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ENVIRONMENTAL PROTECTION

DIVISION OF FISH AND WILDLIFE

Fish and Game Council

2016-2017 Fish Code

Proposed Amendments: N.J.A.C. 7:25-6.1 to 6.3, 7:25-6.13, 7:25-6.15, 7:25-6.20, 7:25-6.22, and 7:25-6.26

Authorized By: Fish and Game Council, Dave Burke, Acting Chair

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

DEP Docket Number: 07-15-09

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number:

A public hearing concerning the proposed amendments will be held on November 10, 2015 at 7:00 p.m. at:

NJ DEP Division of Fish and Wildlife - Assunpink Conservation Center
East Branch - Eldridge Road
Assunpink Wildlife Management Area
Robbinsville, New Jersey 08691

Submit written comments by December 4, 2015 at <http://www.nj.gov/dep/rules/comments>.

The Fish and Game Council (Council) encourages electronic submittal of comments. In the alternative, comments may be submitted on paper to:

David Chanda, Director, Division of Fish and Wildlife
New Jersey Department of Environmental Protection
Mail Code 501-03
2016-2017 Fish Code Comments

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Division of Fish and Wildlife
P.O. Box 420
Trenton, New Jersey 08625-0420

The Council proposal follows:

SUMMARY

The Fish Code (Code), N.J.A.C. 7:25-6, states when, by what means, at which locations, in what numbers, and at what sizes, fish may be pursued, caught, killed, or possessed. As the Fish and Game Council has provided for a 60 day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

The proposed amendments to N.J.A.C. 7:25-6 for the 2016 and 2017 fishing seasons are as follows:

1. The Council proposes in N.J.A.C. 7:25-6.1(i) to provide that fishing seasons, minimum size limits and possession limits, of migratory species of Alewife, American Eel, American Shad, Blueback Herring, Hickory Shad, and Striped Bass, may be modified by notice in order to maintain and/or to come into compliance with any fishery management plan approved by the Atlantic States Marine Fisheries Commission (ASMFC) pursuant to 16 U.S.C. 5104(b) or to maintain consistency with any Mid-Atlantic Fishery Management Council (MAFMC) plan adopted by the National Marine Fisheries Service. To remain in compliance with ASMFC and/or MAFMC mandates, approved management plans must be implemented within established deadlines otherwise states are deemed out of plan compliance and

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risk entire closure of the fishery.

The ASMFC maintains jurisdiction over the management of all marine and migratory fish species within state marine waters of the Atlantic, located within 3 miles of the coast from Maine to Virginia. States along the Atlantic Coast must submit fishery management plans, which include seasons, minimum size limits and possession limits, to the ASMFC for approval. The MAFMC oversees management of Federal marine waters, located 3 to 200 miles offshore from New York to North Carolina. Depending on the range/movement of a marine species, a particular species may have either an ASMFC or MAFMC management plan, both an ASMFC and MAFMC plan, or in certain instances a plan cooperatively developed by both the ASMFC and MAFMC. As in recent years with river herring and American Shad, ASMFC and/or MAFMC plans may require states to implement entire closures of recreational and/or commercial fisheries. The New Jersey Fish and Game Council has the authority under N.J.A.C. 7:25-6.17, Emergency Closure Notice, to quickly close fisheries when required by ASMFC/MAFMC Fishery Management Plans through public notice. However, when plans require changes to existing fishing seasons, minimum size limits and possession limits, a lengthy rule making procedure is required, potentially risking closure of a fishery if changes cannot be achieved as expeditiously as necessary.

In order to facilitate compliance with ASMFC/MAFMC management plans, the proposed amendment would allow the Council to modify fishing seasons, minimum size limits and possession limits, of migratory species of Alewife, American Eel, American Shad, Blueback Herring, Hickory Shad, and Striped Bass, in fresh waters of the State by notice. In accor-

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dance with the Administrative Procedure Act and the rules implementing that Act, such changes would be effective upon filing of the notice with the Office of Administrative Law (see N.J.A.C. 1:30-2.7). The Division would publish notice of any such modification in the New Jersey Fish and Wildlife Digest and the New Jersey Register, and through email to the Division's freshwater angler Listserv membership.

This approach is consistent with the provisions afforded the Commissioner of the Department of Environmental Protection, with the approval of the New Jersey Marine Fisheries Council, in marine waters (see, for example, N.J.A.C 7:25-18.1(p) and 18.12(o)), to make necessary and timely regulation changes to comply with ASMFC or MAFMC approved fishery management plans.

2. In N.J.A.C. 7:25-6.2, the Council is proposing to amend the definitions of the terms "opening day," "pre-season closure," and "in-season stocking period." The Council is proposing to amend the definition of the term "opening day" to eliminate dates applicable to the April 2012 through April 2015 seasons and to include the dates for the opening day of the 2017 to 2020 trout seasons. Dates for pre-season closures and for in-season stocking periods are established in N.J.A.C. 7:25-6.2 in the definitions of the terms "pre-season closure" and "in-season stocking period" based upon the opening day of the trout season in that calendar year. The pre-season closure is the three week time period preceding the opening day of trout season when waters are closed to fishing for stocking purposes. The in-season stocking period describes the dates during each trout season when stocking will occur after the season opens. The Council is proposing to amend the definitions of the terms "pre-season

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closure” and “in-season stocking period” to eliminate dates applicable to the 2012 through 2015 seasons and to include the dates for the 2017 to 2020 trout seasons based upon the opening days proposed to be included in the definition of that term.

3. The Council proposes in N.J.A.C. 7:25-6.3(c) to no longer allow trout for use as bait within the Pequest River Watershed. Small trout are purchased as bait by some anglers targeting Muskellunge. Popular Muskellunge fisheries exist in two lakes within the Pequest River Drainage near the Division’s Pequest Trout Hatchery. A common practice for local anglers is to keep unused bait trout obtained from outside the Pequest River drainage area in submerged cages between fishing trips or release them directly into the lakes. This practice can result in a transfer of disease from private fish culture facility into waters within the Pequest drainage where the state trout hatchery is located. Birds of prey feeding between these waters and the hatchery's nearby raceways can transfer these pathogens into the facility.

This change coupled with other proposed fish health regulation changes discussed in summary item 16 below, will reduce the risk of potential disease transfer into the Division’s Pequest Trout Hatchery as the hatchery will become the only source for trout stocked within the Pequest River drainage. These proposed rule changes are in response to an extensive outbreak of furunculosis, a fish disease caused by the bacterium *Aeromonas salmonicida*, that occurred at the Pequest Trout Hatchery in 2013 and 2014. The bacterium is believed to have been introduced from birds preying on infected trout dwelling outside the confines of the hatchery and then feeding on trout within the hatchery’s raceways, thus introducing the infection to the hatchery stock. Ensuring that the Pequest Hatchery is the only source of

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trout for the drainage area will reduce the risk of disease transmission from sources outside the State's control.

4. To reflect changes in taxonomic nomenclature established by the American Fisheries Society in the newly released 7th edition of Common and Scientific Names of Fishes from the United States, Canada, and Mexico, April 2013, the Council proposes to capitalize the common names of fish in the following subsections: trout species (N.J.A.C. 7:25-6.3), warmwater species (N.J.A.C. 7:25-6.13), bow and arrow species (N.J.A.C. 7:25-6.15), and species found within the Delaware River (N.J.A.C. 7:25-6.20).
5. In N.J.A.C. 7:25-6.3(i)10, the Council proposes to extend the upstream boundary of the trout-stocked section of Lockatong Creek from Opdyke Road Bridge to the Route 12 bridge. Although trout are currently stocked approximately two miles upstream of Opdyke Road, this area is not delineated as trout stocked and, therefore, fishing during the pre-season closure is not prohibited. This proposed change will properly identify the creek's upstream boundary and extend the pre-season fishing closure an additional three miles.
6. In N.J.A.C. 7:25-6.3(i)14, the Council proposes to change the upstream limit of the trout-stocked section of the Passaic River from the White Bridge Road to the confluence with Black Brook. Currently trout are stocked at various locations in the Passaic River, beginning at White Bridge Road and extending downstream to the Route 24 bridge in Chatham Borough. Due to the current delineation, fishing is prohibited during the pre-season period downstream of White Bridge Road bridge but not prohibited on the immediate upstream side

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of the bridge. This change would properly extend the pre-season fishing closure an additional one-quarter mile upstream to the river's confluence with Black Brook.

Also in N.J.A.C. 7:25-6.3(i)14, the Council proposes to relocate the listing for the trout stocked section of the Passaic River to appear above the Pequannock River to maintain the list of trout stocked waters within Morris County in alphabetical order.

7. In N.J.A.C. 7:25-6.3(i), which identifies by county trout stocked waters with no in-season closure, where a stream crosses into more than one county, the existing rules include a reference to the stream in each county through which it passes. In N.J.A.C. 7:25-6.3(i)20, the Council proposes to reflect that the Passaic River additionally passes through Union County with a cross-reference to the existing entry for the River in Morris County.
8. In N.J.A.C. 7:25-6.3(i)21, the Council proposes to remove Trout Brook (Hackettstown) from the Division's Trout Stocking Program. Discontinuing trout stocking in Trout Brook has been under consideration for several years due to low angling interest. No anglers were documented fishing the stream on Opening Day in 2012. The stream was not stocked in 2014 as a result of the furunculosis outbreak at the Pequest Trout Hatchery so no angler counts were conducted.
9. In response to a steady decline in spawning stock biomass, the Atlantic States Marine Fisheries Commission (ASMFC) approved Addendum IV of the Interstate Fishery Management Plan for Atlantic Striped Bass in October 2014. The addendum requires coastal states to

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implement a 25 percent harvest reduction. The New Jersey Marine Fishery Council's Striped Bass Committee, in conjunction with the Division of Fish and Wildlife's Bureau of Marine Fisheries, submitted several harvest options to the ASMFC Technical Committee for consideration. On January 8, 2015, the Technical Committee approved a modified option maintaining a daily creel and possession limit of two Striped Bass with the fish length to be modified to one fish at least 28 inches and less than 43 inches in length, and one fish at least 43 inches in length. Striped Bass limits are specified in two sections of the Fish Code; N.J.A.C. 7:25-6.20 for the Delaware River between New Jersey and Pennsylvania, and N.J.A.C. 7:25-6.13 for other State fresh waters. To maintain consistency with New Jersey Marine Fish regulations, these changes are proposed to be reflected in N.J.A.C. 7:25-6.13(q) and, for the Delaware River, in N.J.A.C. 7:25-6.20. The existing season for Striped Bass remains unchanged.

10. Both Striped Bass and their hybrids are present in the Raritan River below Duke Island Dam and in the Delaware River. Due to the difficulty in identifying pure strain Striped Bass from hybrid Striped Bass on waters where the two species are found, regulations regarding length requirements applicable to Hybrid Striped Bass are adjusted to match the pure strain Striped Bass regulations for the Raritan River downstream of the Duke Island Park dam in N.J.A.C. 7:25-6.13(s) and for the Delaware River in N.J.A.C. 7:25-6.20. Length requirements for Hybrid Striped Bass applicable to other waters falling under N.J.A.C. 7:25-6.13(s) remain unchanged. Additionally, the existing season for Hybrid Striped Bass remains unchanged
11. In N.J.A.C. 7:25-6.15(a), and for the Delaware River in N.J.A.C. 7:25-6.20(a)(4), the Coun-

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cil proposes to allow the use of crossbows while bowfishing. Currently, anglers are permitted to take Carp, including Bighead, Common, Grass and Silver, eels, Flathead Catfish, American Shad (Delaware River only; see 12 below), Gizzard Shad, snakeheads, and suckers, or hybrids of these species, with longbows, recurved bows and compound bows. In 2009, crossbows, which were previously restricted for use by only handicapped hunters, were permitted for use by all bowhunters in New Jersey. As more states have allowed the use of crossbows, manufacturers have increased the availability of accessories to modify crossbows for bowfishing. Availability of these accessories has resulted in increased interest in the use of crossbows for bowfishing. The Council has determined that use of crossbows should be allowed in the State. For consistency with crossbows permitted for use while hunting, the Council proposes to allow crossbows with a stock length of at least 25 inches, a minimum draw pull weight of 75 pounds, and a working safety. (see the Game Code at N.J.A.C. 7:25-5.24(a) and (c)5) As crossbows are not hand-drawn, the existing requirement that equipment under this section be hand-drawn is proposed for deletion. For safety reasons, crossbows shall be uncocked during transport or when not actively fishing. They may not be permanently mounted.

Also in N.J.A.C. 7:25-6.20(a)(4), the Council proposes that an arrow used for bowfishing must have a line attached. All bow fishing equipment utilizes a tethered arrow as the line is necessary for retrieval of the fish and the arrow. As such this addition is more for consistency with other bow fishing regulations in N.J.A.C. 7:25-6.15(a).

Since New York State does not permit the use of crossbows for hunting or fishing, these

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changes are not reflected in regulations for Greenwood Lake, which lies partly in Passaic County, New Jersey and partly in Orange County, New York. Regulations applicable to Greenwood Lake are codified at N.J.A.C. 7:25-6.19.

12. In accordance with N.J.A.C. 7:25-6.13(o), American Shad may not be taken or possessed at any time, except as provided in the rules applicable to the Delaware River. In light of this existing prohibition, the Council proposes to clarify in the list of fish species that may be taken with a bow and arrow, which appears at N.J.A.C. 7:25-6.15(a), that American Shad may only be taken in this manner from the Delaware River. The Council also proposes that the existing reference to eels in this same list is changed to American Eels as they are the only species of eels present in New Jersey.

13. Channel Catfish are distributed throughout the Delaware River and are a popular species targeted by anglers. Currently, New Jersey has no minimum size or creel limit and Pennsylvania allows up to 50 Channel Catfish to be harvested each day. The harsh winter of 2014 resulted in extensive ice forming on the river from Trenton through the Delaware Water Gap allowing anglers to target many areas on the river. The extended ice cover and liberal regulations resulted in unprecedented numbers of Channel Catfish being harvested by anglers. The event emphasized the need for more stringent regulations. In N.J.A.C. 7:25-6.20, the Council proposes a minimum size limit of 12 inches and a daily limit of 5 per day for Channel Catfish on the Delaware River. These limits are consistent with current size and creel limits for Channel Catfish in all other fresh waters in New Jersey.

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14. N.J.A.C. 7:25-6.20(a)1 provides that species of fish in the Delaware River that do not have specific daily creel and possession limits (“all other freshwater species”) have no closed season, no size limit and no daily bag limit. The Council is proposing to amend this to provide that all other freshwater species found in the Delaware River shall have a daily creel and possession limit of 25 in total. This proposed change provides protection to species such as Pumpkinseed, *Lepomis gibbosus*, Bluegill, *Lepomis macrochirus*, Bowfin, *Amia calva*, Brown Bullhead, *Ameiurus nebulosus*, Rock Bass, *Ambloplites rupestris*, and White Catfish, *Ameiurus catus*, which are routinely caught in the Delaware River. This proposed amendment protects these and other non-typical game species in New Jersey. This is consistent with provisions already afforded these species in other waters of the State in N.J.A.C. 7:25-6.1(h).

When possible, the Council strives for consistent regulations on waters shared between neighboring states. However, because of differing regulation cycles and other state priorities it is not always feasible. Currently, New Jersey has no possession limit for these species while Pennsylvania has a limit of 50. Consistent with efforts to protect Channel Catfish discussed in item 13 above, discussions have been initiated with Pennsylvania regarding the potential for it to adopt an identical possession limit of 25 for species not subject to a specific possession limit for that part of the Delaware River under its jurisdiction.

15. As native turtle populations began to severely decline in Southeast Asia due to exploitation, the market turned global and the United States was quickly identified as another source for snapping turtle meat. The US Fish and Wildlife Service reports that snapping turtles are

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among the top four most exported turtle species, with an estimated 1.2 million snapping turtles (farm raised and wild) exported in 2013. This is a significant increase from 1990 when only 3,122 snapping turtles were exported.

Unlike many commonly harvested wildlife species, turtle life-history characteristics, such as low hatching success, very high mortality in juveniles, and delayed sexual maturity, limit the harvest potential of adult turtles and make them vulnerable to over-harvest. Snapping turtles do not reach sexual maturity until 8 to 10 years of age. Although snapping turtles lay 20 to 40 eggs, as much as 75 percent of the eggs are lost to predation and 50% more are lost to predation before their first year.

In order to protect populations of snapping turtles from over-harvest, the Council proposes the following changes to rules governing their harvest:

- a) As defined in N.J.A.C. 7:25-6.2, a set line is a line to which a hook or multiple hooks is/are attached that is placed in freshwaters of the State for the purpose of taking fish or turtles. Set lines are secured to the shore, or to a fixed or buoyant object. The use of set lines is prohibited by N.J.S.A. 23:5-13 in waters inhabited by pickerel, pike, pike perch, several varieties of bass, perch or trout. As snapping turtles are found in waters inhabited by these species, the existing rule provides at N.J.A.C. 7:25-6.22(a) that the use of set lines to take snapping turtles, bull frogs and green frogs is prohibited. The Council proposes to clarify at N.J.A.C. 7:25-6.22(a), that the hooks identified as an acceptable method of take for snapping turtles, bull frogs and green frogs refers to angling with

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hook and line, and not set lines.

- b) Also in N.J.A.C. 7:25-6.22(a), the Council proposes to restrict the use of traps for the take of snapping turtles by removing traps from the list of methods that may be employed by any person who has a fishing license or is under the age of 16 or over the age of 70. As a result, trap use to take these species will be limited to commercial snapping turtle permit holders. Traps are inconsistent with common angling methods and as such are more appropriate under commercial harvest provisions in N.J.A.C. 7:25-6.22(d) rather than a recreational fishing license.
- c) Also in N.J.A.C. 7:25-6.22(a), the Council proposes to clarify that only snapping turtles taken under commercial harvest permits and not under recreational fishing licenses, are permitted to be sold.
- d) In N.J.A.C. 7:25-6.22(b) the Council proposes to reduce the daily limit of snapping turtles taken with a recreational fishing license, from three to one and to establish a minimum carapace length of 12 inches. The same minimum carapace length limit is additionally proposed for commercial harvest under a special permit in N.J.A.C. 7:25-6.22(d)3. The existing three per day limit for those harvesting these species under a recreational fishing license allows an angler to take as many as 90 turtles per month, an amount which, based upon harvest reports filed by those taking these species pursuant to a permit under N.J.A.C. 7:25-6.22(d), can rival the take of commercial harvesters. Assuming an average of 8 pounds of meat per turtle, the existing harvest limit equates to

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over 700 pounds of meat each month. Reducing the limit better aligns recreational harvest with personal use. The proposed 12-inch minimum carapace size, for both recreational and commercial harvesters, will protect turtles until they reach sexual maturity.

- e) The Council proposes in N.J.A.C. 7:25-6.22(c), to expand the existing nesting closure of May 1 to June 15, to May 15 to July 15 to more closely correspond with peak nesting period for snapping turtles. The Council also proposes to protect turtles during their hibernating season by closing the season from October 31 to April 1. Both the May 15 to July 15 and the October 31 to April 1 closures are applicable to both recreational and commercial harvest. Commercial harvest permits currently expire on October 31 of each year, with new permits for the subsequent year allowing harvest to begin once turtles become active. However, there is no winter closure for turtles taken under a fishing license. Snapping turtles are vulnerable to harvest during hibernation and in early spring when they first become active. The proposed closures will help protect the turtles during these particularly susceptible periods.
- f) In order to protect unhatched young, the Council proposes in N.J.A.C. 7:25-6.22(c) that turtle eggs may not be taken at any time. The Council also proposes that turtles may not be taken from land at any time as they are much more vulnerable out of the water.
- g) In order to prevent further expansion of commercial harvest in New Jersey, the Council proposes in N.J.A.C. 7:25-6.22(d) to limit commercial harvest permits to those already actively engaged in permitted commercial harvest under a special permit. Only harvest-

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ers issued a permit from January 1, 2010 to December 31, 2014 who have submitted harvest reports prior to January 1, 2015 indicating the harvest of at least one turtle, during this time period, will be issued permits in the future. This approach allows current harvesters, who have successfully trapped turtles, to continue to trap while precluding expansion through additional permittees. This proposed limitation is not applicable to the commercial harvest of bull frogs and green frogs, which are also subject to this subsection.

- h) In N.J.A.C. 7:25-6.22(d)1, address information for obtaining and submitting applications is proposed to be changed from the Division's Field Office in Lebanon to the Division's Trenton Office. This reflects a change in the Division location where permits are issued.
- i) As a result of the proposed 12-inch minimum carapace length summarized in d) above, the Council proposes in N.J.A.C. 7:25-6.22(d)3, to require commercial harvesters to record the number of sub-legal and legal sized turtles they release on their monthly harvest reports. This information will be beneficial to the Division in understanding the proportion of sexually mature versus immature turtles present.

In addition, commercial harvesters who submit harvest reports indicating no trapping or harvest of snapping turtles will also be required to submit a written explanation for the failure to trap or harvest snapping turtles within the approved permit timeframe. The explanation will assist the Division in discerning between the number of serious harvesters and those that regularly apply for permits but do not trap.

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- j) In N.J.A.C. 7:25-6.22(e), the Council proposes to require recreational and commercial harvesters to report sightings of any State endangered or threatened species of turtles by completing a Division Sighting Report Form. For consistency with similar references, the Council also proposes to replace “State Threatened or Endangered species” with the term “State endangered or threatened species.”

 - k) Commercial harvesters are required to tend traps at least once every 24 hours. In order to help ensure the survival of turtles captured within traps, the Council proposes in N.J.A.C. 7:25-6.22(d)3iv to establish a maximum number of 30 traps may be set to ensure harvesters do not set more traps than can be properly tended. The 30 trap limit also protects existing turtle populations from over trapping as trapping efforts typically increase with increases in market values. Trapping efforts may also increase in response to reduced population levels. A telephone survey of 2015 Commercial Snapping Turtle Permit holders indicated that the majority of harvesters typically set less than 15 traps. However, during periods of high demand some harvesters have set as many as 40 to 80 traps.
16. In 2013 and 2014 the Division’s Pequest Trout Hatchery experienced an extensive outbreak of furunculosis, a fish disease caused by the bacterium *Aeromonas salmonicida*. The outbreak ultimately resulted in over 230,000 Brook and Brown Trout, one third of the hatchery’s stock, being destroyed. The bacterium is believed to have been introduced from birds preying on infected fish outside the confines of the hatchery and then feeding on trout within

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the hatchery's raceways as the hatchery does not transfer fish or equipment into the facility. The particular strain of the bacterium was resistant to antibiotics commonly used to treat furunculosis indicating that the source of the bacterium may have been from fish reared at another fish culture facility that had been treated for the disease. In addition, a subsequent fish health survey of the Pequest River conducted in response to the disease outbreak yielded a brook trout with Infectious Pancreatic Necrosis virus (IPN) approximately 8 miles upstream of the trout hatchery. The worn fins on the affected fish also suggested it was of hatchery origin.

Fish pathogens are easily transported through water as well as birds feeding on infected fish. The Division's Pequest Trout Hatchery is located within the Pequest River Drainage and the Trout Brook (Hackettstown) supplies the Division's Hackettstown State Fish Hatchery. Since the outflows of these facilities are connected to waters within these areas, the transfer of fish from outside sources poses a significant risk of disease introduction into the facilities. Disease outbreaks within these facilities could jeopardize millions of dollars of cultured fish.

In order to minimize the potential for the introduction of disease into the State's fish culture facilities, the Council proposes, in N.J.A.C. 7:25-6.26(i), to prohibit the stocking of trout within the Pequest River drainage by anyone other than the State. The Pequest Trout Hatchery will be the only source of trout for the drainage. Restrictions barring the stocking of any fish species in Trout Brook (Hackettstown), which traverses the State's warmwater culture facility, are proposed to be recodified from N.J.A.C. 7:25-6.26(i) to N.J.A.C. 7:25-6.26(j) which includes other protections to the State's warmwater facility.

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For consistency with Department and Division publications, references to the names of both facilities have been amended in N.J.A.C. 7:25-6.26(i).

17. In N.J.A.C. 7:25-6.26(l)2 the address to which completed fish health history forms are required to be submitted is proposed to be changed from the Division's Trenton Office to the Division's Office of Fish and Wildlife Health and Forensics located in Oxford, NJ. This reflects a change in the Division location where fish health history forms are processed.
18. Existing fish health regulations require testing for all fish within enzootic areas for Infectious Hematopoietic Necrosis (IHN) or Viral Hemorrhagic Septicemia (VHS), with documentation submitted to demonstrate that the fish have been found to be free of those viruses. Enzootic areas are areas where a disease, or causative agent, is known to be prevalent within existing populations or watersheds. However, IHN and VHS concerns extend beyond current enzootic areas. In addition, susceptibility to certain major fish pathogens differs between non-salmonid and salmonid fish species, while other pathogens pose a threat to both. Accordingly, the Council proposes that fish health requirements for fish pathogens known to pose a risk to non-salmonid species be identified in N.J.A.C. 7:25-6.26(l)3, and those that pose a risk to salmonid populations, such as IHN, be identified in N.J.A.C. 7:25-6.26(l)4. Requiring fish to be certified free of these pathogens helps reduce the risk of these major pathogens being introduced into existing fish populations. References to eggs or gametes are also proposed to be removed as they cannot be tested for these diseases.

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In N.J.A.C. 7:25-6.26(l)3, all non-salmonid fish species must have been inspected and found free of viral diseases including Viral Hemorrhagic Septicemia (VHS), Infectious Pancreatic Necrosis (IPN), and Spring Viremia of Carp (SVC). Non-salmonid fish stocks must also be tested and found negative of bacterial diseases including enteric redmouth caused by *Yersinia ruckeri* and furunculosis caused by *Aeromonas salmonicida*. VHS, IPN, SVC, and bacterial diseases such as enteric redmouth and furunculosis are extremely serious diseases that can devastate wild fish populations, and pose a serious threat to both wild and cultured stocks of fish.

In proposed N.J.A.C. 7:25-6.26(l)4, all salmonid fish species must have been inspected and found free of Infectious Pancreatic Necrosis virus (IPN), Infectious Hematopoietic Necrosis (IHN), Viral Hemorrhagic Septicemia (VHS), Bacterial kidney disease (BKD), Bacterial Furunculosis (BF), Bacterial Redmouth (BRM) and whirling disease, *Myxobolus cerebralis*. Currently, testing for these major pathogens is only required for stocking of salmonids in waters with reproducing trout populations, or in designated Holdover or Trophy Trout lakes. However, waters classified as trout maintenance support year round trout populations, and even non-trout waters can support trout on a seasonal basis. In addition, a number of trout maintenance and non-trout waters connect directly to waters with reproducing trout populations emphasizing the importance of applying the same level of health standards to these waters.

The Council also proposes for both non-salmonids and salmonids, N.J.A.C. 7:25-6.26(l)3 and 4, respectively, that any agent associated with fish mortality causing cytopathic effects

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(CPE) in cell lines must be reported. This health inspection standard will alert the Division of any emerging or unknown viruses that may be of concern.

19. Requirements that a complete health inspection, including parasitological exam, for fish stocks obtained from the wild are proposed to be recodified from N.J.A.C. 7:25-6.26(l)4 to N.J.A.C. 7:25-6.26(l)5 without change in text.
20. In N.J.A.C. 7:25-6.26(l)6, the Council proposes to include the website address for the American Fisheries Society Fish Health Section's Blue Book. The Blue Book, made available for free online access in 2014, contains AFS approved fish health inspection methods. References to office locations for the American Fisheries Society and The World Organization for Animal health are deemed unnecessary and are proposed for deletion. Specific inspection requirements, including required sampling sizes, are proposed to be added in new subparagraphs to this paragraph, as discussed in items 21 and 22 below.
21. In N.J.A.C. 7:25-6.26(l)6ii and iii, the Council proposes to identify sample sizes for required fish health testing. Proposed sample sizes are consistent with those outlined in the American Fisheries Society Fish Health Section Blue Book and provide options for either 60 fish per species per lot, or a site inspection of 150 total fish. A site inspection requires an inspector to identify and select the most susceptible species to the pathogens of interest and to select moribund fish when available. As whirling disease is a water transmitted pathogen, if fish are held in a shared water supply, only 60 of the most susceptible species need to be tested.

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For facilities rearing both salmonid and non-salmonid species, the Council proposes that either 60 fish per species per lot or a site inspection of 300 fish, including a representative sample of 150 salmonids and 150 non-salmonids must be tested. For facilities that raise both salmonids and non-salmonids a sample of 150 fish often results in too few salmonids being tested to be indicative of the health of on-site fish stocks.

Requirements that fish samples must be taken and submitted by an accredited inspector, as defined by the American Fisheries Society Fish Health Section Blue Book, are also proposed in N.J.A.C. 7:25-6.26(l)6i. The inspector must not be affiliated with the private fish culture facility.

22. In N.J.A.C. 7:25-6.26(l)6iv and v, the Council proposes that a separate health inspection be required for imported lots of fish not represented on a facility's health inspection prior to, and within 12 months of stocking. In addition, private culture facilities are required to report any imported lots of fish not represented on the current year's annual health inspection report. Private fish culture facilities typically purchase fish, and/or eggs from one or several other independent culture facilities. It is common for fish to be transferred more than once prior to reaching their final destination. These transfers often take place in between a facility's annual health inspections. Depending on the source and health history of these fish they can pose a risk to the State's fisheries resources.

23. As fish health requirements for IHN and VHS are now codified for non-salmonids in N.J.A.C. 7:25-6.26(l)3, and for salmonids in N.J.A.C. 7:25-6.26(l)4 and as concerns for

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these diseases extend to facilities seeking to be recognized as approved fish culture facilities located in the western United States, the Council proposes to remove the reference to these specific diseases in N.J.A.C. 7:25-6.26(1)9i.

The Council also proposes to replace the reference to the causative agent, PKX organism, with the disease it causes, Proliferative Kidney Disease (PKD). PKD is caused by the myxozoan parasite *Tetracapsuloides bryosalmonae*, which was simply referenced as the PKX organism in early research. Proliferative kidney disease (PKD) has been recognized as a parasitic disease of great economic significance to salmonid aquaculture. Although primarily regarded as a condition affecting first season Rainbow Trout, all salmonids can become infected during freshwater stages with varying severity. The disease is endemic in large areas of Western Europe and North America.

The Council also proposes in N.J.A.C. 7:25-6.26(1)3, to change the scientific name of *Ceratomyxa Shasta* to *Ceratonova Shasta* to reflect recent taxonomic guild changes to this microscopic parasite known to affect salmonids.

24. The American Fisheries Society's Fish Health Section and The World Organization for Animal Health are leaders within the scientific community in setting the standards for laboratory methods in the realm of fish health testing. As such, in N.J.A.C. 7:25-6.26(1)6 the Council proposes to delete "generally accepted methods published in peer-reviewed journals" and only allow methods approved by these two organizations when conducting fish health testing. Over time information and methods within peer reviewed journals can be-

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come outdated. The American Fisheries Society's Fish Health Technical Committee annually reviews laboratory methods assuring the most up to date methods are utilized.

Social Impacts

The proposed amendments to the Code attempt to balance opportunities for recreational fishing with adequate protection of the natural resource and are anticipated to have a positive social impact.

Even the loss of trout stocked locations benefit the angler since fish can then be reallocated to waters which provide better angling success or access. Negative social impacts will be offset by the alternative trout fishing opportunities which already exist in these areas. Currently, negative social impacts may be perceived by residents, municipalities, and other entities who may have to purchase fish, or more specifically trout, from alternative fish culture facilities if their current facility fails to meet specified fish health requirements and required sample sizes. These concerns are outweighed by the large-scale environmental and corresponding social benefits in protecting the State's freshwater fisheries resources from the potential introduction of diseased fish stock.

Economic Impact

The amendments to the Fish Code do not affect the current costs associated with how the Division of Fish and Wildlife manages the freshwater fisheries resource and are not expected to result in increased expenditures by anglers. The 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation estimated that the total expenditure by anglers in the State of New Jersey was \$1.1 billion per year. The sale of fishing licenses and trout stamps generates over \$ 3.5 million for the Department's Division of Fish and Wildlife annually. These funds are used towards the protection, propagation and managements of the State's freshwater resources directly benefitting the

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State's eight million residents.

Some immediate negative economic impact to those culturing fish for stocking purposes is anticipated as a result of the proposed fish health amendments. All businesses providing fish for stocking within the State are required to submit Fish Health History Forms, and keep accurate records of health inspections, and of transfers of fish into and out of their facility. Proposed amendments require all fish stocks to be tested for six major fish pathogens and for separate inspections for imported lots of fish not represented on the facility's annual fish health inspection report. Additional testing required for seven major fish pathogens for facilities seeking to provide trout for stocking in streams with naturally producing trout populations, in trophy trout waters, and in waters connected to State operated culture facilities is proposed to be expanded to trout maintenance waters and waters connected to streams with naturally producing trout populations. Specific sample sizes for fish health inspections, based upon the American Fisheries Society Fish Health Section Blue Book, are also proposed. The costs of these certifications, and health inspections are the responsibility of the individual importing the fish or the hatchery of origin and will result in a negative economic impact to either entity. Costs will vary on the variety of species, and the number of fish raised at each facility, as well as the suppliers selected by the individual fish culture facility operators. However, as major disease outbreaks have recently occurred in both wild and cultured populations, the additional protection afforded to the State's aquatic resources through the proposed health inspections and disease testing requirements is critical to ensure its long-term future.

Restricting the source of trout for stocking within the Pequest River drainage to only the State-operated Pequest Trout Hatchery is anticipated to have minimal economic impact to private fish

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culture facilities. A review of Fish Stocking Permit records, from 2007 to 2014, indicates only two private clubs currently actively stock trout within the drainage. Each club purchases no more than 300 trout each for stocking resulting in only a minimal economic impact to private facilities currently supplying fish to these organizations. One of these clubs anticipates 2015 will be their last year in existence.

Commercial harvesters of snapping turtles may be negatively impacted by the proposed amendments establishing a maximum trap limit, minimum carapace size, expanding nesting closures, and limiting entrance to previous permit holders. The impacts of these proposed amendments are offset by protection afforded turtles and assuring the long-term survival of the species. Proposed requirements that harvesters submit a Sighting Report in the event a State endangered or threatened turtle species is encountered while trapping are minimal in nature and therefore are not anticipated to have any economic impacts to these persons or businesses.

There may be slight negative economic impacts in localized areas where trout stocking is proposed to be discontinued. However, other existing trout fishing opportunities that occur in these areas will offset these impacts.

Environmental Impact

The proposed amendments are designed to have a positive environmental impact in continuing the conservation, management and enhancement of the State's freshwater fisheries resources based on their current population, distribution, and habitat status. Amendments which protect species during their critical spawning periods or set creel or minimum size limits have positive environmental im-

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pacts in providing for the protection of species while allowing appropriate levels of recreational and commercial harvest.

Proposed fish health requirements protect the State's freshwater resources from the potential introduction of disease. As major disease outbreaks have occurred in adjoining states and within in-State fish culture facilities, these protections are critical to ensure the long-term survival of the State's fishery resources.

Federal Standards Statement

Executive Order No. 27(1994) and N.J.S.A. 52:14B-1 et seq. require State agencies which adopt, readopt or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a Federal standards analysis. The United States Fish and Wildlife Service regulates the harvest of freshwater fish in National Wildlife Refuge Areas in New Jersey pursuant to the National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd (1966), and regulations (50 CFR 32-49). In all other areas of the State, where there are no Federal regulations pertaining to the harvest of freshwater fish, the State's Fish Code applies. The proposed amendments to the Fish Code do not contain any standards or requirements that exceed Federal regulations involving the National Wildlife Refuge Areas. Accordingly, the proposed amendments to the Fish Code do not require further analysis under Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq..

Job Impacts

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The amendments provide for continued recreational and economic benefits to the citizens of the State and the regulated use and proper management of the State's freshwater fisheries resource.

Amendments which protect species during their critical spawning periods or set creel or minimum size limits are not expected to produce any job impacts. These amendments impact recreational fisheries and no impact on fishing related businesses is anticipated. As addressed above in the Economic Impact Statement, there may be slight negative economic impacts in localized areas where trout stocking is proposed to be discontinued. However, other existing trout fishing opportunities that occur in these areas will offset these impacts. These impacts are not anticipated to result in the loss of jobs.

Although proposed amendments regulating the stocking of fish are expected to result in a negative economic impact on businesses that culture fish for stocking purposes, due to the cost of health inspections and disease certification requirements, these impacts are not anticipated to result in the creation or loss of jobs. In addition, as only two private clubs currently stock, no more than 600 trout combined within the Pequest River drainage, proposed amendments to make the Pequest Trout Hatchery the only source of trout within the drainage are anticipated to have only minimal negative impact to private culture facilities and as such will not result in the loss of jobs. Businesses which perform health inspections and disease certifications may experience a positive economic benefit. However, these benefits are anticipated to be minimal in nature and not result in the creation of additional jobs.

Agricultural Impact Statement

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N.J.S.A. 52:14B-4(a)2 requires that agencies proposing a rule include a statement on the impact that the proposal will have on the agricultural industry. In New Jersey, the raising of fish for sale for food or for stocking purposes falls within the realm of agriculture.

The proposed amendments requiring fish culture facilities to comply with the submission of fish health reports, required sample sizes, and health certifications for specific identified pathogens known to be problematic to both wild and cultured fish populations will effect New Jersey agriculture. As addressed in the economic impact statement, these proposed requirements are expected to have negative economic impacts on these businesses due to costs associated with fish health inspections and disease certifications. These impacts are offset by the greatly reduced potential for disease to be introduced not only in wild populations but also within cultured populations. Several identified pathogens are known to be especially problematic under culture conditions. In addition, the New Jersey Department of Agriculture is already working with fish culture facilities located within the State to assist with disease testing to protect their hatchery stocks which will help offset these costs.

As addressed in the Economic Impact statement above, designating the State-operated Pequest Trout Hatchery as the only source of trout for the Pequest River drainage is anticipated to have negligible impacts to aquaculture within New Jersey. Currently, only two private clubs stock no more than 600 trout combined within the drainage.

Regulatory Flexibility Statement

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In accordance with the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the Council has determined that the proposed amendments will have a minimal effect on "small businesses" as defined in the Act. Accordingly, no lesser standard is provided for small businesses.

Current testing requirements for seven major fish pathogens are proposed to be expanded to include facilities seeking to provide trout for stocking in streams connected to waters with naturally reproducing trout populations, and in designated trout maintenance waters. The costs of these certifications and health inspections are the responsibility of the individual importing the fish or the hatchery of origin and will result in a negative economic impact to either entity. The services of professional laboratories to perform the testing, and health inspections would be necessary. Costs will vary on the variety of species, and the number of fish raised at each facility, as well as, the suppliers selected by the individual fish culture facility operators. These provisions are critical to protecting both wild and cultured fish populations within the State as major disease outbreaks have occurred in adjoining states and within in-State fish culture facilities. Since risks associated with the potential importation of disease exist for both large and small-scale culture operations, no differentiation is made. To ensure protection of their own fish stocks, many private fish culture facilities already test for major disease pathogens, or purchase fish from suppliers that have certified virus-free stocks.

Housing Affordability Impact

Pursuant to N.J.S.A. 52:14B-4, as amended effective July 17, 2008, by P.L. 2008, c. 46, the Council has evaluated the proposed amendments to determine their impact, if any, on the affordability of

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housing. The Council has evaluated this rulemaking to determine the nature and extent the proposed amendments impact on housing affordability. Since the proposed amendments relate to daily creel, gear types, migratory fish, and the State's trout stocking program, the Council has determined the proposed amendments do not impact housing affordability.

Smart Growth Development Impact

In accordance with N.J.S.A. 52:14B-4, as amended effective July 17, 2008, by P.L. 2008, c. 46, the Department has evaluated the proposed amendments for purposes of determining their impact, if any, on housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan (State Plan).

The proposed amendments regulate the means, locations, numbers and sizes that freshwater fish may be pursued, caught, killed, or possessed and therefore will have no impact on housing production in Planning Areas 1 or 2, or within designated centers, under the State Plan.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

TITLE 7. ENVIRONMENTAL PROTECTION
CHAPTER 25. DIVISION OF FISH AND WILDLIFE RULES
SUBCHAPTER 6. [2014 – 2015] **2016 - 2017** FISH CODE

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7:25-6.1 General provisions

(a)-(h) (No change.)

(i) The New Jersey Fish and Game Council may modify the fishing seasons, minimum size limits and possession limits, of migratory species of Alewife, American Eel, American Shad, Blueback Herring, Hickory Shad, and Striped Bass, by notice in order to maintain and/or to come into compliance with any fishery management plan approved by the Atlantic States Marine Fisheries Commission pursuant to 16 U.S.C. 5104(b) or to maintain consistency with any Mid-Atlantic Fishery Management Council plan adopted by the National Marine Fisheries Service. The Division shall publish notice of any such modification in the New Jersey Fish and Wildlife Digest and the New Jersey Register, and through email to the Division's freshwater angler Listserv membership.

7:25-6.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

• • •

"In-season stocking period" shall mean [April 9, 2012 through May 25, 2012 for the 2012 trout

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season, April 8, 2013 through May 22, 2013 for the 2013 trout season, April 7, 2014 through May 23, 2014 for the 2014 trout season, April 6, 2015 through May 22, 2015 for the 2015 trout season, and] April 11, 2016 through May 27, 2016 for the 2016 trout season, **April 10, 2017 through May 26, 2017 for the 2017 trout season, April 9, 2018 through May 25, 2018 for the 2018 trout season, April 8, 2019 through May 24, 2019 for the 2019 trout season, and April 13, 2020 through May 29, 2020 for the 2020 trout season.**

• • •

"Opening day" shall mean [8:00 A.M. on April 7, 2012 for the 2012 trout season, 8:00 A.M. on April 6, 2013 for the 2013 trout season, 8:00 A.M. on April 5, 2014 for the 2014 trout season, 8:00 A.M. on April 4, 2015 for the 2015 trout season, and] 8:00 A.M. on April 9, 2016 for the 2016 trout season, **8:00 A.M. on April 8, 2017 for the 2017 trout season, 8:00 A.M. on April 7, 2018 for the 2018 trout season, 8:00 A.M. on April 6, 2019 for the 2019 trout season, and 8:00 A.M. on April 11, 2020 for the 2020 trout season.**

• • •

"Pre-season closure" shall be [the period from midnight March 18, 2012 to 8:00 A.M. April 7, 2012 for the 2012 trout season, the period from midnight March 17, 2013 to 8:00 A.M. April 6, 2013 for the 2013 trout season, the period from midnight March 16, 2014 to 8:00 A.M. April 5, 2014 for the 2014 trout season, the period from midnight March 15, 2015 to 8:00 A.M. April 4, 2015 for the 2015 trout season,]the period from midnight March 20, 2016 to 8:00 A.M. April 9,

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2016 for the 2016 trout season, **the period from midnight March 19, 2017 to 8:00 A.M. on April 8, 2017 for the 2017 trout season, the period from midnight March 18, 2018 to 8:00 A.M. on April 7, 2018 for the 2018 trout season, the period from midnight March 17, 2019 to 8:00 A.M. on April 6, 2019 for the 2019 trout season, and the period from midnight March 22, 2020 to 8:00 A.M. on April 11, 2020 for the 2020 trout season.** Unless otherwise specified, this closure applies to all waters, both public and private, stocked with trout

7:25-6.3 Trout season and angling in trout stocked waters

(a)-(b) (No change.)

(c) There shall be a nine-inch minimum size for [brook trout, brown trout, rainbow trout] **Brook Trout, Brown Trout, Rainbow Trout** or hybrids and strains thereof except as designated in N.J.A.C. 7:25-6.5 to 6.9. [Purchased] **Except within the Pequest River drainage, purchased [brown and rainbow trout] Brown and Rainbow Trout** less than the nine-inch minimum size limit may be possessed, strictly for use as bait, provided a receipt of purchase, dated within 14 days, and indicating the place of purchase is in possession and provided upon request. **No trout species, purchased or otherwise obtained, may be used as bait within the Pequest River drainage.**

(d) Except as designated in N.J.A.C. 7:25-6.8, the minimum size limit for [lake trout] **Lake Trout** shall be 15 inches with a daily bag and possession limit of two.

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(e) Except as provided in N.J.A.C. 7:25-6.4 through 6.9, the daily possession limit for [brook trout, brown trout, rainbow trout] **Brook Trout, Brown Trout, Rainbow Trout** or their hybrids and strains thereof is as follows:

1.- 3. (No change.)

(f)-(h) (No change.)

(i) This subsection sets forth trout stocked waters for which no in-season closures will be in force.

1.-9. (No change.)

10. Hunterdon County

• • •

Lockatong Creek—[Opdyke Road Bridge] **Rt. 12 bridge**, Kingwood Township to

Delaware Raritan Feeder Canal

• • •

11.-13. (No change.)

14. Morris County

• • •

Mt. Hope Pond--Mt. Hope

Passaic River— Black Brook confluence to Rt. 24, Chatham Boro

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• • •

[Passaic River--White Bridge Rd. to Rt. 24, Chatham Boro]

• • •

15.-19. (No change.)

20. Union County

• • •

Nomahegan Park Pond – Cranford

Passaic River – (see Morris Co.)

• • •

21. Warren County

• • •

[Trout Brook--Hackettstown, entire length]

• • •

7:25-6.13 Warmwater fish

(a)-(e) (No change.)

(f) There is no closed season for [northern pike, muskellunge and tiger muskie] **Northern Pike, Muskellunge, and Tiger Muskie** except, during the period of March 20 through May 20, the possession of [muskellunge and tiger muskie] **Muskellunge and Tiger Muskie** taken from Echo Lake

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Reservoir (Passaic County), Mercer Lake (Mercer County), Mountain Lake (Warren County), and Monksville Reservoir (Passaic County) is prohibited and all [muskellunge and tiger muskie] **Muskellunge and Tiger Muskie** caught from these waters shall be immediately returned to the water unharmed.

(g) The minimum length for [northern pike] **Northern Pike** shall be 24 inches, with a daily creel and possession limit of two. The minimum length for [muskellunge and tiger muskie] **Muskellunge and Tiger Muskie**, shall be 36 inches, except for Mountain Lake (Warren County) and Echo Lake Reservoir (Passaic County) where the minimum length shall be 40 inches. The daily creel and possession limit for [muskellunge and tiger muskie] **Muskellunge and Tiger Muskie** shall be one in total.

(h) During the period of March 1 through April 30, the possession of [walleye] **Walleye** is prohibited and all [walleye] **Walleye** caught shall be immediately returned to the water unharmed.

(i) The minimum length for [walleye] **Walleye** shall be 18 inches with a daily creel and possession limit of three.

(j) Except as provided in N.J.A.C. 7:25-6.19 and 6.20, the minimum length for [chain pickerel and redbfin pickerel] **Chain Pickerel and Redfin Pickerel** shall be 15 inches.

(k) The daily creel and possession limit for [chain pickerel and redbfin pickerel] **Chain Pickerel and Redfin Pickerel** shall be five in total. There is no closed season.

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(l) The minimum length for [channel catfish] **Channel Catfish** shall be 12 inches with a daily creel and possession limit of five. There is no closed season.

(m) The minimum length for [black crappie and white crappie] **Black Crappie and White Crappie** shall be eight inches. The daily creel and possession limit for these species shall be ten in aggregate. There is no closed season.

(n) For Ryker Lake, the daily creel and possession limit for sunfish and for [yellow perch] **Yellow Perch** shall be 10 and the minimum size for sunfish shall be seven inches. For Rainbow Lake, the daily creel limit for sunfish shall be 10 and the minimum size shall be seven inches.

(o) (No change.)

(p) Striped [bass] **Bass** may be taken or possessed during the period of March 1 to December 31.

(q) The daily creel and possession limit for [striped bass] **Striped Bass** is two, [with each] **one** fish at least 28 inches **and less than 43 inches** in length, **and one fish at least 43 inches in length.**

(r) Hybrid [striped bass] **Striped Bass (Striped Bass x White Bass)** may be taken in the Raritan River downstream of the Duke Island Park dam during the period of March 1 to December 31.

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(s) The minimum length for [striped bass x white bass hybrid] **Hybrid Striped Bass (Striped Bass x White Bass)** shall be 16 inches and the daily creel and possession limit shall be two, except for the Raritan River downstream of the Duke Island Park dam where the daily creel and possession limit shall be two, [with each] **one fish at least 28 inches and less than 43 inches in length, and one fish at least 43 inches in length.**

(t) (No change.)

(u) Mud [sunfish, blackbanded sunfish, bluespotted sunfish, and banded sunfish] **Sunfish, Blackbanded Sunfish, Bluespotted Sunfish, and Banded Sunfish** may not be taken or possessed at any time.

7:25-6.15 Bow and arrow fishing

(a) Except as provided [in N.J.A.C. 7:25-6.3,] **for trout-stocked waters, identified in N.J.A.C. 7:25-6.3, and for Greenwood Lake and the Delaware River between New Jersey and Pennsylvania, for which limits are specified in N.J.A.C. 7:25-6.19 and 6.20,** it shall be legal to take [carp] **Carp**, including [bighead, common, grass and silver] **Bighead, Common, Grass and Silver**, [eels, flathead catfish] **American eels, Flathead Catfish**, [shad,] **American Shad (Delaware River only)**, [and gizzard] **Gizzard Shad**, snakeheads, and suckers, or any hybrids of any of these species, at any time by use of bow and arrow with line attached, provided a person has a proper fishing license. For the purpose of this section a bow means any longbow, recurved bow, [or]

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compound bow **or crossbow**, that is hand-held [and hand-drawn]. **Crossbows shall have a stock length of 25 inches, minimum draw pull weight of 75 pounds and a working safety. Crossbows may not be permanently mounted. Crossbows must be uncocked in transport and while not actively engaged in fishing.**

7:25-6.20 Delaware River between New Jersey and Pennsylvania

(a) In cooperation with the Pennsylvania Fish and Boat Commission, the following regulations for the Delaware River between New Jersey and Pennsylvania are made a part of the New Jersey State Fish and Game Code and will be enforced by the conservation authorities of each state.

1. Species	Season	Size Limit	Daily Bag Limit
• • •			
Hickory [shad] Shad	Closed season	Closed season	Closed season
Largemouth [bass and smallmouth bass] Bass and Smallmouth Bass	Jan. 1 to the first Friday after April 10, and the first Saturday after	12 inch minimum	5 in total

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1. Species	Season	Size Limit	Daily Bag Limit
	June 11 to Dec. 31		
	First Saturday, after April 11, to the first Friday after June 10	Catch and release only	
• • •			
Walleye	No closed season	18 inch minimum	3
Channel Catfish	No closed season	12 inch minimum	5
• • •			
Alewife and [blueback] Blueback Herring (anadromous forms)	Closed		
Shortnose [sturgeon] Sturgeon	Closed-endangered species		
Atlantic [sturgeon]	Closed		

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1. Species	Season	Size Limit	Daily Bag Limit
Sturgeon			
Striped [bass and striped bass X white bass]	Downstream of Calhoun Street	at least 28 [inch	[2] 1
Bass and Striped Bass x White Bass hybrid	Bridge season open March 1-30 and June 1-Dec 31.	minimum] inches and less than 43 inches	AND 1
	Upstream of Calhoun Street	at least 28 [inch	[2] 1
	Bridge season open March 1-Dec 31	minimum] inches and less than 43 inches	AND 1
All other freshwater Species	No closed season	No minimum	[No limit] 25

2.-3. (No change.)

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4. Spears (not mechanically propelled) [and], longbows, [or] **and** recurved, [or] compound[,] **or crossbows** may be used to take shad, carp, suckers, catfish and snakeheads by properly licensed fishermen, except within 50 rods (825 feet) of an eel weir. **All arrows must have line attached. Crossbows shall have a stock length of 25 inches, a minimum draw pull weight of 75 pounds and a working safety. Crossbows must be hand held and may not be permanently mounted. Crossbows must be uncocked in transport and while not actively engaged in fishing.**

5.-7. (No change.)

7:25-6.22 Snapping turtles, bull frogs and green frogs

(a) Any person who has a fishing license or is under the age of 16 or over 70 years of age, may in the waters of the State, take snapping turtles, bull frogs and green frogs by means of spears, [hooks] **angling with hook and line**, dip nets not more than 24 inches in diameter, [traps] or by hand. **Except under commercial harvest permits specified in (d) below, turtles may not be sold.** Turtles may not be taken with a gun or bow and arrow. The use of set lines is prohibited.

(b) The daily limit for snapping turtles shall be [three] **one with a minimum carapace length of 12 inches** and the daily limit for both bull frogs and green frogs shall be 15 in total.

(c) A person shall not take, attempt to take, kill or have in possession snapping turtles from

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[May 1 to June 15] **May 15 to July 15, or from October 31 to April 1. A person shall not take, attempt to take, kill or have in possession** bull frogs and green frogs from April 1 to June 30.

Turtle eggs may not be taken at any time. Turtles may not be taken from land at any time.

(d) Snapping turtles, bull frogs and green frogs may be taken in numbers greater than the daily limit under special permit issued by the Division, for the purposes of sale, at its discretion. **Permits for snapping turtles will only be issued to permittees who have received a permit(s) from January 1, 2010 to December 31, 2014, and have submitted a harvest report(s) prior to January 1, 2015 indicating the harvest of at least one turtle during that time period.** In addition to any other Federal, State or local requirements that may be applicable to any sale authorized under this section, any sale must comply with Department of Health and Senior Services rule N.J.A.C. 8:23-2.1.

1. To obtain a special permit an application may be obtained from the Division at:

New Jersey Division of Fish and Wildlife

[Bureau of Freshwater Fisheries

PO Box 394

Lebanon, New Jersey 08833]

PO Box 420

Trenton, NJ 08625

2. Applications shall be directed to:

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3. The permittee shall agree to:

i. Submit annual harvest reports, including the date, waterbody, species, number, and approximate total weights of snapping turtles, bull frogs or green frogs harvested, and the name, address and telephone number of purchaser(s), by December 31 of the current permit year. **The annual harvest reports shall additionally include the date, waterbody, number and approximate total weight of sub-legal and legal sized snapping turtles released.;**

ii.-iii. (No change.)

iv. [Tend] **Set no more than 30 traps and tend** all traps at least once every 24 hours;

vi.-x. (No change.)

xi. Only harvest snapping turtles with a minimum carapace length of 12 inches; and

xii. Submit a written explanation for the failure to trap or harvest snapping turtles within approved permit timeframe.

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(e) Those species of frogs and turtles listed as State [Threatened or Endangered] **endangered or threatened** may not be pursued, taken, killed or possessed. **Sightings of any State endangered or threatened species of turtle must be reported by completing and submitting a Division Sighting Report Form; available at <http://www.state.nj.us/dep/fgw/ensp/pdf/rptform.pdf>.** The possession of other species of frogs and turtles not regulated in this Code is regulated under N.J.S.A. 23:2A-6.

7:25-6.26 Fish stocking; fish culture facilities

(a)-(h) (No change.)

(i) Permits will not be approved to stock any species of fish in the Pequest Wildlife Management Area, or [within Trout Brook (Hackettstown).] **any trout species within the Pequest River drainage.** The Pequest State [Fish] **Trout** Hatchery, or Hackettstown State **Fish** Hatchery will be the only sources approved for stocking within these areas.

(j) Permits will not be approved to stock esocids in Budd Lake, Echo Lake Reservoir, Farrington Lake, Mercer Lake, Monksville Reservoir, Mountain Lake, or Spruce Run Reservoir. **Permits will not be approved to stock any species of fish within Trout Brook (Hackettstown).** The Hackettstown State Fish Hatchery will be the only source approved for stocking within these areas.

(k) (No change.)

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(l) To be approved, fish culture facilities must:

1. (No change.)

2. Obtain a Fish Health History Request form from, and when complete, submit to, the Division at:

New Jersey Division of Fish and Wildlife

[Bureau of Freshwater Fisheries

P.O. Box 400

Trenton, NJ 08625]

Office of Fish and Wildlife Health and Forensics

605 Pequest Road

Oxford, NJ 07863;

[3. Provide documentation (health inspection or certification reports) that all fish (including eggs or gametes) received from sources within the enzootic area of the Infectious Hematopoietic Necrosis (IHN) or Viral Hemorrhagic Septicemia (VHS) viruses, have been inspected and found free of those viruses;]

3. Provide documentation that all non-salmonid stocks of fish have been inspected and found free of the viral diseases including Viral Hemorrhagic Septicemia (VHS), Infec-

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tious Pancreatic Necrosis (IPN), and Spring Viremia of Carp (SVC). Any agent causing cytopathic effects (CPE) in cell lines and associated with fish mortality must be reported. Additionally, documentation shall be provided that all non-salmonid stocks have been inspected and found free of bacterial diseases including enteric redmouth caused by *Yersinia ruckeri* and furunculosis caused by *Aeromonas salmonicida*;

[4. Provide documentation that a complete health inspection, including parasitological examination, has been performed on all fish stocks that have been obtained from the wild;]

[5]4. Provide documentation that all [production lots] **salmonid stocks** of fish have been inspected and found free of Infectious Pancreatic Necrosis virus (IPN), Infectious Hematopoietic Necrosis (IHN), Viral Hemorrhagic Septicemia (VHS), Bacterial kidney disease (BKD), Bacterial Furunculosis (BF), [and] Bacterial redmouth (BRM) and whirling disease, [Myxobolus cerebralis, when providing salmonids for stocking in waters with reproducing trout populations, designated as Holdover and Trophy Trout lakes, and the Pequest River or Musconetcong River drainage[s]] *Myxobolus cerebralis*. **Any agent causing cytopathic effects (CPE) in cell lines and associated with fish mortality must be reported;**

5. Provide documentation that a complete health inspection, including parasitological examination, has been performed on all fish stocks that have been obtained from the wild;

6. Perform any inspections required by this subsection using [sample sizes and] methods

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recommended by the American Fisheries Society Fish Health Section **Blue Book**, <http://www.afs-fhs.org/bluebook/bluebook-index.php> [located in Juneau, Alaska], or The World Organization for Animal Health [(also known as Office International des Epizooties (**OIE**)[, located in Paris, France, or generally accepted methods published in peer-reviewed journals]. Additional information is provided at the American Fisheries Society website at <http://www.fisheries.org/units/fhs/> , or the website of the World Organization for Animal Health at http://www.oie.int/eng/en_index.htm .

i. An accredited inspector, as defined by the American Fisheries Society Fish Health Section Blue Book, must select and submit sample lots of fish. The inspector must not be affiliated with the private fish culture facility;

ii. 60 fish per species per lot must be inspected in the facility or alternatively a site inspection of 150 total fish, representative of the species reared at the facility. For the site inspection the inspector shall identify and select the most susceptible species to the pathogens of interest and select moribund fish when available;

iii. For facilities rearing both salmonid and non-salmonid species on site, either 60 fish per species per lot must be inspected, or a site inspection of 300 fish is required, including a representative sample of 150 salmonid and 150 non-salmonid fish. For whirling disease testing, if fish are held in a shared water supply, only 60 of the most susceptible species need to be tested;

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iv. Facility personnel must notify the Division of imported lots of fish not represented on the current year's annual fish health inspection report;

v. A separate health inspection is required for imported lots of fish not represented on the facility's annual fish health inspection report prior to, and within 12 months of, stocking;

7.-8. (No change.)

9. If located west of the continental divide or outside of North America, or **if the fish culture facility** identifies its source of fish, or eggs, **as** from a facility located within this area:

i. [Provide] **In addition to fish health requirements specified in 1 through 8 above, for salmonids provide** documentation that all stocks of fish reared in the hatchery have been inspected and found free of [Infectious Hematopoietic Necrosis (IHN) or Viral Hemorrhagic Septicemia (VHS) viruses, the PKX organism], **Proliferative Kidney Disease (PKD), caused by the myxozoan parasite *Tetracapsuloides bryosalmonae* and [Ceratomyxa Shasta] *Ceratonova Shasta*, formerly known as *Ceratomyxa shasta*; and**

ii. (No change.)