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).


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:
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 Avyril Brady
75 Michael Brady
76 Ashtin Brooks
77 Anne Brown
78 Linda Brown
79 Debra Buria
Mary Burke
William Burmeister
Melissa Busch
Mike Bush
William Bush
Betty Butler
KC Cabonilas
Matt Callahan
Caitlin Canger
Joseph Cappeletti
Robin Caputo
Alfred Carrier
James Carriero
Tim Castellini
Anthony Catalano
Edward Cavanagh
John Cecil
Rosemary Cenatiempo
April Chamberlain
Marilyn Charters
Michael Cheski
Dylan Chin
MaryEllen Chiolos
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  Valerie Devine
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  Ronald Elton
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 Eugene Francis
186 Paul Franco
187 Doreen Frega
188 Frank Frega
189 Irene Friedland
190 Sara Galbraith
191 Barbara Galfand
192 Tatiana Galfand
193 James Gallo
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212  Ken Green
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214  Gina Guarini
215  Aaron Guikema
216  Brian Hackett
217  John Haesloop
Anna Hallin
Dan Hamlin
Don Hamlin
Rachel Hanan
Barbara Hand
Megan Harder
Jen Harris
Ann Hart
Kathleen Hart
Laurie Hartmen
David Hartzell
Jan Hastings
Michael Havel
Lindsay Hawkins
Cynthia Heaney
Charles Hendrickson
Kimberly Hennelly
Christopher Herbert
Thomas Herms
Linda Hetcher
John Hickerson
Kenneth Hicks
Michael Higgins
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 Kebsch-Muller
283   Jody Keelin
284   David Kelly
285   Lorraine Kelly
286   CarolAnn Keohane
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Robert Metzger
John Miklea
Liz Mikre
Kirsten Miles
Kim Minguez
Travis Miragliotta
Tina Mituzas
Michael Molinaro
Anyhony Molinaro
Jeralin Molinaro
Jean Mollack
Kevin Moninghoff
Mike Monks
Jean Montecuollo
Erin Moore
Janine Motta
Stephanie Mueller
Jane Murphy
Al Mutawa
Mark Nagelhout
Kim Nagelhout
Kraig Nelson
Shawn Nelson
Carol Neuer
Melissa Newman
William Newsome
Curtis Nissley
Austin Noguera
Melanie Nowlin
Lisa Obara
Peter Obermeyer
Christopher Obssuth
Julie O'Connor
John O'Connor
Ann Oconnor
Patricia Olsen
Brian O'Neill
Harriet Ordan
Greta Oriti
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Amber Osterbrink
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Patti Packer
Thomas Pagliaroli
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Alex Perla
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Kenneth Peters
Lorri Peterson
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Scott Pierman
David Pietkiewicz
Suzanne Pirozzi
Michael Plunkett
Christina Politz
Isle Polonko
Jessica Poth
Eileen Prisco
Loretta Puleo
Kevin Pulsinelli
Colleen Quinn
Cynthia Radnitz
Lynne Ralph
Joann Ramos
Celia Rand
Steven Rasimowicz
Surendra Reddy
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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
Jorge Shimomawa
Dana Shook
Jody Sidote
Robert Singer
Christine Sito
William Skillman
Michael Skolimowski
Rosalie Slabon
Ceil Slauson
Brenda Sloan
Mike Slover
Barbara Smith
Edwin Smith
Justice Smith
Thomas Smith
Elsa Solivan
Michael Spiegel
Eileen Spiegel
Anthony Spizzo
Jack Spoto
Prema Spozdzial
Debbie Sproul
Charles Starkey
Debra Stcharles Chrisman
A Stearns
April Stearns
Wade Stein
Jason Stetser
Marta Stoeffler
Lori Stokes
Kevin Stumpf
Pamela Sturt
Carole Sullivan
Elaine Sullivan
Denise Summer
Jeffery Suter
David Swantek
Russell Swiatek
Tim Swift
Jeanne Sylvester
Greg Szabo
Joe Szwed
LaDonns Tapscott-Houchin
Karl Taraska
Steven Tartaglia
Tara Taylor
Chris Taylor
Diana Tchalakov
Dian Thompson
Edward Thomson
Patrick Tiedemann Jr.
Jeff Tittel, Sierra Club
Jean Toher
Michael Toohey
Iwona Torosdag
Rusella Tracy
Kara Travers
Gayle Tunstead
Woody Turrentine
Gray Tuttle
Damian Valora
Georgia Van Giezen
Mark Van Leuven
Keith Van Strander
Ali Van Zee
Karin Vargas
Shane Vince
Karen Volpitto
Jennifer Voorhees
Alex Wachter
Sandi Wages
Robert Wagner
Donna Waliky
John Walker
Maryann Webber
Dara Wedel
Patrice Wein-Jung
Anthony Weisse
Kathy Weisse
Daniel Weistein
Bonnie Welch
Sharon Weresow
Kristina Wetzel
Ruthann Wheeler
Tammy White
Michele Wickel
Beverly Wilke
LuAnn Wilkins
Linda Wilkinson
Jessica Wilson
Tammie Wilson
Nathan Wilson
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
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
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Lee Strasddberg
Lila Tarajkowski
Elinor Taylor
Jacqueline Thomas
Sabrina Thomas
Bud Tunison
Sarah Turitz
J Ullrich
Terry Vaccaro
Cathy Vavala
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,
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.

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.

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.

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 rehabilitators 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


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

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).


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

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.


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.

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.


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,
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,
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...

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

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.

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.


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.

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
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.)