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ENVIRONMENTAL PROTECTION

DIVISION OF FISH AND WILDLIFE

FISH AND GAME COUNCIL

2020 – 2021 Game Code

Proposed 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

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

Authorized By: Fish and Game Council, Frank J. Virgilio, Chair.

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

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

DEP Docket Number: 04-20-08

Proposal Number: PRN 2020-091.

The Fish and Game Council (Council) will hold a **public hearing** on this notice of proposal. The date and time of the hearing will depend on circumstances surrounding the COVID-19 public health emergency. If the hearing must be held subsequent to the deadline for submission of comments listed below, the public comment period will be extended until after the hearing.

Further information on a public hearing will be posted on the Department of Environmental Protection's website at www.nj.gov/dep/rules/notices.html at least 15 days

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prior to the date of the hearing. Notice will also be sent to those who have subscribed to the Department's rulemaking listserv. To subscribe, go to www.nj.gov/dep/rules/subscribe.html.

Submit comments by December 4, 2020, electronically at <http://www.nj.gov/dep/rules/comments>. The Fish and Game Council encourages electronic submittal of comments. In the alternative, comments may be submitted on paper to:

New Jersey Department of Environmental Protection

2020 Game Code Comments

Division of Fish and Wildlife

Mail Code 501-03

PO Box 420

Trenton, New Jersey 08625-0420

This notice of proposal may be viewed or downloaded from the Department of Environmental Protection's (Department) website at <http://www.nj.gov/dep/rules>.

The agency proposal follows:

Summary

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As the 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 2020-2021 Game Code (“Game Code” or “Code”) at N.J.A.C. 7:25-5 states when, under what circumstances, in what locations, by what means, and in what amounts and numbers, game birds, game animals, and fur-bearing animals may be pursued, taken, killed, or had in possession.

Since the early 1900s, the Game Code has provided a system for the protection, propagation, increase, control, and conservation of game birds, game animals, and fur-bearing animals in this State and for their use and development for public recreation and food supply. Biennial revision of season opening and closing dates, bag limits, and other rules based on scientific investigation and research ensures the greatest likelihood of success in reaching these goals.

The Council is proposing amendments to the Game Code as summarized below. In addition to the below-described changes, expired season dates are deleted and typographic corrections are proposed to the Code.

The proposed amendments include the following:

1. The phrase “disease containment area” in the existing Code is proposed to be changed to “disease surveillance area.” As discussed in item 2 below, as part of this rulemaking, the Council is proposing to allow establishment of such areas not only when a highly contagious or zoonotic disease of concern is discovered within the State, as the current

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rules provide, but also if such a disease is discovered within close proximity to the State's border. Accordingly, it will be possible to establish an area for surveillance purposes even if the disease has not been actually observed in New Jersey, making reference to the area as a "containment area" misleading. This change will allow the State to designate areas potentially or already at risk, which 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. See N.J.A.C. 7:25-5.1(i), (i)1, (i)2, and (i)3.

2. In 2011, the Council amended the Code to allow for the designation of a "disease containment area" if a highly contagious or zoonotic wildlife disease of concern is discovered within New Jersey. The establishment of such an area enables the Council to authorize additional disease monitoring and management measures to attempt to prevent the disease from readily spreading beyond the index case, and to gauge the prevalence and geographic range of the disease. The Council is now proposing to expand the ability to establish such an area, proposed to now be described as a "disease surveillance area," as discussed in item 1 above, not only when a disease is discovered *within* the State, but additionally when a highly contagious or zoonotic disease is discovered "*within a distance of 20 miles from the State border.*" Chronic Wasting Disease (CWD), a highly contagious and fatal disease of cervids, including deer, is being found at more and more locations within the bordering State of Pennsylvania. This change will allow the Council to take precautionary measures that may prevent the introduction of CWD into New Jersey, and to concentrate surveillance efforts around a

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discovery of CWD in an adjoining state. The management actions are limited to within the State of New Jersey. See N.J.A.C. 7:25-5.1(i).

3. The Council is proposing to give the Director, in concurrence with the Council, the authority to amend the section in order to exercise emergency powers so that modification of existing hunting and/or trapping regulations within a disease surveillance area can occur. This will be done in order to attempt to curtail the spread of the disease into surrounding areas, and to monitor the prevalence and geographic range of the disease. This will allow the Council to make a more timely response than going through the rulemaking process, in an effort to assess and contain the disease as much as is possible. Regulations that might be considered for modification include: extension of season dates and/or relaxation of bag limits to allow for greater sampling of diseased animals through hunter/trapper harvests, relaxation of wanton waste regulations to allow hunters to dispose of animals not fit for consumption, the banning of baiting and feeding to prevent uninfected animals from coming into contact with infected animals over bait piles, and, in the case of deer, the elimination of antler point restrictions, which prevent the harvest of younger-aged bucks, in order to allow for a larger buck harvest. Bucks have greater dispersal distances and, therefore, the most potential to spread disease over the landscape. Notification of emergency regulation changes will be made through notice in the New Jersey Register, press releases, the Division of Fish and Wildlife's (Division's) website at www.njfishandwildlife.com, and in the Hunting Digest. See N.J.A.C. 7:25-5.1(i)4.

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4. The Council is proposing a ban on the rehabilitation of susceptible animals (species affected by or carrying the contagion) associated with a disease surveillance area. In order to ensure that the risk of spread of disease is minimized, the ban applies to both rehabilitation by a wildlife rehabilitator located within the disease surveillance area and rehabilitation by a wildlife rehabilitator outside the disease surveillance area of a susceptible animal that was taken from within the disease surveillance area. This is proposed as another precautionary measure to stem the spread of a contagious disease by keeping the population of that species at a lower level to limit transmission to surrounding areas. All susceptible animals being rehabilitated within the disease surveillance area at the time the area is designated must be surrendered to the Division for testing for the disease. See N.J.A.C. 7:25-5.1(i)5.
5. The season for the hunting of ruffed grouse is proposed to be closed Statewide. Ruffed grouse is a species that occupies early successional habitat (young forests). Ruffed grouse populations in the State have declined significantly over time due to lack of suitable habitat (young-aged forests comprise less than one percent of the State's forests). In 2005, the Division reduced the season length and daily bag limit for ruffed grouse and divided the State into two zones, with the southern zone having a shorter season than the northern zone. There have been some anecdotal reports of hunters seeing more grouse, but these reports have dwindled as forests continue to age. Although hunting is not the cause of the decline, and in fact, the number of grouse hunters has a parallel

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declining trend, the Council believes that current grouse population levels cannot support a hunt at this time. See N.J.A.C. 7:25-5.4.

6. Existing N.J.A.C. 7:25-5.6(a) states that there is a season for black bears in accordance with the Comprehensive Black Bear Management Policy (CBBMP), included as an appendix to that section of the Game Code. The Council proposes to amend N.J.A.C. 7:25-5.6(a) to clarify that, 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. The existing CBBMP, adopted in 2015, is incorporated by reference and adopted as an appendix in the Game Code, and both are now scheduled to expire on June 12, 2021. Because the existing CBBMP sets policies based on an analysis of data that changes with the passage of time, the Council intends to let the existing CBBMP expire and submit an updated CBBMP based on current data, in addition to any resulting policy revisions, to the Commissioner for review and approval. Therefore, the Council also proposes to amend N.J.A.C. 7:25-5.6(a) to repeal the CBBMP as an appendix to the rule and its incorporation by reference, and instead state that the Department shall 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>), and provide the website link and indicates how to obtain the current version from the Office of Administrative Law.

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As discussed further below, an updated CBBMP proposed by the Council and approved by the Commissioner, as well as any rule amendments necessary to ensure that N.J.A.C. 7:25-5.6 remains consistent with current policies, will be subject to a notice and comment process in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., to ensure an opportunity for public input and consideration of public comment. As additionally referenced below, consistent with *United States Sportsmen's Alliance Foundation (2005), supra*, a season for hunting of black bear may only be authorized if N.J.A.C. 7:25-5.6 is consistent with a currently operative CBBMP. Accordingly, no season for hunting of black bear may occur until such time as an updated CBBMP is approved by the Council and the Commissioner, and is adopted in accordance with the procedures set forth in the Administrative Procedure Act (APA), as discussed below.

The Council believes that removal of the CBBMP as an appendix in the Game Code is appropriate because adopting a final CBBMP requires both Council and Commissioner approval, while the Game Code is within the Council's sole authority. The Game Code and the CBBMP also have different focuses. The CBBMP is 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. The CBBMP presents an integrated, multi-faceted approach to black bear management, considering the best available scientific information and State and local agency resources. The CBBMP includes policy recommendations for public education, law enforcement, nuisance bear control,

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research and population monitoring, and bear population control, all, or a subset, of which may be utilized to manage black bears in the State. The CBBMP is not static but reflects the Division's continuing work, research, data collection, and data analysis related to the State's black bear population. The Division regularly updates its website with 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.

The rules relating to black bears must be consistent with the CBBMP and a black bear hunting season cannot occur without a final CBBMP approved by the Council and the Commissioner. The Council will propose any amendments to N.J.A.C. 7:25-5.6 that might be required by an updated CBBMP. Moreover, when an updated draft CBBMP has been completed by the Council and approved by the Commissioner, the rulemaking procedures of the Administrative Procedure Act will be followed, as required by *New Jersey Animal Rights Alliance v. New Jersey Department of Environmental Protection*, 396 N.J. Super. 358 (App. Div. 2007), including 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. This process does not require the CBBMP to be included in the Administrative Code as an appendix.

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7. King rail (*Rallus elegans*) is a game species with a closed season because its population level is not robust enough to sustain hunting loss. This species was reviewed by the Endangered and Nongame Species Advisory Committee using the Delphi Technique, which is a method used to bring expert opinions to agreement by sharing information in an iterative and anonymous process. The experts involved in the review include individuals from within and outside the Division, who review and share opinions and data through a process administered by the Division. Reviewers consider data on population trends, productivity, survival and mortality factors, habitat requirements, and threats to both population and habitat. Consensus is defined as an agreement of 85 percent of the reviewers. The Committee concluded that there was no consensus for breeding season status, but a majority vote for listing the species as Endangered in the breeding season and unknown/undetermined in the non-breeding season. The Council concurred and proposes that all references to king rail are removed from the Game Code in advance of their being listed as a State-endangered species. See N.J.A.C. 7:25-5.13(m)1.
8. The Council proposes reducing the bag limit for common gallinule from 10 birds to one bird a day. This species was reviewed by the Endangered and Nongame Species Advisory Committee using the Delphi Technique, discussed in item 6 above. The Committee concluded that 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. It was decided to retain the common gallinule

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game species status with an open season and reduce the bag limit. See N.J.A.C. 7:25-5.13(m)2.

9. A ban on the importation of any live member of the deer family (Cervidae) is proposed. In 2002, the Division banned the importation of cervids due to disease concerns. As CWD gets closer to New Jersey's borders and spreads to more states every year, it is important to codify this ban so it will be more of a deterrent through the issuance of citations tied to regulation. See N.J.A.C. 7:25-5.22(a).
10. A ban on the importation of cervid semen is proposed due to concerns about the introduction of CWD into New Jersey. The causative agent, a protein called a prion, is known to be found in all bodily fluids of infected deer, including semen. Semen is imported by owners of captive deer farms to increase the genetic probability of producing bucks with larger antlers and to provide for genetic diversity due to the ban on the importation of live deer by the Division in 2002. The sale of deer semen is unregulated, there is no test to assay whether the semen contains prions or not, and many out-of-State CWD-free certified herds 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. See N.J.A.C. 7:25-5.22(a).
11. The Council is proposing a ban on the importation of whole cervid carcasses and intact, non-taxidermied heads harvested from other states or countries. Although CWD prions

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are found in all tissues and fluids, the highest concentration is found in nervous system tissue, such as the brain and spinal cord. Boning out all meat and cleaning the skull of brain matter is the best way to prevent CWD prions from inadvertently entering New Jersey, and it is a standard precautionary method used by many other states and Canadian provinces. As of April 2019, at least 36 states have a whole or partial ban on the importation of deer carcasses into those states. See N.J.A.C. 7:25-5.22(a).

12. The Council is proposing a ban on the possession and use of natural lures derived from deer urine, deer glandular secretions, or other bodily fluids or tissues from deer due to concerns about the introduction of CWD into New Jersey. Although the concentration of prions needed to be infective is not yet known, there is no “safe” dose of prion; exposure to one prion may be enough to cause infection (Fryer and McLean, 2011, *There is no safe dose of prions*. PLoS ONE 6(8): e23664. <https://doi.org/10.1371/journal.pone.0023664>). Therefore, many states have taken the preemptive step of banning natural deer-based and urine lures in the attempt to prevent introduction or to reduce the spread of this lethal disease. Similar to semen, the production and sale of deer urine and natural lures is an unregulated industry, there is no test to assay whether urine or other bodily fluids contain the prions or not, and many out-of-State CWD-free certified herds are found to contain infected animals every year. The possession and use of synthetic lures will remain legal and have proven to be as effective as natural lures. Only synthetic products can be guaranteed to be CWD-free. See N.J.A.C. 7:25-5.22(a)3.

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13. The Council is proposing to require that a person possessing any part of a deer that has been determined to be CWD positive by another state, other than shed antlers, or cleaned capes, hides, skullcaps, and taxidermied parts, to surrender all known CWD-contaminated meat and deer parts harvested in another state or country to the Division for disposal. Most states/provinces have regulations that require hunters to have their deer tested for CWD if they were hunting within that state's/province's disease management units or zones. If a deer tests positive, the CWD-endemic state contacts the hunter and/or the Division to provide notification of the positive test results, if the hunter is a resident of New Jersey. In order to ensure that the prion-containing meat 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. Excluded are shed antlers; cleaned capes, hides, teeth, and skullcaps; and taxidermy. See N.J.A.C. 7:25-5.22(e)4.
14. The Council is proposing to add Deer Management Zone 37 (Joint Base McGuire-Dix-Lakehurst) to the early fall bow season regulation to increase the harvest of deer at the request of the administering agency. See N.J.A.C. 7:25-5.25(a)1 and (a)2.
15. The Council is proposing to add Deer Management Zone 53 (Joint Base McGuire-Dix-Lakehurst) to the extended winter bow season regulation to increase the harvest of deer at the request of the administering agency. See N.J.A.C. 7:25-5.26(a).
16. The Council is proposing 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

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Administration William J. Hughes Technical Center), and 67 (High Point State Park). See N.J.A.C. 7:25-5.28(d)5, 7, 9, 10, 12, and 13.

17. Because 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 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. 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 proposed “regulation set permit” will be good for any DMZ within that regulation set for the season indicated. The regulation sets proposed for this change are Regulation Sets 7 and 8, which contain DMZs with the most liberal hunting regulations due to higher than desired densities of deer. The regulation set permit, which will cost \$56.00 compared to an individual permit, which costs \$28.00, will allow a person with a regulation set permit to have the opportunity to hunt in six DMZs in Set 7 or nine DMZs in Set 8, for the price of two regular zone permits, which will encourage the harvest of additional deer in areas with high deer densities. See N.J.A.C. 7:25-5.28(e), 5.29(e), and 5.30(e).
18. The Council is proposing 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),

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64 (Monmouth Battlefield State Park), and 66 (Federal Aviation Administration Technical Center). See N.J.A.C. 7:25-5.29(d)6, 8, 10, 11, 16, and 17.

19. An increase to the permit quota for Deer Management Zone 66 (Federal Aviation Administration William J. Hughes Technical Center) and two additional Saturdays in January are proposed to meet harvest objectives, at the request of the administering agency. Future season dates are also added. See N.J.A.C. 7:25-5.29(d)17 and (k).
20. The Council is proposing to incorporate all four Deer Management Zones on the Edwin B. Forsythe National Wildlife Refuge (Forsythe) into the existing adjacent deer management zones, as Forsythe's 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. Zones 56, 57, and 70 are one square mile, and Zone 58 is 2.5 square miles in area. Zones 56 and 57 will be incorporated into Zone 42, Zone 58 into Zone 51, and Zone 70 into Zone 22. The Deer Management Zone boundary descriptions are modified to show this change. References to the Forsythe zones in permit quota tables for muzzleloader, shotgun, and bow are deleted, as are their inclusion in season dates for permit muzzleloader, permit shotgun, and permit bow. References to the Forsythe zones in paragraphs describing bag limits are also deleted. References to Forsythe zones are amended in the table designating regulations sets and are deleted from the table showing zone management strategies. See N.J.A.C. 7:25-5.28(c), (d), (d)1,

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(f)1, (k) and (m); 5.29(c), (d)2, 5, 12, and 13, (f)1, (k), (o), (p)22, 42, 56, 57, 58, and 69, (q), and (r); and 5.30(c), (d), (d)1 and 2, (k), and (m).

21. The Council is proposing a decrease in the number of permit bow season permits from 80 to 70 for Deer Management Zone 66 (Federal Aviation Administration Technical Center) at the request of the managing authority. See N.J.A.C. 7:25-5.30(k).

22. The Council is proposing a housekeeping measure 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, as the dates are the same. See N.J.A.C. 7:25-5.30(d)2, 3, and 4.

23. The Council is proposing to add future season dates to reflect calendar changes for Zone 38 (Great Swamp NWR). See N.J.A.C. 7:25-5.31(c).

The remaining changes have been made for clarification, correction of typographical errors, change of format without change in text, and for change in the calendar year.

Social Impact

Most proposed amendments are minor and will have little positive or negative social impact.

Proposed amendments to preclude the introduction or stem the spread of contagious wildlife disease have the potential of protecting human health.

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The positive social impact anticipated from the proposed amendments includes improved conservation and management of the species covered by the proposed amendments, as well as the enhancement of the wildlife resources for recreational activities. Both hunters and State residents will benefit from the increased harvest of deer enabled by the proposed regulation set deer permits.

Economic Impact

The economic interests of businesses serving the hunting community are protected by the amendments intended to preclude the introduction or stem the spread of contagious wildlife disease, as a wildlife disease outbreak may result in a significant reduction in hunting in an impacted area, thereby having a negative impact on those businesses. The overall value to the State's economy from hunting and other activities related to wildlife is summarized in a 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation (Survey). The Survey estimated that the total expenditure by hunters in the State of New Jersey was just under \$116 million. Additionally, the Survey showed expenditures for wildlife watching activities in New Jersey totaled over \$860 million, not including expenditures related to backyard birding. An unknown portion of these monies flows to out-of-State suppliers and distributors of equipment and services. Although the proportion of money being spent out-of-State is unknown, the overall impact on the New Jersey economy and revenue generated from such economic activity is still significant, and the Department believes it is in excess of the costs to the Department and to participants.

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The proposed measures to preclude the introduction or stem the spread of contagious wildlife disease may have minor economic impacts on various entities. The cost to the Division for euthanasia and testing all surrendered animals from wildlife rehabilitators within the disease surveillance area is a nominal one-time expense and can be absorbed into current annual expenditures. The ban on the importation of cervid semen as a precautionary measure to stem the spread of a contagious disease could negatively impact State deer farmers by limiting the genetic diversity of their herd; in 2019, two cervid farms in New Jersey were licensed to breed. A minimal impact on State butchers and taxidermists is expected from a ban on the importation of whole cervid carcasses and intact, non-taxidermied heads harvested from other states and countries. Because neighboring states are not yet banning the importation of cervids from New Jersey, as of October 2019, non-residents hunting in New Jersey could bring their whole carcasses to their home state for butchering or taxidermy. The ban on the possession and use of natural lures derived from deer urine, deer glandular secretions, or other bodily fluids or tissues from deer will have no impact on the retailers who distribute and sell in-State, as they can replace sales of natural lures with synthetic lures, giving users a low-cost option of using synthetic versions that generally last longer and sell for less than natural lures. The cost to the Division for accepting for disposal all known CWD-contaminated meat and deer parts harvested in another state or country is expected to be absorbed into current annual expenses, while ensuring the safe and proper disposal of prion-containing meat.

The Council anticipates that continuing a deer management strategy of population reduction or stabilization on 83 percent of the deer management zones will mitigate economic

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losses associated with the damage by deer depredating landscape plantings, gardens and agricultural crops, and due to deer-vehicle collisions. Rutgers Cooperative Extension Fact Sheet FS1202, January 2013, cites a 1998 survey specifically targeting New Jersey farmers, which revealed that deer are responsible for 79 percent of wildlife-related agricultural damage, resulting in a yield loss of five to 10 million dollars per year. According to the State Farm annual deer collision study, the company reports the likelihood of collision with deer on New Jersey roads was one in 232 between July 1, 2017 and June 30, 2018, based on 26,859 estimated industry claims counts and 6,238,436 licensed drivers; the national cost per deer collision claim averaged \$4,341 in 2018.

The proposed optional special “regulation set permit” at \$56.00 each will benefit hunters who would otherwise purchase more than one individual zone permit at \$28.00 each. According to the Division survey, 76 percent of hunters hunting in the regulation sets who participated in the survey would partake of the new permit. This will benefit hunters who normally purchase three permits or more, and those hunters who limit themselves to purchasing only two permits for economic reasons.

The proposed amendment to repeal the N.J.A.C. 7:25-5.6 Appendix from the New Jersey Administrative Code and instead incorporate into the Administrative Code a reference to where the Comprehensive Black Bear Management Policy is posted on the Division’s website is not anticipated to have any economic impact.

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The proposed amendments to the Game Code are designed to conserve and manage the species covered by the Code and enhance recreational activities. The money spent on hunting and wildlife watching will help ensure that the economic benefits to the State will continue.

Environmental Impact

The proposed amendments will have a positive environmental impact as they are designed to implement the management and control of wildlife species based on the State's ongoing research efforts. The proposed amendments to the Game Code will improve the conservation, management, and enhancement of the State's wildlife resources and habitats by the Division based on studies of the current population, distribution, and habitat status of game species in New Jersey. The proposed amendments to the season length and bag limits for deer have been designed to maintain a high level of antlerless deer harvest and will help maintain deer populations at levels more compatible with natural habitats and land uses, such as for agriculture.

The proposed amendment to expand hunting opportunities through the regulation set permit will enable better protection of natural habitats from overabundant deer damage.

Federal Standards Statement

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

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The United States Fish and Wildlife Service (USFWS) 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 its corresponding regulations at 50 CFR 32.49. The proposed amendments to the Game Code do not contain any standards or requirements that exceed Federal regulations involving National Wildlife Refuge areas.

The USFWS regulates falconry at 50 CFR 21.29, which are the regulations to the Migratory Bird Treaty Act. The proposed amendments to the Game Code do not contain any standards or requirements that exceed Federal regulations involving falconry.

The Federal waterfowl hunting regulations at 50 CFR 20 and 21 and Conservation Order regulations at 50 CFR 20 are promulgated annually by the USFWS and allow states to select the dates, times, manner, and means for the hunting of waterfowl.

Therefore, the proposed amendments to the Game Code do not contain any standards or requirements that exceed any standards or requirements imposed by Federal law.

Jobs Impact

The proposed amendments will not have any effect on the number of jobs in the State. The amendments will help ensure continued recreational and economic benefits to the citizens of the State and continue to provide for the regulated use and proper management of the State's wildlife resources. The Council does not anticipate that the minor changes proposed will impact the number of jobs in businesses serving this recreational industry, such as sporting goods stores and eateries.

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Agriculture Industry Impact

Pursuant to N.J.S.A. 52:14B-4(a)2, the Council has evaluated this rulemaking to determine the nature and extent of the proposed amendments impact on the agriculture industry. The proposed amendments regarding deer seasons should continue to decrease the economic losses incurred by the agricultural community. The proposed hunting seasons will continue to ensure that wildlife populations are maintained at acceptable levels.

Regulatory Flexibility Analysis

In accordance with the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the Council has reviewed the proposed amendments for reporting, recordkeeping, or other compliance requirements on small businesses.

Generally, the proposed 2020-2021 Game Code imposes minimal reporting and compliance requirements on sportsmen engaged in recreational hunting. These requirements are not, therefore, imposed upon small businesses, as the term is defined under the Regulatory Flexibility Act.

Housing Affordability Impact Analysis

In accordance with N.J.S.A. 52:14B-4, as amended effective July 17, 2008, by P.L. 2008, c. 46, the Council has evaluated this rulemaking to determine the impact, if any, on the affordability

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of housing. The proposed amendments do not involve the creation or construction of any type of housing units. The proposed amendments apply solely to hunting. Accordingly, the proposed amendments have no impact on housing affordability nor on the average cost of housing in the State.

Smart Growth Development Impact Analysis

In accordance with 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 the nature and extent of the proposed amendments on the impacts on housing affordability and on housing production within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan. The proposed amendments apply solely to hunting and, therefore, have no impact on housing production within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Council has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 7:25-5.6 Appendix.

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

SUBCHAPTER 5. [2017-2018] **2020-2021** GAME CODE

7:25-5.1 General provisions

(a) – (h) (No change.)

(i) In the event that a highly contagious or zoonotic disease of concern is discovered in New Jersey, **or within 20 miles of the New Jersey State border**, whether in a captive or wild animal, the Division may establish one or more disease [containment] **surveillance** areas **within the State's borders**. Notification of the establishment of any such area(s), including the boundaries of any such area(s), and the affected species, shall be made through a notice in the New Jersey Register, press releases, and the Division's website at www.njfishandwildlife.com. Once a disease [containment] **surveillance** area has been established, all provisions of this subsection shall be in effect.

1. No person shall remove from the disease [containment] **surveillance** area any carcass, or the parts or portions of parts, that may carry the contagion, except under permit issued by the Division, or as authorized by this subsection.

2. Special check stations within the [containment] **surveillance** area may be established by the Division. Any susceptible animal, as defined by the Division, taken within the disease [containment] **surveillance** area during an open hunting season shall be registered at a

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special designated Division check station within the [containment] **surveillance** area by 7:00 P.M. on the day harvested. If the animal is recovered too late to be brought to a check station by 7:00 P.M. on the day of harvest, the hunter who harvests the animal must notify a Division Law Enforcement Regional Office by phone immediately and present the animal at a special designated Division check station by no later than 5:00 P.M. on the day after it was taken. However, the animal carcass cannot be removed from within the [containment] **surveillance** area until properly checked and tagged. If necessary, unchecked animals may be left at the designated check station overnight, tagged with the hunter's CID and phone number, and date of harvest. The Division shall post on the Division website and publish in press releases information regarding special check station **or head drop-off** locations within the disease [containment] **surveillance** area including times of operation.

i. All animals taken within the disease [containment] **surveillance** area shall be kept intact prior to check-in at a special designated check stations. Viscera shall be disposed of at sites designated by the Division.

ii. Any person who harvests an animal within the disease [containment] **surveillance** area shall allow Division staff or Division-authorized staff to collect and retain tissue samples from the animal for disease testing. Hunters shall be contacted by the Division when positive lab results from tested animals are received; the Division shall post all lab results on the Division website at www.njfishandwildlife.com. If the disease test is positive, all meat and other parts determined to be potentially contaminated shall be confiscated by the Division or shall be disposed of in a manner specified by the Division.

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3. Notwithstanding the provision [of] **at** N.J.A.C. 7:25-17.3 to the contrary, no person may possess the carcass, or any part of the carcass, of any susceptible cervid killed as a result of a cervid-vehicle collision within the disease [containment] **surveillance** area, if applicable, or any susceptible animal collected [under] **pursuant to** N.J.S.A. 23:4-1 et seq., or N.J.A.C. 7:25-5.35 taken from within the disease [containment] **surveillance** area.

4. **The Director, in concurrence with the Council, may modify hunting or trapping regulations applicable to species identified as potentially impacted by the disease within the disease surveillance area, including, but not limited to, the relaxation of bag limits, the addition of season dates, the repeal of antler point restrictions, the relaxation of wanton waste regulations, and the ban of baiting and feeding in an attempt to reduce or contain the spread of disease. Notification of emergency regulation changes will be made through notice in the New Jersey Register, press releases, and on the Division's website at www.njfishandwildlife.com.**

5. **No person shall rehabilitate an animal belonging to a species specified as affected in the notice designating the disease surveillance area within the disease surveillance area. Additionally, no such animal that has been taken from the disease surveillance area shall be rehabilitated in any other part of the State. All susceptible animals already located at a wildlife rehabilitator that have been taken from a disease surveillance area or are being held**

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**at a wildlife rehabilitator within the disease surveillance area shall be surrendered to the
Division of Fish and Wildlife.**

7:25-5.4 Ruffed grouse (*Bonasa umbellus*)

[(a) The annual season for hunting ruffed grouse with shotgun or bow and arrow in the area of New Jersey lying north of Route 70 shall begin on the third Saturday in October and conclude December 31, inclusive; except the season shall be closed during the six-day firearm deer season specified in N.J.A.C. 7:25-5.27(a) and on the Wednesday immediately following the six-day firearm deer season. The annual season for hunting ruffed grouse with shotgun or bow and arrow in the area of New Jersey lying south of Route 70 shall begin the Saturday following the first Monday in November and conclude December 31, inclusive; except the season shall be closed during the six-day firearm deer season specified in N.J.A.C. 7:25-5.27(a) and on the Wednesday immediately following the six-day firearm deer season.

(b) Daily bag limit: two grouse. No season limits.

(c) The hunting hours for ruffed grouse are sunrise to 1/2 hour after sunset except on the Saturday following the first Monday in November when legal hunting hours are 8:00 A.M. to 1/2 hour after sunset.]

(a) There is a closed season on ruffed grouse.

(b) (Reserved)

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(c) (Reserved)

(d) (No change.)

7:25-5.6 Black bear (*Ursus americanus*), bobcat (*Felis rufus*)

(a) There is a closed season for bobcat. It shall be illegal to intentionally take, kill, or attempt to take or kill a bobcat in the State of New Jersey at any time. Trappers shall report any bobcat incidentally caught within 24 hours of discovery to 1-877-WarnDEP (1-877-927-6337). Bobcat, including any part thereof, legally harvested in other U.S. states or Canadian provinces may be possessed, provided they are affixed with a Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) tag from the state or province of harvest. It shall be illegal to use dogs to pursue or run black bears. There [is a] **may only be a season for black bears provided there is a valid comprehensive policy for the protection and propagation of black bear that has been approved by the Council and the Commissioner and adopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., rulemaking procedures, and the Council determines that this subchapter comports with such policy. In the absence of such policy, there shall be no season for black bears. The Comprehensive Black Bear Management Policy (CBBMP) shall be published on the Division's website at <https://www.nj.gov/dep/fgw/> and available from the Office of Administrative Law at Rules Division, PO Box 049 Trenton, NJ 08625-0049 or oal.comments@oal.nj.gov. A season for black bears [in accordance] shall be consistent with the approved [Comprehensive Black Bear Management Policy (CBBMP) see section Appendix, incorporated herein by reference]] CBBMP.**

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The season [for black bears] shall consist of two segments. Segment A shall be a period of six consecutive days beginning on the second Monday in October. Segment B shall be concurrent with the six-day firearm deer season as enumerated [in] **at** N.J.A.C. 7:25-5.27(a). During each segment, black bear may only be harvested by the means specified [in] **at** (a)4 below. Legal hunting hours for black bears shall be 1/2 hour before sunrise to 1/2 hour after sunset.

Following the commencement of the season, the Director shall close the season if the harvest rate reaches 30 percent. The Director will announce such closure, which will become effective 24 hours from the daily legal closing time of the day on which the Division determines that the harvest rate reaches 30 percent, based upon data obtained and reviewed by the Division at the close of each day of the season. Harvest rate equals the number of harvested bears that were tagged in the current calendar year within bear management zones (BMZs) open to hunting divided by the number of bears that were tagged in the current calendar year that are available for harvest (total number of bears tagged in the current year within BMZs open to hunting minus known mortality of such tagged bears and number of such tagged bears known to have left the BMZs that are open to hunting). Season closure will be announced by news release, radio, the Division's website (www.njfishandwildlife.com), and other media.

1. – 6. (No change.)

(b) – (c) (No change.)

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7:25-5.13 Migratory birds

(a) – (l) (No change.)

(m) Seasons and bag limits are as follows:

1. Mourning dove (*Zenaida macroura*)[,] **and** sandhill crane (*Grus canadensis*)[,] and king rail (*Rallus elegans*)] are protected. There is a closed season for mourning dove[,] **and** sandhill crane [and king rail].

2. The duration of the season and bag limits for hunting clapper rail (*Rallus longirostris*), Virginia rail (*Rallus limicola*), sora rail (*Porzana carolina*), [common gallinule or moorhen (*Gallinula chloropus*)] and woodcock (*Scolopax minor*) are as prescribed by the Code of Federal Regulations by the U.S. Department of the Interior, U.S. Fish and Wildlife Service, for the current hunting season. **The bag limit for common gallinule or moorhen (*Gallinula chloropus*) is one bird per day.**

(n) – (s) (No change.)

7:25-5.22 Wild animals; possession, killing

(a) No person shall have in possession, kill, attempt to take, hunt for, pursue, shoot, shoot at, trap, or attempt to trap any wild mammal or wild birds unless an open season for the taking of such birds or mammals has been declared by the New Jersey Fish and Game Laws or Code

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and then only during the respective open seasons fixed by the New Jersey Fish and Game Laws or Code, except as provided [in] at N.J.A.C. 7:25-5.15(a), (b), and (c). **No person shall import the semen or any live member of the Cervidae family, including, but not limited to, white-tailed deer, mule deer, moose, elk, reindeer, caribou, sika deer, roe deer, red deer, and muntjac, from another state or country. No person shall bring into the State the whole carcass or intact, non-taxidermied head of any member of the Cervidae family harvested in another state or country. Only boned-out meat, cleaned skullcaps and hides, shed antlers, and clean upper canine teeth of any member of the Cervidae family may be brought into New Jersey.**

1. – 2. (No change.)

3. No person shall possess or use natural lures derived from deer urine, deer gland secretions or tissues, or other bodily fluid or biological material from deer.

(b)-(d) (No change.)

(e) No person shall have in possession a deer, bear, or turkey, or the parts thereof including the meat of a deer, bear, or turkey, that he himself or she herself did not kill unless it has a tag or label bearing the date of harvest, possession seal, or confirmation number, and the name, address, telephone number, and license number of the person who killed the deer, bear, or turkey.

1.- 3. (No change.)

4. Any person possessing a carcass, meat, or parts of a deer, harvested in another jurisdiction, that has been deemed to be CWD-positive as a result of testing by that jurisdiction, shall surrender the CWD-positive carcass, meat, or body parts to the Division of

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Fish and Wildlife immediately. Excluded are shed antlers, cleaned capes, hides, skullcaps, and taxidermy.

(f)-(i) (No change.)

7:25-5.25 White-tailed deer (*Odocoileus virginianus*) fall bow season

(a) Duration of the fall bow season is as set forth [in] at (a)1 and 2 below. Legal hunting hours shall be 1/2 hour before sunrise to 1/2 hour after sunset.

1. Opening the fourth Saturday prior to the last Friday in October through the last Friday in October, in zones in Regulation Sets 0, 1, 2, and 3; and in Zone[s 37 and] 54.

2. Opening the second Saturday in September through the last Friday in October, in zones in Regulation Sets 4 through 8; and in Zones **37**, 39, 53, 66, and 68.

3. (No change.)

(b) – (d) (No change.)

7:25-5.26 White-tailed deer winter bow season

(a) Duration of the winter bow season is from January 1 through January 31 in zones in Regulation Sets 0, 1, 2, 3, 4, 5, and 6; and in Zones [53,] 54, 61, 66, 67, and 68. Duration of the season is January 1 through the third Saturday in February, in zones in Regulation Sets 7 and 8;

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and in Zones 37, 39, **53**, and 64, except closed January 1 in Zone 37. Legal hunting hours shall be 1/2 hour before sunrise to 1/2 hour after sunset.

(b) - (d) (No change.)

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

(a) – (b) (No change.)

(c) Bag Limit: Only one antlered deer may be taken Statewide during the muzzleloader rifle permit season, regardless of the number of permits obtained. Two deer, one antlered and one antlerless or two antlerless, may be taken in zones in Regulation Sets 1, 3, and 4, and in Zone 37. The standard bag limit is two deer, one antlered and one antlerless, in zones in Regulation Set 2. One deer, antlered or antlerless, may be taken in zones in Regulation Set 0. In zones in Regulation Set 5, the bag limit is one antlered deer and five antlerless deer. In zones in Regulation Set 6, the bag limit is one antlered deer and nine antlerless deer. One antlered and an unlimited number of antlerless deer may be taken in zones in Regulation Sets 7 and 8, and in Zones 39, 53, [57, 58,] 61, 66, 67, 68, and 70, except as noted below and [in] at (c)1 and 2 below. Only one deer may be taken at a time until the season limit is reached except in zones in Regulation Sets 7 and 8, and in Zones 39, 54, [57, 58,] 61, 66, and 68 where the limit is two deer at a time until the season concludes. In zones in Regulation Set 7[, and in Zone 58], only antlerless deer may be taken on applicable muzzleloader season permits during the Wednesday through Friday before the six-day firearm season, and the dates concurrent with the six-day firearm season as specified [in] at N.J.A.C. 7:25-5.27(a). In Zone[s 57 and] 68, only antlerless

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deer may be taken during the dates concurrent with the six-day firearm season, as specified [in] **at** N.J.A.C. 7:25-5.27(a). In zones in Regulation Set 8, only antlerless deer may be taken during the Monday through Wednesday and Friday of Thanksgiving week and the Wednesday through Friday before the six-day firearm season, and the dates concurrent with the six-day firearm season as specified [in] **at** N.J.A.C. 7:25-5.27(a). All confirmation numbers are valid on the date of issuance and only in the zone for which the special season permit was issued. Immediately upon harvest, the muzzleloader rifle permit season permit harvest report stub must be completely filled in with the exception of the confirmation number and every deer is to have a tag affixed to the carcass bearing the hunter's CID, date of harvest, zone of harvest, antler points if applicable, and confirmation number if registered. This tag shall remain attached until such time as the deer is processed for consumption. The deer shall be registered via an AHRS prior to the attempt to take an additional deer, except as [in (c) above] **referenced in this subsection** and no later than 7:00 P.M. local time of the day of harvest. Hunters must record the confirmation number given via the AHRS, which replaces the legal possession tag. Hunters must use an antlered deer harvest report stub from their antlered muzzleloader permit which is designated for use during the permit muzzleloader season, when registering an antlered deer. The antlered muzzleloader permit with antlered deer harvest report stub, which is valid only for the harvest of one antlered deer, must be purchased in addition to an antlerless muzzleloader permit. The antlered muzzleloader permit with antlered deer harvest report stub may be used in any zone for which the hunter has already purchased an antlerless permit. The antlered muzzleloader permit with antlered deer harvest report stub must be purchased prior to the

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season opener or at the time of the purchase of the initial antlerless muzzleloader permit if the season has already begun. The possession of a deer after 7:00 P.M. local time on the date killed without a legal confirmation number shall be deemed illegal possession under the AHRS. The confirmation number shall be valid on the day of issuance and all registration requirements apply.

1. – 3. (No change.)

(d) Duration of the muzzleloader rifle permit season is as set forth [in] **at** (d)1 through 15 below. There is no season in [the following] Zone[s 56 and] 64. Legal hunting hours shall be 1/2 hour before sunrise to 1/2 hour after sunset local time.

1. The Monday and Tuesday of the week preceding the six-day firearm season as specified [in] **at** N.J.A.C. 7:25-5.27(a); the Monday and Tuesday of the week after the six-day firearm season; and the Saturday following the six-day firearm season through December 31 exclusive of Christmas Day, and January 1, or January 2 if January 1 is a Sunday, through the first Friday in January (Note: If January 1 falls on a Wednesday through Friday, then the season extends through the second Saturday in January) in zones in Regulation Sets 3, 4, and 5 and in Zone[s 57, 58,] 61[, and 70].

2. – 4. (No change.)

[5. November 30 and December 1-5, 14-24, and 26-31, 2015, and January 4-9, 2016; and November 28-30 and December 1-3, 12-24, and 26-31, 2016, and January 2-7, 2017; and November 27-30 and December 1, 2, 11-23, and 26-30, 2017, and January 2-6, 2018, in Zone 37.]

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5. December 2-7, 16-24, and 26-31, 2019, and January 2-11, 2020; and November 30 and December 1-5, 14-24, and 26-31, 2020, and January 4-9, 2021; and November 29, 30, December 1-4, 13-25, 27-31, 2021, and January 3-8, 2022; November 28-30 and December 1-3, 12-24, 26-31, 2022, and January 2-7, 2023; and November 27-30 and December 1, 2, 11-23, 26-30, 2023, and January 2-6, 2024; and December 2-7, 16-24, 26-31, 2024, and January 2-11, 2025, in Zone 37.

6. (No change.)

[7. November 30 and December 1-5 and 14-31, 2015, and January 1-February 13, 2016; and November 28-30 and December 1-3 and 12-31, 2016, and January 2-February 11, 2017; and November 27-30 and December 1, 2, and 11-30, 2017, and January 1-February 10, 2018, in Zone 39.]

7. December 2-7 and 16-31, 2019, and January 1-February 8, 2020; and November 30 and December 1-5 and 14-31, 2020, and January 1-February 13, 2021; and November 29-December 4 and 13-31, 2021, and January 1-February 8, 2022; and November 28-December 3 and 12-31, 2022, and January 2-February 11, 2023; and November 27-December 2 and 11-31, 2023, and January 1-February 10, 2024; and December 2-7 and 16-31, 2024, and January 1-February 8, 2025, in Zone 39.

8. (No change.)

[9. November 28 and 30 and December 1-5, 14-24, and 26-31, 2015, and January 1-9, 2016; and November 26 and 28-30 and December 1-3, 12-24, and 26-31, 2016, and January 1-

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14, 2017; and November 25, 27-30, and December 1, 2, 11-23, and 26-30, 2017, and January 1-13, 2018 in Zone 53.]

9. November 30, and December 2-7, 16-24, and 26-31, 2019, and January 1-11, 2020; and November 28, 30, and December 1-5, 14-24, and 26-31, 2020, and January 1-9, 2021; November 27, 29, 30, and December 1-4, 13-24, 27-31, 2021, and January 1-8, 2022; and November 26, 28, 29, 30, and December 1-3, 12-24, 26-31, 2022, and January 2-14, 2023; and November 25, 27, 28, 29, 30, and December 1, 2, 11-23, 26-31, 2023, and January 1-13, 2024; and November 30, and December 2-7, 16-24, 26-31, and January 1-11, 2025, in Zone 53.

[10. November 27 and 28 and December 11-24, 26-31, 2017, and January 1-6, 2018; November 26 and 27 and December 10-24, 26-31, 2018, and January 1-5, 2019, in Zone 54.]

10. December 2, 3, 16-31, 2019, and January 1-11, 2020; November 30 and December 1 and 14-31, 2020, and January 1-9, 2021; November 29 and 30, December 13-31, 2021, and January 1-8, 2022; and November 28 and 29, December 12-31, 2022, and January 2-7, 2023; and November 27 and 28, and December 11-31, 2023, and January 1-6, 2024; and December 2 and 3 and 16-31, 2024, and January 1-11, 2025, in Zone 54.

11. (No change.)

[12. November 30 and December 1, 14, 15, 20-24, and 26-31, 2015, and January 1-9, 2016; and November 28 and 29, 2016, and December 12, 13, 17-24, and 26-31, 2016, and January 2-6, 2017, in Zone 66.]

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12. November 30-December 7 and December 13 and 14, 2019, and January 4, 11, 18, and 25, 2020; and November 28-December 5 and December 11 and 12, 2020, and January 2, 9, 16, and 23, 2021; and November 27-December 4 and December 10 and 11, 2021, and January 1, 8, 15, and 22, 2022; and November 26-December 3 and December 9 and 10, 2022, and January 7, 14, 21, and 28, 2023; and November 25-December 2 and December 8 and 9, 2023, and January 6 and 13, 2024; and November 30-December 7 and December 13 and 14, 2024, and January 4, 11, 18, and 25, 2025, in Zone 66.

[13. November 2-5 and 9-12, 2015; November 7-10 and 14-17, 2016; November 6-9 and 13-16, 2017; November 5-8 and 12-15, 2018 in Zone 67.]

13. November 4, 5, 6, 7, 11, 12, and 14, 2019; November 2, 3, 4, 5, 9, 10, 11, and 12, 2020; November 1, 2, 3, 4, 8, 9, 10, and 11, 2021; November 7, 8, 9, 10, 14, 15, 16, 17, 2022; November 6, 7, 8, 9, 13, 14, 15, 16, 2023; and November 4, 5, 6, 7, 11, 12, 13, 14, 2024, in Zone 67.

14. - 17. (No change.)

(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 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.

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(f) Method: The taking of two deer, one antlered and one antlerless, or two antlerless, except as noted [in] **at** (c)1 through 3 above, or the taking of deer as designated for special hunts is authorized to holders of valid permits for muzzleloader rifle permit season in designated deer management zones. The taking of two deer, one antlered and one antlerless, or two antlerless or the taking of deer as designated for special hunts is authorized to holders of valid farmer permits for muzzleloader rifle permit season only on the farm occupied and designated on the permit application.

1. Limited quota, special deer permits for muzzleloader rifle permit season will be issued on an individual basis to holders of valid and current firearm licenses and qualified farmers. Only one application per regular firearm license holder may be submitted, whether for muzzleloader rifle or shotgun permit seasons, during the initial application period. Duplicate or multiple applications will cause all applications to be void. All persons, while their hunting licenses are void under the authority of law or as imposed by a court, are prohibited from making application for, or otherwise procuring, a muzzleloader deer permit. For special management zones where the agency administering the affected land requires that hunters attend mandatory hunter orientation as a condition of access, failure to attend the designated session shall result in invalidation of the muzzleloader season permit for the zone. Limited quota, special deer permit zones include the following deer management zones: 37, 38, 39, 53, 54, [57, 58,] 61, 66, 67, **and** 68[, and 70]. Only one antlerless muzzleloader rifle permit season permit may be purchased per zone. Only one antlered muzzleloader permit with antlered deer transportation tag may be purchased per season.

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2. (No change.)

(g) – (j) (No change.)

(k) The Deer Management Zone Map is on file at the Office of Administrative Law and is available from that agency or the Division. The Muzzleloader Rifle Deer Season Permit Quotas are as follows:

MUZZLELOADER RIFLE PERMIT SEASON PERMIT QUOTAS

Deer Mgt. <u>Zone No.</u>	Season Dates <u>Code</u>	Permit Quota <u>Quota</u>	Portions <u>of Counties Involved</u>
...			
56		[0	Atlantic (Edwin B. Forsythe National Wildlife Refuge)] Not designated
57	[11	40	Atlantic (Edwin B. Forsythe National Wildlife Refuge)] Not designated
58	[14	35	Burlington, Ocean (Edwin B. Forsythe National Wildlife Refuge)] Not designated
...			

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two antlerless, may be taken in zones in Regulation Sets 3 and 4, and in Zone 37. In zones in Regulation Set 5, the bag limit is one antlered deer and five antlerless deer. In zones in Regulation Set 6, the bag limit is one antlered deer and nine antlerless deer. One antlered deer and an unlimited number of antlerless deer may be taken in zones in Regulation Sets 7 and 8, and in Zones 39, 53, 54, [56, 57, 58,] 61, 64, 66, **and** 68[, and 70]. In zones in Regulation Set 7[, and in Zone 58], only antlerless deer may be taken on the Wednesday through Friday preceding the six-day firearm season and on the dates concurrent with the six-day firearm season, as specified [in] **at** N.J.A.C. 7:25-5.27(a). In Zones [57,] 64[, and 68, only antlerless deer may be taken during the dates concurrent with the six-day firearm season, as specified [in] **at** N.J.A.C. 7:25-5.27(a). In zones in Regulation Set 8, only antlerless deer may be taken during the Monday through Wednesday and Friday of Thanksgiving week, and the Wednesday through Friday of the week preceding the six-day firearm season, and during the dates concurrent with the six-day firearm season, as specified [in] **at** N.J.A.C. 7:25-5.27(a). Only one deer may be taken at a time until the season limit is reached except in zones in Regulation Sets 6, 7, and 8, and in Zones 39, 54, [56, 57, 58,] 61, 64, 66, and 68, where the limit is two deer at a time per permit until the season concludes. Confirmation numbers are valid on the day of issuance in all zones. All deer tagging and registration provisions apply. Hunters must use an antlered deer harvest report stub from their antlered shotgun permit which is designated for use during the permit shotgun season, when registering an antlered deer. The antlered shotgun permit with antlered deer harvest report stub, which is valid only for the harvest of one antlered deer, must be purchased in addition to an antlerless shotgun permit. The antlered shotgun permit with antlered deer harvest

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report stub may be used in any zone for which the hunter has already purchased an antlerless permit. The antlered shotgun permit with antlered deer harvest report stub must be purchased prior to the season opener or at the time of the purchase of the initial antlerless shotgun permit if the season has already begun. The season bag limits apply to both regular and farmer deer permits; however, all farmer shotgun permits are valid for taking antlerless deer only, when used during the six-day firearm buck season and on any other days authorized through the last day of the six-day firearm buck season.

1. (No change.)

(d) Duration of the permit shotgun deer season is as set forth [in] **at** (d)1 through 19 below. There is no season in Zone 67. Legal hunting hours shall be from 1/2 hour before sunrise to 1/2 hour after sunset on the following dates:

1. (No change.)

2. The Wednesday through Friday of the week following the six-day firearm season, and the second Saturday through the third Saturday in January, in zones in Regulation Set 5[, and in Zone 70].

3. – 4. (No change.)

5. The week of the six-day firearm season as specified [in] **at** N.J.A.C. 7:25-5.27(a), and the Wednesday through Friday of the week following the six-day firearm season, and the first Saturday in January through January 31 [in zones] in Zone[s] 57 and] 68.

[6. December 26, 28, and 29, 2015; December 24, 26, and 27, 2016; December 23, 26, and 27, 2017; and December 22, 24, and 26, 2018, in Zone 37.]

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6. December 28, 30, and 31, 2019; and December 26, 28, and 29, 2020; December 25, 27, and 28, 2021; December 24, 26, and 27, 2022; December 23, 25, and 26, 2023; December 28, 30, and 31, 2024, in Zone 37.

7. (No change.)

[8. December 5, 7-12, 19, and 26, 2015, and January 2, 9, 16, 23, and 30 and February 6 and 13, 2016; December 3, 5-10, 17, 24, and 31, 2016, and January 7, 14, 21, and 28 and February 4 and 11, 2017; and December 2, 4-9, 16, 23, and 30, 2017, and January 6, 13, 20, and 27 and February 3 and 10, 2018, in Zone 39.]

8. December 7, 9-14, 21, and 28, 2019, and January 4, 11, 18, and 25, and February 1 and 8, 2020; and December 5, 7-12, 19, and 26, 2020, and January 2, 9, 16, 23, and 30 and February 6 and 13, 2021; December 4, 6-11, 18, 25, 2021, and January 1, 8, 15, 22, and 29, and February 5 and 12, 2022; December 3, 5-10, 17, 24, and 31, 2022, and January 7, 14, 21, and 28, and February 4 and 11, 2023; December 2, 4-9, 16, 23, and 30, 2023, and January 6, 13, 20, and 27 and February 3 and 10, 2024; December 7, 9-14, 21, and 28, 2024, and January 4, 11, 18, 25 and February 1 and 8, 2025, in Zone 39.

9. (No change.)

[10. December 7-12 and 16-18, 2015, and January 2-9, 2016; December 5-10 and 14-16, 2016, and January 7-14, 2017; and December 4-9 and 13-15, 2017, and January 6-13, 2018, in Zone 53.]

10. December 9-14 and 18-20, 2019, and January 4-11, 2020; and December 7-12, 16, 17, and 18, 2020, and January 2-9, 2021; December 6-11 and 15-17, 2021, and January 1-8,

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2022; December 5-10, 14, 15, and 16, 2022, and January 7-14, 2023; and December 4-9, 13, 14, and 15, 2023, and January 6-13, 2024; December 9-14, 18, 19, and 20, 2024, and January 4-11, 2025, in Zone 53.

[11. December 7-12 and 19, 2015 and January 2 and 4-8, 2016; December 5--10 and 17, 2016, and January 7 and 9-13, 2017; December 4--9 and 16, 2017, and January 6 and 8-12, 2018; and December 3-8 and 15, 2018, and January 5, 7-11, 2019, in Zone 54.]

11. December 9-14 and 21, 2019, and January 4, 6-11, 2020; and December 7-12 and 19, 2020, and January 2, 4-9, 2021; and December 6-11 and 18, 2021, and January 1, 3-8, 2022; and December 5-10 and 17, 2022, and January 7, 9-14, 2023; and December 4-9 and 16, 2023, and January 6, 8-13, 2024; and December 9-14 and 21, 2024, and January 4, 6-11, 2025, in Zone 54.

[12. December 14-18, 2015; and December 12-16, 2016, in Zone 56.

13. December 2-4, 7-12, and 16-18, 2015, and January 2-9, 2016; and November 30-December 2 and December 5-10 and 14-16, 2016, and January 7-14, 2017, in Zone 58.]

12.-13. (Reserved)

14. – 15. (No change.)

[16. December 7-12, 2015; December 5-10, 2016; and December 4-9, 2017; and December 3-8, 2018, in Zone 64.]

16. December 9-14, 2019; December 7-12, 2020; December 6-11, 2021; December 3-8, 2022; December 4-9, 2023; and December 9-14, 2024, in Zone 64.

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[17. November 28-December 5 and December 11 and 12, 2015, and January 2 and 9, 2016; and November 26-December 3 and December 9 and 10, 2016, and January 7 and 14, 2017, in Zone 66.]

17. November 30-December 7 and December 13 and 14, 2019, and January 4, 11, 18, and 25, 2020; and November 28-December 5 and December 11 and 12, 2020, and January 2, 9, 16, and 23, 2021, and November 27-December 4 and December 10 and 11, 2021; and January 1, 8, 15, and 22, 2022; and November 26-December 3 and December 9 and 10, 2022, and January 7, 14, 21, and 28, 2023; and November 25-December 2 and December 8 and 9, 2023, and January 6 and 13, 2024; and November 30-December 7 and December 13 and 14, 2024, and January 4, 11, 18, and 25, 2025, in Zone 66.

18. – 19. (No change.)

(e) Antlerless shotgun permit season permits are valid only in the designated deer management zones or other designated areas and are not transferable. **Antlerless 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) Method: The taking of deer with a shotgun under a shotgun permit season permit or a farmer shotgun permit season permit is permitted in designated deer management zones by holders of a shotgun permit season permit and, on their own property, by holders of a farmer shotgun permit season permit.

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1. Limited quota, special deer permits for shotgun permit season will be issued on an individual basis to holders of valid and current firearm licenses, persons who have applied for the shotgun hunter education course prior to the permit application period, and qualified farmers. Only one application, whether for shotgun or muzzleloader permit season, may be submitted by regular firearm license holders for the initial permit drawing. Applications for more than the allowable number of permits during the initial application period will cause all applications by an individual to be void and subject the applicant to prosecution. All persons, while their hunting licenses are void under the authority of law or as imposed by a court, are prohibited from making application for, or otherwise procuring, a shotgun deer permit. For special management zones where the agency administering the affected lands requires that hunters attend mandatory hunter orientation as a condition of access, failure to attend the designated session shall result in invalidation of the shotgun season permit for the zone. Limited quota, special deer permit zones include the following deer management zones: 37, 38, 39, 53, 54, [56, 57, 58,] 61, 64, 66, 67, **and** 68[, and 70]. Only one antlerless shotgun permit season permit may be purchased per zone. Only one antlered shotgun permit with antlered deer transportation tag may be purchased per season.

2. (No change.)

(g) – (j) (No change.)

(k) The Deer Management Zone Map is on file at the Office of Administrative Law and is available from that agency or the Division. The Shotgun Permit Season Permit Quotas are as follows:

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SHOTGUN PERMIT SEASON PERMIT QUOTAS

Deer Mgt.	Season	Permit	Portions of
<u>Zone No.</u>	<u>Dates</u>	<u>Code</u>	<u>Quota</u>
			<u>Counties Involved</u>
...			
56	[12	25	Atlantic (Edwin B. Forsythe National Wildlife Refuge)] Not designated
57	[5	40	Atlantic (Edwin B. Forsythe National Wildlife Refuge)] Not designated
58	[13	50	Burlington, Ocean (Edwin B. Forsythe National Wildlife Refuge)] Not designated
...			
66	17	[65] 80	Atlantic (Federal Aviation Administration William J. Hughes Technical Center)
...			
70	[2	25	Burlington, Ocean (Edwin B.

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Forsythe National Wildlife Refuge)] **Not designated**

Total [79,084]
78,959

(l) – (n) (No change.)

(o) Permit quotas for Zones 37, 38, 39, 53, 54, [56-]59, 61, 64, 66, 67, and 68 are contingent upon approval by appropriate land management agencies for those zones.

(p) Deer Management Zones are located as follows:

1. – 21. (No change.)

22. Zone 22: That portion of Ocean and Burlington Counties lying within a continuous line beginning at the intersection of the Garden State Parkway and Rt. 72 near Manahawkin; then south along the Garden State Parkway to its intersection with Stage Road; then west along Stage Rd. to its intersection with Leektown Road; then west along Leektown Road (which turns into Rt., 653 to its intersection with the Wading River); then south along the east bank of the Wading River to its intersection with the Mullica River and the Atlantic-Burlington County line; then east along the Atlantic-Burlington County line to the Atlantic Ocean; then east to the Atlantic Ocean; then north along the Atlantic Ocean to Rt. 72 at Ship Bottom; then west along Rt. 72 to the Garden State Parkway, the point of beginning. [The Edwin B. Forsythe National Wildlife Refuge (Zone 58) is excluded from Zone 22.]

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23. – 41. (No change.)

42. Zone No. 42: That portion of Atlantic County lying within a continuous line beginning at the intersection of the south bank of the Mullica River and the Garden State Parkway; then south along Rt.9 to its intersection with Great Creek Rd.; then west on Great Creek Rd. to its intersection with Jimmie Leeds Rd.; then west on Jimmie Leeds Rd. to its intersection with Duerer St.; then west on Duerer Street to its intersection with Cologne Avenue; then south on Cologne Avenue to its intersection with Rt. 322; then west on Rt. 322 to its intersection with Rt. 50; then south on Rt. 50 to its intersection with the Great Egg Harbor River at Mays Landing; then south along the east bank of the Great Egg Harbor River to the Atlantic-Cape May County line in Great Egg Harbor Bay; then eastward along the Atlantic-Cape May County line to its intersection with the Atlantic Ocean at the Great Egg Harbor Inlet; then northeast along the Atlantic Ocean to Great Bay; then west along the south shore of Great Bay to the confluence of the Mullica River; then west along the south bank of the Mullica River to its intersection with the Garden State Parkway, the point of beginning. The [Edwin B. Forsythe National Wildlife Refuge (Zones 56 and 57), the] Atlantic County Park System (Zone 61) and the lands (excluding Laurel Memorial Park Cemetery), roads, right of ways and easements within the contiguous boundary of the Federal Aviation Administration William J. Hughes Technical Center (Zone 66) are excluded from Zone 42.

43. – 55. (No change.)

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56. Zone No. 56: [That portion of Edwin B. Forsythe National Wildlife Refuge, U.S. Department of the Interior, located south of Stoney Hill Road, designated as open for deer hunting, lying within Atlantic County.] **Not designated.**

57. Zone No. 57: [That portion of Edwin B. Forsythe National Wildlife Refuge, U.S. Department of the Interior, located north of Stoney Hill Road and south of the Mullica River, designated as open for deer hunting, lying within Atlantic County.] **Not designated.**

58. Zone No. 58: [Those portions of Edwin B. Forsythe National Wildlife Refuge, including the Barnegat Division, U.S. Department of the Interior, located north of Route 72, designated as open for deer hunting, lying within Ocean County.] **Not designated.**

59. – 68. (No change.)

69. Zone No. 70: [Those portions of Edwin B. Forsythe National Wildlife Refuge, including the Barnegat Division, U.S. Department of the Interior, located north of the Mullica River and south of Rt. 72, designated as open for deer hunting, lying within Burlington and Ocean Counties.] **Not designated.**

(q) This subsection describes regulation sets, specifies the applicable regulation set, special area, or undesignated status of each deer management zone, and provides a summary, for information purposes only, of conditions applicable to the designated regulation sets.

1. Regulation sets are used to organize regular deer management zones by season dates and bag limits, which are determined by the Division of Fish and Wildlife. The following

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table identifies the applicable regulation set, special area or undesignated status of each deer management zone.

Zone	Regulation Set	Zone	Regulation Set
1 – 20 (No change.)			
21	0	56	[Special Area] Not designated
22	2	57	[Special Area] Not designated
23	0	58	[Special Area] Not designated
...			
34	0	70	[Special Area] Not designated
...			

Note: Zones defined as Special Areas are not assigned to regulation sets; their season dates and bag limits may be found by zone within N.J.A.C. 7:25-5.25, 5.26, 5.27, 5.28, 5.29, and 5.30.

2. (No change.)

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(r)The following is for informational purposes only and is a summary of the desired antlered deer harvest and overall management strategies applicable to each deer management zones as specified [in] at N.J.A.C. 7:25-5.25 through 5.30.

Buck Goals and Management Strategies

by Deer Management Zone

<u>Zone</u>	<u>Buck Goal*</u>	<u>Deer Range</u>	<u>Strategy</u>	<u>Total Goal**</u>
...				
56	[3] Not designated	[1	Stabilize	3]
57	[3] Not designated	[1	Stabilize	3]
58	[3] Not designated	[2.5	Stabilize	8]
...				
70	[3] Not designated	[1	Stabilize	3]

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* per square mile.

** buck goal per square mile multiplied by deer range.

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

(a) – (b) (No change.)

(c) Bag Limit: Only one antlered deer may be taken Statewide during the bow permit season, regardless of the number of permits obtained. The standard bag limit is two deer, one antlered and one antlerless, in zones in Regulation Set 2. Two deer, one antlered and one antlerless or two antlerless, may be taken in zones in Regulation Set 3. In zones in Regulation Set 5, the bag limit is one antlered deer and five antlerless deer. In zones in Regulation Set 6, the bag limit is one antlered deer and nine antlerless deer. One antlered and an unlimited number of antlerless deer may be taken in zones in Regulation Sets 4, 7, and 8, and in Zones 37, 39, 53, 54, [57, 58,] 61, 66, **and** 68[, and 70], except as noted [in] **at** (c)1 and 2 below. One antlered and one antlerless deer may be taken in zones in Regulation Set 1. One antlered or one antlerless deer may be taken in zones in Regulation Set 0. Only one deer may be taken at a time until the season limit is reached except in zones in Regulation Sets 6, 7, and 8, and in Zones 37, 39, 53, 54, [57, 58,] 61, 66, **and** 68[, and 70] where the limit is two deer at a time per permit until the season concludes. All deer registration requirements apply. All deer must be legally registered via the automated harvest report system. Within 48 hours of registering a

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deer with the AHRS and upon request from the Division, a hunter shall be required to produce the head of the deer harvested or produce records relating to the location of the head. Deer shall be tagged immediately with the bow permit season permit harvest report stub completely filled in, and every deer is to have a tag affixed to the carcass bearing the hunter's CID, date of harvest, zone of harvest, antler points, if applicable, and confirmation number if registered. This tag shall remain attached until such time as the deer is processed for consumption. The deer shall be registered via an AHRS, as designated by the Division, prior to the attempt to take an additional deer, except as [in (c) above] **as referenced in this subsection** and no later than 7:00 P.M. local time of the day of harvest. Hunters must record the confirmation number given via the AHRS, which replaces the legal possession tag. Possession of a deer after 7:00 P.M. local time on the date killed without a legal confirmation number shall be deemed illegal.

1. – 3. (No change.)

(d) Duration of the bow permit season is as set forth [in] **at (d)1** through 6 below. There is no season in Zones 38, [56,] 64, and 67 or any time as determined by the Director. Legal hunting hours shall be 1/2 hour before sunrise to 1/2 hour after sunset.

1. The Saturday following the close of the fall bow season as specified [in] **at** N.J.A.C. 7:25-5.25(a)1, through the last Sunday in November in zones in Regulation Sets 1, 2, and 3[, and in Zone 70].

2. The Saturday following the close of the fall bow season as specified [in] **at** N.J.A.C. 7:25-5.25(a)1 through December 31, excluding Christmas Day, in zones in Regulation Sets 4, 5, 6, 7, and 8, and in Zones **37, 39, 53, 54, [58, 57, 58,] 61, 66, and 68.**

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3.-4. (Reserved.)

[5. October 31-December 24 and December 26-31, 2015; October 29-December 24 and December 26-31, 2016; October 28-December 24 and December 26-31, 2017; and October 27-December 24 and December 26-31, 2018, in Zone 37.

6. October 31-December 24 and December 26-31, 2015; October 29-December 24 and December 26-31, 2016; October 28-December 24 and December 26-31, 2017; and October 27-December 24 and December 26-31, 2018, in Zone 53.]

[7.] 5. (No change in text.)

(e) Antlerless bow permit season permits are valid only in the designated deer management zones or other designated areas and are not transferable. **Antlerless 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)-(j) (No change.)

(k) The Deer Management Zone Map is on file at the Office of Administrative Law and is available from that agency or the Division. The Bow Permit Season Quotas are as follows:

BOW PERMIT SEASON PERMIT QUOTAS

Deer Mgt.	Season	Permit	Portions of
<u>Zone No.</u>	<u>Code</u>	<u>Quota</u>	<u>Counties Involved</u>

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...

56 [0 Atlantic (Edwin B. Forsythe National
Wildlife Refuge)] **Not designated**

57 [7 40 Atlantic (Edwin B. Forsythe National
Wildlife Refuge)] **Not designated**

58 [2 35 Burlington, Ocean (Edwin B. Forsythe
National Wildlife Refuge)] **Not
designated**

...

66 4 [80] **70** Atlantic (Federal Aviation Administration
William J. Hughes Technical Center)

...

70 [7 15 Burlington, Ocean (Edwin B. Forsythe
National Wildlife Refuge)] **Not
designated**

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Total [61,040]
60,940

(l) (No change.)

(m) Permit quotas for Zones 37, 39, 53, 54, [57, 58,] 59, 61, 66, 68, and 70 are contingent upon approval by the appropriate land management agencies for these zones.

(n) (No change.)

7:25-5.31 White-tailed deer permit shotgun season and permit muzzleloader season, Great Swamp National Wildlife Refuge (Zone 38)

(a) – (b) (No change.)

(c) Duration of the Great Swamp Permit Shotgun Season and Permit Muzzleloader Season shall take place concurrently from 1/2 hour before sunrise to 1/2 hour after sunset on the following dates: [October 31 and November 4-7, 2015; November 5 and 9-12, 2016; November 4 and 8-11, 2017; and November 3 and 7-10, 2018] **November 2, 6, 7, 8, and 9, 2019; and October 31 and November 4, 5, 6, and 7, 2020; and November 6, 10, 11, 12, and 13, 2021; and November 3, 7, 8, 9, and 10, 2022; and November 4, 8, 9, 10, and 11, 2023; and November 2, 6, 7, 8, and 9, 2024**, or as may otherwise be designated by the U.S. Fish and

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Wildlife Service. If the anticipated harvest of deer has not been accomplished during the season, one or more days of shotgun and muzzleloader permit deer hunting may be authorized by the Director. Such authorization and date thereof would be announced by press and radio.