
377 Kaitlin Means
378 Sarah Metler

379 Guy Metler
380 Angi Metler
381 Angi Metler
382 Angi Metler
383 Angi Metler
384 Angi Metler
385 Robert Metzger
386 John Miklea
387 Liz Mikre
388 KirstenMiles
389 Kim Minguez
390 Travis Miragliotta
391 Tina Mituzas
392 Michael Molinaro
393 Anyhony Molinaro
394 Jeralin Molinaro
395 Jean Mollack
396 Kevin Moninghoff
397 Mike Monks
398 Jean Montecuollo
399 Erin Moore
400 Janine Motta
401 Stephanie Mueller

402 Jane Murphy
403 Al Mutawa
404 Mark Nagelhout
405 Kim Nagelhout
406 Kraig Nelson
407 Shawn Nelson
408 Carol Neuer
409 Melissa Newman
410 William Newsome
411 Curtis Nissley
412 Austin Noguera
413 Melanie Nowlin
414 Lisa Obara
415 Peter Obermeyer
416 Christopher Obsuth
417 Julie OConnor
418 John OConnor
419 Ann Oconnor
420 Patricia Olsen
421 Brian O'Neill
422 Harriet Ordan
423 Greta Oriti
424 John Ort

425 Amber Osterbrink
426 J P
427 Patti Packer
428 Thomas Pagliaroli
429 Albert Panicci
430 Robin Pappas
431 James Passerello
432 Carol Paszamant
433 Joseph A Patire
434 Philip Patterson
435 Doris Peck
436 Vaune Peck
437 Laurie Perla
438 Alex Perla
439 Michael Perla
440 Fred Perla
441 Kenneth Peters
442 Lorri Peterson
443 James Phelan
444 Scott Pierman
445 David Pietkiewicz
446 Suzanne Pirozzi
447 Michael Plunkett

448 Christina Politz
449 Isle Polonko
450 Jessica Poth
451 Eileen Prisco
452 Loretta Puleo
453 Kevin Pulsinelli
454 Colleen Quinn
455 Cynthia Radnitz
456 Lynne Ralph
457 Joann Ramos
458 Celia Rand
459 Steven Rasimowicz
460 Surendra Reddy
461 Deborah Reindl
462 Pat Richter
463 Cliff Ridgeway
464 Linda Rienecker
465 Tertia Robbins
466 Daniel Rodriguez
467 Kevin Rodriguez
468 Michael Roemer
469 John Rogalo
470 Janet Romano

471 Kay Romano
472 Sarah Root
473 Anita Rosinola
474 Laura Ross
475 Linda Rossin
476 Frank Rubacky
477 Joyce Rudin
478 Melissa Rumsey
479 Joseph Rumsey
480 Susan Russell
481 Sue Russell
482 Alya Ryabinina
483 Thomas Sabia
484 Julie Sacco
485 Barbara Sachau
486 Kelli Sayres
487 James Scaglione
488 Trish Scalpone
489 William Scanlon
490 Kathleen Schatzmann
491 Winifred Scheid
492 Honey Schick
493 Nancy Schindler

494 Cathy Schmidt
495 Virginia Schmidt
496 Emily Schneider
497 Jennifer Schneider
498 Barry Schneider
499 Frank Schoenstein
500 William Schott
501 Jacqueline Schrader
502 Linda Schroeder
503 John Schuchardt
504 Samantha Schuchardt
505 Jan Schwartz
506 Jeremy Schwartz
507 Norma Schwartzberg
508 Roger Sedmont
509 Lynn Seeger
510 Mary Sepede
511 Irene Sergonis
512 Rose Shaw
513 William Shaw
514 Lorelle Shea
515 Alyssa Sheldon
516 Roberta Shields

517 Jorge Shimomawa
518 Dana Shook
519 Jody Sidote
520 Robert Singer
521 Christine Sito
522 William Skillman
523 Michael Skolimowski
524 Rosalie Slabon
525 Ceil Slauson
526 Brenda Sloan
527 Mike Slover
528 Barbara Smith
529 Edwin Smith
530 Justice Smith
531 Thomas Smith
532 Elsa Solivan
533 Michael Spiegel
534 Eileen Spiegel
535 Anthony Spizzo
536 Jack Spoto
537 Prema Spozdzial
538 Debbie Sproul
539 Charles Starkey

540 Debra Stcharles Chrisman
541 A Stearns
542 April Stearns
543 Wade Stein
544 Jason Stetser
545 Marta Stoeffler
546 Lori Stokes
547 Kevin Stumpf
548 PamelaSturt
549 Carole Sullivan
550 Elaine Sullivan
551 Denise Summer
552 Jeffery Suter
553 David Swantek
554 Russell Swiatek
555 Tim Swift
556 Jeanne Sylvester
557 Greg Szabo
558 Joe Szwed
559 LaDonns Tapscott-Houchin
560 Karl Taraska
561 Steven Tartaglia
562 Tara Taylor

563 Chris Taylor
564 Diana Tchalakov
565 Dian Thompson
566 Edward Thomson
567 Patrick Tiedemann Jr.
568 Jeff Tittel, Sierra Club
569 Jean Toher
570 Michael Toohey
571 Iwona Torosdag
572 Rusella Tracy
573 Kara Travers
574 Gayle Tunstead
575 Woody Turrentine
576 Gray Tuttle
577 Damian Valora
578 Georgia Van Giezen
579 Mark Van Leuven
580 Keith Van Strander
581 Ali Van Zee
582 Karin Vargas
583 Shane Vince
584 Karen Volpitto
585 Jennifer Voorhees

586 Alex Wachter
587 Sandi Wages
588 Robert Wagner
589 Donna Waliky
590 John Walker
591 Maryann Webber
592 Dara Wedel
593 Patrice Wein-Jung
594 Anthony Weisse
595 Kathy Weisse
596 Daniel Weistein
597 Bonnie Welch
598 Sharon Weresow
599 Kristina Wetzal
600 Ruthann Wheeler
601 Tammy White
602 Michele Wickel
603 Beverly Wilke
604 LuAnn Wilkins
605 Linda Wilkinson
606 Jessica Wilson
607 Tammie Wilson
608 Nathan Wilson

- 609 Loretta Windas
- 610 Barry Winiker
- 611 Susan Winter
- 612 Maya Wissak
- 613 Jason Wizner
- 614 Denise Wood
- 615 Veronica Wright
- 616 Kimberly Young
- 617 John Young
- 618 Kevin Youngberg
- 619 Gary Youngblood
- 620 Phil Yturbe
- 621 Donna Yturbe
- 622 Sara Yuppa
- 623 Gino M Zarate
- 624 Dawn Zelinski
- 625 Alan Zhang
- 626 Petr Zhigalin
- 627 Keith Zimmermann
- 628 John Zuber

629 The following 194 individuals sent a preprinted postcard opposing proposed amendments providing for emergency powers for disease response, no rehabilitation of susceptible species within a disease surveillance area, and separation of the Comprehensive

Black Bear Management Policy from the Game Code. These commenters also supported the closure of the ruffed grouse season:

Judith Abate

Linda Adams

Burnett Antovich

Joyce Applegate

Marilyn Argast

Susan Armstrong

Mary Ann Artay

Phyllis Asay

Arlene Aughey

Daniel Bartkewicz

Christine Bensen

Joseph Bertalan

Thomas Bialoglow

Cynthia Bianchi

Gail Biddle

Eve Bolkin

Sky Bolkin

Angela Bonaccolto

Gail Brady

Karen Breny

Joanne Brierly

J Brummell
Joanne Calenti
Kate Cammarata
Rita Carney
Mary Ann Cavallaro
Theresa Chepurny
Marina Chesney
Rita Chesterton
Denise Cieslik
Jackie Citro
Nancy Clark
Ronda Cluff
Racquel Colinares
Kelly Cook
Diana Craddock
Frnces Crocco
Joan Darbig
Ursula Davis
Dale Dbedford
Diane Deidloff
Kevin Dempsey
Brienne Desorbo
Melinda Diaz Magala

Suzanne Dolbow
Marie Dopico
Cecile Droz
Gail Engelschjon
Sarah Englestein
William Epstein
Joan Epstein
Jean Evans
Elizabeth Fagan
Frederick Fall
Ron Faulkner
Suzanne Ficara
Mary Floro
Teresa Fontana
Douglas Forbes
Mary Forsberg
Illegible Frabold
Mary Frangipane
Cheryl Frassetto
Julie Garber
Patricia Gass
CL Gordon
Bonita Grant

Marlene Graver
Sandra Gray
Lisa Groom
Joanne Guerrieri
Anna Haemmerle
Dennis Haff
Martha Halmo
Liana Halupka-Kober
John Harry
Margaret Hauck
Toni Hibbits
Joseph Hildebrandt Sr
Julia Hillsinger
Eleanor Hoffman
Kimberly Holster
Barbara Huttner
James Hykes
Angelo Illegible
Dolores Illegible
Sharin Illegible
Cindy Illegible
Robert Illegible
Louise & Ken Imperiale

Shannon Jacobs
Anita Janker
Linda Justensen
Pamela Kane
Susan Keys
Darlene Kovach
Warren Lee
Carole Leonard
E Lombardi
Leslie Long
Carol Lopez
Louise MacDonald
Edward Malok
Gregory Manzione
Barbara Maragulea
Marta Matthews
Melinda McCoy-Miller
Bonnie McDonald
Lori McGahan
Terri McGahan
Barbara McGrane
Chrsitine McGrath
Patricia McGrath

Marilyn McGrath
Illegible Meier
Kathryn Meyer
Raymond Miller
Geraldine Morelli
Holly Morgen
Corinne Moshman
Diane Mulford
Howard Nadell
Frank Naso
Gerri Natiello
Carole Nicolich
Christine Novak
Sheila O'Hara
Beverly Ollearo
Maya Ollson
Laura Oltman
Joe Oriscak
Frances Pattison
Karen Pavlov
Kathleen Peters
Meredith Petrillo
Joan Pihokker

| | |
|-----------|------------|
| Theresa | Pohl |
| Birgit | Prior |
| Patricia | Provost |
| Laura | Raimonso |
| John | Rancich |
| Tracey | Reed |
| Mary | Reidy |
| Kathy | Reuttinger |
| Mary | Richardson |
| Wilbur | Riker |
| Eleanor | Rinaldi |
| Joyce | Rivera |
| Kathleen | Robbins |
| Cynthia | Roche |
| Thomas | Romanelli |
| Rhoda | Roscher |
| Linda | Rossini |
| Macella | Russo |
| Suzanne | Santora |
| Amanda | Sargent |
| Steve | Saris |
| Bonnie | Sauter |
| Christine | Scott |

Doninique Seyler

Carole Shaffer-Koros

Mimi Simon

M Skibb

Lisa Sobieski

Silvia Solaur

Gail Sopuch

Robert Spanicciati

Heather Speeks

Vickie Spillane

Alice Spivack

Linda Stephan

David Stewart

Lee Strasddberg

Lila Tarajkowski

Elinor Taylor

Jacqueline Thomas

Sabrina Thomas

Bud Tunison

Sarah Turitz

J Ullrich

Terry Vaccaro

Cathy Vavala

Nicole Verbit
Alan Virbickas
Tina Vistica
Karen Voorhis
Christine Wallace
Constance Walus
Virginia Waters
Marie Weiss
Christina White
Lois Wolff
Magda Wolk
Melissa Zengel

General:

1. COMMENT: The proposed amendments to the Game Code, N.J.A.C. 7:25-5, are supported in their entirety and should be adopted (17, 94, 134, 144, 145, 146, 160, 181, 213, 262, 287, 387, 419, 435, 500, 590, and 598).

RESPONSE: The Council acknowledges the comments in support of the proposed amendments to the Game Code.

2. COMMENT: Commenters oppose the entire rulemaking and indicate that they are philosophically opposed to recreational hunting or trapping, any expansion of hunting or trapping opportunities, and the killing of animals (86, 214, 286, 404, 405, and 485).

RESPONSE: The Council is authorized and required pursuant to N.J.S.A. 13:1B-29 et seq., to manage wildlife throughout the State of New Jersey as a renewable resource and to maximize the benefits derived from wildlife resources, including the taking of game and furbearers, while utilizing a flexible system of protection, propagation, increase, control, and conservation of wildlife populations. The Council periodically promulgates amendments to the Game Code to meet its responsibilities by adjusting seasons, bag limits, and methods of take on the basis of scientific information. The Council recognizes that comments received in opposition to hunting represent the philosophy of people who may be opposed to the killing and/or use of animals, including recreational hunting as a management tool. However, this rulemaking represents the Council's best efforts to fulfill its statutory mandate to manage the State's game and furbearing animals.

N.J.A.C. 7:25- 5.1

3. COMMENT: The renaming of "disease containment area" to "disease surveillance area" is supported (215, 297, 313, 365, 386, 454, 456, 553, and 560).

RESPONSE: The Council acknowledges the comments in support of the proposed amendment to the Game Code.

4. COMMENT: The renaming of "disease containment area" to "disease surveillance area" is generally opposed (1, 5, 10, 14, 15, 16, 20, 21, 24, 28, 33 through 38, 44, 45, 51, 53, 54, 55, 59, 60, 62 through 66, 68, 79, 80, 87, 97 through 102, 105, 106, 107, 109, 114, 115, 116, 119, 120, 122, 123, 124, 130, 131, 132, 133, 139, 140, 147, 149, 150, 151, 152, 156, 157, 162, 166, 168, 169, 171, 172, 173, 175, 176, 177, 179, 180, 183, 187 through 192, 194, 195, 197, 200, 201, 209,

210, 214, 218, 225, 227, 228, 237, 241, 250, 252, 261, 262, 263, 265 through 271, 275, 277, 282, 285, 286, 288, 292, 298, 300, 305, 310, 312, 314, 323, 324, 325, 326, 329, 330, 331, 333, 334, 335, 337, 338, 341, 342, 343, 344, 345, 348, 352, 354, 358, 359, 360, 361, 364, 368, 369, 372, 376, 378, 379, 380, 387, 389, 398, 404, 405, 406, 407, 414, 415, 417, 418, 419, 422, 423, 425, 427, 435, 449, 451, 452, 457, 458, 460, 470, 471, 473, 475 through 479, 482, 486, 488, 490, 492, 493, 503, 504, 505, 506, 508, 510, 512, 513, 516, 524, 525, 528, 529, 530, 537, 541, 548, 549, 550, 552, 556, 557, 559, 562, 564, 581, 584, 585, 594, 595, 600, 602, 604, 610, 611, 614, 618, 620, 625, and 626).

RESPONSE: The Council recognizes that comments received in opposition to hunting represent the philosophy of people who may be opposed to the killing and/or use of animals, including recreational hunting as a management tool. However, this amendment represents the Council's best efforts to fulfill its statutory mandate at N.J.S.A. 13:1B-30 to manage the State's game and furbearing animals, to keep them healthy, and to control and conserve game and fur-bearing animals in this State. With reference to the name designated for these areas, as indicated in the notice of proposal Summary, the adopted amendments allow establishment of such areas not only when a highly contagious or zoonotic disease of concern is discovered within the State, as the rules previously provided, but also if such a disease is discovered within close proximity to the State's border. That change will allow the State to designate areas within New Jersey that are potentially, or already, at risk because of disease across its borders. This will further allow the State to identify, at the earliest possible time, if such a disease has entered the State and focus efforts to prevent spread of the disease. Because the change makes it possible to establish an area for surveillance purposes even if the disease has not been actually observed in New Jersey, continued reference to an area as a "containment area" would have created a misimpression as to

the rule's purpose, which is to closely watch areas at risk of disease (surveil them) for signs of spread, and give the Director authority with the concurrence of the Council, to take rapid steps to limit any outbreak.

5. COMMENT: Commenters are in support of the proposed amendment that would allow the Division to declare a disease containment area if a highly contagious or zoonotic wildlife disease of concern is found within 20 miles of the New Jersey border (215, 297, 313, 365, 386, 470, 552, and 560).

RESPONSE: The Council acknowledges the comments in support of the proposed amendment to the Game Code.

6. COMMENT: Multiple commenters expressed general opposition to the Division having the authority to declare a disease surveillance area if a highly contagious or zoonotic wildlife disease of concern is found within 20 miles of the New Jersey border (1, 5, 10, 14, 15, 16, 19, 20, 21, 24, 28, 33 through 38, 44, 45, 51, 53, 54, 55, 59 through 66, 68, 79, 80, 86, 87, 97 through 102, 105, 106, 107, 109, 114, 115, 116, 119, 120, 122, 123, 124, 130, 131, 132, 133, 139, 140, 143, 147 through 152, 156, 157, 162, 166, 171, 172, 175, 176, 177, 179, 180, 183, 185, 187 through 192, 194, 195, 197, 200, 201, 209, 210, 214, 218, 225, 227, 228, 237, 238, 239, 241, 249, 250, 252, 261, 262, 263, 265 through 271, 275, 277, 282, 285, 286, 288, 292, 298, 300, 305, 310, 312, 314, 318, 323, 324, 325, 326, 329, 330, 331, 333, 334, 335, 337, 338, 341 through 345, 348, 352, 354, 358, 359, 360, 364, 368, 369, 372, 376, 378, 379, 380, 387, 389, 395, 398, 404, 405, 406, 407, 414, 415, 422, 423, 425, 427, 435, 449, 451, 454 through 458, 460, 473, 475, 476, 477, 478, 479, 482, 486, 488, 490, 493, 503, 504, 505, 506, 508, 510, 512, 513,

516, 524, 525, 528, 529, 530, 537, 541, 548, 549, 550, 552, 556, 557, 559, 562, 564, 581, 584, 585, 594, 595, 600, 601, 602, 604, 610, 611, 614, 618, 620, 625, and 626). Others oppose the amendment because it establishes vague disease surveillance areas for increased hunting and trapping with no constraints and potential expanded trapping of unidentified species to prevent unidentified disease (629).

RESPONSE: As discussed in the Response to Comment 4, the establishment of an expanded disease surveillance area will allow the State to designate areas within the State that are potentially, or already, at risk, which will increase the State's ability to identify, at an earlier time, if such a disease has entered the State or is at risk of doing so. The designation of a disease surveillance area enables the Council to authorize additional disease monitoring and management measures to attempt to prevent the disease from readily spreading beyond the area of initial discovery of the first (index) case, and to gauge the prevalence and geographic range of the disease in order to keep New Jersey's wildlife populations healthy and stable. As further discussed in the notice of proposal Summary, the ability to take these protective measures is particularly necessary in light of the dangers currently posed by threats, such as Chronic Wasting Disease (CWD), a highly contagious and fatal disease of cervids that is being found at more and more locations within the State of Pennsylvania. Sampling of susceptible species will occur to determine prevalence and geographic spread of the disease. Not listing specific diseases allows for response to pathogens not currently discovered, which could have the potential to become widespread in wildlife, domestic animals, and humans.

7. COMMENT: The change to give the Director, in concurrence with the Council, the authority to exercise emergency powers so that modification of existing hunting and/or trapping

regulations within a disease surveillance area can occur is supported (215, 278, 313, 365, 386, 470, 552, and 560).

RESPONSE: The Council acknowledges the comments in support of the proposed amendment to the Game Code.

8. COMMENT: One hundred ninety-five (109 and 629) commenters opposed the change to give the Director, in concurrence with the Council, the authority to exercise emergency powers, so that modification of existing hunting and/or trapping regulations within a disease surveillance area stating the Council claims to have complete control over the Game Code. The following people generally opposed the amendment (1, 2, 5, 8, 10, 13, 14, 15, 16, 18, 19, 20, 21, 24, 26, 28, 33 through 39, 42, 44, 45, 48, 49, 51, 53, 54, 55, 60 through 66, 68, 70, 72, 73, 74, 77, 78, 79, 80, 85, 86, 87, 88, 91, 97, 98, 99, 100, 101, 102, 105, 106, 108, 114, 115, 116, 119, 120, 122, 123, 124, 128, 130, 131, 132, 133, 138, 139, 140, 141, 143, 147, 149, 150, 151, 152, 156, 157, 158, 159, 161, 162, 163, 166, 167, 168, 170 through 175, 177, 178, 180, 183, 184, 185, 189, 192, 193, 197, 201, 206, 207, 208, 210, 211, 212, 217, 221, 222, 224, 226, 232, 233, 235, 243, 244, 245, 246, 248 through 260, 264, 265, 268, 269, 271, 272, 274, 275, 276, 281, 282, 283, 284, 288, 293, 295, 296, 297, 299 through 304, 306 through 311, 314, 317, 318, 320, 322, 324, 325, 326, 330, 334, 335, 338, 339, 342, 344, 345, 346, 353, 354, 355, 361, 363, 364, 365, 367, 368, 370, 371, 372, 373, 376, 378, 379, 380, 387, 388, 389, 395, 397, 398, 399, 401, 402, 404, 405, 406, 407, 414 through 420, 422, 423, 425, 427, 430, 435, 437, 438, 439, 440, 446, 448, 449, 451, 452, 454 through 458, 460, 462, 468, 472, 473, 475 through 479, 482, 484, 486, 488, 490, 493, 494, 495, 497, 502 through 506, 508, 510 through 516, 519, 524, 525, 528, 529, 530, 532, 537, 541, 542, 544, 545, 546, 548, 549, 550, 552, 556, 557, 559, 562, 564, 565, 569, 570, 574, 576, 581, 582,

584, 585, 592, 593, 594, 595, 597, 598, 600 through 608, 610, 611, 614, 617, 618, 620, 622, 624, 625, and 626).

9. COMMENT: One commenter opines that the change to give the Director, in concurrence with the Council, the authority to exercise emergency powers circumvents the Administrative Procedure Act (APA) requirements for emergency rulemaking procedures and is, therefore, illegal (199).

10. COMMENT: A commenter states that the change to give the Director, in concurrence with the Council, the authority to exercise emergency powers expands hunting and trapping to allegedly fight disease when the best way to prevent the spread of disease is to ban baiting (319).

11. COMMENT: The change to give the Director, in concurrence with the Council, the authority to exercise emergency powers is opposed because it increases the killing of more deer and other animals without legitimate concern for the well-being of wildlife (359), and because it is a blatant attempt by Council to circumvent the rules and avoid public scrutiny (609).

RESPONSE TO COMMENTS 8 THROUGH 11: The commenters are responding to the change at N.J.A.C. 7:25-5.1(i)4, which adds narrow options to existing rules that give the Division the authority to establish a disease containment area (to be renamed a disease surveillance area) if a highly contagious or zoonotic disease of concern is discovered in New Jersey or within 20 miles of the New Jersey State border.

The adopted amendment applies only if there is a highly contagious or zoonotic disease of concern, and only if the disease is discovered in the State or within 20 miles from its border. If such a finding is made, N.J.A.C. 7:25-5.1(i) already provides multiple limited remedies designed to ensure that the State is able to take necessary immediate action to protect the overall species population from the rapid spread of such diseases. As demonstrated by the COVID-19

pandemic, timely response to such diseases can be critical in limiting the impact of the disease from becoming devastating to a particular population, or, in the case of the populations protected by these rules, a particular species, such as the threat Chronic Wasting Disease (CWD) poses to cervids. These previously existing remedies include the prohibition of the removal of a carcass or potential contagion-carrying part of an animal from the designated area, except under a permit issued by the Division; establishment of special check stations by the Division to collect biological data; taking of tissue samples for disease testing; and placing limits on possession of a carcass of a cervid killed in collision with a vehicle in a disease containment area. Under the rules prior to these amendments, notification to the public of the establishment of a disease containment area was accomplished by notice in the New Jersey Register, press releases, and on the Division's website at www.njfishandwildlife.com. The establishment of areas subject to limitations on hunting in the face of a highly contagious or zoonotic disease of concern that could have a devastating impact on the State's wildlife species is further consistent with the ability of the Director, with the approval of the Council, to close any hunting or trapping season Statewide or in a designated area, when necessary, to respond to emergencies or special circumstances when it is deemed necessary to protect wildlife or human health or safety under N.J.A.C. 7:25-5.1(g).

The existing rules, and the adopted amendments, are consistent with the statutory authority given to the Council at N.J.S.A. 13:1B-30 to provide an adequate and flexible system to protect and conserve species of game animals, including determining the circumstances and location where such animals may be pursued, taken, killed, or had in possession as it deems necessary to preserve, properly utilize, or maintain the best relative number of any species or variety thereof, at the times, in the manner and to the extent hereinafter provided. The Council

also has similar authority pursuant to N.J.S.A. 13:1B-32 to establish, extend, shorten, or abolish open seasons and bag and possession limits, establish and change geographic limits, and establish other similar controls.

Consistent with both the statutory scheme and the previous regulatory framework, the adopted amendments, recognizing the potential imminent threats posed by highly contagious or zoonotic wildlife disease of concern threats, such as chronic wasting disease, allow the Director, only with the Council's blessing, to modify hunting or trapping rules for the specific species identified as potentially impacted by the disease within the disease surveillance area. Those modifications include, but are not limited to, the relaxation of bag limits, the addition of season dates, the repeal of antler point restrictions, the relaxation of wanton waste rules, and the ban of baiting in an attempt to reduce or contain the spread of disease. The fact that there must be a clear connection to a highly contagious or zoonotic wildlife disease of concern will confine the extent of the Director's efforts as authorized by the Council.

The amendments adopted at this time are necessary to give the Director, as authorized by the Council, the flexibility to respond to the imminent concerns posed by highly contagious wildlife diseases and to limit his or her actions to a geographically bounded area. The COVID-19 pandemic demonstrated that in managing highly contagious diseases flexibility and promptness of action are critical. As with the previously existing provision, the Division will publish notice of actions in the New Jersey Register, press releases, and on the Division's website at www.njfishandwildlife.com.

A ban on baiting is one of the modifications that would be considered if it fit the circumstances of the disease in question. Baiting itself does not cause disease. However, in certain circumstances for certain diseases, a temporary elimination of baiting can help stop the

spread of disease. Accordingly, while a total ban on baiting is not necessary, the Council would consider a ban on baiting and would implement such a ban if it fit the circumstances of the disease in question.

The sampling of animals for a disease is done for the well-being of the herd, if deer are the species in question, or the population of whatever species was affected by the disease. Sampling of the affected species is done to determine prevalence and spread of the disease.

12. COMMENT: Commenters support the change to ban the rehabilitation of a susceptible species within an established disease surveillance area. The species banned from rehabilitation would only be directly related to the disease causing the disease surveillance area's establishment. (215, 313, 365, 386, 449, 470, and 561)

RESPONSE: The Council acknowledges the comments in support of the proposed amendment to the Game Code.

13. COMMENT: The change to ban the rehabilitation of a susceptible species within an established disease containment area is generally opposed (1, 3, 5, 8, 10, 11, 13, 14, 15, 18, 19, 20, 21, 24, 28, 31, 33 through 38, 42, 44, 45, 48, 49, 51, 52, 53, 54, 55, 59 through 66, 68, 70, 72, 73, 74, 76, 77, 79, 80, 87, 90, 91, 97 through 102, 105, 106, 108, 112, 114, 115, 116, 119, 120, 122, 123, 124, 128, 130, 131, 132, 133, 136, 138, 140, 141, 144, 147 through 152, 156, 157, 159, 161, 162, 163, 166, 167, 168, 171 through 175, 177, 179, 180, 181, 184, 185, 187 through 192, 194, 195, 197, 200, 201, 206, 209, 210, 218, 223, 225, 226, 227, 228, 229, 231, 232, 234, 238, 239, 241, 243, 245, 249, 250, 251, 252, 260, 261, 262, 263, 265 through 271, 274, 275, 277, 280, 281, 282, 283, 285, 286, 287, 288, 289, 291, 292, 293, 296, 298, 299, 300, 301, 305, 310, 312,

314, 316, 324, 326, 329, 331 through 335, 338, 340 through 345, 348, 352, 354, 355, 356, 358, 359, 360, 369, 370, 372, 374, 376, 378, 379, 380, 387, 388, 389, 391, 397, 398, 399, 401, 402, 403, 414, 415, 417, 418, 419, 420, 422, 423, 425, 427, 430, 435, 439, 440, 446, 448, 452, 454 through 458, 460, 462, 472, 473, 475 through 479, 482, 484, 486, 488, 490, 493, 494, 496, 497, 501, 503 through 508, 510 through 515, 519, 520, 521, 524, 525, 528, 529, 530, 532, 533, 534, 537, 538, 541, 545, 546, 549, 552, 556, 557, 559, 562, 564, 565, 566, 572, 573, 576, 581, 582, 584, 585, 590, 592, 593, 594, 600, 601, 602, 603, 604, 606, 610, 611, 614, 615, 617, 618, 620, 622, 625, and 626).

14. COMMENT: The proposal to ban the rehabilitation of a susceptible species within an established Disease Containment Area is opposed because it causes unnecessary killing of animals because they are potentially carrying disease is inhumane (27), it bans rehabilitation of unspecified species susceptible to an unspecified contagion (351, 468, 574, and 629), disease prevention should not be to the detriment of individual animals that could be rehabilitated (56), and all rabies-vector animals should not be slaughtered (57, 221, 395, 501, and 548) because it is cruel and does little to prevent the spread of disease (323). This rulemaking will cause horrific suffering and cruelty to innocent animals (374), and the rulemaking smacks of speciesism (432), because it will cause mass killing of healthy wildlife, and every animal has the right to be rehabilitated (231, 257, 339, 394, 572, and 624). It is an open-ended elimination of any species carrying disease and wildlife control companies use inhumane methods (256 and 364), and it will cause mass murders of animals whether they are ill or not (526).

15. COMMENT: The change to ban the rehabilitation of a susceptible species within an established Disease Containment Area is opposed for reasons of concern about wildlife rehabilitation and rehabilitators. Commenters stated the reasons that follow. The Council should

not be given the power to micromanage and shut down wildlife rehabilitators in a State that needs more (78 and 396). The rulemaking is arbitrary (109). The Division is trying to get rid of “home” wildlife rehabilitators (139) or eliminate rehabilitators (462 and 609). The rulemaking has no scientific data to back it up (158). Why should for-profit companies replace rehabilitators (413 and 569)? Rehabilitators protect public health (325, 330, 332, 388, 406, 407, 437, 438, 448, 494, and 507). The proposed amendments will reduce the number of rehabilitators and increase the number of wildlife traps (408). There is no evidence this will prevent the introduction and spread of disease (404). The amendments will increase underground wildlife rehab, cause wildlife suffering, increase use of barbaric leghold trap, allow pest control companies to trap and kill wildlife, and cause a decrease in already low numbers of rehabbers (461 and 598). The Division is trying to close rehabilitators down completely and without professional wildlife rehabilitators, the public would do it themselves and doing so would possibly harm these individuals (58). Rehabilitators know how to control disease and work with veterinarians (212). Reducing rehabilitators would cause the spread of illness (214) and taking away rehabilitators is totally dangerous (348). The proposed amendments will preclude rehahabilitators from preforming a much-needed service (364).

RESPONSE TO COMMENTS 13 THROUGH 15: The Division’s responsibility is to maintain the State’s wildlife resources in good health. In order to ensure that the State’s wildlife resources have not become infected with a disease that can have devastating impacts on the total population of a species, or to control the spread of a disease that has been introduced into the State, it is sometimes necessary that individual animals be sacrificed for the good of an entire population. Additionally, in the case of a highly contagious disease, measures that reduce population density while gathering important information necessary to monitor and determine

the extent of any infection can be an effective component of necessary efforts to reduce or slow the transmission of the disease as part of a comprehensive plan to control the threats numerous diseases pose to the State's wildlife.

The adopted amendment intentionally does not specify species or diseases. This will give the Division the regulatory flexibility to react and respond to any disease(s) that may impact wildlife, including diseases that may develop in the future and those that are currently known, but may not yet be found in New Jersey. To limit the Division's ability to utilize the emergency provisions to specifically named species or diseases would require future rulemaking to address emerging disease outbreaks that cannot be anticipated currently, hampering the Division's ability to react to an emergent outbreak during the most critical initial stages of the outbreak or threat.

This amendment is not intended to address rabies-vector species. Rabies has always been present in New Jersey and all mammals are potential rabies carriers. Rabies is found world-wide, and while contagious by direct contact (that is, transmission of saliva) there are prophylactic vaccinations for humans and pets to prevent the disease, and for post-exposure in humans. There are no preventative measures or cures for wildlife diseases, such as CWD. Additionally, rabies does not threaten wildlife populations nor remain prevalent in the environment after the affected animal(s) die.

The amendment is not an attempt to shut down or adversely affect New Jersey's licensed wildlife rehabilitators. The amendment will merely prevent the rehabilitation of the specific species, which is vulnerable to the disease in question, inside of a disease surveillance area. The rehabilitator will still be able to handle other species. And the species in question that the disease surveillance area was established to protect will still be able to be rehabilitated in areas of the State where the disease is not present. Since disease surveillance areas are delineated by the

area of the disease outbreak, rehabilitators may not even be located within one. The amendment states nothing about rehabilitators being replaced by pest control companies or for-profit companies; rehabilitators must still meet all requirements applicable under the rules.

N.J.A.C. 7:25- 5.4

16. COMMENT: The closure of the ruffed grouse hunting season is supported (1, 5, 8, 10, 13, 14, 15, 16, 19, 20, 21, 24, 28, 33 through 38, 42, 44, 45, 48, 49, 51, 53, 54, 55, 59 through 66, 68, 70, 72, 73, 74, 79, 80, 87, 91, 96 through 102, 105, 106, 109, 114, 115, 116, 119, 120, 122, 123, 124, 128, 130, 131, 132, 133, 138, 139, 140, 141, 147, 149, 150, 151, 152, 156, 157, 161, 162, 163, 166, 167, 168, 171, 172, 175, 177, 179, 180, 181, 185, 187 through 192, 194, 195, 197, 200, 201, 202, 206, 209, 210, 214, 218, 223 through 229, 234, 238, 239, 241, 243, 249, 250, 252, 258, 260, 261, 262, 263, 265 through 272, 275, 277, 282, 285, 286, 289, 291, 292, 293, 299, 300, 301, 305, 310, 312, 313, 314, 316, 323, 324, 325, 326, 329 through 335, 337, 338, 341 through 345, 348, 352, 354, 355, 356, 358, 359, 360, 364, 369, 372, 376, 378, 379, 380, 386, 387, 388, 389, 395, 397, 398, 399, 401, 402, 404, 405, 406, 407, 414, 417, 418, 419, 420, 422, 423, 425, 427, 430, 435, 437 through 441, 448, 449, 451, 452, 454 through 460, 464, 470, 473, 475 through 479, 482, 484, 486, 488, 490, 493, 495, 497, 502 through 508, 510 through 516, 519, 524, 525, 528, 529, 530, 532, 537, 539, 541, 545, 546, 548, 549, 550, 552, 553, 556, 557, 559, 561, 562, 564, 565, 570, 573, 576, 581, 584, 585, 590, 592, 593, 594, 595, 600 through 604, 606, 609, 610, 611, 614, 617, 618, 620, 625, 626, and 629).

RESPONSE: The Council acknowledges the comments in support of the proposed amendment to the Game Code.

17. COMMENT: The closure of the ruffed grouse hunting season is opposed because hunting has not been shown to be a cause of declining grouse populations (365) and closing the season gives the illusion that it is (170), and because the Division should have a limited lottery instead of a full season closure for hunting grouse to gain more data on the species (390). Other commenters expressed general opposition to the closure (415 and 582).

RESPONSE: Although hunting is not the the main cause of the decline in the number of grouse in the State, the Council and the Division believe that the grouse population cannot sustain a hunt at the current levels. The Council and the Division have been clear in their communications with the public that the presence of few young-aged forests in New Jersey is the main cause of the decline, not hunting. The Division may still utilize hunters and other outdoor recreators to obtain data through sighting reports.

N.J.A.C. 7:25-5.6

18. COMMENT: The change to separate the Comprehensive Black Bear Management Policy from the Game Code is supported (49, 99, 182, 187, 278, 337, 386, 406, 407, 449, 470, 554, 561, and 616).

RESPONSE: The Council acknowledges the comments in support of the proposed amendment to the Game Code.

19. COMMENT: The change to separate the Comprehensive Black Bear Management Policy (CBBMP) from the Game Code is opposed because that separation would mean the Council and/or Division would not be part of bear management (12, 75, 459, and 553) and bear management belongs to the experts not the government (544).

20. COMMENT: The proposed separation of the CBBMP from the Game Code is opposed because it is political pandering to the anti-hunters. (32 and 41)

21. COMMENT: The removal of the CBBMP from the Game Code is opposed because separation gives the Council complete authority over the Game Code. (109, 568, and 609)

22. COMMENT: The proposed amendment is opposed because it is an attempt to disempower or remove the Commissioner from the process. (548 and 568)

23. COMMENT: The proposed amendment is opposed because the bear hunt should not be ended (190). The bear hunting regulations should be left alone as there's scientific evidence that proves a bear season is needed to control the population (308).

24. COMMENT: The proposed amendment to remove the CBBMP from the appendix to N.J.A.C. 7:25-5.6 is opposed because it does not stop the bear hunt (629, 568) or eliminate the CBBMP itself (323). Other commenters expressed opposition to the proposed amendment because they are in opposition to a bear hunt. (1, 2, 8, 10, 13, 16, 19, 20, 21, 24, 33, 34, 35, 37, 42, 44, 48, 51, 53, 54, 60, 61, 62, 64, 65, 66, 68, 70, 72, 73, 74, 79, 80, 91, 100, 102, 105, 106, 112, 115, 116, 119, 120, 122, 123, 124, 132, 138, 141, 143, 147, 149, 150, 156, 157, 159, 161, 162, 163, 166, 167, 168, 171, 172, 175, 179, 180, 181, 189, 191, 195, 197, 200, 201, 202, 206, 209, 210, 214, 223 through 229, 234, 241, 249, 250, 252, 262, 269, 270, 271, 275, 277, 282, 286, 288, 289, 291, 292, 293, 299, 300, 305, 310, 312, 314, 316, 317, 324, 325, 326, 330, 331, 332, 334, 338, 340 through 345, 348, 351, 352, 354, 356, 358, 359, 360, 364, 369, 372, 378, 379, 380, 387, 388, 389, 395, 397, 398, 399, 401, 402, 404, 405, 414, 415, 417, 418, 419, 422, 423, 425, 427, 428, 430, 437, 438, 439, 440, 448, 452, 455, 456, 457, 464, 473, 475, 477, 478, 482, 484, 486, 488, 490, 493, 494, 497, 502, 503, 508, 510, 511, 512, 514, 515, 519, 524, 525, 528, 530, 532, 541, 545, 549, 550, 552, 559, 564, 565, 573, 576, 581, 590, 593, 595, 600, 601, 602, 604,

610, 612, 614, 618, 622, and 624)

25. COMMENT The proposed amendment to N.J.A.C. 7:25-5.6 is opposed (5, 14, 15, 18, 28, 36, 38, 45, 55, 59, 78, 97, 98, 101, 108, 114, 130, 131, 139, 140, 151, 152, 158, 177, 184, 185, 188, 192, 194, 218, 238, 239, 243, 260, 261, 263, 265, 266, 267, 268, 272, 281, 285, 301, 313, 329, 333, 335, 336, 355, 376, 420, 423, 435, 451, 454, 460, 469, 476, 479, 495, 504, 505, 506, 507, 513, 516, 529, 537, 546, 556, 557, 562, 570, 584, 585, 592, 594, 598, 603, 606, 611, 617, 625, and 626).

RESPONSE TO COMMENTS 19 THROUGH 25: As indicated in the notice of proposal, this rulemaking, including the amendment that removes the CBBMP from the text of the New Jersey Administrative Code at N.J.A.C. 7:25-5.6(a), represents a balancing of the Council's efforts to fulfill its statutory mandate to manage the State's game and furbearing animals with its responsibility under the CBBMP.

The Council is not banning or ending the CBBMP. It is changing where it can be found by the public. The primary effect of the amendment is simply to more appropriately house the current CBBMP on the Department's website with the Code instead indicating that the Department will publish the operative CBBMP on the Division of Fish and Wildlife (Division) website, where it is already routinely posted (see <https://njfishandwildlife.com/bearpolicy15.htm>). The amendment does not in any way change the terms of the existing CBBMP between the date of this adoption and the expiration of the current CBBMP on June 12, 2021.

As explained in the notice of proposal Summary, the Council believes that removing the CBBMP as an appendix to the Game Code is appropriate for a number of reasons. From a

logistical standpoint, the CBBMP differs from the Game Code because adopting a final CBBMP requires both Council and Commissioner approval, while the Game Code is within the Council's sole authority. Those respective authorities are unaffected by the location of the CBBMP either in the New Jersey Administrative Code or through posting on the Department's website.

The Game Code and the CBBMP also have different focuses, with the CBBMP being a compilation of the black bear conservation and management goals, the various means by which the conservation and management goals may be accomplished, and the factors to be considered in determining which means should be implemented to achieve those goals. Among other things, the CBBMP includes policy recommendations for public education, human-associated food availability, nuisance bear control, research and population monitoring, and bear population control, all, or a subset, of which may be utilized to manage black bears in the State. Information considered under the CBBMP is regularly updated on the Division's website in order to present the most current information and data analysis pertaining to the State's black bear population.

In contrast, the Game Code, at N.J.A.C. 7:25-5.6, reflects the Council's regulatory determinations, taking into account the policies and information contained in the CBBMP consistent with the Council's statutory charge at N.J.S.A. 13:1B-30.

This amendment does not transfer the authority for bear management away from the Division or the Council, nor does it disempower the Department Commissioner. Pursuant to *United States Sportsmen's Alliance Foundation v New Jersey Department of Environmental Protection*, 182 N.J. 461 (2005), the Council may only authorize a black bear hunting season consistent with a current comprehensive policy for the protection and propagation of the black bear population developed by the Council and approved by the Commissioner.

As indicated in the notice of proposal, in light of the pending expiration of the current

CBBMP, the Council is working on finalizing a new CBBMP to be presented to the Commissioner of the Department for consideration and approval.

When an updated draft CBBMP has been completed by the Council and approved by the Commissioner, any necessary amendments to N.J.A.C. 7:25-5.6, as well as the CBBMP itself, will be subject to the rulemaking procedures of the Administrative Procedure Act (APA), N.J.S.A. 52:14B-1 et seq, as required by *New Jersey Animal Rights Alliance v. New Jersey Department of Environmental Protection*, 396 N.J. Super. 358 (App. Div. 2007). In accordance with the requirements of the APA, such procedures will include notice and publication of the draft CBBMP in the New Jersey Register, a comment period, and a public hearing. If approved by the Council and the Commissioner, the response to comments and final CBBMP will be published in the New Jersey Register.

Both the Council and the Department will consider all comments received on that future rulemaking and will respond to all comments at the adoption phase of that rulemaking.

N.J.A.C. 7:25-5.13

26. COMMENT: The amendment to remove King Rail from the list of game species and the Game Code in advance of its listing as a State-endangered species is supported (1, 5, 10, 13, 14, 15, 16, 19, 20, 21, 24, 28, 33 through 38, 42, 44, 45, 48, 51, 53, 54, 55, 59 through 66, 68, 70, 72, 73, 74, 79, 80, 87, 91, 96, 97, 99, 100, 101, 102, 105, 106, 109, 112, 114, 115, 116, 119, 120, 122, 123, 124, 130, 131, 132, 133, 138, 139, 141, 147, 149, 150, 151, 152, 156, 157, 162, 163, 166, 167, 168, 171, 172, 175, 177, 179, 180, 181, 185, 187 through 192, 194, 195, 197, 200, 201, 202, 206, 209, 210, 214, 218, 223 through 229, 234, 239, 241, 243, 249, 250, 252, 261, 262, 263, 265 through 271, 275, 277, 282, 285, 286, 288, 289, 292, 293, 299, 300, 305, 310, 312, 313, 314,

316, 323, 324, 325, 326, 329, 330, 331, 333, 334, 335, 337, 341 through 345, 348, 352, 354, 355, 356, 358, 359, 360, 364, 369, 372, 376, 378, 379, 380, 386, 387, 388, 389, 395, 397, 398, 399, 401, 402, 404, 405, 409, 414, 415, 417, 418, 419, 420, 422, 423, 425, 427, 430, 435, 437, 438, 439, 440, 448, 449, 451, 452, 454, 455, 457, 458, 460, 470, 473, 475 through 479, 482, 484, 486, 488, 490, 493, 494, 497, 503 through 508, 510 through 516, 519, 524, 525, 528, 529, 530, 532, 537, 541, 543, 545, 546, 548, 549, 550, 552, 556, 557, 559, 561, 562, 565, 573, 576, 581, 582, 584, 585, 593, 594, 595, 600, 601, 602, 604, 606, 610, 611, 612, 614, 618, and 620).

RESPONSE: The Council acknowledges the comments in support of the proposed amendment to the Game Code.

27. COMMENT: The change to remove King Rail from the list of game species and the Game Code in advance of its listing as a State-endangered species is opposed (98, 365, 590, 617, and 625).

RESPONSE: This rulemaking represents the Council's best efforts to fulfill its statutory mandate to manage the State's game and furbearing animals. As indicated in the notice of proposal Summary, King Rail is a game species with a closed season because its population level is not robust enough to sustain hunting loss. A data review concluded the best course was listing the species as endangered in the breeding season and unknown/undetermined in the non-breeding season. That effort reflected data on population trends, productivity, survival and mortality factors, habitat requirements, and threats to both population and habitat.

28. COMMENT: The change to reduce the bag limit for common gallinule from 10 birds to one bird per day is supported (1, 5, 10, 14, 15, 16, 19, 20, 21, 24, 28, 33 through 38, 44, 45, 51, 53,

54, 55, 59 through 66, 68, 79, 80, 87, 97, 99, 100, 101, 102, 105, 106, 109, 114, 115, 116, 119, 120, 122, 123, 124, 128, 130, 131, 132, 133, 139, 140, 147, 149, 150, 151, 152, 154, 156, 157, 162, 166, 171, 172, 175, 177, 179, 180, 185, 187 through 192, 194, 195, 197, 200, 201, 209, 210, 214, 218, 225, 227, 228, 239, 241, 249, 250, 252, 261, 262, 263, 265 through 271, 275, 277, 282, 285, 286, 288, 292, 305, 310, 312, 313, 314, 323, 324, 325, 326, 329, 330, 331, 333, 334, 335, 338, 341 through 345, 348, 352, 354, 355, 358, 359, 360, 364, 365, 369, 372, 376, 378, 379, 380, 386, 387, 389, 395, 398, 404, 405, 414, 415, 422, 423, 425, 427, 449, 451, 452, 454, 455, 456, 457, 458, 460, 464, 470, 473, 475 through 479, 482, 486, 488, 490, 493, 503, 504, 505, 506, 508, 510, 512, 513, 516, 524, 525, 528, 529, 530, 537, 541, 546, 548, 549, 550, 552, 557, 559, 561, 562, 564, 581, 584, 585, 594, 595, 600, 601, 602, 604, 610, 611, 614, 618, 620, 625, and 626).

RESPONSE: The Council acknowledges the comments in support of the proposed amendment to the Game Code.

29. COMMENT: The change to reduce the bag limit for common gallinule from 10 birds to one bird per day is opposed (98, 300, and 435).

RESPONSE: This rulemaking represents the Council's best efforts to fulfill its statutory mandate to manage the State's game and furbearing animals. As stated in the notice of proposal Summary, the reason numbers of this bird are low in the State is that the gallinule's geographic range is peripheral in New Jersey relative to its national range, meaning that populations in New Jersey are on the edge of its core range and would be expected to be less plentiful than at the core of its range.

N.J.A.C. 7:25-5.22

30. COMMENT: The change to ban the importation of any live member of the cervid family is supported (1, 5, 10, 14, 15, 16, 19, 20, 21, 24, 28, 33, 34 through 38, 44, 45, 51, 53, 54, 55, 59 through 66, 68, 79, 80, 87, 96 through 102, 105, 106, 109, 114, 115, 116, 119, 120, 122, 123, 124, 130, 131, 132, 133, 139, 140, 147, 149, 150, 151, 152, 154, 156, 157, 162, 166, 170, 171, 172, 175, 177, 179, 180, 181, 185, 187 through 192, 194, 195, 197, 200, 201, 209, 210, 214, 217, 218, 225, 227, 228, 239, 241, 249, 250, 252, 261, 262, 263, 266 through 271, 275, 277, 282, 285, 286, 288, 292, 300, 305, 310, 312, 313, 314, 323, 324, 325, 326, 329, 330, 331, 333, 334, 335, 338, 341 through 345, 348, 352, 354, 355, 358, 359, 360, 364, 365, 369, 372, 376, 378, 379, 380, 386, 387, 389, 395, 398, 404, 405, 414, 415, 422, 423, 425, 427, 435, 449, 451, 452, 454 through 458, 460, 464, 470, 473, 475 through 479, 482, 486, 488, 490, 493, 503, 506, 508, 510, 512, 513, 516, 524, 525, 528, 529, 530, 537, 541, 546, 548, 549, 550, 552, 557, 559, 561, 562, 564, 581, 584, 585, 594, 595, 600, 601, 602, 604, 610, 611, 614, 618, 620, 625, and 626).

RESPONSE: The Council acknowledges the comments in support of the proposed amendment to the Game Code.

31. COMMENT: The change to ban the importation of cervid semen is supported (1, 5, 10, 14, 15, 16, 19, 20, 21, 24, 28, 33 through 38, 44, 51, 53, 54, 55, 59 through 66, 68, 79, 80, 87, 96 through 101, 102, 105, 106, 109, 114, 115, 116, 119, 120, 122, 123, 124, 130, 131, 132, 133, 139, 140, 147, 149 through 154, 156, 157, 162, 166, 170, 171, 172, 175, 177, 179, 180, 181, 185, 187 through 192, 164, 195, 197, 200, 201, 209, 210, 214, 217, 218, 225, 227, 228, 239, 241, 249, 250, 252, 261, 262, 263, 265, 266 through 271, 275, 277, 282, 285, 286, 288, 292, 300, 305, 310, 312, 313, 314, 323, 324, 325, 326, 329, 330, 331, 333, 334, 335, 338, 341 through 345, 348, 352, 354, 355, 358, 359, 360, 364, 365, 369, 372, 376, 378, 379, 380, 386, 387, 389, 395, 398, 404,

405, 414, 415, 422, 423, 425, 427, 435, 449, 451, 452, 454, 455, 456, 457, 458, 460, 464, 470, 473, 475 through 479, 482, 486, 488, 490, 493, 503, 504, 505, 506, 508, 510, 512, 516, 524, 525, 528, 529, 530, 537, 541, 546, 548, 549, 550, 552, 557, 559, 561, 562, 564, 581, 584, 585, 594, 595, 600, 601, 602, 604, 610, 611, 614, 618, 620, 625, and 626).

RESPONSE: The Council acknowledges the comments in support of the proposed amendment to the Game Code.

32. COMMENT: The change to ban the importation of cervid semen is opposed because the commenter is unaware of any studies that say how CWD is affected by the semen being frozen to minus 130 degrees, and a ban would affect the genetics of this captive herd. (353)

RESPONSE: The amendment was proposed out of an abundance of caution in order to prevent CWD from entering New Jersey. CWD-endemic states have spent millions of dollars on disease surveillance and response, have lost significant revenue to the economy from reduced hunting and the impact to the small businesses this activity supports, and, over time, have experienced significant reductions in the cervid herds native to those states. It is New Jersey's intent to take any and all reasonable actions to prevent this from happening in this State.

The science has not ruled out whether CWD transmission through infected semen is impossible as the concentration of prions needed for infectivity is still unknown, and tests sensitive enough to detect prions at very low levels are not yet available. The sale of deer semen is unregulated, and many out-of-State herds that have been certified as being CWD-free are found to contain infected animals every year. Inseminating a doe with semen from an infected buck will expose both the doe and her unborn fawn(s) to CWD, where it will then spread to the rest of the captive herd, and easily spread into the environment, thereby jeopardizing New

Jersey's wild deer herd. Hence, current science does not rule out the need to ban the importation of cervid semen.

33. COMMENT: The change to ban the importation of whole cervid carcasses and intact, non-taxidermied heads is supported (1, 5, 10, 14, 15, 16, 19, 20, 21, 24, 28, 33 through 38, 44, 45, 51, 53, 54, 55, 59 through 66, 68, 79, 80, 87, 96 through 102, 105, 106, 109, 114, 115, 116, 119, 120, 122, 123, 124, 130, 131, 132, 133, 139, 140, 147, 149, 150, 151, 152, 156, 157, 162, 166, 171, 172, 175, 177, 179, 180, 185, 187 through 192, 194, 195, 197, 200, 201, 209, 210, 214, 218, 225, 227, 228, 239, 241, 250, 252, 261, 262, 263, 265 through 271, 275, 277, 282, 285, 286, 288, 292, 300, 305, 310, 312, 313, 314, 323, 324, 325, 326, 329, 330, 331, 333, 334, 335, 337, 338, 341 through 345, 348, 352, 354, 355, 358, 359, 360, 372, 376, 378, 379, 380, 386, 387, 389, 395, 398, 404, 405, 414, 415, 422, 423, 425, 427, 435, 449, 451, 452, 454, 455, 456, 457, 460, 464, 470, 473, 475 through 479, 482, 486, 488, 490, 493, 503, 504, 505, 506, 508, 510, 512, 516, 524, 525, 528, 529, 530, 537, 541, 546, 548, 549, 550, 552, 557, 559, 561, 562, 564, 581, 584, 585, 594, 595, 600, 601, 602, 604, 610, 611, 614, 618, 620, 625, and 626).

RESPONSE: The Council acknowledges the comments in support of the proposed amendment to the Game Code.

34. COMMENT: The change to ban the importation of whole cervid carcasses and intact, non-taxidermied heads is opposed because many hunters hunt numerous states and may need to transport the whole carcass home (429). Further, it will devastate the hunting industry at a time that hunter numbers are declining (463). One commenter expressed general opposition to the ban. (86).

RESPONSE: The amendment was proposed in order to proactively limit the opportunity for CWD to enter New Jersey and is meant to regulate activities within New Jersey's borders. The Division has learned from the many CWD-endemic states that have spent millions of dollars on disease surveillance and response, lost significant revenue to the economy from reduced hunting, and found there was a negative impact to the small businesses this activity supports. Over time, these states have experienced significant reductions in the cervid herds native to those states. It is New Jersey's intent to take any and all reasonable actions to prevent this from happening here, consistent with its authority and responsibility to control and conserve cervid herds.

As CWD spreads, more and more states are mandating a ban on importing whole cervid carcasses, and it is slowly becoming the new norm. As indicated in the notice of proposal Summary, as of April 2019, at least 36 states had a whole or partial ban on the importation of deer carcasses into those states. New Jersey hunters are not the only ones subjected to this regulation and it is not believed that this will have a significant detrimental impact on the hunting industry.

35. COMMENT: The change to ban the possession and use of natural, deer-derived hunting lures is supported (1, 5, 10, 14, 15, 16, 19, 20, 21, 24, 28, 33 through 38, 44, 45, 51, 53, 54, 55, 59 through 66, 68, 79, 80, 87, 97 through 101, 102, 105, 106, 109, 114, 115, 116, 119, 120, 122, 123, 124, 130, 131, 132, 133, 139, 140, 147, 149, 150, 151, 152, 154, 156, 157, 162, 166, 170, 171, 172, 175, 177, 179, 180, 181, 185, 187 through 192, 194, 195, 197, 200, 201, 209, 210, 214, 218, 225, 227, 228, 239, 241, 252, 261, 262, 263, 265 through 271, 275, 277, 282, 285, 286, 288, 292, 293, 300, 305, 310, 312, 313, 314, 323, 324, 325, 326, 329, 330, 331, 333, 334, 335, 337, 338, 341, 342, 343, 348, 352, 354, 355, 358, 359, 360, 364, 365, 369, 372, 376, 378, 379, 380,

387, 389, 395, 398, 404, 405, 414, 415, 423, 425, 427, 430, 435, 449, 451, 452, 454, 455, 456, 457, 458, 460, 464, 470, 473, 475 through 479, 482, 486, 488, 490, 493, 503, 504, 505, 506, 508, 510, 512, 516, 524, 525, 528, 529, 530, 537, 541, 546, 548, 549, 550, 552, 562, 564, 577, 581, 584, 585, 594, 595, 600, 601, 602, 604, 606, 610, 611, 614, 618, 620, 625, and 626).

RESPONSE: The Council acknowledges the comments in support of the proposed amendment to the Game Code.

36. COMMENT: The change to ban the possession and use of natural, deer-derived hunting lures is opposed because there's no evidence to show that they are causing the spread of CWD (7, 308, 386, 463, and 561), because commercial lures are already regulated for disease control (9), because the science does not support a ban (233), because sports shops and small family businesses will be hurt (306), and as unnecessary since deer farms check the health of their herds, so using lures is safe (429). Other commenters expressed general opposition to the possession ban (112, 248, 272, and 544).

RESPONSE: The amendment was proposed out of an abundance of caution in order to reduce the possibility of CWD entering New Jersey. The Division has learned from CWD-endemic states that have spent millions of dollars on disease surveillance and response, lost significant revenue to the economy from reduced hunting, and the negative impact to the small businesses this activity supports. Over time, these states have experienced significant reductions in their native cervid herds. It is New Jersey's intent to take any and all reasonable actions to prevent this from happening in this State.

As indicated in the notice of proposal Summary, while the exact concentration of prions needed for the presence to potentially cause infection is not known, research indicates that there

is no “safe” dose of prion with any exposure potentially causing infection. Accordingly, similar to the actions taken by many other states in banning natural deer-based and urine lures, the Council is taking this action with the intent of preventing any potential for introduction or spread of this lethal disease through this avenue.

The production and sale of deer urine and lures is unregulated. Many out-of-State CWD-free certified herds are found to contain infected animals every year.

Sport shops and family businesses will still have the ability to sell synthetic lures, which they currently do, and which work as effectively as the deer-derived lures. Businesses that produce lures may use urines and naturally-derived secretions other than those from deer.

37. COMMENT: The change to require surrender to the Division, upon request, of any known CWD-contaminated meat is supported (1, 5, 10, 14, 15, 16, 20, 21, 24, 28, 33 through 38, 44, 45, 51, 53, 54, 55, 60, 62, 63, 64, 65, 66, 68, 79, 80, 87, 97, 99, 100, 101, 102, 105, 106, 109, 114, 115, 119, 120, 122, 123, 124, 130, 131, 132, 133, 139, 140, 147, 149, 150, 151, 152, 156, 157, 162, 166, 171, 172, 175, 177, 179, 180, 185, 187 through 192, 194, 195, 197, 200, 201, 209, 210, 214, 218, 225, 227, 228, 239, 249, 252, 261, 262, 263, 265 through 269, 275, 277, 278, 282, 285, 286, 288, 292, 300, 305, 310, 312, 313, 314, 323, 325, 326, 329, 330, 331, 333, 334, 335, 338, 341 through 345, 348, 352, 354, 355, 358, 359, 360, 364, 365, 369, 372, 376, 379, 380, 386, 387, 389, 395, 398, 414, 415, 423, 425, 427, 435, 449, 452, 454, 455, 456, 457, 458, 460, 470, 473, 475 through 479, 482, 486, 488, 490, 493, 503, 504, 505, 506, 508, 510, 512, 524, 525, 528, 529, 530, 537, 541, 546, 549, 550, 552, 557, 559, 561, 562, 564, 581, 594, 595, 600, 601, 602, 604, 610, 611, 614, 618, 625, and 626).

RESPONSE: The Council acknowledges the comments in support of the proposed amendment to

the Game Code.

38. COMMENT: The change to require surrender to the Division, upon request, of any known CWD-contaminated meat is opposed. (19, 59, 98, and 451)

RESPONSE: As stated in the notice of proposal Summary, in order to ensure that any prion-containing meat possessed by a hunter is disposed of properly and not dumped in the woods where it could become a point source for infection, the Division would ensure its safe disposal.

N.J.A.C. 7:25-5.25

39. COMMENT: The change to add Deer Management Zone 37 (Joint Base McGuire-Dix-Lakehurst) to the early fall bow season regulation to increase the harvest of deer is supported (55, 324, 325, 365, 386, 452, 554, and 561).

RESPONSE: The Council acknowledges the comments in support of the proposed amendment to the Game Code.

40. COMMENT: The change to add Deer Management Zone 37 (Joint Base McGuire-Dix-Lakehurst) to the early fall bow season regulation to increase the harvest of deer is opposed (1, 5, 10, 14, 15, 16, 19, 20, 21, 24, 28, 33 through 38, 44, 45, 51, 53, 54, 59 through 66, 68, 79, 80, 87, 97, 98, 99, 100, 101, 102, 105, 106, 109, 114, 115, 116, 119, 120, 122, 123, 124, 128, 130, 131, 132, 139, 140, 147, 149, 150, 151, 152, 154, 156, 157, 159, 162, 166, 168, 171, 172, 175, 177, 179, 180, 185, 187 through 192, 194, 195, 197, 200, 201, 209, 210, 214, 218, 225, 227, 228, 239, 241, 249, 250, 252, 261, 262, 263, 265 through 271, 275, 277, 282, 285, 286, 288, 292, 300, 305, 310, 312, 313, 314, 323, 326, 329, 330, 331, 333, 334, 335, 337, 338, 341 through 345, 348, 352,

354, 355, 358, 359, 360, 364, 369, 372, 376, 378, 379, 380, 387, 389, 395, 398, 404, 405, 414, 415, 422, 423, 425, 427, 430, 435, 449, 451, 454 through 458, 460, 464, 470, 473, 475 through 479, 482, 486, 488, 490, 503, 504, 505, 506, 508, 510, 512, 516, 524, 525, 528, 529, 530, 537, 541, 546, 548, 549, 550, 552, 557, 559, 562, 564, 581, 584, 585, 594, 595, 600, 601, 602, 604, 606, 610, 611, 614, 618, 620, 624, 625, and 626).

RESPONSE: This rulemaking represents the Council's best efforts to fulfill its statutory mandate to manage the State's game and furbearing animals. The request for this amendment was made by the managing authority and is needed to control deer populations on an active military base with an airstrip.

N.J.A.C. 7:25-5.26

41. COMMENT: The change to add Deer Management Zone 53 (Joint Base McGuire-Dix-Lakehurst) to the extended winter bow season regulation to increase the harvest of deer is supported (324, 325, 365, 386, and 561).

RESPONSE: The Council acknowledges the comments in support of the proposed amendment to the Game Code.

42. COMMENT: The change to add Deer Management Zone 53 (Joint Base McGuire-Dix-Lakehurst) to the extended winter bow season regulation to increase the harvest of deer is opposed (1, 5, 10, 14, 15, 16, 19, 20, 21, 24, 28, 33 through 38, 44, 45, 51, 53, 54, 55, 59 through 66, 68, 79, 80, 87, 98, 99, 100, 101, 102, 105, 106, 109, 115, 116, 119, 120, 122, 123, 124, 128, 130, 131, 132, 139, 140, 147, 149, 150, 151, 152, 154, 156, 157, 162, 166, 168, 171, 172, 175, 177, 179, 180, 185, 187 through 192, 194, 195, 197, 200, 201, 209, 210, 214, 218, 225, 227, 228,

239, 241, 249, 250, 252, 261, 262, 263, 265 through 271, 275, 277, 282, 285, 286, 288, 292, 300, 305, 310, 312, 313, 314, 323, 326, 329, 330, 331, 333, 334, 335, 337, 338, 341 through 345, 348, 352, 354, 355, 358, 359, 360, 364, 369, 372, 376, 378, 379, 380, 387, 389, 395, 398, 404, 405, 406, 407, 414, 415, 422, 423, 425, 427, 430, 435, 449, 451, 452, 454 through 458, 460, 464, 470, 473, 475 through 479, 482, 486, 488, 490, 493, 503, 504, 505, 506, 508, 510, 512, 516, 524, 525, 528, 529, 530, 537, 541, 548, 549, 550, 552, 557, 559, 562, 564, 581, 584, 585, 594, 595, 601, 602, 604, 606, 610, 611, 614, 618, 620, 624, 625, and 626).

RESPONSE: This rulemaking represents the Council's best efforts to fulfill its statutory mandate to manage the State's game and furbearing animals. The request for this amendment was made by the managing authority and is needed to control deer populations on an active military base with an airstrip.

N.J.A.C. 7:25- 5.28

43. COMMENT: The change to add future season dates for the muzzleloader permit season for special area Deer Management Zones 37 and 53 (Joint Base McGuire Lakehurst Dix), 39 (Earle Naval Weapons Station), 54 (Picatinny Arsenal), 66 (Federal Aviation Administration William J. Hughes Technical Center), and 67 (High Point State Park) is supported (96, 324, 365, 386, and 561).

RESPONSE: The Council acknowledges the comments in support of the proposed amendment to the Game Code.

44. COMMENT: The change to add future season dates for the muzzleloader permit season for special area Deer Management Zones 37 and 53 (Joint Base McGuire Lakehurst Dix), 39 (Earle

Naval Weapons Station), 54 (Picatinny Arsenal), 66 (Federal Aviation Administration William J. Hughes Technical Center), and 67 (High Point State Park) is opposed (1, 5, 10, 14, 15, 16, 19, 20, 24, 28, 33 through 38, 44, 45, 51, 53, 54, 55, 59 through 66, 68, 79, 80, 87, 97 through 102, 105, 106, 109, 115, 116, 119, 120, 122, 123, 124, 128, 130, 131, 132, 139, 140, 147, 149, 150, 151, 152, 156, 157, 159, 162, 166, 168, 171, 172, 175, 177, 179, 180, 185, 187 through 192, 194, 195, 197, 200, 201, 209, 210, 214, 218, 225, 227, 228, 239, 241, 249, 250, 252, 261, 262, 263, 265 through 271, 275, 277, 282, 285, 286, 288, 292, 300, 305, 310, 312, 313, 314, 323, 326, 329, 330, 331, 333, 334, 335, 337, 338, 341, 342, 343, 344, 345, 348, 352, 354, 355, 358, 359, 360, 364, 369, 372, 376, 378, 379, 380, 387, 389, 395, 398, 404, 405, 406, 407, 414, 415, 422, 423, 425, 427, 430, 435, 449, 451, 452, 454, 455, 456, 460, 464, 470, 473, 475 through 479, 482, 486, 488, 490, 493, 503, 505, 508, 510, 512, 516, 524, 525, 528, 529, 530, 537, 541, 548, 549, 550, 552, 557, 559, 562, 564, 581, 584, 585, 595, 600, 601, 602, 604, 610, 611, 614, 618, 620, 625, and 626).

RESPONSE: This rulemaking represents the Council's best efforts to fulfill its statutory mandate to manage the State's game and furbearing animals. Requests for these amendments come from the managing entities of the properties named and are needed to control deer populations on active military bases, and to maintain forest health in a State park.

N.J.A.C. 7:25-5.28, 5.29, and 5.30

45. COMMENT: The change to create a Regulation Set Permit that would enable hunters in Regulation Sets 7 and 8 to hunt all zones during a specific permit season for the cost of two regular zone permits is supported (96, 134, 217, 386, 434, 543, 561, and 577).

RESPONSE: The Council acknowledges the comments in support of the proposed amendment to

the Game Code.

46. COMMENT: The change to create a Regulation Set Permit that would enable hunters in Regulation Sets 7 and 8 to hunt all zones during a specific permit season for the cost of two regular zone permits is opposed (1, 5, 10, 14, 15, 19, 20, 21, 24, 28, 33 through 38, 44, 45, 51, 53, 54, 55, 59 through 66, 68, 79, 80, 87, 97, 98, 99, 100, 101, 102, 105, 106, 109, 115, 116, 119, 120, 122, 123, 124, 128, 130, 131, 132, 139, 140, 147, 149, 150, 151, 152, 156, 157, 162, 166, 168, 171, 172, 175, 177, 179, 180, 185, 188, 189, 191, 192, 194, 195, 197, 200, 201, 209, 210, 214, 218, 225, 227, 228, 239, 241, 249, 250, 252, 261, 262, 263, 265 through 271, 275, 277, 282, 285, 286, 292, 300, 305, 310, 312, 313, 314, 323, 324, 325, 326, 329, 333, 334, 335, 338, 341 through 345, 352, 354, 355, 358, 359, 360, 364, 369, 372, 376, 378, 379, 380, 387, 395, 404, 405, 406, 407, 414, 415, 422, 423, 425, 427, 435, 449, 451, 452, 454 through 460, 470, 473, 476, 477, 478, 479, 482, 486, 505, 506, 508, 510, 512, 516, 537, 546, 548, 557, 559, 562, 564, 581, 584, 585, 594, 595, 600, 602, 604, 610, 611, 614, 618, 620, 625, and 626).

RESPONSE: This rulemaking represents the Council's best efforts to fulfill its statutory mandate to manage the State's game and furbearing animals. As stated in the notice of proposal Summary, CWD is primarily transmitted from deer-to-deer contact, transmission is density-dependent. Lower deer densities may slow the spread of CWD, as it is highly contagious. Therefore, the Council is proposing, in various sections pertinent to the deer permit seasons, that certain regulation sets, which group deer management zones (DMZs) with like season dates and bag limits together, have special "regulation set permits" to better achieve management goals and reduce deer densities in areas where they are most abundant.

47. COMMENT: The change to incorporate all four Deer Management Zones on the Edwin B. Forsythe National Wildlife Refuge (Forsythe) into the existing adjacent deer management zones is supported. (365, 386, and 561)

RESPONSE: The Council acknowledges the comments in support of the proposed amendment to the Game Code.

48. COMMENT: The change to incorporate all four Deer Management Zones on the Edwin B. Forsythe National Wildlife Refuge (Forsythe) into the existing adjacent deer management zones is opposed (1, 5, 10, 14, 15, 16, 19, 20, 21, 28, 33 through 38, 44, 45, 51, 53, 54, 55, 59 through 66, 68, 79, 80, 87, 97 through 101, 102, 105, 106, 109, 115, 116, 119, 120, 122, 123, 124, 128, 130, 131, 132, 139, 140, 147, 149, 150, 151, 152, 156, 157, 162, 166, 171, 172, 175, 177, 179, 180, 185, 187, 188, 189, 191, 192, 194, 195, 197, 200, 201, 209, 210, 214, 218, 225, 227, 228, 239, 249, 250, 252, 261, 262, 263, 266 through 271, 275, 277, 282, 285, 286, 288, 292, 300, 305, 310, 312, 313, 314, 323, 324, 325, 326, 329, 330, 331, 333, 334, 335, 338, 341 through 345, 348, 352, 354, 355, 358, 359, 360, 364, 369, 372, 378, 379, 380, 387, 389, 395, 398, 404, 405, 406, 407, 414, 415, 422, 423, 425, 427, 435, 449, 451, 452, 454, 455, 456, 457, 460, 470, 473, 475 through 479, 482, 486, 488, 490, 493, 503, 505, 506, 508, 510, 512, 516, 524, 525, 528, 530, 537, 541, 546, 548, 549, 550, 552, 557, 559, 562, 564, 581, 584, 585, 594, 595, 610, 611, 614, 618, 620, 625, and 626).

RESPONSE: This rulemaking represents the Council's best efforts to fulfill its statutory mandate to manage the State's game and furbearing animals. This amendment was requested by the managing entity. As stated in the notice of proposal Summary, Forsythe's deer management zones are small and do not warrant the extra administrative burden of managing them separately

nor justify the extra cost of purchasing additional permits for hunters. Management objectives will be enhanced by the additional hunting opportunities offered by this change.

N.J.A.C. 7:25-5.29

49. COMMENT: The change to add future season dates for the shotgun permit season for special area Deer Management Zones 37 and 53 (Joint Base McGuire, Lakehurst, Dix), 39 (Earle Naval Weapons Station), 54 (Picatinny Arsenal), 61 (Atlantic County Park System), 64 (Monmouth Battlefield State Park), and 66 (Federal Aviation Administration Technical Center) is supported (365, 386, and 561).

RESPONSE: The Council acknowledges the comments in support of the proposed amendment to the Game Code.

50. COMMENT: The change to add future season dates for the shotgun permit season for special area Deer Management Zones 37 and 53 (Joint Base McGuire, Lakehurst, Dix), 39 (Earle Naval Weapons Station), 54 (Picatinny Arsenal), 61 (Atlantic County Park System), 64 (Monmouth Battlefield State Park), and 66 (Federal Aviation Administration Technical Center) is opposed (1, 5, 10, 14, 15, 16, 19, 20, 21, 24, 28, 33 through 38, 44, 45, 51, 53, 54, 55, 59 through 66, 68, 79, 80, 87, 97, 98, 99, 100, 101, 102, 105, 106, 109, 115, 116, 119, 120, 122, 123, 124, 128, 130, 131, 132, 139, 140, 147, 149, 150, 151, 152, 154, 156, 157, 162, 166, 168, 171, 172, 175, 177, 179, 180, 185, 187, 188, 189, 191, 192, 194, 195, 197, 200, 201, 209, 210, 214, 218, 225, 227, 228, 239, 241, 249, 250, 252, 261, 262, 263, 265 through 271, 275, 277, 282, 285, 286, 288, 292, 300, 305, 310, 312, 313, 314, 323, 324, 325, 326, 329, and 330).

RESPONSE: This rulemaking represents the Council's best efforts to fulfill its statutory mandate

to manage the State's game and furbearing animals. Requests for these amendments come from the managing entities of the properties named and are needed to control deer populations on active military bases, and to maintain forest health in a State and county park.

51. COMMENT: The change to decrease to the permit bow quota for Deer Management Zone 66 (Federal Aviation Administration William J. Hughes Technical Center), add two additional Saturdays in January to meet harvest objectives, and add future season dates is supported (5, 10, 14, 15, 19, 20, 21, 28, 33 through 37, 44, 45, 51, 53, 54, 55, 59 through 66, 68, 79, 80, 87, 97, 98, 99, 100, 102, 105, 106, 115, 116, 119, 120, 122, 123, 124, 130, 131, 132, 133, 139, 140, 143, 147, 149, 150, 151, 152, 157, 162, 166, 171, 172, 175, 177, 179, 180, 185, 187, 188, 189, 191, 192, 194, 195, 197, 200, 201, 209, 210, 214, 218, 225, 227, 228, 239, 241, 249, 250, 252, 261, 262, 263, 265 through 270, 271, 275, 277, 282, 285, 286, 288, 292, 300, 305, 310, 312, 313, 314, 324, 325, 326, 329, 330, 331, 333, 334, 335, 337, 338, 341, 342, 343, 344, 345, 348, 352, 354, 358, 359, 360, 364, 365, 369, 372, 378, 379, 380, 386, 387, 389, 398, 404, 405, 415, 422, 423, 425, 427, 430, 435, 449, 451, 452, 454, 455, 456, 457, 460, 464, 470, 473, 475, 476, 477, 478, 479, 482, 486, 488, 490, 493, 503, 510, 512, 516, 524, 525, 528, 530, 537, 546, 548, 552, 557, 559, 561, 562, 564, 581, 584, 585, 594, 595, 600, 602, 604, 606, 610, 611, 614, 618, 620, 625, and 626).

RESPONSE: The Council acknowledges the comments in support of the proposed amendment to the Game Code.

52. COMMENT: The change to decrease the permit bow quota for Deer Management Zone 66 (Federal Aviation Administration William J. Hughes Technical Center), add two additional

Saturdays in January to meet harvest objectives, and add future season dates is opposed (1, 16, 38, 156, 355, 414, 541, 549, and 550).

RESPONSE: This rulemaking represents the Council's best efforts to fulfill its statutory mandate to manage the State's game and furbearing animals. This amendment was requested by the managing entity to better meet deer management objectives on the Federal Aviation Administration William J. Hughes Technical Center.

N.J.A.C. 7:25-5.30

53. COMMENT: The change to incorporate the permit bow season date descriptions for Zones 37 and 53 (both Joint Base McGuire Dix Lakehurst) into the season date description for Regulation Set 4 is supported (35, 365, 386, and 561).

RESPONSE: The Council acknowledges the comments in support of the proposed amendment to the Game Code.

54. COMMENT: The change to incorporate the permit bow season date descriptions for Zones 37 and 53 (both Joint Base McGuire Dix Lakehurst) into the season date description for Regulation Set 4 is opposed (1, 10, 14, 15, 16, 19, 20, 28, 33, 34, 36, 37, 38, 44, 53, 54, 55, 98, 99, 100, 102, 122, 131, 132, 140, 162, 187, 195, 197, 201, 210, 214, 227, 241, 249, 261, 263, 270, 271, 300, 312, 324, 325, 330, 331, 343, 348, 355, 358, 359, 360, 369, 378, 379, 380, 389, 398, 404, 405, 422, 458, 464, 475, 479, 486, 488, 490, 503, 516, 524, 525, 537, 541, 557, 559, 600, 610, and 611).

RESPONSE: This rulemaking represents the Council's best efforts to fulfill its statutory mandate to manage the State's game and furbearing animals. This amendment was requested by the

managing entity to better meet deer management objectives on Joint Base MaGuire Dix Lakehurst.

N.J.A.C. 7:25- 5.31

55. COMMENT: The change to add future season dates to reflect calendar changes for Zone 38 (Great Swamp NWR) is supported (109, 365, 386, 554, and 561).

RESPONSE: The Council acknowledges the comments in support of the proposed amendment to the Game Code.

56. COMMENT: The change to add future season dates to reflect calendar changes for Zone 38 (Great Swamp NWR) is opposed (1, 5, 10, 14, 15, 16, 19, 20, 21, 24, 28, 33, 34 through 38, 44, 45, 51, 53, 54, 55, 59 through 66, 68, 79, 80, 87, 97, 98, 99, 100, 102, 105, 106, 115, 116, 119, 120, 122, 123, 124, 128, 130, 131, 132, 139, 140, 147, 149, 150, 151, 152, 156, 157, 162, 166, 171, 172, 175, 177, 179, 180, 185, 187, 188, 189, 191, 192, 194, 195, 197, 200, 201, 209, 210, 214, 218, 225, 227, 228, 239, 241, 249, 250, 252, 261, 262, 263, 265 through 271, 275, 277, 282, 285, 286, 288, 292, 300, 310, 312, 313, 314, 323, 324, 325, 326, 329, 330, 331, 333, 334, 335, 337, 338, 341, 342, 343, 344, 345, 348, 352, 354, 355, 358, 359, 360, 364, 369, 372, 376, 378, 379, 380, 387, 389, 404, 405, 414, 415, 422, 423, 425, 427, 430, 435, 449, 451, 452, 454, 455, 456, 457, 458, 464, 470, 173, 475, 476, 477, 478, 479, 482, 486, 488, 490, 493, 502, 503, 508, 510, 512, 516, 524, 525, 528, 530, 537, 541, 546, 548, 549, 550, 552, 557, 559, 562, 564, 581, 584, 585, 594, 595, 600, 601, 602, 604, 606, 610, 611, 614, 618, and 620).

RESPONSE: This rulemaking represents the Council's best efforts to fulfill its statutory mandate to manage the State's game and furbearing animals. This amendment was requested by the managing entity to better meet deer management objectives on the Great Swamp NWR.

Summary of Agency-Initiated Changes:

The Council is modifying the rules on adoption to make the below changes.

N.J.A.C. 7:25-5.28(e), 5.29(e), and 5.30(e) are modified upon adoption to change the name of the "antlerless regulation set permit" to "antlerless multi-zone regulation set permit." This new permit is for certain regulation sets, which group DMZs with like season dates and bag limits together, to better achieve management goals and reduce deer densities in areas where they are most abundant. Currently, antlerless permits for the muzzleloader, shotgun, and bow permit seasons are sold for individual DMZs and are valid for use only during that season within that specific DMZ. The name antlerless multi-zone regulation set permit is more self-explanatory for hunters than the original name and will result in better participation to achieve deer management goals.

Federal Standards Statement

N.J.S.A. 52:14B-1 et seq., requires 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 hunting 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). The amendments to the Game

Code do not contain any standards or requirements that exceed Federal regulations involving National Wildlife Refuge areas.

The waterfowl hunting regulations (50 CFR 20) and Conservation Order regulations (50 CFR 20) that are promulgated annually by the United States Fish and Wildlife Service allow states to select the dates, times, manner and means for hunting of waterfowl within the allowable Federal framework established by the Fish and Wildlife Service.

Therefore, the Council has determined that the adopted amendments to the Game Code do not contain any standards or requirements that exceed any standards or requirements imposed by Federal law. Accordingly, N.J.S.A. 52:14B-1 et seq., does not require further analysis.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***):

7:25-5.28 White-tailed deer muzzleloader rifle permit season

(a) – (d) (No change from proposal.)

(e) Antlerless permits for muzzleloader rifle permit season are valid only in the designated deer management zones or other designated areas and are not transferable. Antlerless ***multi-zone*** regulation set permits are valid for use in any deer management zone within the designated regulation set and are not transferable. Antlered muzzleloader permits with antlered deer transportation tag may be used in any zone for which the hunter has already purchased an antlerless muzzleloader permit for use during this season.

(f)-(n) (No change from proposal.)

7:25-5.29 White-tailed deer shotgun permit season

(a) - (d) (No change from proposal.)

(e) Antlerless shotgun permit season permits are valid only in the designated deer management zones or other designated areas and are not transferable. Antlerless ***multi-zone*** regulation set permits are valid for use in any deer management zone within the designated regulation set and are not transferable. An antlered shotgun permit with antlered deer transportation tag may be used in any zone for which the hunter has an antlerless shotgun permit during this season.

(f)-(r) (No change from proposal.)

7:25-5.30 White-tailed deer bow permit season

(a) – (d) (No change from proposal.)

(e) Antlerless bow permit season permits are valid only in the designated deer management zones or other designated areas and are not transferable. Antlerless ***multi-zone*** regulation set permits are valid for use in any deer management zone within the designated regulation set and are not transferable. Antlered bow permits with antlered deer transportation tags may be used in any zone for which the hunter has already purchased an antlerless bow permit

(f)-(n) (No change from proposal.)